



Legislative Bulletin.....July 23, 2001

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H.R. 271—To direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the city of Carson City, Nevada, for use as a senior center. (Gibbons)

Order of Business: The bill is scheduled to be considered under a motion to suspend the rules on Monday, July 23rd.

Summary: The bill would direct the Secretary of the Interior, via the Bureau of Land Management (BLM), to convey the 4.5 acres (including uninhabitable buildings) of Mount Diablo Meridian to the city of Carson City, Nevada, within 4 months. The conveyance could be reversed if the property is used for anything besides a senior assisted living center or a “related public purpose.” Carson City would not have to pay anything for the property.

Mount Diablo Meridian is a former BLM administrative site. Currently abandoned, the site generates no revenue now and is not expected to generate revenue for the foreseeable future.

Cost to Taxpayers: The conveyance would not come at any cost to taxpayers, according to the CBO. The site does not currently and is not expected to generate revenue.

Does the Bill Create New Federal Programs or Rules?: No, the bill would convey federal land to a locality.

Constitutional Authority: The Committee on Resources, in Committee Report 107-122, finds constitutional authority for this legislation in Article I, Section 8, without citing a specific clause.

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H.R. 427—To provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, and for other purposes. (Blumenauer)

Order of Business: The bill is scheduled to be considered under a motion to suspend the rules on Monday, July 23rd.

Summary: H.R. 427 would add about 2,890 acres of federal lands (in the watershed of the Little Sandy River in Oregon) to the Bull Run Watershed Management Unit in Oregon and repeal current law allowing some timber harvesting on such lands. According to information passed along from the Forest Service and the Bureau of Land Management, the timber harvesting prohibition would apply to about 7000 acres of land where timber harvesting is presently allowed. The bill also would require the reclassification of certain lands within the Management Unit as public domain lands. The bill would authorize the appropriation of **\$10 million** for a watershed restoration grant to Clackamas County, Oregon, for the purposes of carrying out the requirements of this bill.

Cost to Taxpayers: According to the CBO, neither the addition of the lands to the Bull Run Watershed Management Unit nor the prohibition of timber harvesting would significantly affect federal revenues. The bill would cost **\$10 million** in 2002, assuming the appropriation of the authorized amount.

Does the Bill Create New Federal Programs or Rules?: The bill would establish new requirements on federal lands, as described above.

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

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H.R. 2215—To authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes. (Sensenbrenner)

Order of Business: The bill is scheduled to be considered under a motion to suspend the rules on Monday, July 23rd.

Summary: The bill would authorize specific sums to be appropriated to carry out the activities of the United States Department of Justice as follows:

- **General Administration**--\$93,433,000
- **Administration of pardon and clemency petitions and for immigration-related activities**--\$178,499,000
- **Office of the Inspector General**--\$55,000,000 (including \$10,000 for “unforeseen emergencies of a confidential character”)
- **General legal activities**--\$566,822,000 (including not less than \$4 million for Nazi war criminals cases and up to \$20,000 for confidential emergencies)
- **Antitrust Division**--\$140,973,000
- **United States Attorneys**--\$1,346,289,000
- **FBI**--\$3,507,109,000 (including up to \$1.25 million for construction and \$70,000 for confidential emergencies)
- **U.S. Marshals Service**--\$626,439,000 (including up to \$6.6 million for construction)
- **Federal Prison System** (including National Institute of Corrections)--\$4,662,710,000
- **Federal prisoner detention in non-federal institutions**--\$724,682,000
- **DEA**--\$1,480,929,000 (including up to \$70,000 for confidential emergencies)
- **INS**--\$3,516,411,000 (including up to \$2.7 billion for salaries and expenses of enforcement and border affairs, up to \$650.7 million for all other salaries and expenses, up to \$128.4 million for construction, and up to \$50,000 for confidential emergencies)
- **Fees and expenses of witnesses**--\$156,145,000 (including up to \$6 million for construction of protected witness safesites)
- **Interagency crime and drug enforcement**--\$338,106,000
- **Foreign Claims Settlement Commission**--\$1,130,000
- **Community Relations Service**--\$9,269,000
- **Assets Forfeiture Fund**--\$22,949,000
- **United States Parole Commission**--\$10,862,000
- **Federal Detention Trustee**--\$1,718,000
- **Joint Automated Booking System**--\$15,957,000
- **Costs of conversions to narrowband communications**--\$104,606,000
- **Radiation exposure compensation**--\$1,996,000
- **Counterterrorism Fund**--\$4,989,000
- **Office of Justice Programs**--\$116,369,000

Additional provisions:

- A Violence Against Women Office and a presidentially appointed director for such office would be established within the Department of Justice.
- The Attorney General and the Director of the FBI would be required to submit a report at the end of fiscal years 2001 and 2002 detailing the use of the DCS 1000 (“Carnivore”) surveillance system in the preceding fiscal year.
- The Inspector General would be required to appoint a Deputy Inspector General for the FBI for the sole purpose of supervising the programs and operations of the FBI until the end of fiscal year 2004. The Inspector General would also be required to submit within one month of the passage of H.R. 2215 an oversight plan for the FBI.
- The President would be required to submit (to the Judiciary Committees of both houses of Congress) legislation authorizing appropriations for the Department of Justice for fiscal year 2003 simultaneous with his submission of a budget for the U.S. Government for fiscal year 2003.
- The Attorney General would be required to report to Congress when he or any officer of the Department refrains from enforcing a federal law or regulation, refrains from adhering to a judicial decision, contests the constitutionality of a federal law or regulation, refrains from defending the constitutionality of a federal law or regulation, approves a settlement or compromise of any claim against the United States exceeding \$2 million or 3 years of injunctive relief.
- 200 new assistant U.S. attorneys could be appointed
- For the purposes of oversight and the elimination of waste, fraud, and abuse in appropriations, the Attorney General would be required to submit an annual report to the House Committee on the Judiciary and the Senate Committee on the Judiciary detailing every grant and contract awarded by the Office of Justice Programs in the previous fiscal year and a performance review of every grant and contract awarded by that same Office that ended in the previous fiscal year.
- A Counterterrorism Fund would be established in the U.S. Treasury to reimburse the Department of Justice for counterterrorism activities.
- Open-ended authorizations of appropriations would be repealed for the National Institute of Corrections and the U.S. Marshals Service.
- The Attorney General would be required to assess and report to Congress the number of untested rape exam kits that currently exist nationwide.
- Permanent authority would be extended to the Attorney General to make numerous purchase decisions
- Reports required to be submitted to other (presumably Appropriations) committees and subcommittees would have to be submitted to the House Committee on the Judiciary and the Senate Committee on the Judiciary simultaneously.

Additional Background: For details on the appropriations for the Justice Department recently passed by the House (in H.R. 2500), please refer to the RSC Policy Brief at: <http://www.house.gov/burton/RSC/CJSFY02.PDF>

Cost to Taxpayers: The CBO estimates that H.R. 2215 would cost **\$17.689 billion** for fiscal year 2002, assuming appropriation of the authorized amounts.

Does the Bill Create New Federal Programs or Rules?: Yes. New offices, reports, and other programs would be created, as detailed above.

Constitutional Authority: The Committee on the Judiciary in Report 107-125 finds constitutional authority in Article I, Section 8, without citing a specific clause.

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H.R. 2137—To make clerical and other technical amendments to title 18, United States Code, and other laws relating to crime and criminal procedure. (Sensenbrenner)

Order of Business: The bill is scheduled to be considered under a motion to suspend the rules on Monday, July 23rd.

Summary: This bill would make several technical changes, including spelling corrections, punctuation changes, syntax revisions, and removing duplicate and erroneous references, to various sections of title 18 of the United States Code and to other federal criminal laws.

Cost to Taxpayers: None.

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

Constitutional Authority: The Committee on the Judiciary in Report 107-126 finds constitutional authority in Article I, Section 8, without citing a specific clause.

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H.Res. 201—Honoring four firefighters who lost their lives fighting the Thirtymile Fire in the Cascade Mountains of Washington State (Hastings)

Order of Business: The resolution is scheduled to be considered under a motion to suspend the rules on Monday, July 23.

Summary: On July 10, 2001, 21 U.S. Forest Service firefighters were dispatched to contain a fire of the Thirtymile Fire in the Okanogon and Wenatchee National Forest in Washington. The resolution notes that 2 civilians and the following 4 firefighters were injured by the blaze: Scott Sherzinger, Jason Emhoff, Thomas Taylor, and Rebecca Welch. It also notes four firefighters who died in the blaze and resolves that the House:

- (1) honors firefighters Tom Craven, Karen Fitzpatrick, Jessica Johnson, and Devin Weaver, who lost their lives fighting the Thirtymile Fire in the Cascade Mountains of Washington State, for their bravery and sacrifice in service to the Nation;
- (2) extends its deepest sympathies to the families and fellow firefighters of these heroes; and
- (3) reaffirms its support and commitment to America's Federal firefighters who, without reservation, answer the call of duty and risk their lives for the Nation.

Cost to Taxpayers: None.

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

Does the Bill Create New Federal Programs or Rules: No, it is a nonbinding resolution.

RSC Staff Contact: Sheila Moloney x6-9719

S. 1190 -- To amend the Internal Revenue Code of 1986 to rename the education individual retirement accounts as the Coverdell education savings accounts. (Sen. Lott)

Order of Business: The bill is scheduled to be considered and adopted by unanimous consent.

Summary: The bill will rename the “education individual retirement account” in the IRS Code of 1986 the “Coverdell education savings account,” after the late Senator from Georgia. These education savings accounts were originally only for higher education expenses, but with the passage of the tax relief bill this year the accounts are expanded to K-12 education expenses as well.

Cost to Taxpayers: None.

Constitutional Authority: In the 106th Congress, the Committee found authority under article I, section 8 of the Constitution (Powers of Congress), but failed to reference a specific clause.

Does the Bill Create New Federal Programs or Rules: No, it merely renames an existing provision in the IRS code.

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H.R. 1892 —To amend the Immigration and Nationality Act to provide for the acceptance of an affidavit of support from another eligible sponsor if

the original sponsor has died and the Attorney General has determined for humanitarian reasons that the original sponsor's classification petition should not be revoked. (Calvert)

Order of Business: The resolution is scheduled to be considered under a motion to suspend the rules on Monday, July 23.

Summary: Current law requires that applicants for family-based immigrant visas be sponsored by an immediate relative who will provide financial support if necessary. If the sponsor dies while the application is pending, then a new application must be filed, which according to the bill sponsor can take as long as seven or eight years. Under H.R. 1892, if an original sponsor of an immigration applicant dies, a substitute sponsor with close family ties to the person would be permitted to replace the deceased sponsor and the applicant could proceed with the approval process without filing a new application. Under the bill, the INS could allow the following substitute sponsors in the case of the original sponsor's death: a spouse, parent, sibling, child (18 or older), father-in-law, mother-in-law, son-in-law, daughter-in-law, grandparent or adult grandchild.

The bill requires the Attorney General to decide if for humanitarian reasons, it would be inappropriate to deny the petition for immigration if the original sponsor died.

This bill is retroactive as long as the sponsored alien requests the Attorney General to reinstate his petition, and demonstrates that he and his new sponsor satisfy the requirements of the law.

Cost to Taxpayers: CBO estimates that enacting H.R. 1892 would result in no significant cost to the federal government. Based on information from the INS, CBO expects that the bill's provisions would aid no more than several hundred applicants each year. Thus, any effects on fees collected by INS or the Department of State would be insignificant.

Constitutional Authority: The Committee finds authority in article I, section 8, clause 4 of the Constitution (Naturalization).

Does the Bill Create New Federal Programs or Rules: The bill modifies an existing provision in immigration law to allow a substitute sponsor in the event of the death of the original sponsor

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H.R. 451 -- To make certain adjustments to the boundaries of the Mount Nebo Wilderness Area, and for other purposes. (Hansen)

Order of Business: The resolution is scheduled to be considered under a motion to suspend the rules on Monday, July 23.

Summary: HR 451 would (1) *Remove* 279 acres from the Mt. Nebo Wilderness Area in the Uinta National Forest in Juab County, Utah, (2) *Add* 293 acres of roadless U.S. Forest Service land that currently abuts the Wilderness Area, and (3) correct the boundary of the wilderness area to exclude about 21 acres of privately owned land.

According to the bill sponsor, who helped designate the federal wilderness area in 1984, “maps were erroneously drawn which included some pre-existing developments to municipal and agricultural water systems that have supplied water to Juab County since the late 1800s inside the wilderness boundaries. These systems are old and in need of constant maintenance and care. But due to the restrictions on motorized vehicle access in [federal] wilderness areas, it is difficult, if not impossible, to adequately maintain these existing facilities. In addition to these maintenance problems, a small piece of private land was also included that should not be inside the boundaries of the wilderness area.” The nine parcels of the Wilderness area that H.R. 451 will exclude currently have special use permit authorizations for water and mineral developments.

Cost to Taxpayers: CBO estimates that enacting H.R. 451 would have no significant impact on the federal budget. CBO estimates that any increased costs incurred by the agency to update maps and move signs to reflect the revised boundaries of the wilderness area would be negligible.

Constitutional Authority: A Committee report citing Constitutional authority is unavailable

Does the Bill Create New Federal Programs or Rules: The bill removes and adds certain lands to the federally designated Mount Nebo Wilderness Area.

Other Information: The bill results in a 14-acre net gain of federal wilderness area (though the transferred land was already maintained by the federal government as National Forrester land). **The federal government already owns 69% of the state of Utah.**

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