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HOUSE REPUBLICAN CONFERENCE

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4th District, Oklahoma

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Legislative Digest

Week of July 24, 2000 Vol. XXIX, #21, July 21, 2000

Monday, July 24

The House will meet at 12:30 p.m. for Morning Hour and 2:00 p.m. for Legislative Business
(No votes before 6:00 p.m.)

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**** Four Bills Subject to a rule**

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⇨To be published in a future issue of the *Legislative Digest*

Eric Hultman: *Managing Editor*
Brendan Shields: *Senior Legislative Analyst*

Courtney Haller, Jennifer Lord
& Greg Mesack: *Legislative Analysts*

Legislative Digest

Wekiva Wild and Scenic River Act of 1999

H.R. 2773

Committee on Resources
H.Rept. 106-739
Introduced by Mr. McCollum on August 5, 1999

Floor Situation:

The House is scheduled to consider H.R. 2773 under suspension of the rules on Monday, July 24, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.R. 2773 amends the Wild and Scenic Rivers Act to include the Wekiva River and its tributaries in the national wild and scenic rivers system. This bill designates 41.6 miles of the Florida River as wild and scenic.

The bill also establishes the Wekiva River System Advisory Committee which will assist in the development of a management plan. This committee will be comprised of a number of state, local and private entities.

Background:

H.R. 2773 is the result of efforts by the State of Florida to protect its rivers and streams. Through widespread public support and endorsement, the state has previously enacted the Wekiva River Protection Act to establish riparian protection zones, water quality protection zones, and acquire land adjacent to these waterways.

In 1996, Congress amended the Wild and Scenic Rivers Act and passed PL 104-311, which directed the Secretary of the Interior to study the inclusion of these segments as wild and scenic rivers. The study concluded that 41.6 miles or the Wekiva River and its tributaries are eligible for this designation. Administration of this river area will be conducted jointly by the Secretary of the Interior, the State of Florida, and Lake, Orange and Seminole counties.

Costs/Committee Action:

CBO estimates that implementing H.R. 2773 would not have a significant impact on the federal budget. Because the bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

The Committee on Resources reported H.R. 2773 by voice vote on July 17, 2000.

Jennifer Lord, 226-7860

Expressing the Sense of Congress Concerning the Safety of American Citizens Injured While Traveling in Mexico

H.Con.Res. 232

Committee on International Relations
No Report Filed
Introduced by Mr. Hunter on November 17, 1999

Floor Situation:

The House is scheduled to consider H. Con. Res. 232 under suspension of the rules on Monday, July 24, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority for passage.

Summary:

H. Con. Res. 232 expresses the sense of Congress that in order to protect the safety and well-being of United States citizens traveling in Mexico, the President should begin negotiations with the Government of Mexico to establish a humanitarian exemption to Mexican bond requirements, in order to ensure that United States citizens injured in Mexico can be immediately transferred to United States facilities for adequate medical treatment.

Background:

Hundreds of Americans travel by automobile to Mexico daily; however, United States automobile insurance is not valid in Mexico. Travelers may purchase additional insurance to cover potential liability while in Mexico. In cases where additional insurance is not purchased and a United States citizen is involved in an automobile accident, the American will be subject to a bond requirement before being permitted to return to the United States. Recently, an incident occurred where a United States citizen, Donald Craft, was injured in an automobile accident in Mexico. He was traveling in Baja California with his wife and three children and was involved in a car accident in which he broke his neck. He was taken to a local hospital in Mexico where Mexican doctors informed Mr. Craft and his family that he should be taken to a trauma center in San Diego for treatment. However, he was forced to remain in Mexico for an additional 18 hours until he paid the $7000 bond payment required pending a full accident investigation. Upon returning to the United States Mr. Craft died as a result of complications from the accident. Several other U.S. citizens have been subject to similar delays in medical treatment due to the same Mexican bond requirement.

Committee Action:

The bill was referred to the House Committee on International Relations and was reported by voice vote on June 29, 2000.

Sarah Buzby, 226-2302

Expressing the Sense of Congress that the Government of China Should Immediately Release Rabiya Kadeer

S.Con.Res. 81

Committee on International Relations
No Report Filed
Introduced by Mr. Roth on February 10, 2000

Floor Situation:

The House is scheduled to consider S. Con. Res. 81 under suspension of the rules on Monday, July 24, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

S. Con. Res. 81 expresses the sense of Congress that the People's Republic of China should immediately release Rabiya Kadeer, her secretary and son, and permit them to move to the United States, if they so desire.

Background:

Rabiya Kadeer, a prominent ethnic Uighur from the Xinjiang Uighur Autonomous Region of China, her secretary and her son were arrested on August 11, 1999. The arrests took place as Ms. Kadeer was attempting to meet a group of congressional staff as part of an official visit to China. Ms. Kadeer's husband, Sidik Rouzi, has lived in the United States since 1996 and works for Radio Free Asia and has been critical of the policies employed by the People's Republic of China toward Uighurs in Xinjiang. Rabiya Kadeer was sentenced to 8 years in prison with deprivation of political rights for two years for the crime of 'illegally giving state information across the border.' Ms. Kadeer has 5 children, 3 sisters and a brother living in the United States and has expressed a desire to move there.

The People's Republic of China signed the International Covenant on Civil and Political Rights on October 5, 1998, which requires signatory countries to guarantee their citizens the right to legal recourse when their rights have been violated. The covenant also requires that citizens of signatory countries have the right to liberty, freedom of movement, the right to presumption of innocence until guilt is proven, the right to appeal a conviction, freedom of opinion, assembly and expression. In addition, the Covenant forbids torture, inhuman or degrading treatment and arbitrary arrest and detention.

Committee Action:

The Committee on International Relations reported the bill by voice vote on June 29, 2000.

Sarah Buzby, 226-2302

Famine Prevention and Freedom from Hunger Improvement Act of 2000

H.R. 4002

Committee on International Relations
No Report Filed
Introduced by Mr. Brady *et al.* on March 16, 2000

Floor Situation:

The House is scheduled to consider H.R. 4002 under suspension of the rules on Monday, July 24, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.R. 4002 amends the Foreign Assistance Act of 1961 to revise and improve provisions relating to famine prevention and freedom from hunger. The bill increases the number of universities involved in third-world crop improvement programs, and encourages non-governmental organizations [NGO's] to work with universities on crop production projects in the lesser-developed world. The legislation seeks to broaden and strengthen the role of non-governmental organizations as partners with U.S. universities working on agricultural extension work in the developing world by making these partnerships eligible for federal funding.

Background:

Title XII of the Foreign Assistance Act was enacted in 1975 to increase world food production and to identify solutions to food and nutrition problems in developing countries. According to the Agency for International Development, great strides have been made to increase world food production. However, the other salient goal of Title XII, the objective of modernizing agricultural techniques and nutrition deficiencies throughout the developing world, has not been nearly as successful.

H.R. 4002 seeks to more fully incorporate land grant universities in the development assistance programs of the United States so that the valuable contributions and expertise of the American university community can be used overseas, and the lessons learned abroad can be brought back to the United States to assist in the land grant university community and the agricultural sector of our own country.

Costs/Committee Action:

Because the bill would not make major changes to current law, CBO estimates that any additional authorization of appropriations under the bill would be slight. Thus, CBO estimates that the cost of those pro-

grams would continue at the current rate—approximately $30 million in 2000. H.R. 4002 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

The Committee on International Relations reported H.R. 4002 by voice vote on June 29, 2000.

Jennifer Lord, 226-7860

The International Anti-Corruption and Good Governance Act of 2000

H.R. 4697

Committee on International Relations
No Report Filed
Introduced by Mr. Gejdenson *et al.* on June 20, 2000.

Floor Situation:

The House is scheduled to consider H.R. 4697 under suspension of the rules on Monday, July 24, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

The International Anti-Corruption and Good Governance Act of 2000 is designed to promote good governance in developing countries by enhancing accountability and oversight practices that attack corruption and promote transparency in the administration of government programs and throughout the private sector.

The bill authorizes the President to establish programs to combat corruption, improve transparency, and other good governance in developing societies by promoting practices that support independent media, require independent media, require financial disclosure among public officials, political parties, and candidates for public office, and that mandate open budgeting processes and financial management systems.

By instituting appropriate oversight programs, democratic practices will be strengthened and confidence in the administration of government and development programs will be enhanced. The bill places priority consideration in those developing societies that have the most persistent priorities with public and private corruption and whose governments can benefit most from the oversight and accountability programs that the President is authorized to establish pursuant to this bill.

Costs/Committee Action

CBO estimates that spending targeted at good governance would continue at the current rate—approximately $16 million a year in economic and development assistance. H.R. 4697 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

The Committee on International Relations reported H.R. 4697 by voice vote on June 29, 2000.

Jennifer Lord, 226-7860

The Defense and Security Assistance Act of 2000

H.R. __

Committee on International Relations
No Report Filed
To Be Introduced by Mr. Gilman on July 24, 2000

Floor Situation:

The House is scheduled to consider H.R. ___ under suspension of the rules on Monday, July 24, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.R. ___ modifies authorities with respect to the provision of security assistance under the Foreign Assistance Act of 1961 and the Arms Export Control Act. These provisions address the transfer of excess defense articles, notification requirements for arms sales and authorities to provide for the stockpiling of defense articles in foreign countries. The bill also includes an exemption for defense export licensing to foreign countries. H.R. ___ authorizes the transfer of two naval vessels to Chile and provides authority to the President to convert existing leases for ten ships that have already been transferred to Brazil, Greece, and Turkey.

Costs/Committee Action

A CBO cost estimate has not yet been filed.

The House Committee on International Relations reported the bill by voice vote on June 29, 2000.

Jennifer Lord, 226-7860

Supporting the Goals of the Goals and Ideas of the National Alcohol Drug Recovery Month

H.Con.Res. 371

Committee on the Judiciary
No Report Filed
Introduced by Mr. Ramstad on July 13, 200

Floor Situation:

The House is scheduled to consider H.Con.Res. 371 under suspension of the rules on Monday, July 24, 2000 under suspension of the rules. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.Con.Res. 371 states that the House of Representatives, with the Senate concurring, supports the goals and ideas of the National Alcohol and Drug Recovery Month. September, 2000 is recognized by numerous individuals and organizations as "National Alcohol and Drug Addiction Recovery Month," which celebrates the tremendous strides taken by individuals who have undergone successful treatment and recognizes the people in the treatment field who have dedicated their lives to helping people recover from drug and alcohol addiction. The 2000 campaign, with the theme "Recovering our Future: One Youth at a Time," is focused on supporting adolescents in addiction treatment and recovery.

Currently 26 million Americans suffer from drug or alcohol addiction. In 1997 American taxpayers incurred more than $150 billion in drug related criminal and medical costs, more than they spent on education, transportation, agriculture, energy, space and foreign aid combined. Furthermore, every dollar spent on treatment for drug and alcohol addiction yields seven dollars in savings in health care costs, criminal justice costs, lost productivity from job absenteeism and injuries. Among adolescents, those who undergo treatment report less criminal involvement and have better psychological adjustment and improved school performance.

Committee Action:

A committee did not consider H.Con.Res. 371.

Greg Mesack, 226-2305

Authorizing Appropriations for the National Historical Publications and Records Commission

H.R. 4110

Committee on Government Reform
House Rept. 106-768
Introduced by Mr. Horn, *et al*. on March 29, 2000

Floor Situation:

The House will consider H.R. 4110 under suspension of the rules on Monday, July 24, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds vote for passage.

Summary:

H.R. 4110 authorizes appropriations for the National Historical Publications and Records Commission for the next four fiscal years (2002-2005). The committee authorized $10 million for each of the four years.

Background:

The National Historical Publications and Records Commission (NHPRC), provides grants to archivists, historians, State and local governments, and non-Federal agencies and institutions across the Nation to support a wide range of activities to preserve, publish, and encourage the use of documentary sources relating to the history of the United States. H.R. 4110 would reauthorize the Commission to continue its important work, setting an authorization cap at $10 million annually from fiscal year 2002 to fiscal year 2005. The NHPRC, which is affiliated with the National Archives and Records Administration (NARA), complements National Archives' work in protecting vital American documents. Unlike the National Archives, which maintains Federal records, the Commission assists non-Federal historical societies, institutions, non-profit organizations, universities, State and local governments, and individuals.

In 1934, both NARA and the Commission, then called the National Historical Publications Commission, were formed with the latter charged to support the publication of the papers of America's important people and events. In 1974, 40 years after the creation of the Commission, Congress under Public Law 93-536, expanded the Commission's focus to include archival records, giving it the authority to work for the collection, preservation of, and increased access to records, in addition to its work with historical publications. The Commission is composed of 15 members and is chaired by the Archivist of the United States. Seven of the members are appointed by the Judicial, Executive, and Legislative branches of the federal government. Professional societies of archivists, historians, documentary editors, and Government records administrators, and the Librarian of Congress appoint the remaining Commission members. Commission members review all eligible project proposals, recommend to the archivist those grants they believe should be funded, and are instrumental in developing the goals and programs for the Commission. The Commission's

administrative staff implements Commission policies and recommendations, provides assistance and advice to potential applicants, advises the Commission on proposals, and supervises the grants they award.

Cost/Committee Action:

The Congressional Budget Office estimates that implementing H.R. 4110 would increase costs by $34 million over the fiscal years of 2002 through 2005. Because the bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

The Committee reported the bill by voice vote on July 20, 2000.

Eric Hultman, 226-2304

Death in Custody Reporting Act of 2000

H.R. 1800

Committee on the Judiciary
No Report Filed
Introduced by Mr. Hutchinson on May 13, 1999

Floor Situation:

The House is scheduled to consider H.R. 1800 on Monday, July 24, 2000 under suspension of the rules. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.R. 1800 amends the Violent Crime Control and Law Enforcement Act of 1994 (*P.L. 104-134)* to provide that in order for a State (including States organized as a multi-State compact) to be eligible to receive a grant for correctional facilities, its grant application must include assurances that the State will follow the guidelines established by the Attorney General for reporting, on a quarterly basis, information regarding the death of any person who is in the process of arrest, is en route to be incarcerated, or is incarcerated at a municipal or county jail, state prison, or other local or State correctional facility (including any juvenile facility). The information, at a minimum, includes: (1) the name, gender, race, ethnicity, and age of the deceased; (2) the date, time, and location of death; and (3) the circumstances surrounding the death.

Background:

The FY 1998 Commerce, Justice, State and Judiciary Appropriations Act directed the Office of Justice Programs at the Department of Justice (DOJ) to determine the feasibility of creating a single source for annual statistics on in-custody deaths — including federal, state and local incidents. In March 1998, DOJ reported that this goal is achievable. Currently, statistics are gathered on an annual and voluntary basis for federal and state deaths and on a five-year voluntary basis for county and local jails.

An estimated 1,000 men and women die questionable deaths each year while in police custody or in jail. A number of deaths that occur in state and local jails are ruled suicides, but that determination is often tainted by inadequate record-keeping, investigative incompetence, and physical evidence that suggests otherwise. In addition, many of the individuals listed as "suicides" had been arrested for relatively minor offenses — greatly reducing their incentive to take their own lives.

Costs/Committee Action:

At press time, a CBO cost estimate was not available.

H.R. 1800 was not considered by a committee.

Greg Mesack, 226-2305

Granting Consent of the Congress to the Kansas and Missouri Metropolitan Cultural District Compact

H.R. 4700

Committee on the Judiciary
House Report 106-769
Introduced by Ms. McCarthy on June 20, 2000

Floor Action:

The House is scheduled to consider H.R. 4700 under suspension of the rules on Monday, July 24, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.R. 4700 grants the consent of Congress to the Kansas and Missouri Metropolitan Culture Compact, a unique agreement between the government of the two States. The compact is a slightly amended version of the original Kansas and Missouri Culture Compact approved by Congress in 1994. It extends the authorization of a special taxing district that facilitates the cultural development of the five county Kansas City metropolitan area in Kansas and Missouri. In addition, the Compact permits residents of the cultural district to levy up to an eighth of a cent sales tax to support voter-approved cultural programs that contribute to or enhance the aesthetic, artistic, historical, intellectual or social development and appreciation of city residents. The definition of "cultural programs" was amended in the new agreement to include sports activities and facilities. Also, the Commission governing the district was changed to ensure balanced representation from each State. If approved by Congress, this new compact will last until the legislature of either state repeals it.

The Compact that was approved in 1994 provided authorization for a 1996 bistate referendum in which voters in the five counties that make up Metropolitan Kansas City agreed to a .125 % increase in the sales tax to raise funds to renovate the historic Kansas City Union Station. Work has recently been completed on the new Science City science center that now occupies the once vacant landmark. The success of the joint venture has prompted the legislatures of both Missouri and Kansas to approve the continuation of the compact with changes that would further improve its effectiveness.

Congressional approval of compacts like the one between Missouri and Kansas is required by the United States Constitution. Article I, section 10, clause 3 of the Constitution provides that: 'No State shall, without the Consent of Congress . . . enter into any agreement or Compact with another State, or with a foreign power . . .' The purpose of this clause in the Constitution is to ensure that these agreements do not work to the detriment of another State or in conflict with federal law.

Cost/Committee Action:

CBO reports that implementing H.R. 4700 results in no cost to the federal government.

The Committee on the Judiciary reported the bill by voice vote on July 17, 2000.

John DeStefano, 226-2302

Expressing the Sense of Congress on the National Motto for the Government of a Religious People

H.Res. 548

Committee on the Judiciary
No Report Filed
Introduced by Mr. Schaffer on July 11

Floor Situation:

The House is scheduled to consider H.Res. 548 under suspension of the rules on Tuesday, July 25, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.Res. 548 resolves that the United States Congress encourages the display of the National Motto, "In God We Trust," in public buildings throughout the nation. This resolution is intended to give support to the belief that our nation was founded "under god," and that the motto serves the purpose of serves a secular purpose of expressing confidence in the future, encouraging the recognition of what is worthy of appreciation in society and fostering patriotism.

Though the National motto was not adopted and codified into law until 1956 its origins trace back to the founding of our country. The Declaration of Independence, George Washington and the first Congress referred to the role that religion and a supreme being played in the founding of our country. Also, the phrase "In God We Trust" is displayed over the entrance to the Senate Chamber and is engraved on every coin and dollar minted by the United States.

Committee Action:

H.Res. 548 was not considered by a committee.

Greg Mesack, 226-2305

Granting the Consent of the Congress to the Red River Boundary Compact

H. J. Res. 72

House Judiciary Committee
H. Rept. 106-770
Introduced by Mr. Thornberry *et al*. on October 19, 1999

Floor Situation:

The House is scheduled to consider H.J.Res. 72 under suspension of the rules on Monday, July 24, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.J.Res. 72 expresses the consent of Congress to establish the Red River Boundary Compact. This compact sets the boundary between the states of Texas and Oklahoma as the vegetation line on the south bank of the Red River. There is an exception within the Texoma area where the boundary is established pursuant to procedures provided for in the compact. The State of Texas, in House Bill 1355 approved by the Governor of Texas on May 24, 1999, agreed to this compact. It was also agreed to by the State of Oklahoma in Senate Bill 175, which was approved by the Governor of Oklahoma on June 4, 1999. Both states ratified identical legislation. These Acts are recognized by Congress as an interstate compact pursuant to section 10 of Article I of the United States Constitution. The Red River Boundary Compact is effective as of December 31, 1999.

Background:

There has been a continuous, 200-year effort to use the Red River of the North American south plains as a quiet political boundary. Due to frequent meanderings, especially upstream where more arid conditions and the frequency of thundershowers alters its course in a matter of hours, the use of this river as a sound, political boundary has been problematic. The States of Oklahoma and Texas appointed Red River Boundary Commissions to solve the problem. The Commissions decided upon the use of the "vegetation line" of the south bank of the Red as the permanent boundary. The vegetation line is easily recognizable and, by establishing this line, water could flow freely within the riverbed without having to constantly revise the boundary line.

Committee Action:

This bill was reported by voice vote on July 19, 2000.

Kimberly Torrence, 226-2302

Veterans Benefits Act of 2000

H.R. 4850

Committee on Veterans Affairs
H.Rept. 106-___
Introduced by Mr. Stump *et al.* on July 13, 2000

Floor Situation:

The House is scheduled to consider H.R. 4850 under suspension of the rules on Tuesday, July 25, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.R. 4850 combines four bills, H.R. 4131, H.R. 4376, H.R. 3998, and H.R. 3816 to make a number of adjustments to the compensation of veterans and the armed services. Title I of the bill directs the Veterans Secretary to increase the rates of veterans disability compensation, dependency and indemnity compensation, additional compensation for dependents, and the clothing allowance for certain disable adult children by December 1, 2000. The increase is equal to Social Security cost-of-living adjustment (COLA) that will take place on December 1, 2000. Any partial dollar amounts calculated are rounded down to the next lowest whole dollar amount.

Title II of the bill provides that a stroke or heart attack that is incurred or aggravated by a member of a reserve component in the performance of duty while performing inactive duty training shall be considered service-connected for the purpose of benefits under laws administered by the Secretary of Veterans Affairs. Title II of H.R. 4850 also provides that a special monthly compensation under section 1114(k) of title 38, USC, for the service-connected loss of one or both breasts due to a radical mastectomy will be the same as the rate for the service-connected loss or loss of use of one or more creative organs, or, limbs.

Finally, Title III permits members who volunteer for assignment to a mobilization category of the Individual Ready Reserve to participate in the Servicemembers' Group Life Insurance program.

Background:

There are 2.6 million veterans receiving disability compensation as of May 2000, and the Department of Veterans Affairs expects expenditures for disability compensation of $15 billion for FY 2000. The purpose of disability benefits are to provide a measure of relief from an impaired earning capacity due to military service, and the amount of this compensation varies due to the degree of disability. To be eligible to receive disability benefits a veteran must have contracted a disease, suffered an injury which is not a result of willful misconduct, or aggravated an existing disease or injury in the line of duty during active duty service and been discharged under conditions other than a dishonorable discharged.

Title I

The Veterans Affairs Committee 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, 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.

Title II

Under current law guardsmen and reservists who sustain an injury during inactive duty training are eligible for certain veterans' benefits, but are not eligible to receive disability compensation for a disease condition that is incurred or aggravated during such training. The U.S. Court of Appeals has upheld the precedent that a heart attack is considered a disease, not injury. This section allows guardsmen who suffer a heart attack during training to receive benefits. Title II also includes provisions for compensation due to radical mastectomy. This condition has been chosen for compensation because it is a visible injury that could stigmatize a veteran and limit social opportunities or interactions in a way for which compensation is not now available. A recommendation to provide additional compensation for the loss of a breast was made in the 1998 VA Advisory Committee on Women Report to Congress. This report recognized that the loss of a breast frequently results in (1) severe disfigurement and necessitates major reconstructive surgery and prosthetics; and (2) temporary or permanent limitation of the use of the arm and shoulder. In addition, the loss of a breast is the loss of an identifying feature, a secondary sex characteristic and a part of a woman's persona as a female.

Title III

The Servicemember's Group Life Insurance (SGLI) program began in 1965 for Vietnam-era service members and continues today. While supervised by the VA, SGLI is largely administered by the Defense Department and, for claims purposes, by Prudential's Office of Servicemember's Group Life Insurance (OSGLI). There are approximately 2.4 million members covered by the SGLI program. At the time each member enters the uniformed services, they are automatically covered by the maximum SGLI, but they can opt out, or reduce their coverage. The uniformed services are responsible for premiums payments and get reimbursed by the individual members. Section 301 of the bill allows members of the Individual Ready Reserve (IRR) who are subject to involuntary call-up authority to enroll in SGLI. These IRR members have been identified as such critical manpower assets in the Service's mobilization planning systems that their involuntary call to duty may occur before many Selective Reserve members. Eligibility for SGLI is one of the few benefits that can be offered to these service members under the current statutes. This benefit is consistent with Section 511 of the 1998 Defense Authorization Act.

Costs/Committee Action:

At press time a CBO cost estimate was not available.

The Veterans Affairs Committee reported H.R. 4850 by voice vote on July 20, 2000.

Greg Mesack, 226-2305

Veterans Claims Assistance Act of 2000

H.R. 4864

Committee on Veterans Affairs
H.Rept. 106-___
Introduced by Mr. Stump *et al.* on July 17, 2000

Floor Situation:

The House is scheduled to consider H.R. 4864 under suspension of the rules on Tuesday, July 25, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority votes for passage.

Summary:

H.R. 4864 authorizes the Secretary of Veterans Affairs to assist a claimant in obtaining evidence to establish entitlement to a benefit. The bill achieves this by requiring the Secretary to make reasonable efforts to obtain relevant records that the claimant identifies and authorizes the Secretary to obtain, and eliminates the requirement that a claimant submit a "well-grounded" claim before the Secretary can assist in obtaining evidence. (In the context of claims for service-connected disability benefits, a "well-grounded" claim is one that has evidence of in-service injury or disease, a diagnosis of a current disability or disease, and a medical opinion that the current disability or disease is related to the in-service injury or disease).

For service-connected disability compensation claims, H.R. 4864 requires the Secretary to: (1) obtain existing service medical records and other Department treatment records; (2) obtain relevant records in the control of federal agencies; and (3) provide a medical examination if the Secretary finds that the veteran has a current disability or symptoms and there is evidence to suggest that it may be related to an event, injury, or disease which took place in service. The bill requires other Federal agencies to furnish relevant records to the Department at no cost to the claimant.

Under the bill a "claimant" is a person who would be eligible to receive assistance from the Veterans Secretary as any person seeking veterans benefits. Also, H.R. 4864 permits veterans who had claims denied or dismissed after the Court of Appeals for Veterans Claims decision in *Morton v. West* to request review of those claims within a two-year period following enactment.

Background:

The Department of Veterans Affairs system for deciding benefits claims is specifically designed to be claimant friendly. The system is non-adversarial and must provide substantial assistance to a veteran seeking benefits. This assistance includes requesting service records, medical records, other documents from relevant sources, and medical examinations when necessary. However, as a result of recent court cases concerning "well grounded" claims and the Veteran's Secretary's "duty to assist" a veteran in obtaining evidence in support of a claim, the VA is now unable to provide assistance to veterans as it has in the

past. In the July 1999 case of *Morton v. West* the Court of Appeals for Veterans Claims stated that the Veterans Administration (VA) could help a veteran obtain records relevant to a claim only after the veteran provided enough evidence to prove that the claim is "well-grounded." This decision, combined with others concerning "well-grounded" claims, not only prevents the VA from providing assistance to veterans, but it has also has led to confusion on the part of the VA and its adjudicators concerning the meaning and application of the "well grounded" claim requirement. H.R. 4864 arose out of the need to both clarify the "well grounded" claim requirement and to enable the VA to once again provide as much assistance as possible to veterans.

Costs/Committee Action:

At press time, a CBO cost estimate was not available.

The Veterans Affairs Committee reported the bill by voice vote on July 20, 2000.

Greg Mesack, 226-2305

Naming the "Donald J. Mitchell Department of Veterans Affairs Outpatient Clinic"

H.R. 1982

Committee on Veterans Affairs
No Report Filed
Introduced by Mr. Boehlert on May 27, 2000

Floor Situation:

The House is scheduled to consider H.R. 1982 under suspension of the rules on Tuesday, July 25, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.R. 1982 names the Veterans Affairs outpatient clinic located at 125 Brookley Drive, Rome, New York as the "Donald J. Mitchell Department of Veterans Affairs Outpatient Clinic." After enactment of this bill all references to the clinic in law, regulation, map, document or record will be considered a reference to the Donald J. Mitchell Clinic.

Donald J. Mitchell, born in 1923, served this country, in both World War II and the Korean Conflict, as a naval aviator from 1942 to 1946 and as a flight instructor from 1951 to 1953. He was honorably discharged from the U.S. Navy as a lieutenant before returning to the United States to become an optometrist. After having helped care for the people of his community Mitchell answered the call to serve his community of Herkimer, New York by representing it as a councilman and, eventually, mayor. In 1964, Mr. Mitchell was elected to the New York State Assembly. He served in that capacity for eight years and was majority whip for half of his tenure. Later, Donald Mitchell was elected to Congress in 1972, where he served his home region of upstate New York for ten years, retiring in 1983. Donald Mitchell now lives in his hometown of Herkimer, NY. In addition to his military service and a long political career, Mr. Mitchell has been an active member of the American Legion and the Veterans of Foreign Wars.

Cost/Committee Action

CBO estimates that implementing the bill would have a negligible cost.

H.R. 1982 was reported from the Veterans Affairs Committee by voice vote on July 20, 2000.

Greg Mesack, 226-2305

Recognizing the Heroes Plaza in Pueblo, Colorado, as Honoring Recipients of the Medal of Honor

H.Con.Res. 351

Committee on Armed Services
No Report Filed
Introduced by Mr. McInnis on June 9, 2000

Floor Situation:

The House is scheduled to consider H.Con.Res. 351 under suspension of the rules on Tuesday, July 25, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.Con.Res. 351 express the sense of Congress that Heroes Plaza in the City of Pueblo, Colorado, is recognized, effective as of the September 2000 reunion of living Medal of Honor recipients in that city, as honoring the recipients of the Medal of Honor and honoring their commitment to the United States and to serving in the Armed Forces with courage, valor, and patriotism.

The Medal of Honor was established by Congress in 1862 and is the highest military declaration bestowed by the Nation. The criteria for receiving the Medal of Honor are extraordinarily stringent, requiring that an individual, while a member of the Armed Forces, have 'distinguish[ed] himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty' while engaged in combat and that there have been at least two eyewitnesses to the act. Fewer than 155 of the approximately 3,500 Americans who have been awarded the Medal of Honor are alive (including two who are natives of Pueblo, Colorado). Pueblo, Colorado, will be the site for the September 2000 reunion of living recipients of the Medal of Honor and during that reunion, a Medal of Honor memorial, to be known as "Heroes Plaza", will be dedicated.

Committee Action

This resolution was not considered by a committee.

Brendan Shields, 226-0378

Anniversary of the Initial Activation of the National Guard and Reserve Personnel for Operation Desert Shield and Operation Desert Storm

H. Res. 549

House Committee on Armed Services
Introduced by Mr. Gallegly *et al.* on July 12, 2000

Floor Situation:

The House is scheduled to consider H.Res. 549 under suspension of the rules on Tuesday, July 25, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.Res. 549 expresses the sense of the House that Congress acknowledges the historical significance of the 10th anniversary of the initial activation of National Guard and Reserve personnel for Operation Desert Shield and Operation Desert Storm and that Congress honors the service and sacrifice of these citizen soldiers and their families. This bill recognizes the growing importance of the National Guard and Reserve to the security of the United States and supports ensuring the readiness of the National Guard and Reserve.

On August 27, 1990, the initial activation of National Guard and Reserve personnel for Operation Desert Shield and Operation Desert Storm took place. These operations of the United States Armed Forces were conducted as a consequence of the invasion of Kuwait by Iraq. Over 267,000 members of the National Guard and Reserve were ordered to active duty during these Gulf War operations. 106,000 of these members served in the Southwest Asia theater of operations, 16,000 served in a support capacity abroad outside the theater of operations, and 145,000 served in a support capacity in the United States. Of these soldiers, 57 members lost their lives in the service of the nation in Operation Desert Storm and, a majority of whom, lost their lives as a result of a missile attack on the United States Army barracks at Dhahran, Saudi Arabia.

Committee Action:

This bill was not considered by a committee.

Kimberly Torrence, 226-2302

National Recording Preservation Act of 2000

H.R. 4846

Committees on House Administration and the Judiciary
No Report Filed
Introduced by Mr. Thomas on July 13, 2000

Floor Situation:

The House is scheduled to consider H.R. 4846 under suspension of the rules on Tuesday, July 25, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.R. 4846 establishes a national recording registry at the Library of Congress to maintain and preserve recordings that are culturally, historically, or aesthetically significant. The bill is based on the existing film preservation program through which 275 films have been preserved.

The bill provides for the creation of three components to establish the national recording the registry. The first is a registry on which recordings slated for restoration and preservation shall be indexed and a national recording preservation program to (1) coordinate activities to ensure that efforts of the various people involved are effective and complementary; (2) generate awareness and support; (3) increase the accessibility of recordings for educational purposes; (4) undertake studies on preservation activities and technologies; (5) utilize the audiovisual conservation center of the Library of Congress at Culpeper, Virginia. The Librarian of Congress will establish the criteria and procedures by which recordings will be included in this registry, except for one provision in the bill which specifies that no recording will be included in the registry until ten years after its creation.

The second component is a Registry Board that will set preservation protocols, provide expertise and access to the recordings in the collection, and raise private funds for the restoration and preservation of selected recordings (the bill authorizes a maximum of $250,000 for the annual operation of the board). The Librarian of Congress will appoint members and the term of each member will be four years. There is no limit to the number of terms each member can serve. The third component is a foundation for raising private funds to support the registry. The bill also calls for the Librarian of Congress to create a seal to identify that a recording has been included in the National Recording Registry, and that it is a Registry version of that recording.

Background:

H.R. 4846 was introduced because many of our nations most important sound recordings are at-risk due to lack of funds for proper restoration and preservation. With the National Recording Preservation Act of 2000, the Congress will ensure that the Library of Congress for future use and enjoyment by researchers, scholars and the public preserves these national treasures.

Part of the Library's mission is to assure long-term, uninterrupted access to the intellectual content of the Library's collections. This bill also includes provisions to enhance the activities of the National Conservation Center in Culpepper, Virginia. The Culpeper facility, the film preservation program and now the sound preservation program, are all public/private partnerships designed to minimize taxpayers investment while still ensuring the preservation of some of our greatest American treasures.

Costs/Committee Action:

At press time, a CBO cost estimate was not available.

H.R. 4846 was not considered by a committee.

Greg Mesack, 226-2305

Fisherman's Protective Act Amendments

H.R. 1651

Committee on Resources
H.Rept. 106-197
Introduced by Mr. Young (AK) *et al*. on May 25, 1999

Floor Situation:

The House is scheduled to consider H.R. 1651 under suspension of the rules on Tuesday, July 25, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.R. 1651 amends the 1967 Fisherman's Protective Act (FPA) to extend from 2000 to 2003 the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when the vessel is seized and detained by a foreign country. The FPA established a voluntary insurance program to compensate fishermen who suffer lost income through these illegal seizures. Under this program, known as the Fishermen's Guaranty Fund, the Secretary of State collects fees from the owners of U.S. commercial fishing vessels to cover administrative costs, along with a portion of the reimbursements. The current bill differs slightly from the version passed in the House on September 13, 1999. Two amendments adopted in the Senate have added provisions to the bill. Title II, The Yukon River Salmon Act, establishes a panel to advise the Secretaries of State and Interior on Yukon River Salmon management issues in Alaska. H.R. 2181, The Fisheries Survey Vessel Authorization Act, was added as Title III. This section authorizes $60 million for each of the fiscal years 2002 and 2003 for the Secretary of Commerce to acquire two fishery research vessels to study species abundance, recruitment, age class composition, and responses to ecological change and fishing pressure in the Nation's waters. A fourth additional title, Title IV, bans the use of spotter aircraft in the general and harpoon categories of the bluefin tuna fishery.

H.R. 1651, as amended, also authorizes $4 million a year for each of fiscal years 2000 through 2003, and codifies the Yukon River Salmon Panel. Up to $3 million of these funds can be used by the Departments of Commerce and Interior for survey, restoration, and enhancement projects related to Yukon River salmon. In addition, the reported bill authorizes $600,000 for cooperative salmon research and management projects in the United States portion of the Yukon River drainage area.

Background:

The fund created by the 1967 Fisherman's Protective Act (FPA) covers economic losses incurred by fishermen while their vessels are seized. This includes damages to the vessel, the market value of lost fish, its fishing gear, dockage fees, and fifty percent of gross income lost. In 1996, four vessel owners were reimbursed by the Fisherman's Guaranty Fund a total of $186,000 for a seizure made by the Costa Rican Government in 1992. In 1996 and 1997, U.S. vessel owners were reimbursed over $290,000 based on 261 claims for illegal transit fees charged by Canada.

In 1985, the United States and Canada began a joint treaty regarding the management and maintenance of the salmon stocks on the Yukon River. The Fisheries Act of 1995, created a salmon panel and advisory committee for the Yukon River through 1998. This panel served to advise the Secretaries of State and Interior on enhancing, maintaining and keeping statistics of the Salmon population. After the authorization of this committee dissolved in 1998, it became necessary to re-authorize its existence.

The use of aircraft in the New England-based Atlantic bluefin tuna (ABT) fishing industry has greatly increased the catch rates and closures for general and harpoon fishing in the area. This, in turn has had a negative effect on the bluefin tuna population. The high concentration of spotter airplanes creates an unsafe, sometimes hostile, fishing environment in the North Atlantic.

Costs/Committee Action:

CBO estimates that implementing H.R. 1651 would cost $136 million over the 2000-2005 period. The act would affect direct spending; therefore, pay-as-you-go procedures would apply, but CBO estimates that any such effects would not be significant. H.R. 1651 would impose a private-sector mandate, as defined by UMRA, on some vessel operators. CBO estimates that the cost of complying with the mandate would be well below the threshold established by UMRA ($109 million in 2000, adjusted annually for inflation).

The Resources Committee reported the bill by voice vote on June 23, 1999. The Senate passed the bill by unanimous consent on June 26, 2000.

Jennifer Lord, 226-2302

Use of Weber Basin Water Conservancy District

H.R. 3236

Committee on Resources
H.Rept. 106-742
Introduced by Mr. Cannon on November 5, 1999

Floor Situation:

The House is scheduled to consider H.R. 3236 under suspension of the rules on Tuesday, July 25, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.R. 3236 authorizes the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District or any of its member unit contractors for water from Weber Basin, Utah. The contracts may be for the use of facilities associated with the Weber Basin Project to impound, store, and carry nonproject water for domestic, municipal, and industrial purposes. The bill also allows the exchange of water among Project contractors for these purposes. H.R. 3236 does not require the Weber Basin Water Conservancy District to reimburse the federal government for the full cost of handling nonproject water.

Increased growth and resulting need to use water facilities more efficiently in the western United States have been a basis for Congress to authorize the Secretary of the Interior to enter into these types of contracts in the past. In this case, there is currently a need to deliver approximately 5,000 acre feet of non-federal water and the same amount of federal Weber Basin project water to the Snyderville Basin area of Summit County, Utah, and to Park City, Utah. The transfer involves moving non-project water through a federal facility. Such a practice is currently prohibited in many Bureau of Reclamation facilities when the water is not being used for irrigation purposes.

Costs/Committee Action:

CBO estimates that the costs of handling the nonproject water would be less than $500,000 each year. Because H.R. 3236 would affect direct spending, pay-as-you-go procedures would apply.

The Resources Committee reported the bill by voice vote on July 17, 2000.

John DeStefano, 226-2302

Duchesne City Water Rights Conveyance Act

H.R. 3468

Committee on Resources
House Report 106-737
Introduced by Mr. Cannon on November 18, 1999

Floor Action:

The House is scheduled to consider H.R. 3468 under suspension of the rules on Tuesday, July 25 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.R. 3468 gives water rights that were previously authorized to the United States Indian Service to the City of Duchesne, Utah. Since the U.S. Indian Service no longer exists, there is no ability to transfer the water right to the City of Duchesne, therefore this bill conveys those rights. This change is technical, since it gives Duchesne the legal rights to water it has always used. To ensure that the reservation continues to have access to the water, the bill directs the Secretary of the Interior to require that Duchesne allow the Ute Indian Tribe and any person affiliated with the tribe or using its land to connect to the City's municipal water system. The bill does not require the tribe to pay any water impact or connection fee or deliver or transfer any water or water rights for such a connection. However, H.R. 3468 does permit charging any person that connects to the City's municipal water system reasonable and customary fees for system operation and maintenance costs to treat, transport, and deliver water.

Background:

When the City of Duchesne was established in 1905, the Secretary of the Interior directed the Commissioner of Indian Affairs to select tracts of land in the Uintah Indian Reservations to be reserved under the Townsite Act. Shortly thereafter, the Acting Indian Agent for the Uintah Indian Reservation filed two applications for water for irrigation and domestic uses in the City of Duchesne. Subsequently, the agent filed change applications which provided that the entire appropriation would be used for municipal and domestic purposes instead. The State Engineer approved the applications, and the State of Utah issued water rights certificates for domestic and municipal uses in the town of Duchesne. The dissolved U.S. Indian Service continues to hold these rights.

Cost/Committee Action:

CBO reports that H.R. 3468 would not affect direct spending or receipts so pay-as-you-go procedures would not apply.

The Committee on Resources reported this bill by voice vote on May 24, 2000.

John DeStefano, 226-2302

Establishing the Santa Rosa and San Jacinto Mountains National Monument in the State of California

H.R. 3676

Committee on Resources
No Report Filed
Introduced by Mrs. Bono on April 13, 2000

Floor Situation:

The House is scheduled to consider H.R. 3676 under suspension of the rules on Tuesday, July 25, 2000. It is debatable or 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.R. 3676 seeks to include the federal lands in the Santa Rosa and San Jacinto Mountains as a National Monument. The purpose of this establishment is to preserve the biological, cultural, recreational, geological, educational, and scientific values in the Santa Rosa and San Jacinto Mountains of California.

The National Monument designation will consist of approximately 280,000 acres of land, which includes parts of the Santa Rosa and San Jacinto Mountains along with other federal land. The resolution does not intend for this designation to lead to the creation of protective perimeters or buffer zones. The establishment of this monument will not affect any Indian Reservations, State, City, County, special district or privately owned lands or interest in lands and is subject to all valid existing rights. H.R. 3676 directs the Secretary of the Interior and the Secretary of Agriculture to develop a management plan and have it completed within four years of the date of enactment and also to establish an advisory committee representing a broad spectrum of interests.

Committee Action:

The bill was reported by the Committee on Resources by voice vote on July 17, 2000.

Sarah Buzby, 226-2302

The "Jaryd Atadero Legacy Trail"

H.R. 3817

House Committee on Resources
Introduced by Mr. Tancredo on March 1, 2000

Floor Situation:

The House is scheduled to consider H.R. 3817 under suspension of the rules on Tuesday, July 25, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.R. 3817 redesignates the Big South Trail in the Comanche Peak Wilderness Area of Roosevelt National Forest in Colorado as the "Jaryd Atadero Legacy Trail." Any reference in a law, map, regulation, document, paper, or other record of the United States to the trail referred to in section 2 shall be deemed to be a reference to the "Jaryd Atadero Legacy Trail." The Secretary of Agriculture shall post a sign at the trailhead of the trail referred to in section 2 that is to include a copy of this Act and a picture of Jaryd Atadero.

Jaryd Atadero, a 3-year old boy from Littleton, Colorado, was last seen the morning of October 2, 1999, 1 ½ miles from the trailhead of the Big South Trail.

Cost / Committee Action

CBO estimates that H.R. 3817 would have no significant impact on the federal budget. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 3817 was reported by voice vote on June 7, 2000 by the House Committee on Resources.

Kimberly Torrence, 226-2302

Oregon Land Exchange Act of 2000

S. 1629

Committee on Resources
House Report 106-747
Introduced by Mr. Smith and Mr. Wyden on September 23, 1999

Floor Action:

The House is scheduled to consider S. 1629 under suspension of the rules on Tuesday, July 25, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

S. 1629 allows for the exchange of over 100,000 acres of public and private land in Oregon. Approximately 50,000 acres of private held land in northwest Oregon is proposed to be traded for 54,000 acres of BLM and Forest Service land. If the value of the lands exchanged is unequal, it will be equalized with a payment of cash to the Agriculture and Interior Secretaries.

Both the government and the public have a vested interest in this land exchange. Federal agencies will receive river corridors containing threatened or endangered fish. These agencies will then be able to improve their protection efforts of these fish. Landowners will benefit from the release of previously inaccessible forest areas and the local economy could improve from the enhanced ability of the private sector to manage its own lands.

Cost/Committee Action:

CBO reports that because S. 1629 would create new direct spending authority, pay-as-you-go procedures would apply. CBO estimates, however, that any such spending would be negligible.

The Committee on Resources reported the bill by voice vote on May 24, 2000.

John DeStefano, 226-2302

Establishing the Yuma Crossing National Heritage Area

H.R. 2833

Committee on Resources
House Report 106-740
Introduced by Mr. Pastor on September 19, 1999

Floor Action:

The House is scheduled to consider H.R. 2833 under suspension of the rules on Tuesday, July 25 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.R. 2833 establishes the Yuma Crossing National Heritage Area in Yuma, Arizona. The management of the Heritage Area will be conducted by the Interior Secretary and the newly formed Yuma Crossing National Heritage Area Board of Directors. The duties of this management entity are to assist governments and organizations in increasing public awareness, developing recreational resources, and encouraging the economic viability of the Heritage Area. H.R. 2833 prohibits the management entity from using Federal funds received under this Act to acquire real property or interests in real property, and authorizes the Board of Directors to spend federal funds on non-federally owned property that would benefit the Heritage Area.

This bill also requires the Board of Directors develop a comprehensive plan that supports the goals and operations of the Heritage Area. Upon request of the Board of Directors, the Secretary may provide technical and financial assistance towards implementing the plan. The financial assistance could not exceed $1,000,000 annually and $10,000,000 over the duration of the Act. The Heritage Area would be ineligible for this federal funding if the management plan is not submitted within three years of this bill's enactment date.

The Yuma Crossing was the natural crossing place of the Colorado River, enabling it to be the epicenter of America's westward expansion. There are many indispensable cultural, historic and architectural resources in the area that would be protected by this Act.

Cost/Committee Action:

CBO estimates that implementing H.R. 2833 would cost $10 million over the next 10 to 15 years.

The Committee on Resources reported the bill by voice vote on June 7, 2000.

John DeStefano, 226-2302

The Oceans Act of 2000

S. 2327

House Committee on Resources
Introduced by Senator Hollings on March 29, 2000

Floor Situation:

The House is scheduled to consider S. 2327 under suspension of the rules on Tuesday, July 25. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

S. 2327 establishes a Commission on Ocean Policy to make recommendations for coordinated and comprehensive national ocean policy that will promote the protection of life and property against natural and manmade hazards. The Commission will provide a report that includes a review of Federal laws and regulations on United States ocean policy and the relationship between federal,state, and local governments and the private sector in planning and carrying out ocean and coastal activities. Also, this report will include opportunities for the development of or investment in new products, technologies, or markets related to ocean and coastal activities and recommendations for any modifications to United States laws, regulations, and the administrative structure of Executive agencies.

The Commission on Ocean Policy is to consist of 16 members, 12 of whom shall be nominated by the majority and minority House and Senate leadership. These members must be knowledgeable in coastal and ocean activities and represent geographically diverse areas. The President must submit a biennial report to Congress detailing federal ocean and coastal activities.

S. 2327 requires a draft report to be available for public review. Both Congress and the governors of coastal states will be provided with the opportunity to comment on the draft report. The President must also submit to Congress a statement of proposals to implement or respond to the Commissions recommendations for a national policy for the responsible use of ocean and coastal resources for the benefit of the United States. The President may not take any administrative or regulatory action not otherwise authorized by law in effect at the time of such action.

Background:

The last comprehensive review of national ocean policy was conducted in 1969 by the Stratton Commission. The Commission on Marine Science, Engineering, and Resources (Stratton Commission) was authorized by the Marine Resources and Engineering Development Act of 1966 (P.L. 89-454). It was composed of experts in ocean science and technology, and directed to "make a comprehensive investigation and review of all aspects of marine science in order to recommend an overall plan for an adequate national oceanographic program that will meet the present and future national needs." This mission further included a review of known and contemplated needs for marine resources, the technological achievements that

would be needed to obtain these resources, and a review of the Federal and State legal and regulatory relationship to the ocean. The Commission would then recommend a Federal organization plan that would best serve the national needs.

The members of the Commission were appointed on January 9, 1967. Over the next two years, the Stratton Commission held hearings throughout the United States, and released its report and recommendations on January 9, 1969. Over the years, many of the recommendations of this commission have been implemented. However, due to the large growth of population in coastal areas, an improved understanding of the physical, chemical and biological oceanography, and the number of Federal oceanic conservation and management programs, a more recent review of United States ocean policy is needed.

Cost/Committee Action:

CBO estimates that implementing S. 2327 would cost the federal government about $6 million over fiscal years 2001 and 2002—of which $3.5 million has already been appropriated. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

This bill passed the Senate by unanimous consent on June 26, 2000. The bill was referred to the House Committee on Resources on June 26, 2000.

Kimberly Torrence, 226-2302

Congratulating Mexico on the Success of Their Democratic Elections

H.Res.544

Committee on International Relations
No Report Filed
Introduced by Mr. Gallegly on July 11, 2000

Floor Situation:

The House is scheduled to consider H. Res. 544 under suspension of the rules on Tuesday, July 25, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H. Res. 544 congratulates the people and Government of the United Mexican States for the successful completion of the democratic multiparty elections held on July 2, 2000 for the presidency and the legislature. The resolution commends the Mexican people and the political parties of Mexico for their strong support in strengthening of their democracy. It also congratulates President-elect, Vincente Fox, for his election victory and his strong commitment to democracy and a free-market economy. It also reaffirms the United States friendship with Mexico and our commitment to encourage democracy throughout Latin America.

Background:

On July 2, 2000, Vincente Fox of the National Action Party (PAN) defeated the seemingly immovable Institutional Revolution Party that had been in power since 1929. Mr. Fox represents the first transition in power at the presidential level in 71 years, completing Mexico's transition to a total multi-party democratic system. On July 2, 2000, nearly two-thirds of all eligible votes in Mexico participated in the national election demonstrating the public's desire for political and electoral reform. The elections were declared to be the fairest and most transparent in Mexico's history.

A democratic, peaceful, and prosperous Mexico is of vital importance to the security of the United States due to a shared history of close relations and extensive cultural and historical ties. Mexico's history is plagued by political unrest and authoritarian regimes. The election of Vincente Fox represents a new type of politics, one based on the people. For the first time in 71 years, the ruling party will hold itself accountable to the Mexican public.

Committee Action:

The bill was referred to the House Committee on International Relations on July 11, 2000.

Sarah Buzby, 226-2302

Preparedness Against Terrorism Act of 2000

H.R. 4210

Committee on Transportation & Infrastructure
H.Rept. 106-731
Introduced by Ms. Fowler on April 6, 2000

Floor Situation:

The House is scheduled to consider H.R. 4210 under suspension of the rules on Tuesday, July 25, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.R. 4210 establishes an independent entity within the Executive Office of the President to oversee and coordinate all federal programs which help state and local governments prepare for a terrorist attack. This entity is responsible for establishing a comprehensive strategy for terrorism preparedness and assisting state and local governments, evaluating federal programs designed to help state and local governments, and providing recommendations to coordinate the President's budget request for terrorism preparedness programs.

The measure also amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act to expand the definition of a "major disaster" to include acts of terrorism or other catastrophic events for purposes of authorized disaster relief. This measure requires the President to carry out federal emergency preparedness plans and programs, including preparedness against domestic terrorist attacks involving a weapon of mass destruction or cybertechnology. The President is also required to ensure that federal response plans and programs are adequate to respond to the consequences of terrorist attacks in the United States, especially those involving a weapon of mass destruction or cybertechnology.

The major provision of this legislation establishes an entity within the Executive Office of the President which will (1) establish federal policies, objectives, and priorities for enhancing state and local emergency preparedness and response capabilities, including early detection, warning of, and response to domestic terrorism involving weapons of mass destruction or cybertechnology; and (2) publish a Domestic Terrorism Preparedness Plan and an annual strategy for carrying out the plan (the plan and its annual strategy are transmitted to the President and Congress). This entity will provide the President and Congress with a consolidated funding recommendation for each fiscal year to implement the plan. Additionally, the bill requires that each federal department or agency with responsibilities under the plan submit budget proposals for the entity's review.

On an annual basis, the entity will compile and inventory of all federal preparedness programs and proposed programs to determine whether each program is consistent with the plan. The entity will also be responsible for establishing voluntary minimum guidelines for preparedness programs to ensure that these programs are consistent with the plan. The bill also requires each Director from a federal department and agency with responsibilities of the plan to cooperate with the entity in the execution of its duties. In addition, the

entity is authorized to attend meetings of the National Security Council pertaining to domestic terrorist attack preparedness matters, subject to the direction of the President. Finally, appropriations for this entity are authorized for FY 2000 through 2005.

Background:

In 1998, the Attorney General created the National Domestic Preparedness Office (NDPO) within the FBI to coordinate federal terrorism preparedness programs. The NDPO's mission is to coordinate the more than forty federal departments and agencies with programs to assist state and local emergency responders (e.g., firefighters, police, and ER workers) with planning, training, equipment, and exercise drills necessary to respond to a conventional or non-conventional weapon of mass destruction (WMD) terrorist incident. These agencies include the Department of Defense, the Federal Emergency Management Agency, the Department of Health and Human Services, the Department of Energy, the Environmental Protection Agency, and the Department of Justice. Unfortunately, the NDPO has not been able to perform as proposed due to funding shortfalls and a lack of authority necessary to execute its duties. Additionally, the Justice Department has created the Office of State and Local Domestic Preparedness, which distributes grants to localities for procuring equipment and proper training to safely respond and manage a domestic terrorist attack. Prior to 1994, when the Civil Defense Act of 1950 was folded into the Stafford Act, the Pentagon was the lead agency for homeland defense.

The streamlining of the system, training, equipping, and education of local authorities is not progressing as it should. No single federal or local agency is currently capable of coping with all of the consequences of a weapon of mass destruction terrorist strike because an unprecedented degree of coordination among law enforcement, emergency response, military, and public health players at various levels is required. It seems easy to draw a line between crisis and consequence management, but in reality these efforts need to take place concurrently. Thus, tremendous room for confusion at the scene of an incident exists today.

Pursuant to the a requirement of the FY 1999 DOD authorization (H.R. 2616), a panel of experts on terrorism was convened to release three reports on the growing threat of domestic terrorism. The first report was released in on December 15, 1999. This "Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving WMD" chaired by Governor James Gilmore and researched by RAND acknowledged that (1) there is no workable federal clearinghouse (NDPO is not functioning as it should); (2) duplicity among agencies and programs runs rampant; (3) funding remains low and is not programmed to the correct accounts; (4) there is no national strategy to effectively respond to an attack; (5) the public is not properly informed; (6) there is no proper Congressional coordination to address funding or oversight; (7) the federal government admits that no one is in charge of this effort; and (8) first responders are not properly trained, equipped, or funded. This panel will issue two additional annual reports, which will address what can be done to solve these problems and advise the government when necessary.

Many experts believe the threat of a terrorist attack is imminent. One need only look back to the World Trade Center bombing or the bombing of a federal building in Oklahoma City. During the two year time period from 1997 to 1998, the FBI opened more than 250 investigations into the use or threatened use of a weapon of mass destruction. The collapse of the Soviet Union has weakened Russia and the other Republics' ability to safe guard their weapons of mass destruction. As a result, these weapons are more readily available on the black market for terrorists or rogue nations to purchase. Additionally, many nations and terrorist groups are capable of producing their own weapons. A recent example of terrorism

involving this type of weapon of mass destruction is the 1995 sarin nerve gas attack on a Tokyo subway train. This "easy" toxin to make was released in a confined space causing the deaths of hundreds and injuring thousands.

The interest in biological agents and weapons continues to grow. Intelligence has indicated that terrorist groups, both foreign and domestic, have demonstrated an interest in acquiring biological materials and knowledge. In addition, literature containing recipes and modes of dissemination are available through "how to" literature and over the Internet. Whether the cases involve mere threats or actual possession of biological material, the disruption and threat to the public is potentially devastating. No one can ever predict when an attack is going to occur, but it is in America's best interest to be as prepared as possible.

Costs/Committee Action:

CBO estimates that implementing H.R. 4210 will cost $47 million over the FY 2001-2005 period.

The Transportation & Infrastructure Committee reported the bill by voice vote on June 21, 2000.

Brendan Shields, 226-0378

Designating the "Carl Elliott Federal Building"

H.R. 4806

Committee on Transportation and Infrastructure
No Report Filed
Introduced by Mr. Aderholt on June 29, 2000

Floor Situation:

The House is scheduled to consider H. Con. Res. 372 under suspension of the rules on Tuesday, July 25, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H. R. 4806 designates the building located at 1710 Alabama Avenue in Jasper, Alabama, as the 'Carl Elliott Federal Building.' Carl Elliott served Alabama as a member of the U.S. House of Representatives from 1948 until 1964. Mr. Elliott made it his prerogative to improve the education system in the United States and was responsible for legislation which brought libraries to rural communities. Mr. Elliott, during his terms in office, was allied with President John F. Kennedy and served on the House Rules Committee. Despite his many accomplishments, Mr. Elliott was defeated in the 1966 gubernatorial race in Alabama. However, in 1990, Mr. Elliott received the John F. Kennedy Profile in Courage Award for his devotion to public service.

Committee Action:

The bill was reported by the Committee on Transportation on June 29, 2000.

Sarah Buzby, 226-2302

Expressing the Sense of the Congress Regarding the 210th Anniversary of the Establishment of the Coast Guard

H.Con.Res. 372

Committee on Transportation
No Report Filed
Introduced by Mr. Capuano on July 17, 2000

Floor Situation:

The House is scheduled to consider H. Con. Res. 372 under suspension of the rules on Tuesday, July 25, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.Con.Res. 372 recognizes the historic significance of the 210th anniversary of the establishment of the coast Guard and the indelible contributions of the Coast Guard to the United States. It commends the Coast Guard's effectiveness in protecting the public, the environment, and United States economic and security interests. The resolution further commends the men and women serving in the Coast Guard who risk their lives to save others in danger at sea, enforce the nation's treaties and other laws, protect the marine environment and support diplomatic and national defense interests of the United States worldwide. H.Con.Res supports the Coast Guard in its efforts to remain always ready as it moves forward to meet the demands of the 21st century.

Background:

The Coast Guard is comprised of nearly 35,000 active personnel and is supported by approximately 35,00 volunteers of the Coast Guard auxiliary. The Coast Guard is the Nation's premier military, multimission, maritime service that provides unique, non-redundant, complimentary capabilities to safeguard United States national security interests. The Coast Guard provides unique services and benefits to the United States through a distinctive blend of humanitarian, law enforcement, diplomatic, and military capabilities. Each year the Coast Guard responds to more than 11,600 hazardous waste spills, inspects 34,000 vessels and 19,400 foreign vessels, and investigates over 7,400 marine accidents. It is also responsible for approximately 18,000 highway and railroad bridges that span navigable waterways throughout the Nation. The Coast Guard is a military service and a branch of the Armed Forces and plays a crucial role in the President's strategy of international engagement. Coast Guard personnel have fought in every major military conflict since its inception in 1790.

Committee Action:

The bill was reported by the Committee on Transportation and Infrastructure on July 17, 2000.

Sarah Buzby, 226-2302

Ryan White CARE Act Amendments of 2000

H.R. 4807

Committee on Commerce
H.Rept. 106-___
Introduced by Mr. Coburn on June 29, 2000

Floor Situation:

The House is scheduled to consider H.R. 4807 under suspension of the rules on Tuesday, July 25, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

The Ryan White CARE Act of 1990 (*P.L. 101-381*) was reauthorized through FY 2000 under the Ryan White CARE Act Amendments of 1996 (*P.L. 104-186*). This legislation created the programs that serve as the primary sources of federal AIDS prevention and treatment funding for the country. This reauthorization revises the grant formulas to shift the emphasis of the programs away from treating people with full-blown AIDS to people with the viral pre-cursor of AIDS, HIV. In that same vein, the measure also actively addresses prevention of the disease. The specifics of the reauthorization are discussed in detail by title.

Title I

This title of the bill reforms the way the planning councils are constituted to ensure that they are more fully reflective of the HIV/AIDS epidemic and conduct their business meetings consistent with the "sunshine" policies of the Federal Advisory Committee Act. Additionally, the bill requires that eligible metropolitan area (EMAs) develop a strategy with goals, timetables and appropriate funding levels, for identifying and bringing care to those individuals with HIV/AIDS who are not receiving care.

Today, there are better methods to identify and treat HIV early in the infection period. To that end, the CARE Act formula is updated to make use of data on cases of HIV infection as well as of AIDS. In FY 2005, HIV and AIDS case data will be used for the most recent year in the current ten-year band Title I formula. No later than July 1, 2004, the Secretary shall determine whether HIV case data is sufficiently accurate and reliable from all eligible areas for such use in the formula. If the Secretary makes an adverse determination regarding HIV case data, only AIDS case data will be used in FY2005 Title I formula allocations. The Secretary shall also provide grants and technical assistance to states and eligible areas to ensure that accurate and reliable HIV case data is available no later than FY2007.

If any eligible area should experience a decline in its Title I formula allocation, its losses will be held to the following percentages of the amount allocated to the eligible area in the previous (or base) year: 2 percent in year 1; 4.3 percent in year 2; 8.9 percent in year 3; 15.8 percent in year 4; and 25 percent in year 5. Supplemental grants will be available for those grant applicants demonstrating "severe need."

The additional provisions in Subtitle C authorizes case-finding and outreach activities necessary to identify

individuals with HIV/AIDS who are not receiving care and also authorizes Title III-style early intervention services to support early diagnosis and provide linkages to care among populations at high risk from HIV. Additionally, the measure requires eligible areas to conduct, no later than a year after enactment, a review of existing data on the growth and proportion of administrative costs, including compensation, expended by Title I service providers.

Title II

This title of the bill mirrors many of the reforms in Title I, but clarifies that states may use AIDS Drug Assistance Programs (ADAP) funds to pay for insurance coverage of HIV/AIDS therapies. It also doubles existing minimum Title II base award to $200,000 for states with less than 90 living AIDS cases and to $500,000 for states with 90 or more living AIDS cases, and adds the Federated States of Micronesia and the Republic of Palau as entities eligible to receive Title II funds.

The title also authorizes $30 million for the expanded grant program targeting perinatal transmission of HIV and an additional $10 million to expand outreach and treatment services for pregnant women with HIV, and offset of state implementation of mandatory newborn testing programs, and requires an Institute of Medicine study on perinatal transmission of HIV. Finally, the measure creates a new grant program for partner notification, counseling and referral services.

Title III

This title repeals the unfunded Title III state formula grant program for early intervention services, but adds planning and development grants to permit capacity development in underserved communities for primary care and early intervention services, up to a maximum of $150,000 over a three year period.

Title IV

This title authorizes AIDS Education and Training Centers (AETC) program training on prenatal and gynecological care for women with HIV/AIDS and the development of protocols for such care, authorizes appropriations for Ryan White program evaluations and authorizes additional funds for CDC to collect and provide data for Ryan White program planning and evaluation activities in FY2001 to FY2005.

Title V

This title requires studies by the Institute of Medicine determining (1) whether each state HIV surveillance system produces data to be sufficiently accurate and reliable for use in the Title I and Title II formulas, and recommendations to improve such systems to be completed no later than three years after enactment; and (2) the availability, utility and relationship of epidemiological measures to HIV service delivery, including estimates of severe need to be completed no later than two years after enactment. This title also requires the National Institutes of Health (NIH) to expand research to develop rapid HIV tests.

Background:

Acquired Immunodeficiency Syndrome (AIDS) cases were first reported in the United States in 1981. In the two decades since, more than 700,000 persons in the United States have been diagnosed with AIDS.

The General Accounting Office (GAO) recently estimated that by the end of 1998, 300,000 persons in the United States were living with AIDS, and that as many as hundreds of thousands of people in this country are infected with the human immunodeficiency virus (HIV), but have not yet progressed to AIDS. Because persons with AIDS faced problems obtaining insurance coverage and access to appropriate medical care, the Congress responded in 1990 by passing the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act (P.L. 101-381). The framework of that Act, as passed, continues in force today.

By FY 1991, there were 16 EMAs receiving CARE Act Title I funding. Currently, as of FY 2000, there are 51 EMAs. Title I relief is provided through formula and supplemental grants to be used for case management and comprehensive treatment services, among other things. Such grants are intended to supplement, not supplant, state funding, and have the express purpose of delivering or enhancing HIV-related outpatient and ambulatory health and support services. These service include case management, substance abuse and mental health treatment, comprehensive treatment services, and inpatient case management services that prevent unnecessary hospitalization or that expedite discharges.

As originally enacted in 1990, a community was entitled to be an EMA if the area had more than 2,000 cases of AIDS, or if the cumulative per capita incidence of AIDS exceeded one quarter of one percent. Under the Ryan White CARE Act Amendments of 1996 (*P.L. 104-186*), this was changed so that areas could qualify for funding under Title I if the area has a population of 500,000 or more individuals, and the area has reported to the Director of the Centers for Disease Control and Prevention (CDC) a cumulative total of more than 2,000 cases of AIDS for the most recent five calendar years.

Title I funding is, generally, equally divided amongst formula and supplemental grants. Formula grants are distributed to EMAs according to a complex distribution factor, taking into account the estimated living number of AIDS cases in the EMA. The estimated living number of AIDS cases in an EMA is determined by the number of AIDS cases reported to, and confirmed by, the CDC in the most recent ten year period, multiplied (on a yearly basis) by a percentage developed by the Secretary of the Department of Health and Human Services. Title I supplemental grants are awarded based upon severe need, though these grants have been awarded historically in a way which results in a doubling of the Title I formula amount.

One important exception must be noted. The 1990 CARE Act distributed formula funds based partially upon the historical number of AIDS cases the EMA had experienced, irrespective of whether the disease sufferers were still alive. The 1996 CARE Act Amendments altered this to allocate funds based upon living number of AIDS cases. Because the change from historic incidences of AIDS to estimated living AIDS cases per EMA could have caused significant disruptions in funding received by certain EMAs, the 1996 CARE Act Amendments contained a "hold harmless" clause. According to this provision, no EMA could lose more than five percent, over five years, from the EMA's FY 1995 Title I formula grant. To fund the "hold harmless" provision, the amount of Title I supplemental grant funds available to all EMAs is reduced accordingly.

Title I grants are made to the chief elected official of the city or county in the EMA that administers the health agency providing services to the greatest number of persons with AIDS. This chief elected official shall establish or designate an HIV health services planning council to establish priorities for care delivery according to Federal guidelines, in order to receive Title I funds. Members of the councils must reflect the demographics of the epidemic in the EMA, and it shall include representatives of health care providers; community-based organizations serving affected populations and AIDS service organizations; affected communities, including people with HIV disease or AIDS, and historically underserved groups and sub-

populations; mental health and substance abuse providers, and others. The council may not be directly involved in the administration of any Title I grant.

Title II funds provide formula grants to states and territories for comprehensive care services including home and community-based health care and support services. States use such funds to provide services directly or through contracts with HIV care consortia. Title II grants are also used to provide: (1) health insurance coverage for low-income persons through Health Insurance Continuation Programs; and (2) drug treatments for individuals with HIV and AIDS who have limited or no coverage from private insurance or Medicaid through AIDS Drug Assistance Programs (ADAPs). Prior to FY 1996, states determined the amount of their Title II funds they would dedicate to ADAPs. In FY 1996, Congress began appropriating ADAP-targeted funds under Title II.

Grants are awarded to states based upon a weighted formula that accounts for two factors: (1) the estimated number of living AIDS cases in the State; and (2) the estimated number of living AIDS cases in the state who are not in a Title I EMA. States with more than 1% of the total AIDS cases reported nationally must contribute State matching funds based on a formula, and grants may not be made to any state that does not make a good faith effort to notify a spouse of an HIV-infected patient that the spouse should seek testing.

Additionally, Title II provides up to $10 million for states which certify that they have in effect regulations or measures to adopt CDC guidelines concerning HIV virus counseling and voluntary testing for pregnant women. Priority is given to states that have the greatest proportion of HIV seroprevalance among child-bearing women, as determined by the CDC. Also, if the Secretary determines that mandatory HIV testing of newborns has become routine practice, then in order to continue to receive funding under Title II, a State must demonstrate that (1) it has reduced the rate of new AIDS cases resulting from perinatal transmission by 50 percent; (2) at least 95 percent of women who sought prenatal care were tested for HIV; or (3) it has a mandatory testing program for all newborns whose mothers have not had a prenatal HIV test.

Early intervention services are provided for under Title III of the CARE Act. Under this Title, public and private nonprofit entities already providing primary care services to low-income and medically underserved populations compete for grants to provide HIV testing, risk reduction counseling, case management, outreach, medical evaluation, transmission prevention, oral health, nutritional and mental health services, and clinical care. Community health centers, homeless programs, local health departments, family planning programs, hemophilia diagnostic and treatment centers, as well as other nonprofit community-based programs all compete for Title III grants.

When enacted in 1990, Title IV authorized a number of different HIV-related programs, but the only one which was ever appropriated was pediatric demonstration grants. In the 1996 CARE Act Amendments, this funded program was replaced with a program of grants for coordinated services and access to research for women, infants, children and youth. Such grants provide opportunities for women, infants, children and youth to be voluntary participants in research of potential clinical benefit to individuals with HIV and AIDS. Such individuals are provided access to health care on an outpatient basis, case management, referrals, transportation, child-care, and other services which enable participation.

Other programs under the CARE Act which have been funded include special projects of national significance for the care and treatment of individuals with HIV/AIDS, AIDS Education and Training Centers program (AETC), and the AIDS Dental Reimbursement program.

Costs/Committee Action/Charts:

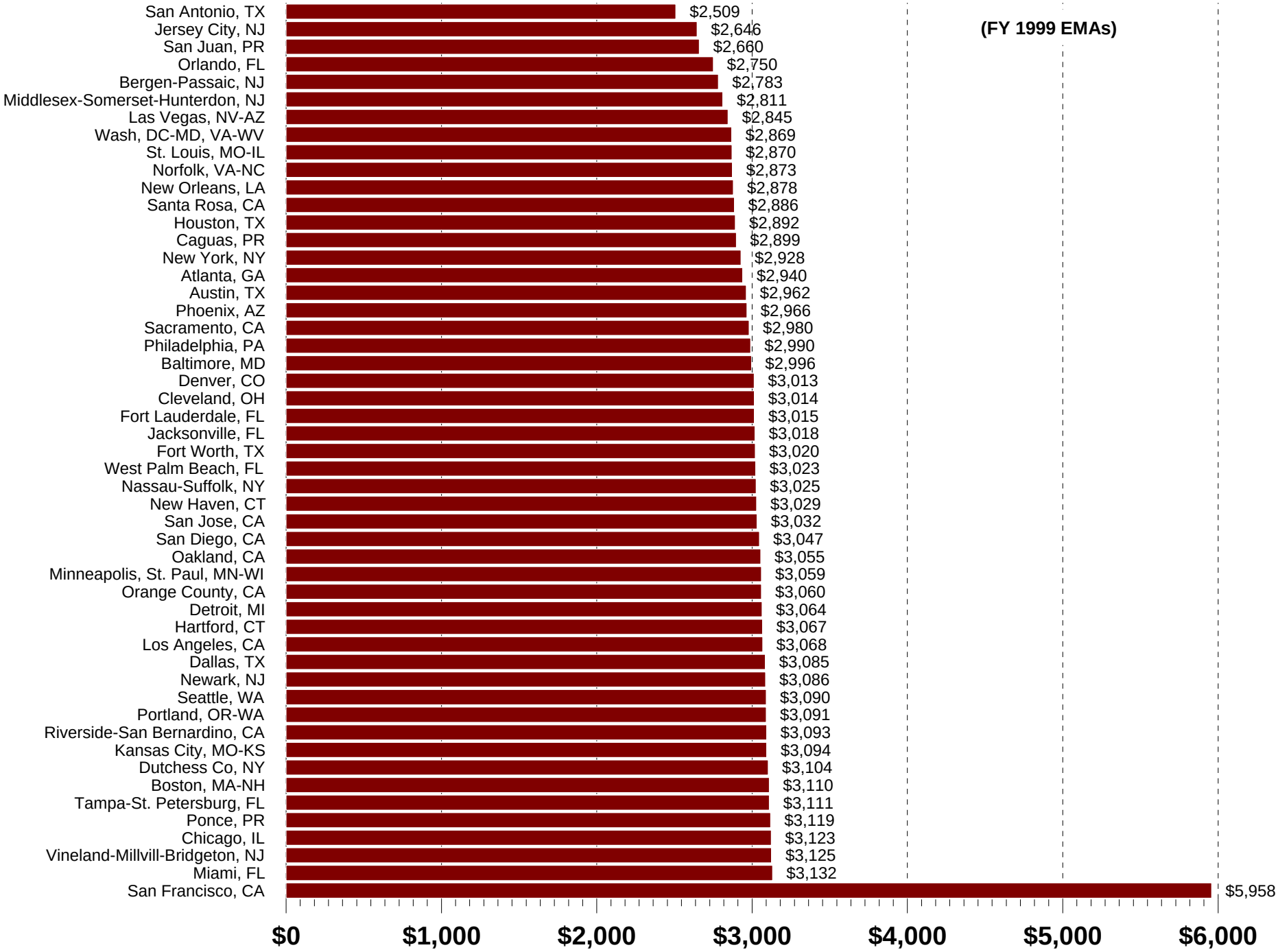
A CBO cost estimate was unavailable at press time.

The House Commerce Committee approved the measure by voice vote on July 13, 2000.

The Ryan White CARE Act should address the health care necessities of all Americans living with HIV/AIDS equally, without prejudice to their race, sex, or place of residence. But, largely due to the way this program has evolved, some Americans living with HIV/AIDS are treated differently than others. The chart illustrates those living in the Miami, Florida eligible metropolitan area (EMA) received $3,132 in Title I Ryan White CARE Act funding in FY99, those in Chicago received $3,123 while those in San Francisco received $5,958. This disparity is a result of the pre-1995 policies embedded in the Ryan White CARE Act that paid for treatment based on the number of AIDS patients, living and dead, who were diagnosed in any given EMA.

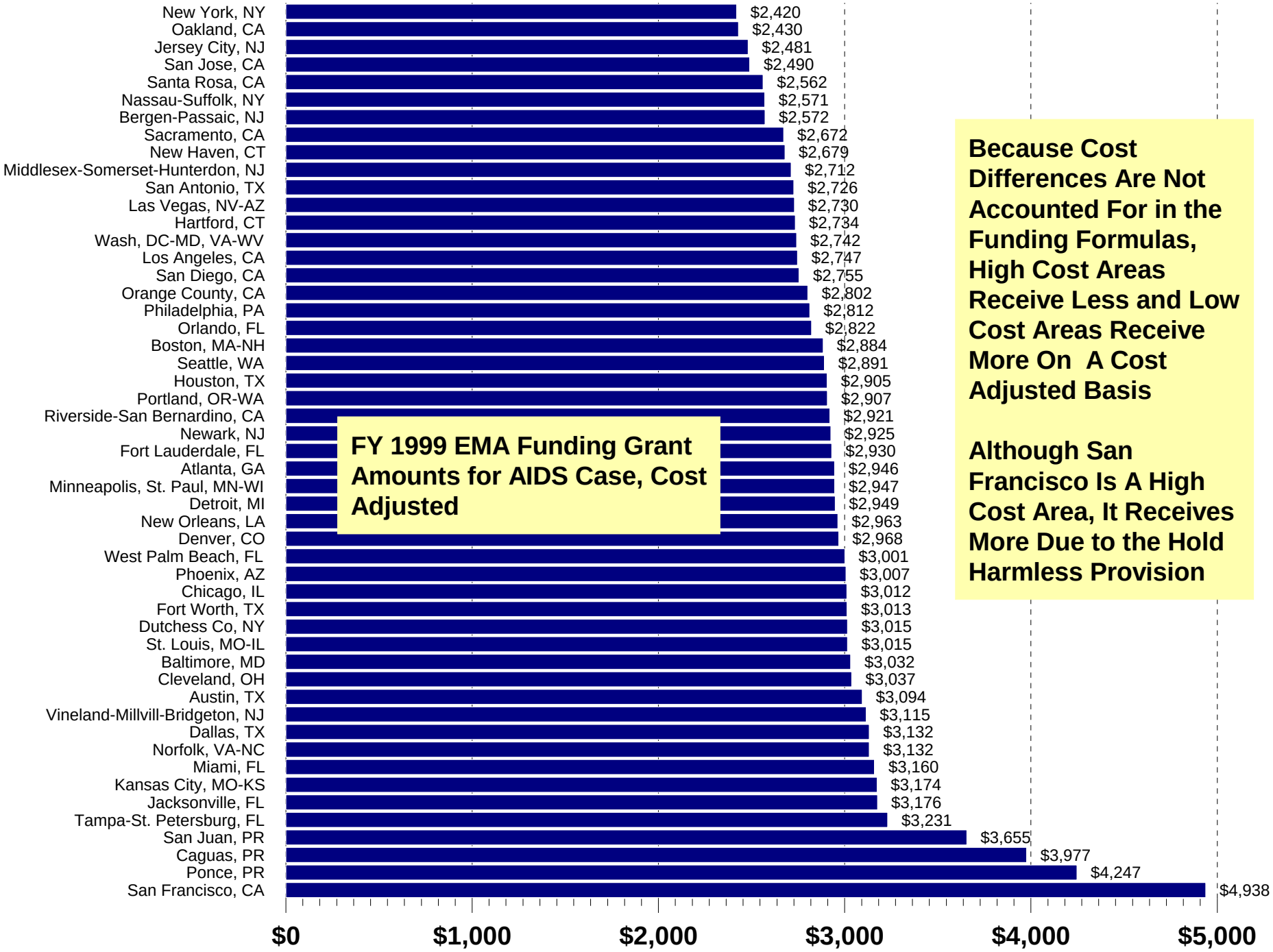
Brendan Shields, 226-0378

Nominal EMA Funding Amounts per AIDS Case



Source: House Commerce Committee

Funding in Relation to Cost-Adjusted Needs: Title I



Source: House Commerce Committee

Recognizing the Importance of Children in the United States and Supporting National Youth Day

H.Con.Res. 375

Committee on Education and the Workforce
No Report Filed
Introduced by Mr. McCollum on July 18, 2000

Floor Action:

The House is scheduled to consider H.Con.Res. 375 under suspension of the rules on Tuesday, July 25, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.Con.Res. 375 expresses the sense of Congress regarding the importance of children and supporting the goals of National Youth Day. The resolution also encourages people in the United States to participate in local and national activities that seek to fulfill the Five Promises to America's Youth, as established by America's Promise-The Alliance for Youth. These five promises include having ongoing relationships with caring adults, safe places with structured activities during non-school hours, a healthy start and future, marketable skills through effective education, and opportunities to give back through community service. National Youth Day will be held on a Saturday near the beginning of the school year with the specific date determined by the local community.

Cost/Committee Action:

The bill was not considered by a House committee.

John DeStefano, 226-2302

The Importance of Families Eating Together

H. Con. Res. 343

Committee on Education and the Workforce
No Report Filed
Introduced by Mr. Rangel on May 25, 2000

Floor Situation:

The House is scheduled to consider H.Con.Res. 343 under suspension of the rules on Tuesday, July 25, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.Con.Res. 343 expresses the sense of the House that Congress acknowledges that eating dinner together is a critical step for a family in raising healthy, drug-free children. Congress believes that a National Eat-Dinner-With-Your-Children Day should be established in order to encourage families to eat together as often as possible.

The use and abuse of illegal drugs, nicotine, and alcohol are the greatest threat to the health and well-being of American children. Parental influence is one of the most crucial factors in determining the likelihood of teenage substance use. The National Center on Addiction and Substance Abuse at Columbia University has found, for each of the past 4 years, that children and teenagers who routinely eat dinner with their families are far less likely to use illegal drugs, cigarettes, and alcohol. These studies show that teenagers from families that seldom eat dinner together are 72 percent more likely than the average teenager to use illegal drugs, cigarettes, and alcohol. Teenagers from families that eat dinner together are 31 percent less likely than the average teenager to use illegal drugs, cigarettes, and alcohol.

Committee Action:

This bill was not considered by a committee.

Kimberly Torrence, 226-2302

Miscellaneous Trade and Technical Corrections Act of 2000

H.R. 4868

Committee on Ways and Means
H.R. 106-
Introduced by Mr. Crane *et al.* on July 18, 2000

Floor Situation:

H.R. 4868 is scheduled to be considered under suspension of the rules on Tuesday, July 25, 2000. It is debatable for 40 minutes, may not be amended and requires a two-thirds majority vote for passage.

Summary:

On a regular basis, the House considers a trade bill to grant new and review duty exemptions that are scheduled to expire shortly thereafter. H.R. 4868 contains over 155 provisions allowing for the temporary suspension or reduction of duties on a wide variety of products. The products covered include drugs used to treat HIV/AIDS, environmentally sound herbicides and insecticides and other chemicals. The bill also contains provisions to (1) ban the importation of products made with dog and cat fur, (2) reduce the duty rates beyond the $400 exemption for merchandise purchased abroad, (3) provide duty-free treatment of the personal effects of participants entering the U.S. to participate in international athletic events (and items used in connection with these events), and (4) stream-line Customs entry processing.

Cost/Committee Action:

A CBO cost estimate was not available at press time.

H.R. 4868 was unanimously reported by voice vote from the Committee on Ways and Means on July 19, 2000.

Courtney Haller, 226-6871

Two Strikes and You're Out Child Protection Act

H.R. 4047

Committee on the Judiciary
No Report Filed
Introduced by Mr. Green (WI) on March 21, 2000

Floor Situation:

The House is scheduled to consider H.R. 4047 under suspension of the rules on Tuesday, July 25, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.R. 4047 requires that anyone convicted of a second sex offense against a child will be sentenced to life in prison, unless the sentence of death is imposed.

Specifically, anyone convicted of a federal sex offense that has a prior conviction of either a federal offense, or a comparable state crime, will be sentenced to life imprisonment. H.R. 4047 does not federalize any state crimes, nor does it create any new federal crimes. It specifically covers of the most serious federal sex crimes including: (1) aggravated sexual abuse; (2) sexual abuse of a minor or ward; (4) sexual abuse of a minor resulting in death; and (4) selling or buying of children for prostitution.

Background:

Child molesters are four times more likely than other violent criminals to recommit their crime. A typical molester will abuse between 30 and 60 children before they are arrested, and as many as 380 during their lifetime. The damage to children and their families done by child molesters is immeasurable. This is intended to stop habitual child molesters by locking them in prison for life.

An amendment identical to this bill passed the House on voice vote during consideration of H.R. 1501 (Juvenile Justice bill), which is currently in protracted conference between the House and Senate. Because prospects for H.R. 1501 are becoming increasingly dim, Congress is attempting to move many of the individual components of the bill separately. This year the House has already passed two bills, H.R. 894 and H.R. 2031, that were passed as a part of the Juvenile Justice bill. H.R. 4047 is another bill that was attached to the measure and is now moving as an independent piece of legislation.

Costs/Committee Action:

At press time, a CBO cost estimate was not available.

H.R. 4047 was not considered by a committee.

Greg Mesack, 226-2305

The Military Extraterritorial Jurisdiction Act of 1999

H.R. 3380

Committee on Judiciary
H.Rept. 106-___
Introduced by Mr. Chambliss on November 16, 1999

Floor Situation:

The House is scheduled to consider H.R. 3380 under suspension of the rules on Tuesday, July 25, 2000. It is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

Summary:

H.R. 3380 amends federal law to establish criminal jurisdiction over offenses committed outside the United States by people employed by (i.e., contractors) or accompanying the United States armed forces. Additionally, the measure establishes federal criminal jurisdiction over offenses committed outside the United States by members of the Armed Forces. This includes people who commit crimes abroad while members of the Armed Forces but who are not tried for those crimes by military authorities and later cease to be subject to military control. The bill also authorizes designated military personnel to arrest people who commit these crimes and specifies when the people to be arrested are to be turned over to civil law enforcement officials.

The bill also sets forth procedures defining the government's power to forcibly remove a person arrested or charged with a crime under the bill to the United States. Finally, the bill provides procedures whereby certain initial proceedings that occur in connection with an investigation and prosecution of the new offense can occur by telephone or other electronic means before the defendant is brought to the United States.

It is apparent that there are numerous loopholes in today's law that allows dependents of members of the military, American contractors and foreign nationals employed abroad by the armed forces to commit crimes, but not be prosecuted for those crimes. Although host foreign nations have jurisdiction to prosecute crimes committed within their nation, they frequently decline to exercise jurisdiction when an American is the victim or when the crime involves only property owned by Americans. Also, numerous times, if a member of the armed services commits a crime that is not discovered until after the person has left the service, the criminal is no longer subject to the military Uniform Code. Therefore, because U.S. courts do not have jurisdiction under current law over crime, such as sexual assault, arson, robbery, larceny, embezzlement, and fraud, committed by Americans accompanying the Armed Forces abroad, a "jurisdictional gap" exists that, in many cases, allows the crimes to go unpunished.

Costs/Committee Action:

CBO estimates that enacting H.R. 3380 will not result in any significant cost to the federal government.

The Judiciary Committee reported the bill by voice vote on June 27, 2000

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Brendan Shields, 226-0378

Railroad Retirement and Survivors' Improvement Act

H.R. 4844

Committee on Transportation
No Report Filed
Introduced by Mr. Shuster *et al*. on July 13, 2000

Floor Situation:

The House is scheduled to consider H.R. 4844 during the week of July 24, 2000. The Rules Committee is scheduled to meet on the bill sometime during the week. Additional information on the rule and possible amendments will be provided in a *FloorPrep* prior to its consideration by the House.

Summary:

H.R. 4844 modernizes the pension ("Tier II") part of railroad retirement. It does not change Tier I, the railroad counterpart to Social Security. H.R. 4844 expands the benefits of widows and widowers by permitting full inheritance of the deceased retiree's pension. The bill restores the retirement age, enabling a retiree to retire with full benefits at age 60 after 30 years of service [the current age is 62]. This legislation reduces the vesting requirement from 10 to 5 years. This means any employee with 5 years of service or more will be vested. H.R. 4844 repeals the railroad retirement maximum, allowing retirees to work in non-railroad jobs after retirement with no penalties.

H.R. 4844 authorizes the establishment of a new, non-profit Railroad Retirement Investment Trust, to manage and invest the pension (Tier II) assets of the Railroad Retirement Trust Fund. The bill eliminates the supplemental annuity account, and transfers the funds into the newly created Railroad Retirement Trust Fund. This fund will be responsible for yearly transfer of monies to the Secretary of the Treasury for retirement payments to railroad pensioners. Its trustees will adopt general guidelines for diversified investment of Tier II assets and will hire professional investment advisors and managers.

H.R. 4844 authorizes the Railroad Retirement Board to make account benefit projections each year beginning in 2002. The bill repeals the supplemental annuity tax on employers and employee representatives. It also adjusts the Tier II tax rates automatically, to reflect the level of reserves and the growth performance of the Tier II asset portfolio. There is an initial 3-year phased tax reduction for employers, after which the railroads' payroll tax rate will float annually, up or down, based on a requirement for a 4-to-6-year benefit reserve. Above 6 years of reserves, tax rates are reduced, and below 4 years are automatically increased. If the fund performs well enough to permit additional reductions for employees, it will be labor's choice to take that reduction in reduced taxes or increased benefits.

Background:

Over the last 65 years, railroad retirement taxes have significantly increased while benefits have continued to decrease. Instead, railroad employees and retirees, which are the only significant group of private

sector workers in the United States that do not receive Social Security retirement benefits, pay into and receive benefits from "Railroad Retirement." This federal government benefit program, which is funded by payroll taxes on railroad employers and employees, began during the Depression-era when private pension plans were not available to pay all accrued benefits.

In the early 1900's, the rail industry was the nation's largest employer. With record levels of unemployment, the federal government decided to provide economic incentives to encourage the retirement of older employees, thereby creating more jobs for younger workers. "Railroad Retirement" was created to provide retirement benefits beginning in 1936 creating retirement incentive for many older railroad employees who otherwise would not have received Social Security benefits until 1942. "Railroad Retirement" replaced the private railroad pension plans and began to pay benefits in 1936, based on up to 30 years of past untaxed rail service.

As a federally administered program, the "Railroad Retirement" benefits and payroll tax rates are set by statute and at present can only be [amended] changed by amending federal law. This pension program covers nearly all railroad companies operating in the United States, including 550 U.S. railroads providing freight service, Amtrak employees, and any company that is directly or indirectly owned by a railroad that operates any equipment or facility or performs any service in connection with the transportation of passengers or property by railroad.

"Railroad Retirement" benefits are financed through payroll taxes, which are paid in lieu of Social Security Taxes. There are two tiers of taxes that are paid to cover basic and enriched benefits. Tier I payroll taxes are identical to Social Security payroll taxes (a combined 15.3 percent including Medicare), half of which is paid by the railroad employer, the other half is paid by the railroad employee. Tier I provides the same type of benefits as Social Security, but offers enriched benefits by including early retirement and occupational disability annuities. Tier II payroll tax, which funds Tier II benefits and the early retirement and occupational disability annuities, is 16.1 percent on the employer, and 4.9 percent on the employee, a total of 21 percent for each employee. Thus, total Tier I and Tier II taxes are 36.3 percent including Medicare. Certain railroad retirees with some rail service before October, 1981, are entitled to a supplemental annuity. This supplemental annuity payroll tax costs railroad employees 26.5 cents per hour.

Costs/Committee Action:

A CBO cost estimate was not available at press time.

The House Committee on Transportation reported H.R. 4844 by voice vote on July 19, 2000. The bill was referred to the House Committee on Ways and Means on July 13, 2000.

Courtney Haller, 226-6871
Jennifer Lord, 226-7860
Kimberly Torrence, 226-2302

Disapproving the Extension of Emigration Waiver Authority to Vietnam

H.J. Res. 99

Committee on Ways & Means
H.Rept. 106-___
Introduced by Mr. Rohrabacher on June 6, 2000

Floor Situation:

The House is expected to consider H.J.Res. 99 during the week of July 24, 2000. The Rules Committee is scheduled to meet at 5:00 p.m. on Thrusday, July 25, 2000 to grant a rule for the resolution. Additional information on the rule and any amendments made in order will be provided in a *FloorPrep* prior to consideration.

Summary:

H.J. Res. 99 disapproves President Clinton's decision to waive certain emigration requirements on behalf of Vietnamese citizens entering the U.S. As proposed, the president's waiver makes Vietnam eligible for certain U.S. government financial incentives, such as loan credits and guarantees.

The Jackson-Vanik provisions of the 1974 Trade Act (*P.L. 93-618*) prohibit countries with nonmarket economies from engaging in trade operations with the U.S. if those countries (1) deny citizens the right or opportunity to emigrate to other countries, including the U.S.; (2) impose more than a nominal tax on emigration, documents used for emigration, or for other purposes; or (3) impose more than a nominal tax or other charge on any citizen if they express a desire to emigrate to another country. Countries who violate any of these provisions cannot enjoy normal trade relations with the U.S. unless (1) the president waives the emigration prohibition because he determines the waiver will "substantially promote" the Jackson-Vanik objectives in that country; and (2) the president receives assurances that the country's emigration practices will, in the near future, lead substantially to achievement of Jackson-Vanik objectives for that country. Generally, allowing citizens of other nations to freely emigrate to the U.S. allows the native country to enjoy certain financial benefits, such as access to U.S. government credits and investment guarantees (similar to those administered by the Overseas Private Investment Corporation (OPIC), the Export-Import Bank (Ex-Im Bank), and the Department of Agriculture.

H.J. Res. 99 arises from a presidential executive order issued June 2, 2000. Currently, Vietnam does not enjoy normal trade relations (NTR) with the U.S.; if it did, it would not need to have emigration practice restrictions waived by the president. Negotiations between the U.S. and Vietnam on granting NTR began in 1997 and remain in progress. Until the negotiations are completed, and without the use of other economic incentives to encourage governments to ensure greater freedoms to their citizens, the U.S. relies on trade sanctions to continue as an option to encourage emigration for citizens of foreign countries.

Costs/Committee Action:

A CBO cost estimate was unavailable at press time.

The Ways & Means Committee adversely reported the bill by voice vote on June 28, 2000.

Courtney Haller, 226-6871

Social Security Benefits Tax Relief Act of 2000

H.R. 4865

Committee on Ways and Means
H.Rept. 106-
Introduced by Mr. Archer *et al.* on July 17, 2000

Floor Situation:

The House is scheduled to consider H.R. 4865 during the week of July 24, 2000. The Rules Committee has not yet scheduled a time to meet to consider at rule. Additional information regarding the rule and any amendments made in order will be available in a *FloorPrep* prior to floor consideration.

Summary:

H.R. 4865 repeals the second tier, an additional 35 percent inclusion of Social Security benefits, of taxable income leaving only the original 50 percent. A portion of the additional revenue from the second tier taxes would have been credited to the Hospital Insurance Trust Fund. To protect this funding, H.R. 4865 provides an amount equal to the revenues lost from this repeal income tax on Social Security benefits will be transferred from the general fund of the Treasury. When enacted, H.R. 4865 would apply to taxes filed for 2001 and thereafter.

Background:

Enacted in 1993 as part of a broad tax and budget package, an additional tax was applied to Social Security benefits with a single retiree's income exceeds $34,000 or a married couple's income exceeds $44,000. However, four-fifths of Americans pay no federal income taxes on Social Security benefits.

Social Security payroll taxes are shared equally between employee and employer. By retaining the 50 percent of one's Social Security benefits when determining income tax, the employee (now beneficiary) over the course of his lifetime pays income tax on 100 percent of his benefits.

Cost/Committee Action:

A CBO cost estimate was not available at press time.

The Committee on Ways and Means reported H.R. 4865 on July 19, 2000, by a vote of 22-15.

Courtney Haller, 226-6871