



Legislative Bulletin.....October 7, 2002

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H.R. 5169—Wastewater Treatment Works Security Act (Young of Alaska)

Order of Business: The bill is scheduled to be considered on Monday, October 7th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5169 would establish a new federal grant program to enhance the security of wastewater treatment works.

Specifically, the Administrator of the Environmental Protection Agency (EPA) would be authorized to make **\$200 million** in grants to the states, localities, or interstate agencies for the purpose of:

- Assessing the vulnerability of wastewater works;
- Reducing any such vulnerabilities; and
- Enhancing security at wastewater works.

NOTE: The bill would not permit grants to private wastewater treatment facilities.

The federal share for the activities funded by the grants could not exceed 75%, and no single facility could receive more than \$150,000 in total grants.

The EPA Administrator would also be able to give (or award grants to nonprofits to give) up to **\$15 million** worth of technical assistance to small, publicly owned wastewater treatment works for assessing vulnerabilities, reducing such vulnerabilities, and enhancing security at their facilities.

H.R. 5169 would also authorize \$1 million for each of fiscal years 2003 through 2007 (**\$5 million** total) for the EPA Administrator to make grants to a nonprofit organization for the improvement of vulnerability self-assessment methodologies and tools for publicly owned treatment works.

Cost to Taxpayers: CBO confirms that H.R. 5169 would authorize \$216 million in FY2003 and a total of \$220 million over the FY2003-2007 period.

Does the Bill Create New Federal Programs or Rules?: Yes, the legislation would create several new federal grant programs.

Constitutional Authority: The Transportation and Infrastructure Committee, in House Report 107-645, cites constitutional authority in Article I, Section 8, but does not cite a specific clause.

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H.R. 163—Mortgage Servicing Clarification Act (Royce)

Order of Business: The bill is scheduled to be considered on Monday, October 7th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 163 would amend the Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.) to exempt a servicer of federally related mortgage loans secured by first liens from certain debt collection disclosure requirements, if such servicer is a debt collector whose *primary* function is servicing such loans and whose debt collection is only incidental.

Cost to Taxpayers: Though no cost estimate is available, nothing in the legislation suggests any cost to the taxpayer.

Does the Bill Create New Federal Programs or Rules?: The bill would exempt federal mortgage loan servicers from certain disclosure requirements.

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

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H.R. 5507— Truth in Lending Inflation Adjustment Act (*LaFalce*)

Order of Business: The bill is scheduled to be considered on Monday, October 7, 2002, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5472 amends the Truth in Lending Act (15 U.S.C. 1603) to raise the current exemption from \$25,000 up to \$75,000 for credit transactions other than mortgages. The bill further amends the Truth in Lending Act (15 U.S.C. 1667 (1)) to modify the current definition of consumer lease as shown:

The term “consumer lease” means a contract in the form of a lease or bailment for the use of personal property by a natural person for a period of time exceeding four months, and for a total contractual obligation not exceeding ~~\$25,000~~ **\$75,000**, primarily for personal, family, or household purposes, whether or not the lessee has the option to purchase or otherwise become the owner of the property at the expiration of the lease, except that such term shall not include any credit sale as defined in section 1602(g) of this title. Such term does not include a lease for agricultural, business, or commercial purposes, or to a government or governmental agency or instrumentality, or to an organization.

Cost to Taxpayers: A CBO cost estimate is unavailable.

Does the Bill Create New Federal Programs or Rules? The bill makes two amendments to the Truth In Lending Act to raise the exemption on some credit transaction reporting and to modify the definition of consumer lease, by raising the amount that triggers reporting requirements.

Constitutional Authority: A Financial Services Committee report citing constitutional authority is unavailable.

Staff Contact: Sheila Moloney; 202-226-9719; Sheila.Moloney@mail.house.gov

S. 2690— A bill to reaffirm the reference to one Nation under God in the Pledge of Allegiance. (Senator Tim Hutchinson)

Order of Business: The bill is scheduled to be considered on Monday, October 7th, under a motion to suspend the rules and pass the bill.

Summary: Contains numerous findings related to the historical intersection of government and religious expression, including the Mayflower compact in 1620, the Declaration of Independence, the Constitutional Convention, the Gettysburg Address, and numerous Supreme Court rulings upholding religious expression in government activities. Congress further finds under the bill that the decision by the 9th Circuit Court of Appeals holding that the phrase “under God” in the Pledge of Allegiance is unconstitutional is erroneous.

The bill further reaffirms (by recodifying) the wording of the Pledge of Allegiance, including the phrase “under God” and reaffirms the language of our national motto “One Nation under God.”

Cost to Taxpayers: CBO estimates that enacting this legislation would result in no cost to the federal government.

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

Constitutional Authority: The Committee finds the authority for this legislation in Article I, section 8, clause 18 of the Constitution (make all laws necessary and proper).

Staff Contact: Neil Bradley, x6-9717

H.R. 5469— To suspend for a period of 6 months the determination of the Librarian of Congress of July 8, 2002, relating to rates and terms for the

digital performance of sound recordings and ephemeral recordings (Sensenbrenner)

Order of Business: The bill is scheduled to be considered on Monday, October 7, 2002, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5469 will postpone for six months the .07-cent fee the Librarian of Congress has ordered Internet broadcasters to pay for each recording played over the Internet. The fee was established by the Librarian in rules published July 8, 2002, and effective September 1, 2002, which will require licensees to make full arrears payments on October 20, 2002. The Internet broadcasting industry has challenged the rule in court, and H.R. 5469 seeks to postpone the fee schedule for a period of time to allow the lawsuit to be heard.

Additional Information: In 1993, Congress created the Copyright Arbitration Royalty Panel (CARP). In 1995, Congress enacted the Digital Performance Right in Sound Recordings Act (Public Law 104-39), and in 1998 passed the Digital Millennium Copyright Act (Public Law 105-304), which allowed the Panel to set “reasonable rates and terms” for complying with digital copyright protections. The CARP began proceedings to set “reasonable rates and terms” in November 1998, but an industry-wide agreement on licensing digital transmissions of sound recordings was not reached. The Recording Industry Association of America, Inc. petitioned the Copyright Office on July 23, 1999, to begin a CARP proceeding to set the rates and terms for these licenses. Following a recent ruling by the U.S. Copyright Office that Internet broadcasters must pay record companies for the rights to broadcast songs, the Copyright Panel recommended the new fees.

The fee proposal and additional information was published in the Federal Register on July 8, 2002: http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=02-16730-filed

Cost to Taxpayers: A CBO cost estimate is unavailable.

Does the Bill Create New Federal Programs or Rules?: The bill postpones for 6 months enactment of a new regulatory fee.

Constitutional Authority: A Judiciary Committee report citing constitutional authority is unavailable.

Staff Contact: Sheila Moloney; 202-226-9719; Sheila.Moloney@mail.house.gov

H.R. 4561—Federal Agency Protection of Privacy Act (Barr)

Order of Business: The bill is scheduled to be considered on Monday, October 7, 2002, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4561 would require federal agencies to analyze proposed regulations to determine their impact on the privacy of individuals, including disclosing what, if any, personally identifiable information will be collected and how it would be used and disclosed, how there will be an opportunity for people to correct the inaccuracies, and notice of how information collected for one purpose will be prevented from being used for another purpose.

The bill defines “personally identifiable information” as:

“information that can be used to identify an individual, including such individual's name, address, telephone number, photograph, social security number or other identifying information. It includes information about such individual's medical or financial condition.”

H.R. 4561 also would require agencies issuing rules with a potentially significant impact on individual privacy to ensure that individuals have been given ample opportunity to participate in such rulemakings and would allow judicial review for up to a year for those who are adversely affected or aggrieved by a final rule. Under H.R. 4561, agencies would have to review existing rules for privacy impact at least every 10 years.

Cost to Taxpayers: CBO estimates that implementing H.R. 4561 would have no significant effect on federal spending.

Does the Bill Create New Federal Programs or Rules?: H.R. 4561 would add to the existing regulatory procedures for considering impacts on the privacy of individuals. While existing Federal statutes protect against the disclosure of information already obtained by the Federal Government, H.R. 4561 provides the public with prospective notice and an opportunity to comment on how proposed Federal rules might affect personal privacy before they become binding regulations. CBO estimates the privacy of individuals is of concern for less than 2 percent of the rules published annually.

Constitutional Authority: A Judiciary Committee (in Rpt. # 107-701) finds authority under Article I, Section 8, Clause 14 of the Constitution (to make Rules for the Government).

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H.Con.Res. 409—Supporting the goals and ideals of National Community Role Models Week, and for other purposes (Knollenberg)

Order of Business: The bill is scheduled to be considered on Monday, October 7, 2002, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 409 has eight findings regarding role models, including:

Whereas individuals who are motivated every day by traditional American values such as selflessness, compassion, dedication, courage, and integrity have a positive effect on society by encouraging others to act in a similar manner;

And Resolves that Congress:

- supports the goals and ideals of National Community Role Models Week;
- commends the Recognizing Achievement--Rewarding Excellence Foundation based in Troy, Michigan, for establishing a program to recognize exceptional people who work in the community and further educate children in the community about such people; and
- encourages the establishment of similar programs in communities throughout the United States.

Cost to Taxpayers: The resolution has no cost.

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

Staff Contact: Sheila Moloney; 202-226-9719; Sheila.Moloney@mail.house.gov

H.Res. 569—Expressing support for the President’s 2002 National Drug Control Strategy to reduce illegal drug use in the United States (Souder)

Order of Business: The resolution is scheduled to be considered on Monday, October 7th, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 569 resolves that the House:

- “expresses its support for the President of the United States and the Office of National Drug Control Policy in the goal to reduce drug use in America by 10 percent during the next 2 years and 25 percent during the next 5 years;
- “calls on all Americans to join in the effort to prevent, reduce, and reject illegal drug use in America by talking to children about the dangers and consequences of illegal drug use and encouraging other responsible adults to do the same in their families and communities;
- “calls on the President, the Secretary of State, the Secretary of Defense, the Attorney General, the Secretary of the Treasury, the Secretary of Health and Human Services, the Secretary of Transportation, the Director of the Office of National Drug Control Policy, and the heads of subsidiary agencies (including the Drug Enforcement Administration, the United States Customs Service, the United States Coast Guard, and the Substance Abuse and Mental Health Administration) to work together to effectively implement the 2002 National Drug Control Strategy and continue to seek ways to improve the coordination among Federal, State, and local governments,

nonprofit organizations, corporations, foreign governments, and private citizens to reduce the demand for international supply of illegal drugs in the United States;

- “expresses its sense that narcotics control is an integral part of homeland security and should be a priority mission for any new Department of Homeland Security;
- “commends all Federal, State, and local government personnel working to combat illegal drug use in the United States, as well as community leaders who seek to make a difference across the United States; and
- “reaffirms the sense of the House of Representatives against any use of narcotic and other drugs in a manner inconsistent with the Controlled Substances Act.”

Additional Background: The Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1705) requires the President to submit a National Drug Control Strategy to Congress. President Bush submitted the 2002 strategy in February. According to the resolution, the strategy “calls for stopping drug use before it starts through education and community action, healing America’s drug users by getting treatment resources where they are needed, and disrupting the market by attacking the economic basis of the drug trade.”

Cost to Taxpayers: The resolution authorizes no expenditure.

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

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H.R. 4685—Accountability of Tax Dollars Act (Toomey)

Order of Business: The bill is scheduled to be considered on Monday, October 7th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4685 would require executive agencies that are not otherwise required to submit annual audited financial statements (excluding government corporations) to submit such statements to Congress and the Director of the Office of Management and Budget (OMB). The OMB Director would be authorized to waive this requirement for the first two fiscal years after enactment of this bill.

An agency would not have to prepare or submit such a statement for any fiscal year for which the total amount of budget authority available to the agency is less than \$25 million.

According to the bill’s sponsor, this legislation would require over 20 federal agencies (currently not preparing audits) to prepare annual audited financial statements, including the Federal Communications Commission, the Securities and Exchange Commission and the National Labor Relations Board.

Cost to Taxpayers: Though no cost estimate is available, the costs of the audits would be absorbed into each agency’s existing budget for administration, salaries, and expenses.

Does the Bill Create New Federal Programs or Rules?: The bill would require all federal agencies with annual budget authority of \$25 million or more (with certain exceptions) to submit audited financial statements each year.

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

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Federal Building Designations

Order of Business: The following bills are scheduled to be considered on Monday, October 7th, under separate motions to suspend the rules and pass the bill.

H.R. 5340—Francis Dayle “Chick” Hearn Post Office Designation Act.
Francis Dayle “Chick” Hearn was the announcer for the Los Angeles Lakers for more than 40 years. Hearn died on August 5, 2002. The post office is in Encino, California.

H.R. 2578—Augustus F. Hawkins Post Office Building Designation Act.
Augustus F. Hawkins was a U.S. representative from California from 1963 through 1991. The post office is in Los Angeles, California.

H.R. 5427—Joe Skeen Federal Building Designation Act.
Joe Skeen is currently a Republican House Member from the 2nd district of New Mexico. He is retiring after 11 terms in the House. The federal building to be renamed (on January 1, 2003) is in Roswell, New Mexico.

H.R. 5335—Tony Hall Federal Building and United States Courthouse Designation Act.
Tony Hall was a Democrat House Member from the 3rd district of Ohio, who retired last month after 12 terms in the House to become U.S. ambassador to the United Nations for food and agriculture agencies. The combined federal building and U.S. courthouse to be renamed is in Dayton, Ohio.

H.R. 5083—Santiago E. Campos United States Courthouse Designation Act.
Santiago E. Campos was a judge for the U.S. District Court for New Mexico from 1978-1992. He died of cancer in 2001. The courthouse to be renamed is in Santa Fe, New Mexico.

Cost to Taxpayers: The costs associated with bills naming or renaming federal buildings are insignificant.

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H.R. 3340—To amend title 5, United States Code, to allow certain catch-up contributions to the Thrift Savings Plan to be made by participants age 50 or over (Morella)

Order of Business: The bill is scheduled to be considered on Monday, October 7th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3340 would amend U.S. Code Title 5 (section 8351(b)2) to allow federal employees age 50 or over to make certain “catch-up” contributions to the Thrift Savings Plan (TSP).

The Government Reform Committee points out the following:

The catch-up contributions would allow workers to make-up for years when they were not employed, did not contribute to their plan, were otherwise not able to save, or simply did not realize the importance of preparing for their retirement years. The opportunity to make these extra contributions would be particularly beneficial to women who have returned to the workforce after taking time to raise their families. Also, many federal employees would find this very advantageous because the TSP was not created by law until 1986.

Additional Background: In the fall of 2001, President Bush signed into law the Economic Growth and Tax Relief Reconciliation Act of 2001 (P.L. 107-16). Among other things, that Act permits employer-sponsored thrift plans, such as private sector 401(k) plans and the TSP, to allow employees age 50 and older to contribute additional money toward their retirement. For TSP contributions, the Tax Relief Act allows those eligible to contribute an extra \$1000 in 2002 and increases the amount by \$1000 each year from 2003 through 2005. After 2005, the maximum contribution will be increased each year in accordance with cost of living changes.

According to the Government Reform Committee, employees are not automatically entitled to make catch-up contributions. Private employers must amend their plan documents to permit catch-up contributions. Likewise, Congress must change laws limiting contributions to the TSP before eligible federal employees can take advantage of the catch-up provisions of the Tax Relief Act—hence the need for H.R. 3340.

Cost to Taxpayers: CBO estimates that H.R. 3340 would save taxpayers \$59 million in FY2003 (by reducing the amount of taxable income) and a total of \$280 million over the FY2003-2007 period.

Does the Bill Create New Federal Programs or Rules?: The bill would allow certain federal employees to make “catch-up” contributions to their TSPs.

Constitutional Authority: The Government Reform Committee, in House Report 107-686, cites constitutional authority in Article I, Section 8, Clause 1 (“general Welfare”) and Clause 18 (“necessary and proper”).

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H.R. 5385—Miscellaneous Trade and Technical Corrections Act (Crane)

Order of Business: The bill is scheduled to be considered on Monday, October 7th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5385 would temporarily suspend (through December 31, 2005) tariffs on hundreds of imported products. According to the Ways & Means Committee, these imported products, which are mostly (though not exclusively) complex chemicals used by a very niche market, have no domestic production. That is, the tariffs on these products are not designed to protect domestic industries from unfair competition; they are merely taxes on importers. Other suspended duties include those on certain batteries, textile machinery, and artichokes.

Additional provisions:

- Authorizes the Customs Service to participate in a reverse customs program with Canada, whereby Canadian customs officials may begin clearing goods and passengers on the American side of the border and U.S. Customs officials may similarly be stationed on the Canadian side.
- Expands the existing Qualifying Industrial Zone (QIZ) program to allow Israel-Turkey QIZs.
- Orders the duty-free treatment for the import of two tramway cars for Portland, Oregon, and for the import of a Liberty Bell replica for Green Bay, Wisconsin.
- Reverses Customs regulations written in April 2001 and eliminates onerous record-keeping requirements for repairs made by regular crew on American ships while on the high seas.
- Extends key trade benefits for certain hand-made rugs from Pakistan, Turkey, Nepal, Egypt, and Morocco. (Pakistan would be the primary beneficiary.)
- Gives the President the authority to proclaim Normal Trade Relations (NTR) status to Yugoslavia (Serbia and Montenegro), notwithstanding the 1992 law (P.L. 102-420) revoking such status.
- Requires certification from wine importers that the wine meets U.S. wine-making standards. No certification is required if the wine comes from a country that grants recognition of U.S. wine-making standards for imports of U.S. wine into that country.
- Confers duty-free benefits on certain footwear from Caribbean countries.
- Renews the international status of San Antonio Airport for two years.

Lastly, H.R. 5385 would make a variety of technical corrections to existing trade laws, including a clarification that duty-free treatment should be granted to apparel formed in sub-Saharan African countries from U.S. and regional components.

Cost to Taxpayers: The revenue implications for H.R. 5385 are currently unavailable.

Does the Bill Create New Federal Programs or Rules?: Yes in certain cases, as described above.

Constitutional Authority: Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 1 grants Congress the power to “lay and collect taxes, duties, imposts and excises....”

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H.R. 4005— District of Columbia and United States Territories Circulating Quarter Dollar Program Act (King)

Order of Business: The bill is scheduled to be considered on Monday, October 7, 2002, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4005 will add six new quarters to the current Quarter Dollar Program. The bill requires the Treasury Secretary to mint six new quarters in the year 2009 to commemorate 1) the District of Columbia, 2) the Commonwealth of Puerto Rico, 3) Guam, 4) American Samoa, 5) the United States Virgin Islands, and 6) the Commonwealth of the Northern Mariana Islands.

The bill notes that the Secretary shall not select “any frivolous or inappropriate design” for any minted quarter dollar, and that no head of a person may appear on the commemorative side of the coin.

H.R. 4005 further makes provisions that if D.C. or any of these territories becomes a State before the end of the 10-year subsection, then the current provisions of the State Quarter Program would apply or if a territory becomes independent, this bill would no longer apply to it.

Cost to Taxpayers: A CBO cost estimate is unavailable.

Does the Bill Create New Federal Programs or Rules?: The bill authorizes six new quarter designs to the commemorate quarter program.

Constitutional Authority: A Financial Services Committee report citing constitutional authority is unavailable.

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H.Res. 468—Transatlantic Security and NATO Enhancement Resolution (Gallegly)

Order of Business: The resolution is scheduled to be considered on Monday, October 7th, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 468 would express a sense of the House that:

- “at the Summit to be held in Prague in the fall of 2002, the North Atlantic Treaty Organization (NATO) should extend invitations for accession negotiations to any appropriate candidate country that meets the objectives and targets for NATO membership as outlined in the Membership Action Plan process established by NATO in 1999, including--
 - a commitment to the basic principles and values set out in the Washington Treaty;
 - the capability to contribute to collective defense and the Alliance's full range of missions; and
 - a firm commitment to contribute to stability and security, especially in regions of crisis and conflict, and to be willing and able to assume the responsibilities of NATO membership;
- “the candidate countries of Albania, Bulgaria, Croatia, Estonia, Latvia, Lithuania, the Former Yugoslav Republic of Macedonia, Romania, Slovakia, and Slovenia should be commended on the significant progress such countries have made thus far in political and economic liberty and military reform necessary for meeting the objectives for prospective members of NATO as set out in their own Membership Action Plans;
- “each candidate country, despite recognized Membership Action Plan deficiencies requiring further refinement, could in its own way contribute to stability, freedom, and peace in Europe as a whole, as many of such countries have done thus far in the Balkans and in Afghanistan, and would make a positive contribution toward furthering the goals of NATO should it become a NATO member country;
- “having made significant progress in reforming their societies and their military forces, and having developed reasonable, affordable, and sustainable plans to be able to work within the Alliance structure and to contribute positively to the collective defense of the Alliance and other NATO missions, the most qualified candidate countries, as recommended by the Committee on International Relations of the House of Representatives, should be invited to begin the accession process to join the Alliance at the Prague summit;
- “with respect to candidate countries invited to join NATO, such countries should accede on a common date before the next announced NATO summit is to take place;
- “after the Prague summit those candidate countries invited to join the Alliance should continue to participate in the Membership Action Plan until accession, and the accession process should take into account work conducted under the Membership Action Plan; and
- “the process of NATO enlargement should continue beyond the inclusion of such candidate countries invited to join NATO at Prague, to include those candidate countries not so invited at Prague as well as other democratic European countries which may express interest in joining the Alliance, and which agree to utilize the Membership Action Plan to facilitate such NATO enlargement.”

H.Res. 468 would also express a sense of the House that:

- “while maintaining its essential and inherent right to make its own decisions, the North Atlantic Treaty Organization (NATO) should seek to strengthen its relations with the Russian Federation as an essential partner in building long-term peace in Europe, and to that end, the new NATO-Russia Council, in which member states and the Russian Federation will work as equal partners on mutually-agreed matters, should be welcomed and supported;
- “while retaining its primary commitment to collective defense, NATO enlargement should be carried out in such a manner as to underscore to the Russian Federation that NATO enlargement will enhance the security of all countries in Europe, including the Russian Federation; and
- “in seeking to demonstrate NATO's defensive and security-enhancing intentions to the Russian Federation, it is essential that neither fundamental United States security interests in Europe nor the effectiveness and flexibility of NATO as a defensive alliance be jeopardized.”

Additional Background: The next NATO summit at which expansion will be considered will take place later this year in Prague, Czech Republic. On June 15, 2001, President Bush encouraged NATO at its upcoming Prague Summit to expand to include aspiring countries in Central and Eastern Europe.

The 19 current NATO members are: Belgium, Canada, Czech Republic, Denmark, France, Germany, Greece, Hungary, Iceland, Italy, Luxembourg, Netherlands, Norway, Poland, Portugal, Spain, Turkey, United Kingdom, United States. The Czech Republic, Hungary, and Poland were added in the last round of NATO expansion in 1997.

On June 10, 2002, President Bush signed into law H.R. 3167 (Public Law 107-187), which among other things made three declarations of policy:

1. Congress reaffirms its previous expressions of support for continued enlargement of the NATO Alliance contained in the NATO Participation Act of 1994, the NATO Enlargement Facilitation Act of 1996, and the European Security Act of 1998.
2. Congress supports the commitment to further enlargement of the NATO Alliance expressed by the Alliance in its Madrid Declaration of 1997 and its Washington Summit Communiqué of 1999.
3. Congress endorses the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and urges our NATO allies to work with the United States to realize this vision at the Prague Summit in 2002.

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. 116—Recommending the integration of Lithuania, Latvia, and Estonia into the North Atlantic Treaty Organization (NATO) (Shimkus)

Order of Business: The bill is scheduled to be considered on Monday, October 7th, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 116 would resolve a sense of Congress that:

- “Lithuania, Latvia, and Estonia are to be commended for their progress toward political and economic liberty and meeting the guidelines for prospective members of the North Atlantic Treaty Organization (NATO) set out in chapter 5 of the September 1995 Study on NATO Enlargement;
- “Lithuania, Latvia, and Estonia would make an outstanding contribution toward furthering the goals of NATO should they become members;
- “extension of full NATO membership to these Baltic countries would contribute to stability, freedom, and peace in the Baltic region and Europe as a whole; and
- “with complete satisfaction of NATO guidelines and criteria for membership, Lithuania, Latvia, and Estonia should be invited in 2002 to become full members of NATO.”

The resolution points out that former Secretary of Defense William Perry stipulated five standards for entrance into NATO: support for democracy, including toleration of ethnic diversity and respect for human rights; building a free market economy; civilian control of the military; promotion of good neighborly relations; and development of military interoperability with NATO.

The resolution asserts that Lithuania, Latvia, and Estonia have satisfied these standards.

Additional Background: The next NATO summit at which expansion will be considered will take place later this year in Prague, Czech Republic. On June 15, 2001, President Bush encouraged NATO at its upcoming Prague Summit to expand to include aspiring countries in Central and Eastern Europe.

The 19 current NATO members are: Belgium, Canada, Czech Republic, Denmark, France, Germany, Greece, Hungary, Iceland, Italy, Luxembourg, Netherlands, Norway, Poland, Portugal, Spain, Turkey, United Kingdom, United States. The Czech Republic, Hungary, and Poland were added in the last round of NATO expansion in 1997.

On June 10, 2002, President Bush signed into law H.R. 3167 (Public Law 107-187), which among other things made three declarations of policy:

- Congress reaffirms its previous expressions of support for continued enlargement of the NATO Alliance contained in the NATO Participation Act of 1994, the NATO Enlargement Facilitation Act of 1996, and the European Security Act of 1998.
- Congress supports the commitment to further enlargement of the NATO Alliance expressed by the Alliance in its Madrid Declaration of 1997 and its Washington Summit Communiqué of 1999.
- Congress endorses the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and urges our NATO allies to work with the United States to realize this vision at the Prague Summit in 2002.

Cost to Taxpayers: The resolution would authorize no expenditure.

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

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

H.Res. 253—Recommending the integration of the Republic of Slovakia into the North Atlantic Treaty Organization (NATO). (*Stupak*)

Order of Business: The bill is scheduled to be considered on Monday, October 7th, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 253 would express a sense of the House that:

- “the Republic of Slovakia should be commended for progressing toward political and economic liberty and for its efforts to meet the guidelines for prospective North Atlantic Treaty Organization (NATO) members set out in Chapter 5 of the September 1995 Study on NATO Enlargement;
- “the Republic of Slovakia would make significant contributions to the North Atlantic Treaty Organization;
- “extension of the North Atlantic Treaty Organization to include the Republic of Slovakia would significantly benefit the security and peace of Europe and the region as a whole; and
- “the Republic of Slovakia should be invited to be a full member of the North Atlantic Treaty Organization alliance at the earliest opportunity.”

Additional Background: The next NATO summit at which expansion will be considered will take place later this year in Prague, Czech Republic. On June 15, 2001, President Bush encouraged NATO at its upcoming Prague Summit to expand to include aspiring countries in Central and Eastern Europe.

The 19 current NATO members are: Belgium, Canada, Czech Republic, Denmark, France, Germany, Greece, Hungary, Iceland, Italy, Luxembourg, Netherlands, Norway, Poland, Portugal, Spain, Turkey, United Kingdom, United States. The Czech Republic, Hungary, and Poland were added in the last round of NATO expansion in 1997.

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- Congress endorses the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and urges our NATO allies to work with the United States to realize this vision at the Prague Summit in 2002.

Cost to Taxpayers: The resolution would authorize no expenditure.

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

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

H.Res. 549—Expressing appreciation for the Prime Minister of Great Britain for his loyal support and leadership in the war on terrorism and reaffirming the strong relationship between the people of the United States and Great Britain (Graves)

Order of Business: The bill is scheduled to be considered on Monday, October 7th, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 549 would resolve that the House:

- “expresses sincere appreciation for Prime Minister Tony Blair for his leadership in the war on terrorism;
- “expresses its deepest sympathy to British victims of terrorism and their families, including the 67 British citizens who were victims of the terrorist attack on September 11, 2001;
- “commends the efforts of British intelligence and defense agencies for their continued efforts in the war on terrorism; and

- “reaffirms the strong and special relationship between the people of the United States and Great Britain.”

Cost to Taxpayers: The resolution would authorize no expenditure.

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

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

H.R. 5531— Sudan Peace Act (Tancredo)

Order of Business: The bill is scheduled to be considered on Monday, October 7, 2002, under a motion to suspend the rules and pass the bill.

Note: On June 13, 2001 the House passed H.R. 2052 as amended by a 422 – 2 vote (<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2001&rollnumber=160>), but the bill has not moved in the Senate. For further information see <http://www.house.gov/burton/RSC/LB61301.PDF>. According to the bill sponsor, H.R. 5531 is a compromise version of H.R. 2052, which has been simultaneously introduced in the Senate.

Summary: H.R. 5531 has 16 findings regarding the current political and humanitarian situation in Sudan.

Condemnations: H.R. 5531 states that Congress “condemns”—

- violations of human rights on all sides of the conflict in Sudan;
- the Government of Sudan's overall human rights record, with regard to both the prosecution of the war and the denial of basic human and political rights to all Sudanese;
- the ongoing slave trade in Sudan and the role of the Government of Sudan in abetting and tolerating the practice;
- the Government of Sudan's use and organization of “murahalliin” or “mujahadeen”, Popular Defense Forces, and regular Sudanese Army units into organized and coordinated raiding and slaving parties in Bahr al Ghazal, the Nuba Mountains, and the Upper Nile and the Blue Nile regions; and
- aerial bombardment of civilian targets that is sponsored by the Government of Sudan; and

“recognizes that, along with selective bans on air transport relief flights by the Government of Sudan, the use of raiding and slaving parties is a tool for creating food shortages and is used as a systematic means to destroy the societies, culture, and economies of the Dinka, Nuer, and Nuba peoples in a policy of low-intensity ethnic cleansing.”

Sanctions: H.R. 5531 establishes a procedure whereby every six months the President shall make a written determination to Congress regarding whether or not the Government of Sudan and the Sudan People's Liberation Movement are negotiating (the peace process) in good faith. If the Government of Sudan is not acting in good faith or is not implementing the terms of a permanent peace agreement, then the President, in consultation with Congress, shall:

- (1) Instruct the U.S. executive directors to each international financial institution to continue to vote against and actively oppose any loans, credits, or guarantees to the Government of Sudan
- (2) Consider downgrading or suspending US-Sudan diplomatic relations
- (3) Take "all necessary and appropriate steps" to deny the Government of Sudan "access to oil reviews" to prevent oil-for-military-equipment/training exchanges.
- (4) Seek a UN Security Council resolution to impose arms embargoes on the Government of Sudan

The bill requires the President to develop a contingency relief plan for Sudan in the event the Government of Sudan stops air transport relief and allows a 100 percent reprogramming of US funds for the Sudanese relief programs to carry out the plan.

Reports: The bill requires:

- (1) The President to make a quarterly report to Congress on status of the peace process if at any time post certification negotiations are discontinued for more than 14 days.
- (2) Semiannual report regarding implementation of (1) above.
- (3) A comprehensive plan, 45 days prior to action, on how (3) above would be implemented.
- (4) An initial **6-month report and an annual report thereafter regarding how and if oil production is financing the war in Sudan, "a description of the extent to which that financing was secured in the United States or with involvement of United States citizens,"** an estimate of the extent of aerial bombardment, and a description of the extent to which humanitarian relief has been obstructed by the Government of Sudan
- (5) **The Secretary of State to report to Congress annually (after initial 6-month report) on evidence collected related to possible war crimes violations** (which he is authorized to collect under this bill).

Sense of Congress: The bill states the sense of Congress that the UN should help facilitate peace and recovery in Sudan and that the President should seek to (1) revise the terms of the UN relief operations in Sudan to end Sudan's official veto over relief flights; and (2) take appropriate measures to end slavery and aerial bombing of civilians by the Government of Sudan.

Cost to Taxpayers: A CBO cost estimate is unavailable. The bill authorizes the President to spend \$100 million for each fiscal year 2003-2005 (\$300 million total) to provide assistance to areas not controlled by the Government of Sudan and other costs are likely to be incurred due to the reporting requirements in the bill.

Does the Bill Create New Federal Programs or Rules?: Yes, the bill creates a monitoring, relief, and sanctioning aspect to U.S. foreign policy as it relates to the Government of Sudan.

Constitutional Authority: An International Relations Committee report citing constitutional authority is unavailable.

Staff Contact: Sheila Moloney; 202-226-9719; Sheila.Moloney@mail.house.gov

H.R. 2121—Russian Democracy Act (Concur in Senate Amendment) (Lantos)

Order of Business: H.R. 2121 passed the House on December 11, 2001, by voice vote. On September 20, 2002, the Senate passed the bill with an amendment in the nature of a substitute by unanimous consent. The amended bill is now scheduled to be considered on the House floor on Monday, October 7th, under a motion to suspend the rules and pass the bill.

Summary (Senate amendments in red bold): H.R. 2121 would authorize not less than \$50 million in foreign assistance for Russia for its efforts to promote democracy, enforce the rule of law, and encourage an independent media. These funds would come from the amounts made available by chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.) and by the **FREEDOM Support Act for fiscal year 2003**.

H.R. 2121 is aimed at “strengthen[ing] and advanc[ing] institutions of democratic government and of a free and independent media and [at] sustain[ing] the development of an independent civil society in the Russian Federation based on religious and ethnic tolerance, internationally recognized human rights, and an internationally recognized rule of law.” The bill is also intended “to focus United States foreign assistance programs on using local expertise and giving local organizations a greater role in designing and implementing such programs, while maintaining appropriate oversight and monitoring.”

The bill outlines several specific, expanded, allowable uses for the foreign aid—all aimed at promoting democracy, enforcing the rule of law, and encouraging an independent media. Further, the bill makes numerous statements of policy, including:

- “to facilitate Russia's integration into the Western community of nations, including supporting the establishment of a stable democracy and a market economy **within the framework of the rule of law and respect for individual rights**, and also including Russia's membership in the appropriate international institutions;
- “to engage the Government of Russian Federation and Russian society in order to strengthen democratic reform and institutions, and to promote **transparency and good governance in all aspects of society, including fair and honest business practices, accessible and open legal systems, freedom of religion, and respect for human rights**; and
- “to encourage the G-8 partners and international financial institutions, including the World Bank, the International Monetary Fund, and the European Bank for

Reconstruction and Development, to develop financial safeguards and transparency practices in lending to the Russian Federation.”

H.R. 2121 would also authorize the President to make a \$1.5 million grant to Brandeis University in Waltham, Massachusetts, for an endowment for the Andrei Sakharov Archives and Human Rights Center to collect and preserve documents related to the life of Andrei Sakharov and to administer the Center. [The Andrei Sakharov Center at Brandeis serves as an institutional base for research and education in the history of the Soviet Union, on the current situation in Russia, and on human rights topics. Andrei Sakharov, the “father of the Soviet hydrogen bomb,” was also one of the most ardent promoters of democracy and human rights in the Soviet Union and is credited with assisting in the downfall of the Soviet Union. Sakharov died on December 14, 1989.]

The amended bill would also extend to FY2003 the provision of law (section 1000(a)(7) of Public Law 106-113) that withholds the portion of U.S. voluntary contributions to the UN Development Program (UNDP) that would be spent on Burma, unless the Secretary of State certifies that all UNDP programs and activities in Burma:

- are focused on eliminating human suffering and addressing the needs of the poor;
- are undertaken only through international or private voluntary organizations that have been deemed independent of the State Peace and Development Council (SPDC) (formerly known as the State Law and Order Restoration Council (SLORC)), after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma;
- provide no financial, political, or military benefit to the SPDC; and
- are carried out only after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma.

Cost to Taxpayers: H.R. 2121, as amended, would authorize \$51.5 million in FY2003.

Does the Bill Create New Federal Programs or Rules?: The bill would expand the U.S. government's authority to provide assistance to democratic institutions and media in Russia, authorize a new grant to Brandeis University, and extend a withholding of funds to the UN regarding Burma.

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

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

H.R. 4085—Veterans’ Compensation Cost-of-Living Adjustment Act of 2002 – Concur in Senate Amendment (Smith, Chris)

Order of Business: The bill is scheduled for consideration on Monday, October 7th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4085, as amended by the Senate, requires the Secretary of Veterans Affairs, effective December 1, 2002, to increase the amounts paid to veterans for disability compensation and to their survivors for dependency and indemnity compensation (DIC) based on the Social Security cost of living adjustment.

Additional Background: Under current law, Congress annually reviews the service-connected disability compensation and DIC programs to ensure that the benefits provide reasonable and adequate compensation for disabled veterans and their families. Based on this review, the Congress acts annually to provide a cost-of-living adjustment (COLA) in compensation and DIC benefits. The Congress has provided annual increases in these rates for every fiscal year since 1976.

H.R. 4085, as amended, is identical to a portion of the bill passed by the House of Representatives on May 20, 2002, by a vote of 410-0 (<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2002&rollnumber=185>). However, the Senate amendment removed several provisions of the House bill, a summary of which can be found at the following website: <http://www.house.gov/burton/RSC/Lb52002.pdf>

Cost to Taxpayers: A cost estimate prepared by the Congressional Budget Office found that enacting the COLA provision included in the House version of H.R. 4085 (now the total text of the bill as amended) would increase spending by about \$295 million in 2003. (The annualized cost would be about \$400 million in subsequent years.)

Does the Bill Create New Federal Programs or Rules?: The bill provides for the annual COLA of disability and DIC payments for veterans.

Constitutional Authority: The Committee on Veterans Affairs, in House Report 107-472, cites Article I, Section 8, but fails to cite a specific clause.

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H.R. 3731— To amend title 38, United States Code, to increase amounts available to State approving agencies to ascertain the qualifications of educational institutions for furnishing courses of education to veterans and eligible persons under the Montgomery GI Bill and under other programs of education administered by the Department of Veterans Affairs (Smith, Chris)

Order of Business: The bill is scheduled to be considered on Monday, October 7th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3731 increases the funding authorized for the Secretary of Veterans Affairs to reimburse state and local agencies for administrative expenses related to determining whether educational institutions are eligible to provide courses to individuals being educated under VA education programs (including the Montgomery GI Bill). The authorization would increase as follows:

- FY 2002 - \$14 million (current level)
- FY 2003 - \$18 million
- FY 2004-05 – the amount of the preceding year increased by 3 percent
- FY 2006 and following years- the amount of FY 2005

Cost to Taxpayers: A cost estimate is not available.

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

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

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

H.Con.Res. 411—Recognizing the exploits of the officers and crew of the S.S. Henry Bacon, a United States Liberty ship that was sunk on February 23, 1945, in the waning days of World War II (Goodlatte)

Order of Business: The resolution is scheduled to be considered on Monday, October 7, 2002, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 411 has 14 findings regarding the United States Liberty ship S.S. Henry Bacon. During WWII, the S.S. Henry Bacon became stranded after delivering war materials and supplies to Russia and while transporting 19 rescued Norwegian civilians and subsequently was attacked by 23 German torpedo bombers, yet managed to shoot down nine before sinking with 28 crewmen aboard.

And Resolves that Congress:

- recognizes the valiant deeds of the officers and crew of the S.S. Henry Bacon, a World War II United States Liberty ship that was sunk by German aircraft on February 23, 1945; and
- requests that the President issue a proclamation calling to memory the deeds, exploits, and sacrifices of the officers and crew of the S.S. Henry Bacon.

Cost to Taxpayers: The resolution has no cost

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

Staff Contact: Sheila Moloney; 202-226-9719; Sheila.Moloney@mail.house.gov

H.J.Res. 6—Recognizing Commodore John Barry as the first flag officer of the United States Navy (King)

Order of Business: The resolution is scheduled to be considered on Monday, October 7, 2002, under a motion to suspend the rules and pass the bill.

Summary: H.J.Res. 6 has 11 findings regarding John Barry, a Captain in the Continental Congress who organized Washington's 1776 Christmas crossing of the Delaware River and who was the first Commodore of the U.S. Navy under Presidents Washington, Adams, and Jefferson.

Resolves by the Senate and House of Representatives:

“That Commodore John Barry is recognized (effective as of February 22, 1797), and is hereby honored as the first flag officer of the United States Navy.”

Cost to Taxpayers: The resolution has no cost

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

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H.Con.Res. 465—Recognizing, applauding, and supporting the efforts of the Army Aviation Heritage Foundation, a nonprofit organization incorporated in the State of Georgia, to utilize veteran aviators of the Armed Forces and former Army Aviation aircraft to inspire Americans and to ensure that our Nation's military legacy and heritage of service are never forgotten (Collins)

Order of Business: The resolution is scheduled to be considered on Monday, October 7, 2002, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 411 has seven findings regarding the Army Aviation Heritage Foundation; and Resolves that Congress recognizes, applauds, and supports the efforts of the Army Aviation Heritage Foundation, a nonprofit organization incorporated in the State of Georgia, to pursue the following four primary purposes:

- “To educate the American public regarding the military heritage of the United States through the story of United States Army Aviation's soldiers and machines.
- “To connect the American serviceman and servicewoman to the American public as an active and admired member of the American family.
- “To inspire patriotism and motivate Americans everywhere toward service to their community and country by involving them in our Nation's larger military legacy, and
- “To preserve authentic, flyable examples of Army aviation aircraft and utilize them in aerial and educational living history demonstrations and presentations so that the symbols of America's military legacy may always remain in our skies for future generations.”

Cost to Taxpayers: The resolution has no cost.

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

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H.R. 5331— To amend the General Education Provisions Act to clarify the definition of a student regarding family educational and privacy rights (Kennedy, Mark)

Order of Business: The bill is scheduled for consideration on Monday, October 7th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5331 modifies the definition of “student” in the Family Educational Rights and Privacy Act of 1974 (FERPA).

H.R. 5331 would amend the definition to read as follows (new language in bold italics):

(6) For the purposes of this section, the term "student" includes any person with respect to whom an educational agency or institution maintains education records or personally identifiable information, but does not include a person (*other than a person educated at a home school, whether or not a home school is treated as a home school or a private school under State law*) who has not been in attendance at such agency or institution.

Additional Background: Under the laws of some states, home-schooled students are required to register with their state or the local school district. Home school supporters have raised concerns that schools and school districts have released the education records of home-schooled students and that these students are not adequately protected under FERPA from having such records released.

Cost to Taxpayers: Although no cost estimate is available, nothing in the bill suggests that it would result in additional expenditures.

Does the Bill Create New Federal Programs or Rules?: The bill modifies the definition of “student” in FERPA.

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

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H.R. 5542—Black Lung Consolidation of Administrative Responsibility Act (Hart)

Order of Business: The bill is scheduled to be considered on Monday, October 7th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5542 would transfer Part B Black Lung benefit responsibilities (disability claims) from the Commissioner of Social Security to the Secretary of Labor (the Secretary currently has responsibilities for claims under Part C of the Black Lung Benefits Act). The bill provides for the transfer of assets and liabilities and the continuation of regulations, administrative proceedings, and causes of action.

Cost to Taxpayers: A cost estimate is not available.

Does the Bill Create New Federal Programs or Rules?: No, the bill consolidates all responsibilities for the administration of claims under the Black Lung Benefits Act with the Secretary of Labor.

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

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H.J.Res. 113—Recognizing the contributions of Patsy T. Mink (*Miller, George*)

Order of Business: The resolution is scheduled to be considered on Monday, October 7th, under a motion to suspend the rules and pass the bill.

Summary: H.J.Res. 113 resolves that Title IX of the Education Amendments of 1972 may be cited as the “Patsy T. Mink Equal Opportunity in Education Act.”

Additional Background: Title IX prohibits discrimination or denial of benefits on the basis of sex in any education program or activity receiving Federal financial assistance.

According to the resolution, Patsy Mink “was one of the country's leading voices for women's rights, civil rights, and working families and was devoted to raising living standards and providing economic and educational opportunity to all Americans.” In addition, Congresswoman Mink’s “heroic, visionary, and tireless leadership to win the landmark passage of title IX of the Education Amendments of 1972 opened doors to women's academic and athletic achievements and redefined what is possible for a generation of women and for future generations our Nation's daughters.”

Congresswoman Mink passed away on September 28, 2002.

Cost to Taxpayers: The resolution authorizes no expenditure.

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

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

H.Res. 567— Recognizing the importance of surface transportation infrastructure to interstate and international commerce and the traveling public and the contributions of the trucking, rail, and passenger transit industries to the economic well being of the United States (Miller, Gary)

Order of Business: The resolution is scheduled for consideration on Monday, October 7th, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 567 resolves that the House of Representatives “recognizes the trucking, railroad, and passenger transit industries, and the workers in industries which operate, design, build, and maintain the rights of way along which trucks, freight trains, buses, and commuter trains travel” for their contributions to the economy and the freedom of the traveling public, and for “their conscientious effort to improve safety, increase efficiency, and better the environment in communities throughout the United States.”

Additional Background: According to the resolution, the industries that design, construct, and maintain roads and highways generate \$200 billion for the economy each year and sustain 2.2 million jobs. In addition, the trucking industry had gross freight revenues of \$606 billion in 2000 and employed 9.9 million people, and the rail industry employs more than 230,000 and contributed \$30 billion to the economy. Public expenditures to operate and maintain

public transportation systems in the U.S., according to the resolution, total about \$15.4 billion each year.

Cost to Taxpayers: The resolution authorizes no expenditure.

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

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