

BUDGET WEEK

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HOUSE COMMITTEE ON THE BUDGET
Majority Caucus • Jim Nussle, *Chairman*

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Summarizing budgetary issues in legislation
scheduled for the House floor

22 July 2002

Week of 22 July 2002

SUSPENSION CALENDAR

1) ***Child Status Protection Act of 2002*** (H.R. 1209). 

The bill changes the way an unmarried alien son or daughter of a U.S. citizen is considered an "immediate relative child," so that now the determination must be made at the time an immigration visa petition is filed for such classification. Enacting this bill would increase the number of immigrant visas granted each year, resulting in additional visa fee revenue (a form of receipts) of less than \$500,000 in any year. The Congressional Budget Office [CBO] estimates that the bill could increase direct spending – spending not subject to appropriations – for certain Federal benefit programs, but any such increase would likely be less than \$500,000 annually. Enacting this bill would cause the Judiciary Committee to exceed its 302(a) allocation for fiscal year 2002. The costs are small, and will likely be offset by nominal increases in revenue, but not necessarily on a year-by-year basis, as required under the Budget Act.

2) ***To Extend the Irish Peace Process Cultural and Training Program*** (H.R. 4558). 

The bill extends through fiscal year 2006 the Irish Peace Process Cultural and Training Program which provides for admission into the United States each fiscal year of up to 4,000 young disadvantaged aliens from designated counties in Northern Ireland and the Republic of Ireland. At the time of publication, a cost estimate was unavailable. CBO estimates, however, that the program consists of approximately 250 participants per year. Based on this number of participants, CBO believes that enacting this bill would increase discretionary appropriations by less than \$100,000 per year and could result in a negligible increase in the collection of visa fees. This bill does not violate the Congressional Budget Act.

3) ***A Joint Resolution Conferring Honorary Citizenship of the United States on Paul Yves Roch Gilbert du Motier, Also Known as the Marquis De Lafayette*** (S.J.Res. 13). 

This resolution has no budgetary implications.

4) ***To Amend Title 28, United States Code, to Make Certain Modifications in the Judicial Discipline Procedures, and for Other Purposes*** (H.R. 3892). 

This bill authorizes any person alleging that a circuit, district, bankruptcy, or magistrate judge has engaged in prejudicial conduct, or is unable to discharge all the duties of office by reason of mental or physical disability, to file a written complaint with the clerk of the court of appeals for the circuit. The bill bars any

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PLEASE NOTE: This document addresses budgetary issues only. It should not be taken to express support or opposition on any other grounds. A green flag indicates no serious budgetary or budget compliance concerns. A yellow flag indicates moderate or potential problems. A red flag indicates serious problems. **Note:** Floor schedules and legislative details are subject to change after publication.

This document was prepared by the majority staff of the House Committee on the Budget. It has not been approved by the full committee and may not reflect the views of all the committee's members.

judge whose conduct is the subject of an investigation under this act from serving on a special committee, judicial council, judicial conference, or standing committee until all related proceedings of the investigation are complete. Enactment of this bill would not increase spending or reduce revenue, and will not violate the Congressional Budget Act.

5) **Mount Naomi Wilderness Boundary Adjustment Act** (H.R. 4870). 

This bill adjusts the existing boundary of the Mount Naomi Wilderness in the Wasatch-Cache National Forest in Utah. The adjustment would exclude from the wilderness area about 31 acres of land and, subject to valid existing rights, would add 31 acres of other national forest land. The bill does not increase direct spending or reduce revenue.

6) **California Five Mile Regional Learning Center Transfer Act** (H.R. 3401). 

This bill directs the Secretary of Agriculture to convey, for a nominal sum, 27 acres of national forest land in California to the Clovis Unified School District. Based on information from the Forest Service, CBO expects that, under current law, the agency would use its authority under the Education Land Grant Act to convey the land to the school district in exchange for a payment of less than \$500,000. According to the agency, the conveyance would probably occur sooner under H.R. 3401 than under current law, but the terms of the conveyance specified by the bill would be similar to those that otherwise would apply. The land currently generates no significant offsetting receipts – a form of direct spending – and is not expected to do so over the next 10 years. The bill does not reduce revenue.

7) **Russian River Land Act** (H.R. 3048). 

This bill ratifies an agreement between the Federal Government and Cook Inlet Region Inc., an Alaska Native regional corporation. Under the agreement, the Federal Government will convey to the corporation certain Federal lands and interests near the confluence of the Kenai and Russian rivers in Alaska. In exchange, the corporation will relinquish its claim to certain other Federal lands in the region, which it has selected under the Alaska Native Claims Settlement Act. The lands and interests that would be conveyed to the corporation currently generate no receipts and are not expected to do so over the next 10 years. Under the agreement ratified by the bill, the Federal Government would help the corporation to plan and design an interpretive center to be used by all three parties. This bill authorizes a subsequent appropriation of \$13.8 million for the Forest Service to make a payment to the corporation for the costs of constructing the proposed facility. The bill does not increase direct spending or reduce revenue.

8) **Reasonable Right-of-Way Fees Act of 2002** (H.R. 3258). 

The Federal Land Policy and Management Act, and the Mineral Leasing Act, direct the Secretary of the Interior and the Secretary of Agriculture to charge fees for linear rights-of-way across Federal lands. The bill amends current law to require the two agencies to revise the rates used to establish those fees. This bill increases offsetting receipts (a credit against direct spending) from fees for rights-of-way. The bill will increase direct spending so that a portion of these increased receipts can be shared with the counties in which the fees are collected. CBO estimates, nevertheless, that the net effect of the bill will be to reduce direct spending by \$14 million in 2005.

9) **Flight 93 National Memorial Act** (H.R. 3917). 

This bill establishes a memorial at the crash site of United Airlines flight 93 in Somerset County, PA. The bill also establishes a commission to advise the National Park Service on the planning, design, and management of the memorial. CBO estimates that the memorial would require about \$10 million in discretionary appropriations over the next 5 years or 6 years. The bill does not increase direct spending or reduce revenue.

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10) **Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2002** (H.R. 2990). 

This bill amends the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to add 14 new water conservation projects to those eligible for Federal assistance under that act. The bill also increases the funds authorized for studies of these projects – from \$2 million to \$8 million – and for construction of projects in the Lower Rio Grande Valley – from \$10 million to \$47 million. The bill does not increase direct spending or reduce revenue.

11) **Arlington National Cemetery Burial Eligibility Act** (H.R. 4940). 

This bill sets in law, with small changes, current regulations governing eligibility for burial in Arlington National Cemetery and interment in its columbarium. The bill allows certain close family members of eligible veterans to be buried in the same grave without the need for a waiver; grants eligibility for burial to members of the Armed Services who die in the performance of duty during training; and grants eligibility to certain members and former members of reserve components of the Armed Forces. This legislation does not increase direct spending or reduce revenue, and does not violate the Congressional Budget Act.

12) **To Authorize the Placement in Arlington National Cemetery of a Memorial Honoring the World War II Veterans Who Fought in the Battle of the Bulge** (H.R. 5055). 

This bill does not increase spending or reduce revenue, and does not violate the Congressional Budget Act.

13) **Veterans Health-Care Items Procurement Reform and Improvement Act of 2002** (H.R. 3645). 

This bill requires that procurement of health-care items by the Department of Veterans Affairs must be made through the use of a Federal Supply Schedule contract or national contract that meets certain requirements. These requirements include the presence of pre-award and post-award audit clauses, and a price reduction clause. The legislation does not increase spending or reduce revenue, and does not violate the Congressional Budget Act.

14) **True American Heroes Act** (H.R. 5138). 

This bill posthumously awards congressional gold medals to government workers and others who responded to the attacks on the World Trade Center and the Pentagon and perished, and to people aboard United Airlines Flight 93 who helped resist the hijackers. The bill also requires the Secretary of the Treasury to mint coins in commemoration of the Spirit of America, recognizing the tragic events of 11 September 2001. No CBO estimate was available, but the Budget Committee expects that the costs associated with the congressional gold medal – for purchase of gold, design, and striking of the medals – are likely to be less than \$400,000 in fiscal year 2003. The cost would be partially offset by sales of bronze duplicates of the medals. The costs associated with commemorative coins is more difficult to estimate. Based on prior commemorative coins, however, the Budget Committee expects the sale of these coins to cover the costs of their production and provide additional revenue that would offset the cost of the gold medals. Additional revenue, if any, above the amount necessary to offset the cost of the bill would be donated to a fund for victims of the tragedies of 11 September 2001. Therefore the Budget Committee believes that the bill will have no significant effect on direct spending or revenue.

15) **Keep Monticello on the Nickel Act** (H.R. 4903). 

This bill amends Federal law to specify that the reverse of the 5-cent piece shall bear an image of Monticello. The bill declares that no provision of specified Federal law may be construed as authorizing the Secretary of the Treasury to alter or change the design on the reverse side of the 5-cent piece. The bill does not increase direct spending or reduce revenue.

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16) **To Recognize the Significant Contributions of Paul Ecke Jr. to the Poinsettia Industry** (H.Res. 471). 

This resolution has no budgetary implications.

17) **Expressing Gratitude for the 10-Month-Long World Trade Center Cleanup and Recovery Efforts at the Fresh Kills Landfill on Staten Island, New York, Following the Terrorist Attacks of September 11, 2001** (H.Res. 492). 

This resolution has no budgetary implications.

18) **William C. Cramer Post Office Building Designation Act** (H.R. 5145). 

This bill has no budgetary implications.

19) **Sense of Congress That Federal Land Management Agencies Should Fully Implement the Western Governors Association "Collaborative 10-Year Strategy for Reducing Wildland Fire Risks to Communities and the Environment" to Reduce the Overabundance of Forest Fuels That Place National Resources at High Risk of Catastrophic Wildfire, and Prepare a National Prescribed Fire Strategy That Minimizes Risks of Escape** (H.Con.Res. 352). 

This resolution has no budgetary implications.

20) **Expressing the Sense of the House of Representatives that Major League Baseball and the Major League Baseball Players Association Should Implement a Mandatory Steroid Testing Program.** 

This resolution has no budgetary implications.

21) **Expressing the Sense of the Congress That the Secretary of Health and Human Services Should Conduct or Support Research on Certain Tests to Screen for Ovarian Cancer, and Federal Health Care Programs and Group and Individual Health Plans Should Cover the Tests If Demonstrated to Be Effective, and for Other Purposes** (H.Con.Res. 385). 

This resolution has no budgetary implications.

22) **Expressing the Sense of the Congress That the Government of the People's Republic of China Should Cease Its Persecution of Falun Gong Practitioners** (H.Con.Res. 188). 

This resolution has no budgetary implications.

23) **Honoring Corinne "Lindy" Claiborne Boggs on the Occasion of the 25th Anniversary of the Founding of the Congressional Women's Caucus** (H.Con.Res. 439). 

This resolution has no budgetary implications.

24) **National Aviation Capacity Expansion Act** (H.R. 3479). 

On 5 December 2001, the Mayor of Chicago and the Governor of Illinois entered into an agreement to expand runway capacity at O'Hare International Airport. For projects included in this agreement, this bill allows the City of Chicago to apply directly to the Federal Aviation Administration [FAA] for grants, without the approval of the State of Illinois. The bill also prohibits the State from preventing the City's use of FAA grants. This bill does not increase direct spending or reduce revenue.

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LEGISLATION CONSIDERED UNDER A RULE

- Resolution:** *Disapproving the Extension of the Waiver Authority Contained in Section 402(c) of the Trade Act of 1974 with Respect to Vietnam* (H.J.Res. 101). 
- Committee:** Ways and Means
- Summary:** This bill disapproves, with respect to Vietnam, the extension of the President's authority under the Trade Act of 1974 to waive freedom of emigration requirements to make a nonmarket economy country eligible for normal trade relations, programs of credits, credit guarantees, or investment guarantees, and commercial agreements.
- Cost:** The CBO estimate was not available at the time of the preparation of this *Budget Week*, but the budgetary effects of the legislation are estimated to be insignificant. Effects on programs such as the Overseas Private Investment Corporation and the Export-Import Bank, if any, will likely be extremely small.
- Budget Act:** The impact of the changes in law provided for by this bill may cause an increase or decrease in direct spending of a very small magnitude. On a preliminary basis, the Budget Committee does not believe this legislation will cause a violation of the Congressional Budget Act.
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- Bill:** *Defense and Homeland Security Supplemental Appropriations Act Conference Report*. 
- Committee:** Appropriations Committee
- Summary:** According to the Appropriations Committee, the conference report provides \$28.9 billion in budget authority, an increase of \$1.8 billion over the President's request. Included in this amount is funding for the following: \$14.5 billion for the Department of Defense, \$522 million over the request; \$6.7 billion for Homeland Security, \$2.4 billion above the request; \$5.5 billion for assistance to New York, consistent with the President's request, in the city's recovery from the terrorist attacks of 11 September 2001; and \$2.1 billion for foreign assistance and embassy security activities. For a more extensive description of items in the supplemental, see the *Appropriations Update* on the conference report, to be posted on the Budget Committee website: www.house.gov/budget/.
- Cost:** A CBO estimate was not available as of the publication of this *Budget Week*.
- Budget Act:** The bill is not expected to violate the Congressional Act. Most of the bill will be designated as emergency spending, which will cause the Budget Committee to adjust the allocation of budget authority to the Appropriations Committee of that amount. Other non-emergency spending reportedly is offset by corresponding rescissions and hence will not cause a net increase in non-emergency spending.
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- Bill:** *Treasury-Postal Service Appropriations Act* (H.R. 5120) (continuation). 
- Committee:** Appropriations
- Summary:** This bill was described in last week's *Budget Week* (Volume 2, No. 21, 15 July 2002), and floor debate was begun last week as well. Consideration of the bill is to be continued this week.
- Cost:** As reported, H.R. 5120 provides \$18.500 billion in new budget authority [BA] and \$18.190 billion in outlays for 2003 – a decrease of \$504 million in BA and \$368 million in outlays from fiscal year 2002 (assuming the 2003 outlay effect of enacting the House-passed supplemental appropriations bill). If this measure is enacted, spending in this appropriations bill will have increased an average of 10.5 percent a year in the past 3 years. The bill does not contain emergency-designated new BA or rescissions of previously enacted BA.
- Budget Act:** The Treasury, Postal Service, and General Government appropriations bill (H.R. 5120), as reported by the House Committee on Appropriations on 15 July 2002, is consistent

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with the House fiscal year 2003 budget resolution (H.Con.Res. 353). The bill also complies with the requirements of the Congressional Budget Act. The measure includes an advance appropriation to the Postal Service Fund. This provision is included on the list of permissible advance appropriations under section 301 of the House budget resolution for fiscal year 2003 (H.Con.Res. 353).

Bill: *Intelligence Authorization Act for Fiscal Year 2003* (H.R. 4628). 

Committee: Permanent Select Committee on Intelligence

Summary: This bill authorizes appropriations for fiscal year 2003 for the conduct of intelligence and intelligence-related activities of the following: 1) the Central Intelligence Agency; 2) the Department of Defense; 3) the Defense Intelligence Agency; 4) the National Security Agency; 5) the Departments of the Army, Navy, and Air Force; 6) the Departments of State, the Treasury, and Energy; 7) the Federal Bureau of Investigation; 8) the National Reconnaissance Office; 9) the National Imagery and Mapping Agency; and 10) the Coast Guard. Most of the amounts authorized, as well as the authorized personnel ceilings, are classified, and are therefore not covered in this review.

Cost: The bill allows the Director of Central Intelligence [DCI], with the approval of the Director of the Office of Management and Budget, to authorize employment of civilian personnel in excess of the number authorized for fiscal year 2003 (by not more than 2 percent) when necessary to the performance of important intelligence functions.

The bill authorizes the appropriation of \$176 million for the Intelligence Community Management Account for fiscal year 2003, an increase of \$15 million over fiscal year 2002. This account funds the coordination of programs, budget oversight, and management of the intelligence agencies. A sum of \$34 million of the amount authorized for this account is available for the National Drug Intelligence Center.

This bill also authorizes \$10 million in fiscal year 2003 for the National Flagship Language Initiative, which would promote higher education in languages that the Secretary of Defense identifies as most critical to national security.

Additionally, the bill authorizes \$351 million for the Central Intelligence Agency Retirement and Disability Fund [CIARDS], a \$139-million increase over fiscal year 2002. This increase reflects the administration's proposal that Federal agencies pay the full cost of benefits for their employees as those benefits accrue. This additional spending is contingent on legislation enacting the administration's proposal, and would be an intergovernmental transfer with no net effect on the budget. This authorization is considered to be a mandatory appropriation. Although the funds are subject to appropriation, the failure to appropriate funds would cause the Federal Government to be legally liable to the beneficiaries of CIARDS.

Budget Act: Section 221 of the House budget resolution for fiscal year 2003 (H.Con.Res. 353) provides a reserve fund that would make additional resources available to the Appropriations Committee should accrual legislation be enacted. If the administration's accrual proposal were enacted, the Chairman of the Budget Committee would act to increase the allocation to the Appropriations Committee to accommodate the resulting increased appropriation.

The bill would extend the authority of the Central Intelligence Agency to offer incentive payments for early retirement. Although CBO estimates that the direct spending effects of this provision would be insignificant, precise estimates are not available because the necessary data are classified. Nevertheless, the Budget Committee believes the

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legislation is within the allocation provided to the Intelligence Committee and does not violate any points of order under the Congressional Budget Act.

Bill: *Partial Birth Abortion Ban Act of 2002* (H.R. 4965). 

Committee: Committee on Judiciary

Summary: This bill amends Title 18 of the United States Code to reflect that any physician who, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined, or imprisoned for up to 2 years, or both. This provision does not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself. This provision takes effect 1 day after enactment.

Cost: A cost estimate was unavailable at the time of publication. Enacting the bill would affect direct spending and receipts because it is expected to generate an increase in the collection of criminal fines (a form of receipts). CBO believes that any such effects would not be significant.

Budget Act: The Budget Committee considers criminal fines to be too speculative and does not take them into account for purposes of enforcement. Therefore, enactment of the bill would not violate the Congressional Budget Act.

Bill: *Homeland Security Act of 2002*. 

Committee: Homeland Security

Summary: This bill establishes a Department of Homeland Security [DHS] to prevent terrorist attacks within the United States; reduce the United States' vulnerability to terrorism; minimize the damages from attacks, should they occur; and help to recover from any attacks, should they occur. The new Department's responsibilities include the following: securing United States borders and transportation systems; organizing emergency preparedness and response efforts; analyzing information and protecting infrastructure; developing countermeasures against chemical, biological, radiological, and nuclear attacks; and coordinating counter-terrorism activities with other Federal agencies, State and local governments, and the private sector. The new Department will consist of numerous existing Federal agencies or portions of agencies. Each of these agencies will continue to be responsible for carrying out its other, non-homeland-security functions.

Cost: A CBO estimate has not been finalized, though the Budget Committee does not expect a significant increase in direct spending by the bill as reported. The effect on discretionary spending had not been determined at the time of preparation of this *Budget Week*.

Most of the discretionary appropriations are for ongoing operations that occur under current law. But additional costs could result from new or expanded activities, or from transitional expenses.

Budget Act: Preliminary indications are that this legislation will not cause a violation of the Congressional Budget Act.