



Legislative Bulletin.....October 30, 2001

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H.R. 1840—To extend eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees (Davis, Tom)

Order of Business: The bill is scheduled to be considered on Tuesday, October 30th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1840 would extend through September 30, 2003 the eligibility for unmarried adult (i.e. over age 21) children of qualifying Vietnamese nationals to be admitted to the United States as refugees. Qualifying Vietnamese nationals have to have been interned in a re-education camp in Vietnam, have been approved for refugee resettlement or immigrant visa processing, and currently have a residence in the United States (or be the widow or widower of such a person). The current eligibility expired on September 30, 2001. **CBO expects the bill would aid no more than 1,000 people annually.**

Cost to Taxpayers: CBO estimates that, though the bill would increase administrative costs to the Immigration and Naturalization Service as well as mandatory spending for certain benefit programs, H.R. 1840 would not significantly increase mandatory or discretionary spending.

Does the Bill Create New Federal Programs or Rules?: No, it would extend a recently-expired qualification for refuge status.

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

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H.Con.Res. 243—Expressing the sense of the Congress that the Public Safety Officer Medal of Valor should be presented to the public safety officers who have perished and select other public safety officers who deserve special recognition for outstanding valor above and beyond the call of duty in the aftermath of the terrorist attacks in the United States on September 11, 2001 (Crowley)

Order of Business: The resolution is scheduled to be considered on Tuesday, October 30th, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 243 would resolve that Congress encourages the President to:

- award and present, in the name of Congress, a Public Safety Officer Medal of Valor to those public safety officers who were killed in the terrorist attacks of September 11, 2001; and
- award and present, in consultation with key officials in the jurisdictions affected by the September 11th attacks, a Public Safety Officer Medal of Valor to those public safety officers who have earned special recognition for outstanding valor above and beyond the call of duty for their heroic actions on September 11th and thereafter during the rescue and recovery missions.

Additional Background: The Public Safety Officer Medal of Valor Act of 2001 (Public Law 107-12; 115 Stat. 20) authorizes the President to award and present, in the name of Congress, a Medal of Valor to public safety officers for extraordinary valor above and beyond the call of duty.

Cost to Taxpayers: The resolution authorizes no expenditure, though it *encourages* presumably insignificant spending for additional medals.

Does the Bill Create New Federal Programs or Rules?: No, the resolution encourages the awarding of an increased number of Medals of Valor.

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

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H.R. 2559—To amend chapter 90 of title 5, United States Code, relating to federal long-term care insurance (Scarborough, *retired*)

Order of Business: The bill is scheduled to be considered on Tuesday, October 30th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2559 would exempt from state and local taxes the premiums that federal employees pay for private long-term care insurance under the Long-Term Care Security Act (LTCSA). The bill would also expand LTCSA coverage to include government personnel who presently receive a deferred annuity under federal retirement programs.

Additional Background: LTCSA, which became law (PL 106-265) just over a year ago, allows federal civilian employees, members of the uniformed services, and civilian and military retirees to purchase private long-term care insurance for themselves and qualified relatives at a group discount. The premiums for such insurance are not currently exempt from state and local taxation.

Additionally, federal employees who opt to defer their annuities under federal retirement programs are ineligible for LTCSA coverage.

Cost to Taxpayers: CBO estimates that states would receive about \$8 million less revenue annually beginning in 2003. CBO also estimates that the bill would result in no net change in federal mandatory spending and would authorize less than \$500,000 of federal expenditures in fiscal year 2002 for administrative expenses.

Does the Bill Create New Federal Programs or Rules?: H.R. 2559 would prevent states and localities from taxing the premiums that federal employees pay for certain private long-term care insurance. The bill would also increase by about 2,000 the number of people eligible for such insurance.

Constitutional Authority: The Judiciary Committee (in House Report 107-235) cites constitutional authority in Article I, Section 8, Clause 3 (the power “to regulate Commerce...among the several States...”). The Report contains this elaboration: “The Constitution establishes the dual sovereignty of the States and the Federal Government. One of the primary tenets of sovereignty reserved to States is the authority to define their own taxing systems. While exempting certain individuals or programs from State taxation sometimes occasions considerable opposition from States, Congress has periodically withdrawn State and local taxing authority in the exercise of its Commerce Clause authority.”

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H.Res. 262—Congratulating Barry Bonds for setting the record of 73 home runs in a single season (Ose)

Order of Business: The resolution is scheduled to be considered on Tuesday, October 30th, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 262 would resolve that the House of Representatives congratulates San Francisco Giants' outfielder Barry Bonds for setting the record of 73 home runs in a single season. Mr. Bonds broke this record on October 7, 2001.

Cost to Taxpayers: None.

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.R. 2362—To establish the Benjamin Franklin Tercentenary Commission (Borski)

Order of Business: The bill is scheduled to be considered on Tuesday, October 30th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2362 would authorize the appropriation of “such sums as may be necessary” to create the Benjamin Franklin Tercentenary Commission to study and recommend to Congress activities by the federal government that would be suitable to honor Benjamin Franklin on the occasion of the 300th anniversary of his birth (January 17, 2006). Such activities could include the striking of a coin, the convening of a joint session of Congress, the sponsorship of conferences and contests, and the acquisition of key artifacts to honor Benjamin Franklin. The Commission would be allowed to accept outside donations and would therefore require fewer appropriated dollars.

The Commission would consist of 15 members: the Librarian of Congress plus fourteen “qualified citizens” appointed by the President. Though commissioners would serve without pay, they would be eligible to receive travel expenses and a per diem. The Commission could hold hearings and receive administrative support.

The Commission would terminate within four months of the issuance of its final report to Congress due January 16, 2007.

Cost to Taxpayers: Though a CBO estimate is unavailable, the Government Reform Committee has told the bill sponsor that H.R. 2362 is not likely to cost the taxpayer more than \$100,000 per year until termination in 2007.

Does the Bill Create New Federal Programs or Rules? Yes, the bill would create a new commission and mandate a report to Congress.

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

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H.R. 483—Regarding the use of the trust land and resources of the Confederated Tribes of the Warm Springs Reservation of Oregon (Walden)

Order of Business: The bill is scheduled to be considered on Tuesday, October 30th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 483 would allow any restricted lands owned by or in trust of the Confederated Tribes of the Warm Springs Reservation of Oregon to be leased for up to 99 years for “public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases.”

The bill would also approve the use of tribal lands, resources, and other assets for economic development as described in agreements between the Department of the Interior, the Tribes, and the Portland General Electric Company. H.R. 483 would ratify the authorization, execution, and delivery of such agreements by such parties and would authorize the Secretary of the Interior to take necessary actions to approve and implement it.

Cost to Taxpayers: A CBO 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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H.R. 2585—Chiloquin Dam Fish Passage Feasibility Study Act of 2001 (Walden)

Order of Business: The bill is scheduled to be considered on Tuesday, October 30th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2585 would authorize the Secretary of the Interior to, in collaboration with all interested parties, conduct a study of the feasibility of providing adequate upstream and downstream passage for fish at the Chiloquin Dam on the Sprague River, Oregon. The Secretary would be required to submit a report to Congress within a year of this bill's enactment into law.

Cost to Taxpayers: A CBO cost estimate is unavailable, though similar estimates for previous such studies have reported a \$100,000 per year cost.

Does the Bill Create New Federal Programs or Rules?: It authorizes a new study and report.

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

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H.R. 1776—Buffalo Bayou National Heritage Area Study Act (Green, Gene)

Order of Business: The bill is scheduled to be considered on Tuesday, October 30th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1776 would authorize \$200,000 in fiscal year 2002 for the Secretary of the Interior to, in consultation with the State of Texas, conduct a study regarding the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in Houston, Texas. The Secretary would be required to report the findings to Congress (no specified timeframe for reporting).

RSC Note: National Heritage Areas are primarily **private** lands and properties, the conservation of which is handled by a congressionally recognized “management entity” (usually a partnership among federal, state, and local governments and nonprofit organizations). The National Park System often gives technical and financial assistance, usually temporarily, to a National Heritage Area. There are no comprehensive standards for establishing a National Heritage Area, and some RSC members might be concerned about the extension of federal control over nonfederal land.

Additional Background: According to the “findings” section of the bill, the Buffalo Bayou led in the development of Texas' petrochemical industry that made Houston the center of the early oil boom in America, developed a sophisticated shipping system that led to the formation of the Houston Ship Channel, and developed a significant industrial base to serve as the focal point for the city of Houston.

Cost to Taxpayers: The bill authorizes \$200,000 for fiscal year 2002.

Does the Bill Create New Federal Programs or Rules?: It authorizes a new study and report, with the goal of establishing a new National Heritage Area. See the “RSC Note” section above for a definition of a National Heritage Area.

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

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H.Con.Res. 233—Expressing the profound sorrow of the Congress for the death and injuries suffered by first responders as they endeavored to save innocent people in the aftermath of the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001 (Watts)

Order of Business: The resolution is scheduled to be considered on Tuesday, October 30th, under a motion to suspend the rules and pass the bill.

Summary: The resolution would resolve that Congress:

- expresses its profound sorrow for the death and injuries suffered by first responders as they endeavored to save innocent people in the aftermath of the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001;
- expresses its deepest sympathies to the families and loved ones of the fallen first responders;
- honors and commends the first responders who participated in evacuating and rescuing the innocent people in the World Trade Center and the Pentagon after the terrorist attacks;
- encourages the President to issue a proclamation calling upon the people of the United States to pay respect to the first responder community for their service in the aftermath of the terrorist attacks and their continuing efforts to save lives; and
- encourages all levels of government to continue to work together to effectively coordinate emergency preparedness by providing the infrastructure, funding, and interagency communication and cooperation necessary to ensure that when another terrorist attack occurs, first responders will be as prepared as possible to respond to the attack effectively.

Cost to Taxpayers: The resolution authorizes 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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