



Legislative Bulletin.....March 19, 2002

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H. R. 3928—To assist in the preservation of archaeological, paleontological, zoological, geological, and botanical artifacts through construction of a new facility for the University of Utah Museum of Natural History, Salt Lake City, Utah (Hansen)

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

Summary: The bill would authorize \$15 million to build a new facility at a museum in Salt Lake City, Utah. **The bill sponsor contends that because more than 75% of the artifacts in the Utah Museum of Natural History come from land managed by federal agencies, the Federal Government should pay a share of the “costs of construction of a new facility for the Museum, including the design, planning, furnishing, and equipping of the Museum.”** The collection at the museum includes over a million archaeological, paleontological, zoological, geological, and botanical artifacts.

Cost to Taxpayers: The bill authorizes \$15 million, subject to appropriations, to remain available until expended. The bill specifies that the federal share of the costs shall not exceed 25% (if the entire \$15 were appropriated and spent, the Utah Museum's costs would be \$60 million).

Does the Bill Create New Federal Programs or Rules?: Yes, the bill creates a new grant program in the Interior Department for one specific earmark: a history museum in Utah.

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

Possible Concerns:

- Some Members may have concerns about setting a precedent that because museum objects were found on federally managed lands, there is a subsequent federal obligation to fund a museum for the items.
- In addition, some Members may note that there is already a program called the Institute of Museums and Library Services, which received \$198 million in the FY02 Labor/HHS appropriations bill, and contained over 80 earmarks for specific museums and libraries. IMLS does *not* allow funds to be used for the construction of museums. H.R. 3928 will specifically authorize a Museum's construction project paid for by federal taxdollars, possibly creating ramifications on the appropriations process.

Staff Contact: Sheila Moloney, (202) 226-9719

H. R. 706—To direct the Secretary of the Interior to convey certain properties in the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir, New Mexico (Skeen)

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

Summary: H.R. 706 would direct the Secretary of the Interior to convey 403 cabin sites that are located along the shores of the reservoirs in Elephant Butte State Park and Caballo State Park in New Mexico to the Elephant Butte/Caballo Leaseholders Association. As a condition of conveyance, the association would pay the fair market value of the 403 sites, minus any structural improvements that have been made by current leaseholders. In addition, the association would have to reimburse the federal government for administrative costs associated with the conveyance. Public access to the reservoirs, which are popular recreation spots, would be maintained as a condition of the purchases.

Additional Background: Since the 1930s, the U.S. Bureau of Reclamation has leased 403 cabin sites on the shores of the reservoir to private parties, including some who had built homes on the lots. The leased lots occupy 250 acres of the 78,000-acre lake and its boundaries (.03%). Currently the federal government pays the local governments PILT funds (payment in lieu of taxes) to compensate for not being allowed to collect taxes. With the sale of these

lots, residents will begin to pay property tax and relieve the federal government of the PILT obligations.

Cost to Taxpayers: CBO estimates based on information from the Bureau of Reclamation, that selling the properties under **H.R. 706 will increase federal revenue by about \$20 million over the 2003-2007 period.** The state of New Mexico manages these leases and retains the lease payments to cover their costs. Should the property be sold, the state would lose the lease income, but also would benefit from reduced costs. CBO estimates that the net impact to the state probably would not be substantial.

Does the Bill Create New Federal Programs or Rules?: The bill releases for sale land that has been leased out by a federal agency since the 1930s.

Administration's Position: The Administration had a few specific problems with the bill as introduced, problems that subsequently were rectified, but nonetheless the Commissioner testified that, "The Administration supports the effort to convey certain lands and facilities to private entities – in particular, those that are no longer necessary for managing either the dam or the recreation areas."

— John W. Keys, III, Commissioner, DOI, Bureau of Reclamation, subcommittee testimony, 12/10/2001.

Constitutional Authority: The Resources Committee, in House Rpt. 107-368, finds Constitutional Authority under Article I, Section 8 of the Constitution (Powers of Congress) but does not cite a specific clause.

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H. R. 1712— To authorize the Secretary of the Interior to make minor adjustments to the boundary of the National Park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park, and for other purposes (*Del. Faleomavaega*-America Samoa)

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

Summary: H.R. 1712 would allow the National Park Service (NPS) to add more than 2,860 acres of land and reef to the National Park of American Samoa, through boundary adjustments. The boundaries could be adjusted if the land and waters can be leased to the federal government, and it is unclear whether current owners are willing to lease the lands.

The National Park of American Samoa is a 14-year-old 8,000-acre park, created under a lease agreement between the US and the governor of American Samoa, which currently includes 420 acres on the island of Ofu. H.R. 1712 would add 921 acres to the current 420 federal acres on Ofu (577 acres around the reef and 344 acres on shore) and 1,947 acres to the island of Olosega (1,012 on land and 935 around the reef) to the Park.

Cost to Taxpayers: According to the Committee report and Administration testimony, bringing the new acreage under federal domain would cost \$285,000 a year in leasing fees in addition to the current yearly payments of \$419,000 for 8,000 acres, though “it still remains unclear which specific lands have been consented to by landowners for lease by NPS.” This amount would be used to lease and manage up to about 1,500 acres of land on the islands of Ofu and Olosega. An additional 1,500 acres of adjacent waters might also be leased, at no cost to the government. [CBO estimates that H.R. 1712 would cost the federal government less than \$500,000 annually beginning within a year following enactment and subject to appropriations.]

Does the Bill Create New Federal Programs or Rules?: The bill adds approximately 3,000 acres to federal lands in America Samoa.

Administration Position: “The [Interior] Department does not oppose H.R. 1712.”
— John Reynolds, NPS Regional Director,
subcommittee testimony, 2/14/02

Constitutional Authority: The Resources Committee in Report No. 107-372, finds Constitutional Authority under Article I, Section 8 (Powers of Congress) but does not cite a specific clause and Article IV, section 3 (Congressional Power over territories) of the Constitution.

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H.R. 3985—Gila River Indian Community Lease Act (Hayworth)

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

Summary: H.R. 3985 would allow any lease of land within the Gila River Indian Community Reservation (for “public, religious, educational, recreational, residential, business, and other purposes” for which a long-term lease is required) to contain a provision allowing binding arbitration to settle disputes arising from such a lease contract.

Additional Background: This bill would amend federal law approved in 1955 that authorizes the leasing of restricted Indian lands.

Cost to Taxpayers: Though no CBO cost estimate for this bill is available, the bill contains no provision that would necessitate increased federal expenditures.

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

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

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H.Res. 368—Commending the great work that the Pentagon Renovation Program and its contractors have completed thus far, in reconstructing the portion of the Pentagon that was destroyed by the terrorist attack of September 11, 2001 (Foley)

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

Summary: H.Res. 368 would resolve that the House of Representatives “commends the great work that the Pentagon Renovation Program and its contractors have completed thus far in reconstructing the portion of the Pentagon that was destroyed by the terrorist attack of September 11, 2001.”

Additional Background: The reconstruction, known as the “Phoenix Project,” is ahead of schedule and is estimated to be finished in time for the one-year anniversary of the terrorist attacks. According to the resolution, the 400,000 square feet of demolition work, which had to be completed before reconstruction work could begin, was completed in just 1 month rather than in (a previous estimate of) 4 to 7 months. The Phoenix Project consists of 15% government workers and 85% contractors.

At the Pentagon, 64 hostages on a hijacked plane and 125 Pentagon employees were killed on September 11th.

Cost to Taxpayers: The resolution would authorize no expenditure.

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

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

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S. 2019 — A bill to extend the authority of the Export-Import Bank until April 30, 2002 (Sen. Sarbanes)

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

Summary: S. 2019 extends the authorization of the Export-Import Bank until April 30, 2002.

Additional Background: The Export-Import Bank of the United States was created in 1934 and established under its present law in 1945 to aid in financing and promoting U.S. exports. The Bank operates under a renewable charter, the Export-Import Bank Act of 1945, and was last authorized in 1997 through September 30, 2001. A short-term extension through March 31, 2002 was contained in the Foreign Operations Appropriations bill enacted last year.

S. 1372, providing for a five-year authorization of the Export-Import Bank, passed the Senate on March 14 and is awaiting House action.

Cost to Taxpayers: The bill does not authorize any additional spending. FY 2002 funding for the Export-Import Bank was provided in last year's Foreign Operations Appropriations bill.

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

Constitutional Authority: No committee report citing constitutional authority is available.

Possible RSC Concerns: Members may view the activities of the Export-Import Bank as questionable and a form of "corporate welfare." Past Export-Import Bank subsidies have gone to foreign governments, including the Communist regime in China, and large multi-national corporations, particularly Boeing.

Many RSC Members voted to strike Export-Import Bank funding from the FY 2002 Foreign Operations Appropriations bill ([Roll Call #261, July 24, 2001](#)).

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H.R. 2509 — Bureau of Engraving and Printing Security Printing Amendments Act of 2001 (King)

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

Summary: The bill authorizes the Secretary of the Treasury to—

(A) produce currency, postage stamps, and other security documents for foreign governments, subject to a determination by the Secretary of State that such production would be consistent with the foreign policy of the United States; and

(B) produce security documents for the States, the District of Columbia, territories of the United States, and political subdivisions of such States.

The Treasury would be reimbursed by the appropriate governments for the costs of producing these items.

Additional Background: A bill similar to H.R. 2509 was introduced in 2000 at the request of the Clinton Administration. The request was made in an effort to allow the United States to help foreign governments develop stable currency systems and facilitate international commerce, and to allow the Bureau to realize production efficiencies. The efficiencies would include the use of excess production capacity at the Bureau and the possibility to produce (in relatively small production runs and at the request of a foreign nation) currency with cutting-edge, anti-counterfeiting features that eventually could find their way into the much larger production runs of United States currency. The bill, H.R. 4096, passed the House by voice vote on September 18, 2000.

Cost to Taxpayers: None. Costs associated with the production of documents, currency, etc. would be reimbursed by the appropriate governments.

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

Constitutional Authority: No committee report citing constitutional authority is available. However, a committee report for a similar bill in the 106th Congress cites Article I, Section 8, Clause 1 (relating to the general welfare of the United States); Article I, Section 8, Clause 3 (relating to Congressional power to regulate commerce); Article 1, Section 8, Clause 5 (relating to the power “to coin money” and “regulate the value thereof”); Article I, Section 8, Clause 18 (relating to making all laws necessary and proper for carrying into execution powers vested by the Constitution in the government of the United States).

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H.R. 3924—Freedom to Telecommute Act (Davis, Tom)

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

Summary: H.R. 3924 would permit telecommuting for federal contractors in the course of fulfilling contracts with executive agencies. That a potential contractor allows its employees to telecommute could not disqualify or reduce the chances of the company to win a federal contract (unless the contracting officer initially determines that the contract could not be fulfilled by telecommuters).

The GAO would be required to report to Congress within one year of enactment on the compliance by executive agencies with the telecommuting regulations and on the conformance of such regulations with existing law.

Additional Background: This bill was originally part of the Federal Information Technology Workforce and Acquisition Improvement Act that was scheduled for consideration (but was never actually considered) on March 7, 2002.

Cost to Taxpayers: Though no CBO cost estimate is available for this legislation, the House Budget Committee “does not expect it to increase direct spending or to cause a decrease in revenue.”

Does the Bill Create New Federal Programs or Rules?: The bill would amend federal acquisition law to allow telecommuting for federal contractors.

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

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H.R. 3986—Extension of Unemployment Assistance Under the Stafford Disaster Relief and Emergency Assistance Act for the Victims of the September 11th Terrorist Attacks (Quinn)

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

Summary: Extends by 13 weeks (from 26 to 39 weeks) the length of time an individual who is receiving unemployment assistance as a result of the September 11th terrorist attacks may claim unemployment under the FEMA unemployment assistance program. FEMA provides unemployment assistance for those who lose their job as a result of a disaster, but who do not otherwise qualify for unemployment assistance.

Additional Background: The Job Creation and Worker Assistance Act extended regular unemployment benefits from 26 weeks to 39 weeks.

Cost to Taxpayers: Though no CBO cost estimate is available for this legislation, a 26-week extension was expected to cost approximately \$4 million. RSC staff estimates that a 13-week extension will cost between \$2 and \$3 million.

Does the Bill Create New Federal Programs or Rules?: The bill would extend current unemployment benefits provided by FEMA.

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

Staff Contact: Neil Bradley, 6-9717

H.Res. 339 — Urging the Government of Ukraine to ensure a democratic, transparent, and fair election process leading up to the March 31, 2002, parliamentary elections. (*Slaughter*)

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

Summary: The resolution includes a variety of findings, including:

- “Whereas, Ukraine stands at a critical point in its development to a fully democratic society, and the parliamentary elections on March 31, 2002, its third parliamentary elections since becoming independent more than 10 years ago, will play a significant role in demonstrating whether Ukraine continues to proceed on the path to democracy or experiences further setbacks in its democratic development;
- “Whereas, in recent years, government corruption and harassment of the media have raised concerns about the commitment of the Government of Ukraine to democracy, human rights, and the rule of law, while calling into question the ability of that government to conduct free and fair elections;
- “Whereas, Ukraine, since its independence in 1991, has been one of the largest recipients of United States foreign assistance;
- “Whereas, during the 1999 presidential election campaign, a heavy proincumbent bias was prevalent among the state-owned media outlets, members of the media viewed as not in support of the president were subject to harassment by government authorities, and proincumbent campaigning by state administration and public officials was widespread and systematic;
- “Whereas, the Department of State has dedicated \$4,700,000 in support of monitoring and assistance programs for the 2002 parliamentary elections; and
- “Whereas, the process for the 2002 parliamentary elections has reportedly been affected by apparent violations during the period prior to the official start of the election campaign on January 1, 2002.”

The resolution goes on to urge the Government of the Ukraine to enforce its election laws, including provisions calling for the transparency of election procedures, access for international election observers, equal access to the media for all election participants, and administrative penalties for election violations.

Cost to Taxpayers: None.

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

Constitutional Authority: No committee report citing constitutional authority is available.

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