



**Legislative Bulletin.....November 13, 2001**

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**H.R. 2541—To enhance the authorities of special agents and provide limited authorities to uniformed officers responsible for the protection of domestic Department of State occupied facilities (Hyde)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, November 13<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 2541 would expand the authorities of special agents who protect State Department facilities to include the power to obtain and execute federal search and arrest warrants and to obtain and serve federal subpoenas and summonses. Additionally, a special agent would be allowed to make arrests without warrant for any perceived felony offense committed in the presence of the agent. H.R. 2541 would expand protective authority to the President-elect.

**The bill would also create a new federal crime :** the knowing and willful interference with a State Department special agent engaged in protective functions. Finally, the bill would provide for penalties against persons who threaten distinguished, State-Department-protected visitors and authorize special agents to arrest people who attack such visitors.

**Cost to Taxpayers:** CBO estimates that implementing H.R. 2541 would have no significant impact on either authorizations or mandatory spending.

**Does the Bill Create New Federal Programs or Rules?:** YES. The bill would create a new federal crime, new arrest powers, and otherwise expand the authority of State Department special agents.

**Constitutional Authority:** The International Relations Committee (in House Report 107-206) cites constitutional authority in Article I, Section 8, Clause 1 (power to provide for the common defense and general welfare of the United States), Clause 3 (power to regulate commerce), and Clause 18 (power to make all laws necessary and proper).

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## **H.R. 2546—Real Interstate Driver Equity Act (Blunt)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, November 13<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 2546 would prevent any state from enacting or enforcing any law, rule, regulation, or standard that requires a license or fee to provide “interstate pre-arranged ground transportation” (e.g. limousine service across state lines). This new prohibition would not apply to taxicab service or to service using buses that could seat more than 15 people.

**Cost to Taxpayers:** Though no CBO cost estimate is available, the bill would authorize no federal expenditure and would likely reduce revenues to the states.

**Does the Bill Create New Federal Programs or Rules?:** The bill would prohibit states from requiring a license or fee to provide “interstate pre-arranged ground transportation.”

**Constitutional Authority:** A committee report citing constitutional authority in unavailable.

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## **H.R. 2828—Klamath Basin Emergency Operation and Maintenance Refund Act (*Walden*)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, November 13<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 2828 would authorize the Secretary of the Interior to pay to each Klamath Project irrigation and drainage district a refund of the amount collected from such districts for operation and maintenance of Project works for water-year 2001, provided each district agrees to distribute to each district member the amount actually collected from each member. Further, the Secretary could waive any remaining or additional charges for operation and maintenance of Klamath Project works in water-year 2001.

The Secretary could also make these refunds and waivers to individual contractors within the Klamath Project.

**Additional Background:** According to the Congressional Research Service, recent drought in the Klamath River Basin, on the California-Oregon border, has exacerbated competition for scarce water resources and has generated conflict among farmers, commercial fishermen, environmental groups, and Indian tribes. On April 6, 2001, the Bureau of Reclamation, which had been supplying water to about 1,000 farms for nearly 100 years in the upper basin, announced that no water would be available for farms receiving water from the Upper Klamath Lake, so that scarce water could be used to protect species (suckers and coho salmon) listed as endangered or threatened under the Endangered Species Act . As a result, many farmers were not able to plant or harvest crops due to severe cutbacks in water supplies.

**Cost to Taxpayers:** A CBO cost estimate is unavailable. The bill would authorize appropriations for the refunds but not for any administrative expenses incurred by the Bureau of Reclamation.

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

**Constitutional Authority:** A committee report citing constitutional authority in unavailable.

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## **H.R. 3060—Emergency Securities Response Act (*Oxley*)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, November 13<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 3060 would authorize the Securities Exchange Commission (SEC) in an emergency to “alter, supplement, suspend, or impose requirements or restrictions” for up to 30 days on securities exchanges, if deemed necessary for the protection of investors and the public interest. [The SEC’s current emergency authority is shorter than 30 days and involves certain hurdles.] Extensions for up to 90 days would be available under extreme circumstances.

An “emergency” would be defined as a major market disturbance characterized by:

- sudden and excessive fluctuations of securities prices generally, or a substantial threat thereof, that threaten fair and orderly markets;
- a substantial disruption of the safe or efficient operation of the national system for clearance and settlement of transactions in securities, or a substantial threat thereof.

**Cost to Taxpayers:** CBO estimates that implementing H.R. 3060 would have “no significant budgetary effect.”

**Does the Bill Create New Federal Programs or Rules?:** The bill would extend to 30 days the SEC’s emergency action authority.

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

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## **H.Con.Res. 211—Commending Daw Aung San Suu Kyi on the 10th anniversary of her receiving the Nobel Peace Prize and expressing the sense of the Congress with respect to the Government of Burma (King)**

**Order of Business:** The resolution is scheduled to be considered on Tuesday, November 13<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Con.Res 211 would resolve that Congress:

- commends and congratulates Daw Aung San Suu Kyi on the 10th anniversary of her receiving the Nobel Peace Prize and recognizes her remarkable contributions and tireless work toward bringing peace and democracy to Burma;
- urges the President and Secretary of State to continue to encourage the Government of Burma to restore basic human rights to the Burmese people, to eliminate the practice of human trafficking, to address the manufacture of heroine and methamphetamines, to continue the process of releasing political prisoners, to recognize the results of the 1990 democratic elections, and to allow Daw Aung San Suu Kyi and the National League for Democracy to enjoy unfettered freedom of speech and freedom of movement; and
- would like Daw Aung San Suu Kyi to address a joint meeting of the Congress.

**Additional Background:** Daw Aung San Suu Kyi is an opposition leader in Burma who, in fighting for freedom and democracy, was placed under house arrest in 1988 and had her and her pro-democracy party's elections invalidated by the military regime of Burma in 1990. In recognition of her efforts to bring democracy to Burma, Daw Aung San Suu Kyi was awarded the Nobel Peace Prize on October 14, 1991, though she remained under house arrest until 1995 and again in 2000.

**Cost to Taxpayers:** The resolution authorizes no expenditure.

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

**Constitutional Authority:** A committee report citing constitutional authority in unavailable.

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**H.Con.Res. 254—Encouraging the people of the United States to celebrate the 300th anniversary of William Penn's Charter of Privileges, the 250th anniversary of the Liberty Bell, and the 225th anniversary of the first public reading of the Declaration of Independence (Pitts)**

**Order of Business:** The resolution is scheduled to be considered on Tuesday, November 13<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Con.Res 254 would resolve that Congress:

- encourages Americans to celebrate the 300th anniversary of William Penn's Charter of Privileges, the 250th anniversary of the Liberty Bell, and the 225th anniversary of the first public reading of the Declaration of Independence; and
- encourages the nation's leaders to reaffirm their commitment to promoting human rights and religious freedom in the nation and around the world.

**Additional Background:** In 1701, William Penn wrote Charter of Privileges, which outlined a new standard for religious liberty. The Liberty Bell was designed to commemorate the 50th anniversary of Charter of Privileges and is a symbol of America's commitment to freedom and justice.

**Cost to Taxpayers:** The resolution authorizes no expenditure.

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

**Constitutional Authority:** A committee report citing constitutional authority in unavailable.

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**H.Res. 276—Praising Joseph Vincent Paterno for his steadfast commitment to academics, service, and citizenship, and congratulating Joseph Vincent Paterno for his many coaching accomplishments, including his 324th career coaching victory (Peterson, John)**

**Order of Business:** The resolution is scheduled to be considered on Tuesday, November 13<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. 276 would resolve that the House:

- praises Joseph Vincent Paterno for his steadfast commitment to academics, service, and citizenship;
- congratulates Joseph Vincent Paterno for his many coaching accomplishments, including his 324th career coaching victory; and
- thanks Joseph Vincent Paterno for his contributions to college football, to the Commonwealth of Pennsylvania, and to the Nation.

**Additional Background:** On October 27, 2001, Coach Joseph Vincent Paterno of the Penn State Nittany Lions football team became the winningest Division I-A football coach in NCAA history (with 324 wins). Joe Paterno's coaching career has spanned 11 U.S. presidential administrations.

**Cost to Taxpayers:** The resolution authorizes no expenditure.

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

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

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**H.Con.Res 239— Expressing the sense of Congress that schools in the United States should set aside a sufficient period of time to allow children to pray for, or quietly reflect on behalf of, the Nation during this time of struggle against the forces of international terrorism (Jones, Walter)**

**Order of Business:** The resolution is scheduled to be considered on Tuesday, November 13<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Con.Res 239 would express a sense of Congress that American schools should set aside a sufficient period of time to allow children to pray for, or quietly reflect on behalf of, the nation during this time of struggle against the forces of international terrorism.

**Additional Background:** President Bush has asked the American people to pray for those who suffered as a result of the attacks of September 11, 2001.

**Cost to Taxpayers:** The resolution authorizes no expenditure.

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

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

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## **H.R. 400 — To authorize the Secretary of the Interior to establish the Ronald Reagan Boyhood Home National Historic Site, and for other purposes (Hastert)**

**Order of Business:** The bill will be considered under suspension of the rules on Tuesday, November 13, 2001.

**Summary:** H.R. 400 authorizes the Secretary of the Interior to purchase a piece of property in Dixon, IL, that former President Ronald Reagan considers his boyhood home and rename it the “Ronald Reagan Boyhood Home National Historic Site”. President Reagan lived in the home from 1924-1928, and the home and museum are on the National Register of Historic Properties. The property will be purchased with donated or appropriated funds from its current owner, the Ronald Reagan Boyhood Home Foundation. This nonprofit organization paid around \$30,000 for the former Reagan home in the early 1980s and has since invested several million dollars in the home and adjacent properties.

The Secretary will enter into a cooperative agreement with the Foundation “for the management, operation, and use of the Historic Site,” and 2 years after the date of enactment, the Secretary is required to complete a “general management plan” defining Interior’s role and responsibility with regard “to the interpretation and the preservation of the Historic Site.”

**Administration Position:** In his March 8, 2001 testimony, Richard Ring of the National Park Service, expressed the **Administration’s wishes that the bill be changed into a study** to “ensure that the continued expansion of the National Park System does not increase the backlog of deferred maintenance needs.” He further testified, “Such a review is important if we are to gain control of the deferred maintenance backlog and eliminate it within five years, as the President’s Initiative seeks to do.”

**Cost to Taxpayers:** CBO estimates that H.R. 400 would cost the federal government about \$700,000 over the next two years, subject to appropriations, and thereafter between \$250,000 and \$500,000 annually to provide technical and financial assistance to the foundation, which would operate the historic site. Of the \$700,000, CBO estimates that \$400,000 would go

toward purchasing the site from the foundation and \$300,000 for completion of a general management plan and interpretive materials.

**Constitutional Authority:** The Resources Committee (In House Report 107-268) finds authority under Article I, Section 8 (Powers of Congress) and Article 4, Section 3 (Powers of Congress to regulate federal territory) of the Constitution, but does not cite a specific subsection.

**Does the Bill Create New Federal Programs or Rules:** The bill would add approximately 3/4 of a square city block as new federal land.

**RSC Note:** Last year's cost estimates of the maintenance backlog for federally owned properties, including the national park system, ranged anywhere from \$8 to \$15 billion.

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## **H.R. 2976— Healing Opportunities in Parks and the Environment Pass Act (*Rahall*)**

**Order of Business:** The bill will be considered under suspension of the rules on Tuesday, November 13, 2001.

**Summary:** H.R. 2976 directs the Secretary of the Interior to issue a new "Hope Pass" to people directly affected by the events of September 11, 2001. The Hope Pass will grant lifetime free admission into "any federally owned area which is operated and maintained by a Federal agency and used for outdoor recreation purposes" to individuals "present" at the four crash sites, the immediate families of those killed in the incidents, and all police, fire, rescue, recovery, or medical personnel who "directly responded to the terrorist-related aircraft crashes."

**Cost to Taxpayers:** H.R. 2976 would reduce the total amount of recreation fees collected by land management agencies each year, and CBO estimates that the loss of offsetting receipts (a credit against direct spending) would be less than \$500,000 a year beginning in fiscal year 2002.

**Constitutional Authority:** A Committee Report citing Constitutional Authority is unavailable.

**Does the Bill Create New Federal Programs or Rules:** YES, the bill creates a new lifetime free admission for federal recreation areas for qualifying individuals related to the September 11 terrorist attacks.

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## **H. R. 2985— American Spirit Fraud Prevention Act (Bass)**

**Order of Business:** The bill will be considered under suspension of the rules on Tuesday, November 13, 2001.

**Summary:** H.R. 2985 would authorize the Federal Trade Commission (FTC) to seek higher civil penalties for unfair or deceptive business practices if businesses exploit the popular reaction to a national emergency. This authority would apply to violations committed within a year after the President has declared a national emergency.

The bill amends 15 USC 45 dealing with “unfair methods of competition unlawful; prevention by commission,” by adding a new provision on defrauding people in times of national emergencies and allowing the FTC to double the amount of civil penalty currently allowed (\$10,000 x2).

The bill also amends 15 USC 53 dealing with “false advertisements; injunctions and restraining orders,” by adding a new provision defrauding people in times of national emergencies and holding “the person, partnership, or corporation liable for a civil penalty of not more than \$22,000 for each such violation.”

**Cost to Taxpayers:** Based on information from the FTC, CBO estimates that implementing H.R. 2985 would increase the agency's enforcement costs and collections of civil penalties by insignificant amounts. Because the bill would affect civil penalties, which are classified in the budget as governmental receipts (revenues), pay-as-you-go procedures would apply.

**Constitutional Authority:** A Committee Report cites Constitutional Authority in Article 1, Section 8, Clause 3 of the Constitution (Commerce Clause).

**Does the Bill Create New Federal Programs or Rules:** The bill creates new federal crimes and higher monetary penalties enforceable by the FTC.

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## **H.Con.Res. 88—Expressing the sense of the Congress that the President should issue a proclamation recognizing a National Lao-Hmong Recognition Day (Tancredo)**

**Order of Business:** The bill will be considered under suspension of the rules on Tuesday, November 13, 2001.

**Summary:** The Resolution expresses the sense of the House with the Senate concurring, That the President should issue a proclamation recognizing a National Lao-Hmong Recognition

Day; and “calling on the people of the United States to recognize the service and sacrifice of men and women of the Lao-Hmong with appropriate ceremonies and activities.”

The resolution contains 10 findings including:

- Whereas the United States relied heavily on the Lao-Hmong Special Guerrilla Units to engage in direct combat with North Vietnamese troops from 1960 to 1975;
- Whereas the Lao-Hmong conducted tactical guerrilla actions, flew thousands of deadly combat missions in support of the Armed Forces and the Central Intelligence Agency, and fought in conventional and guerrilla combat clashes with extreme casualties;
- Whereas more than 35,000 of the Lao-Hmong lost their lives defending the democratic way of life, and many more were seriously injured and disabled; and
- Whereas beginning with the City Council of Golden, Colorado, in 1995, various State and local governments have issued proclamations declaring July 22 as Lao-Hmong Recognition Day, and the establishment of a National Lao-Hmong Recognition Day would recognize the bravery, sacrifice, and loyalty to the United States exhibited by the Lao-Hmong in Southeast Asia.

**Cost to Taxpayers:** None.

**Constitutional Authority:** A Committee Report citing Constitutional Authority is unavailable.

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

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**H.Res. 235—Expressing the sense of the House of  
Representatives regarding the establishment  
of a National Words Can Heal Day (Ros-Lehtinen)**

**Order of Business:** The bill will be considered under suspension of the rules on Tuesday, November 13, 2001.

**Summary:** The Resolution expresses the sense of the House that a “National Words Can Heal Day” should be established and that the President should issue a proclamation “calling on the people of the United States to observe such a day with appropriate programs and activities.”

There are six findings including:

- Whereas words used unfairly, whether expressed through excessive anger, unfair criticism, public and private humiliation, bigoted comments, cruel jokes, or rumors and malicious gossip, can traumatize and damage many lives;
- Whereas an unwillingness or inability of many parents to control what they say when angry causes the infliction of potentially damaging verbal abuse on many children;
- Whereas bigoted words are often used to dehumanize entire religious, racial, and ethnic groups, and can inflame hostility; and
- Whereas the spreading of negative and often unfair, untrue, or exaggerated comments or rumors about others often inflicts irrevocable damage on the victim of such rumors.

**Cost to Taxpayers:** None.

**Constitutional Authority:** A Committee Report citing Constitutional Authority is unavailable.

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

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**H.Con.Res. 257—Expressing the sense of the Congress that the men and women of the United States Postal Service have done an outstanding job of delivering the mail during this time of national emergency (*Davis, Danny*)**

**Order of Business:** The bill will be considered under suspension of the rules on Tuesday, November 13, 2001.

**Summary:** The Resolution expresses the sense of the House that “the men and women of the United States Postal Service have done an outstanding job of delivering the mail during this time of national emergency,” and that “Congress will work with the [USPS] to assure the safety and well-being of postal workers as they carry out their duties and responsibilities, and of the general public.”

**Cost to Taxpayers:** None.

**Constitutional Authority:** A Committee Report citing Constitutional Authority is unavailable.

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

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**H.Con.Res. \_\_ —Expressing the sense of the Congress that the children who lost 1 or both parents or a guardian in the September 11, 2001, World Trade Center and Pentagon tragedies (including the aircraft crash in Somerset County, Pennsylvania) should be provided with all necessary assistance, services, and benefits and urging Federal, State or local agencies responsible for providing such assistance, services and benefits to move expeditiously in providing such assistance, services and benefits to those children (*Jackson-Lee*)**

**Order of Business:** The bill will be considered under suspension of the rules on Tuesday, November 13, 2001.

**Summary:** The Resolution expresses the sense of the House that:

- “Congress is grateful to the Federal, State, and local agencies for their actions to deliver prompt services to the children and families impacted by the events of September 11, 2001, and recognizes their efforts to expedite and streamline these important services, ”
- “the children who lost 1 or both parents or a guardian in the September 11, 2001, World Trade Center and Pentagon tragedies (including the aircraft crash in Somerset County, Pennsylvania) should be provided with such immediate assistance, services, and benefits for which they are eligible and which are necessary for their well-being, including— foster care assistance; adoption assistance; medical, nutritional, and psychological care; educational services; and such additional care or services as may be necessary”; and that
- “Congress urges each Federal, State, and local agency responsible for providing assistance, services, and benefits ...to— act without delay to provide such assistance, services, and benefits to children ...; and to the maximum extent possible, take such steps as are necessary to ensure that such assistance, services, and benefits are provided in the case of any such child within 60 days of the date of the determination of the death of the child’s parent, parents, or guardian.”

**Cost to Taxpayers:** None.

**Constitutional Authority:** A Committee Report citing Constitutional Authority is unavailable.

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

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## **H.R. 3240— Reservists Education Protection Act of 2001 (Smith, Chris)**

**Order of Business:** The bill will be considered under suspension of the rules on Tuesday, November 13, 2001.

**Summary:** The bill amends sections of the US Code dealing with education benefits for military personnel (GI Bill). H.R. 3240 reinstates VA educational entitlements to certain Active Duty servicemembers and veterans in reserve components called up for Operation Enduring Freedom and future national emergencies.

Current law provides up to 36 months of educational benefits and H.R. 3240 ensures that time spent on active duty does not count against the entitlement timeline. According to the Veterans Affairs Committee, up to 10,000 of the 50,000 Reservists recently called to active duty by President Bush would lose educational assistance entitlement if they are forced to disenroll from school. Many of them would also lose the tuition they paid.

The bill also adds active duty servicemembers and veterans enrolled in the Post-Vietnam Era Veterans' Educational Assistance Program and Survivors and Dependents Educational Assistance to the Reservists Education Protection Act of 2001.

**Cost to Taxpayers:** A CBO cost estimate is unavailable.

**Constitutional Authority:** A Committee Report citing Constitutional Authority is unavailable.

**Does the Bill Create New Federal Programs or Rules:** The bill amends the timeline of the military's education entitlement to ensure that servicemen called up for duty do not lose access to their federal education benefits.

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