

**Legislative Bulletin.....March 23, 2004**

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**Summary of the Bills Under Consideration Today:**

Total Number of New Government Programs: 4\*  
*Year to Date Prior to Today's Bills: 7*

Total Cost of Discretionary Authorizations: \$162.5 million over five years  
*Year to Date Prior to Today's Bills: \$22.7 billion over five years*

Total Amount of Revenue Reductions: \$0  
*Year to Date Prior to Today's Bills: \$336.5 million over five years*

Total Change in Mandatory Spending: \$0  
*Year to Date Prior to Today's Bills: -\$253 million over five years*

Total New State & Local Government Mandates: 0  
*Year to Date Prior to Today's Bills: 10*

Total New Private Sector Mandates: 0  
*Year to Date Prior to Today's Bills: 11*

\*Includes the provision for new Regional Navigational Response Teams under H.R. 958.

**H.R. 958—Hydrographic Services Amendments of 2003 (Young of Alaska)**

**Order of Business:** The bill is scheduled for consideration on Tuesday, March 23<sup>rd</sup>, under a motion to suspend the rules and pass the bill, with an amendment. The summary below describes the amended version of H.R. 958.

**Summary:** H.R. 958 makes several changes to the Hydrographic Services Improvement Act of 1998 and the Fisheries Survey Vessel Authorization Act of 2000. Specifically, the bill:

- Adds as a function of the National Oceanic and Atmospheric Administration (NOAA) the establishment of four Regional Navigation Response teams in priority coastal areas. Encourages NOAA to use private-sector entities in fulfilling this requirement.
- Allows the NOAA administrator to establish a volunteer program. Volunteers would not be considered federal employees for the purposes of pay or benefits.
- Names a cove in Prince William Sound after NOAA employee Able Bodied Seaman Eric Steiner Koss, who died there in 2003 while on a nautical charting mission.
- Requires the Secretaries of Commerce and the Interior to provide to Congress a plan to use the same shorelines on NOAA nautical charts and U.S. Geological Survey maps.
- Provides a set-aside of \$2 million from authorized amounts for the Great Lakes Water Level Observation Network.
- Authorizes \$51 million for fiscal year 2005 and \$39 million for fiscal year 2006 to acquire fishery survey vessels (current authorization for fiscal years 2002 and 2003 is \$60 million).
- Requires the Secretary of Commerce to submit a report to Congress no later than six months after the bill's enactment that includes the following:
  - a requirements package and cost estimate for the construction and equipping of a hydrographic survey vessel that can stay at sea for at least 30 days and can carry out at least four hydrographic survey launches;
  - an explanation of what vessel or vessels would be retired if such a vessel would become operational; and
  - a comparison of the 10-year estimated operations and maintenance costs of the new vessel versus older vessels.

**Additional Background:** According to the Committee on Resources, H.R. 958 addresses issues that were not included in the reauthorization of the Hydrographic Services Improvement Act at the end of the 107<sup>th</sup> Congress (Public Law 107-372).

**Committee Action:** The Subcommittee on Fisheries Conservation, Wildlife and Oceans approved H.R. 958 by voice vote on July 17, 2003. The Committee on Resources favorably reported the bill to the House by unanimous consent on October 29, 2003.

**Administration Position:** Concerns with H.R. 958 expressed by the Administration at a March 27, 2003, hearing have been addressed by the Resources Committee.

**Cost to Taxpayers:** H.R. 958 authorizes \$51 million for fiscal year 2005 and \$39 million for fiscal year 2006. The total cost of the bill is estimated at \$97.5 million over three years.

**Does the Bill Create New Federal Programs or Rules?:** The bill creates new Regional Navigational Response Teams.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** The Committee on Resources, in House Report 108-400, cites Article I, Section 8, but fails to cite a specific clause.

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## **H.R. 2408—National Wildlife Refuge Volunteer Act (Saxton)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, March 23<sup>rd</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 2408 would reauthorize (at the current level of \$2 million a year) the programs at the U.S. Fish and Wildlife Service regarding the:

- acceptance and use of gifts to the Service and to particular wildlife refuges;
- volunteers at wildlife refuges;
- partnerships with community organizations; and
- educational classes and workshops at wildlife refuges.

The current authorization is from fiscal year 1999 through 2004. H.R. 2408 would extend the authorizations through 2009. The Service has maintained a volunteer program since 1982.

H.R. 2408 would also strip the classification of the volunteer programs as “pilot projects” and make them just “projects” and remove the 20-program cap, thereby expanding the volunteer program and allowing the Secretary of the Interior to hire volunteer coordinators beyond what the pilot projects originally authorized. The bill would authorize \$2 million a year (through FY2009) for these specific projects (level funding), bringing the total authorization level in H.R. 2408 to \$4 million a year through FY2009.

**Additional Background:** The U.S. Fish and Wildlife Service estimates that there are 36,000 people volunteering within the National Wildlife Refuge System.

The National Wildlife Refuge System, which is administered by the U.S. Fish and Wildlife Service, contains 94 million acres of federal land dedicated to the conservation of fish and wildlife. The System contains 542 refuges located throughout the United States, ranging in size from the one-acre Mille Lacs National Wildlife Refuge in Minnesota to the 19.3 million acre Arctic National Wildlife Refuge in Alaska.

The Resources Committee also points out the following:

President Theodore Roosevelt established the first refuge in 1903 at Pelican Island, Florida, to protect egrets, herons and other birds that were being killed to supply feathers to the hat industry. In the succeeding 100 years, new refuges have been created by legislation, reservation from the public domain, land transfers from other federal agencies, purchase of privately owned lands and land donations. Refuge land acquisition is funded by appropriations from the Land and Water Conservation Fund (which receives money from fuel taxes and oil leases), and the Migratory Bird

Conservation Fund (which receives revenues from the sale of duck stamps, import duties on firearms and ammunition and refuge entrance fees).

As of last year, the deferred maintenance backlog in the National Wildlife Refuge System included 5,086 projects, costing about \$645 million.

**Committee Action:** On July 17, 2003, the Subcommittee on Fisheries Conservation, Wildlife and Oceans marked up the bill and forwarded it to the full Resources Committee by voice vote. On October 29, 2003, the full Committee marked up and by unanimous consent ordered the bill reported to the full House.

**Administration Position:** The Administration “strongly supports” this reauthorization: <http://resourcescommittee.house.gov/archives/108/testimony/marshalljones0626.htm>

**Cost to Taxpayers:** CBO confirms that H.R. 2408 would authorize \$4 million a year through FY2009.

**Does the Bill Create New Federal Programs or Rules?:** No, but it does transform pilot projects into “projects.”

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** The Resources Committee, in House Report 108-385, fails to cite a specific clause of constitutional authority. Clause 3 of House Rule XIII, Section d(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” [emphasis added]

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## **H.R. 2489—Cowlitz Indian Tribe Distribution of Judgment Funds Act (Baird)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, March 23<sup>rd</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 2489 would provide for the distribution of judgment funds to the Cowlitz Indian Tribe. On March 23, 1973, the Indian Claims Commission ruled in favor of the Cowlitz Tribe of Indians, stating that their aboriginal title of lands had been taken from them and they deserved compensation for these lands. The Commission gave the Tribe compensation for the fair market value of their lands, as delineated in 1855.

H.R. 2489 would create a judgment distribution plan (in line with the Indian Tribal Judgment Funds Use or Distribution Act—25 U.S.C. 1401, et seq.) that would direct the Secretary of the

Interior to set aside specific percentages of the judgment funds for a multitude of uses for the Tribe, including elderly assistance, emergency assistance, scholarships, housing assistance, health, natural and cultural resources, and economic development.

**Additional Background:** The Cowlitz Indian Tribe of Washington (which has about 1000 members in western Washington) was extended federal acknowledgment by the Interior Department on December 31, 2001, pursuant to part 83 of title 25, Code of Federal Regulations. Under current law, Congress has the authority to disburse tribal judgment funds in accordance with the terms of the Court-settled agreement between parties.

**Committee Action:** On October 29, 2003, the Resources Committee marked up and by unanimous consent ordered H.R. 2408 reported to the full House.

**Cost to Taxpayers:** CBO notes that the funds affected by the bill are held in trust and managed in a fiduciary capacity by the federal government on behalf of Indian tribes and are therefore treated as nonfederal funds. Since the outlays were recorded on the budget when the judgments were awarded to the tribes and paid into those trust funds, there is no federal budget impact when the money is distributed to the individual members of the tribes.

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

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** The Resources Committee, in House Report 108-368, fails to cite a specific clause of constitutional authority. Clause 3 of House Rule XIII, Section d(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” [emphasis added]

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## **H.R. 3926 — Organ Donation and Recovery Improvement Act (Bilirakis)**

**Order of Business:** The bill will be considered on Tuesday, March 23, 2004, under a motion to suspend the rules and pass the bill.

On March 12, 2003, the House passed H.R. 399 (Organ Donation Improvement Act of 2003) authored by Rep. Shimkus. The Senate amended the bill and passed S. 573 on November 25, 2003, by unanimous consent. H.R. 3926 is virtually identical to the Senate-passed bill (S. 573), except in H.R. 3926 the 5-year authorization starts in FY05.

**The bolded blue texts are the provisions added to or deleted from the original House-passed bill by the Senate amendments:**

**Summary:** H.R. 3926 would amend the Public Health Service Act to establish new programs to pay travel expenses for living organ donors. The bill would authorize \$5 million a year from FY05-FY09 (\$25 million total) for the Secretary of HHS to provide grants or contracts to pay for travel and “subsistence expenses” for living people who donate their organs, **with a preference given to individuals more likely to be unable to meet expenses.**

~~To qualify for the donor payments, the donor must reside in a separate state than the intended recipient and the recipient of the organ must have an annual income of no more than \$35,000. There is no cap on the income of the donor who, under the bill, will be the person eligible for federal funds. A provision in the bill also limits the payment amount to approximately what it would cost if the donor traveled to the transplant center closest to the recipient.~~ H.R. 3926 stipulates that donors who receive or “can reasonably be expected” to receive funding under state compensation programs, **an insurance policy**, other **state or federal health** benefits programs, **or by the recipient of the organ**, are not to receive these federal monies. The bill authorizes the Secretary to make regulations providing for travel and expense payments for donors who, in good faith, travel to the donation location and end up not donating an organ.

**The bill creates a new program, authorized at \$15 million in FY05 and such sums for FY06-09, above any amounts otherwise appropriated,** for 1) an organ donation public awareness program; **2) grants to public and non-profit entities for studies and demonstration projects to increase organ donation and recovery rates;** and 3) for grants to states to carry out an organ donor awareness programs and activities (to be eligible states must agree to submit annual reports **and establish yearly benchmarks for improving organ donation rates and open their state donor registry up to other states upon request.**).

**The bill creates another new program, authorized at \$3 million in FY05 and such sums for FY06-09, for HHS grants to qualified organ procurement organizations and hospitals to increase the rate of organ donations. The hospitals or consortium of hospitals must serve at least 200,000 individuals or perform significant trauma care. Entities must match the federal grant with 30% non-federal dollars, and an evaluation must be completed within three years.**

**The bill authorizes \$2 million in FY05 and such sums for FY06-09, for studies and the dissemination of research through the Agency for Healthcare Research and Quality. It also requires an HHS study, no later than December 31, 2004, on the ethical implications of increasing cadaveric donations.**

Finally, the bill has a sense of Congress provision that states it is the sense of Congress: “that the Federal Government should carry out programs to educate the public with respect to organ donation, including the need to provide for an adequate rate of such donations.”

**Cost to Taxpayers:** A CBO cost estimate is unavailable. The bill authorizes \$25 million in FY05, \$20 million over FY06-09, and numerous such sums through FY09.

[CBO estimated that implementing H.R. 399 would cost a total of \$79 million from 2004 through 2008, without adjusting for inflation, and \$81 million if inflation adjustments are included, subject to appropriation.]

**Committee Action:** H.R. 3926 was introduced on March 10, 2004, and referred to the House Committee on Energy and Commerce. The Committee did not consider the bill

**Constitutional Authority:** An Energy and Commerce Committee report is unavailable. (The Committee (in Report No. 108-15) on H.R. 399 found authority in Article I, Section 8, Clause 3 (commerce clause).)

**Does the Bill Create New Federal Programs or Rules:** YES. The bill creates three new programs: one funding organ donor travel, another funding public organ donor awareness programs, and another for grants to organ procurement organizations and hospitals. In addition, the bill authorizes studies and demonstration projects and requires a number of new reports.

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### **H.Res. 522 — Expressing the sense of the House of Representatives that there is a critical need to increase awareness and education about heart disease and the risk factors of heart disease among women (*Snyder*)**

**Order of Business:** The resolution is scheduled for consideration on Tuesday, March 23, 2004, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. 522 contains 10 findings regarding heart disease among women, and states that it is resolved:

“That it is the sense of the House of Representatives that there is a critical need to increase awareness and education about heart disease and the risk factors for heart disease among women, and the House of Representatives —

- “commends First Lady Laura Bush and the National Heart, Lung, and Blood Institute in their vital campaign to raise public awareness that heart disease is the number one killer of American women;
- “believes that heart disease will remain the number one killer of American women unless we as a society dramatically improve education, preventative care, research, diagnostic capabilities, and treatments; and
- “recognizes that the more women become cognizant of the scourge of heart disease and how to prevent it, the more likely they can make sound lifestyle changes to help reduce their chances of getting heart disease.”

**Additional Information:** According to the resolution’s findings, heart disease is the number one killer of American women, taking the lives of more than 500,000 women a year, killing

one in three women (twice as many as cancer). African-Americans are at greater risk for heart disease and stroke than Caucasians, affecting African-American females at a rate of 39.6 percent compared to 23.8 percent in Caucasian females. Also, heart disease and stroke are the leading causes of death for Hispanics, responsible for 33 percent of deaths in Hispanic females.

**Committee Action:** The resolution was introduced on February 10, 2004 and referred to the House Energy and Commerce Committee, which considered the legislation on March 3, 2004 and reported it to the full House by voice vote.

**Cost to Taxpayers:** None.

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

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** Although under House rules, committees are only required to cite constitutional authority for public bills and public joint resolutions, in Report No. 108-440, the Energy and Commerce Committee cites constitutional authority under Article I, Section 8, Clause 3, which grants Congress the power to regulate commerce with foreign nations, among the several States, and with the Indian tribes.

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