



Legislative Bulletin.....May 21, 2002

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NOTE: Rolled Votes will also be taken today on the following three items included in yesterday's Legislative Bulletin:

- H.R. 4514**—Veterans' Major Medical Facilities Construction Act of 2002
- H.R. 4015**—Jobs for Veterans Act
- H.R. 4085**—Veterans' Compensation Cost-of-Living Adjustment Act of 2002

H.R. 3833—Dot Kids Implementation and Efficiency Act (Shimkus)

Order of Business: The bill is scheduled to be considered on Tuesday, May 21st, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3833 would require the creation of a new, second-level Internet domain (within the United States country code domain) that would be designed as a space exclusively for materials that are suitable for and not harmful to children under the age of 13. Websites within this new domain would end in “.kids.us” (more commonly referred to as “dot kids”).

The definition in H.R 3833 of “harmful to minors”

Material that:

- the average person, applying contemporary community standards, would find, taking the material as a whole and with respect to minors, is designed to appeal to, or is designed to pander to, the prurient interest;
- depicts, describes, or represents, in a manner patently offensive with respect to minors, an actual or simulated sexual act or sexual contact, an actual or simulated normal or perverted sexual act, or a lewd exhibition of the genitals or post-pubescent female breast; and
- taken as a whole, lacks serious, literary, artistic, political, or scientific value for minors.

The definition in H.R 3833 of “suitable for minors”

Material that:

--is not psychologically or intellectually inappropriate for minors; and
--serves the educational, informational, intellectual, or cognitive needs of minors; or
the social, emotional, or entertainment needs of minors.

The National Telecommunications and Information Administration (NTIA)—within the Department of Commerce—would be charged with overseeing the creation and operation of the new domain. The NTIA could not renew the contract with the initial registry company (or enter into or renew a contract with a successor registry company), unless the company provides the NTIA:

- Written content standards for the domain;
- Written agreements with each registrar for the domain that ensure the proper use of the domain;
- Written agreements with each registrar ensuring that each registrant has agreed to abide by the guidelines for the domain;
- Rules and procedures for enforcement and oversight that minimize the possibility that the domain provides access to content that is not in accordance with the standards and requirements of the registry;
- A process for removing from the domain any unacceptable content;
- A process to provide registrants to the new domain with an opportunity for a prompt, expeditious, and impartial dispute resolution process regarding any material of the registrant excluded from the domain;
- Procedures and mechanisms to promote the accuracy of contact information submitted by registrants and retained by registrars in the domain;
- A report on the functionality of the new domain not later than one year after the date of the enactment of this bill;
- Written agreements with registrars ensuring that registrants have agreed to prohibit two-way and multi-user interactive services in the domain, unless the registrant certifies to the registrar that such services will not compromise the safety or security of minors;
- Written agreements with registrars ensuring that registrants have agreed to prohibit hyperlinks in the domain that take new domain users outside of the dot kids space; and
- Any other action that the NTIA considers necessary to establish, operate, or maintain the new domain.

Within 30 days of the first public access to the new domain, NTIA would be required to embark on an education program to publicize the dot-kids space and teach parents how to incorporate the domain into existing filtering technologies.

The bill would direct the registry chosen to operate and maintain the new domain to consult with the federal government regarding (and then implement) procedures to prevent users of the new domain from being targeted by adults and other children for predatory, exploitive, or otherwise illegal actions.

The registry company in charge of the dot-kids space would have to file an annual report with Congress on the compliance with the domain's standards and the accompanying enforcement procedures.

If the registry company demonstrates an “extreme financial hardship” from operating the dot-kids space, the company could fully relinquish its right to operate the domain—but only if a competitive bidding process failed to find a subcontractor to help alleviate the financial hardship.

If the NTIA finds that the dot-kids space is not serving its intended purpose, the NTIA shall instruct the registry to suspend operation of the new domain “until such time as the NTIA determines that the new domain can be operated as intended.”

The bill states that “although the computer software and hardware industries, and other related industries, have developed innovative ways to help parents and educators restrict material that is harmful to minors through parental control protections and self-regulation, to date such efforts have not provided a national solution to the problem of minors accessing harmful material on the World Wide Web.”

Additional Background: On October 29, 2001, NTIA announced that it had entered into a four-year (with two optional one-year extensions) contract with NeuStar, Inc. to act as the registry of the “.us” space (“.us” is a top-level domain like “.com” or “.gov”). NeuStar received this contract at no cost and is allowed to finance the operation of the domain by establishing and collecting fees for registration in the “.us” space. The contract obligated NeuStar to enhance and improve the “.us” space and reserved the exclusive right to—but did not obligate—NeuStar to use the second-level domain “.kids” within the “.us” space. The contract offered no detail as to how NeuStar would establish, operate, or maintain “.kids.us,” if it chose to do so. H.R. 3833 is therefore designed to encourage NeuStar to proceed with the implementation of dot-kids.

Possible RSC Concerns: Some Members might be concerned that, despite language in the bill directing the registry company to implement procedures preventing the predatory targeting of kids using the dot-kids space, the bundling of children’s websites into an easily identifiable space on the Internet may actually make it simpler for predators to target children.

Technical experts in the Internet registry field have indicated that it is just short of impossible to universally monitor and enforce what registrants in the dot-kids space actually put on their websites (including links and two-way communications). Since it would be unfeasible to analyze every page of every website in the domain multiple times a day, these technical experts assert that there could be no way of guaranteeing that the dot-kids space remain truly free from material that is harmful to minors.

Cost to Taxpayers: CBO estimates that H.R. 3833 would authorize appropriations of less than \$500,000 per year (for the costs of the publicity program).

Does the Bill Create New Federal Programs or Rules?: The bill would mandate the creation of a second-level Internet domain to be operated by a private company.

Constitutional Authority: The Energy & Commerce Committee, in House Report 107-449, cites constitutional authority in Article I, Section 8, Clause 3, which grants Congress the power to regulate interstate commerce.

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H. R. 1877— Child Sex Crimes Wiretapping Act of 2002 (Johnson, Nancy)

Order of Business: The bill is scheduled to be considered on Tuesday, May 21, 2002, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1877 would add certain sexual crimes against children to the list of offenses for which wiretaps and other interceptions of communications can be authorized. The bill would add four crimes as new wiretap predicates (reasons a court can authorize wiretaps):

- 1) the selling and buying of a child for sexual exploitation under 18 U.S.C. Sec. 2251A;
- 2) “child pornography” under 18 U.S.C. 2252A;
- 3) coercion or enticement into prostitution or other illegal sexual activities under 18 U.S.C. 2422; and
- 4) the transportation of minors to engage in prostitution or other illegal activities and travel with intent to engage in a sexual act with a juvenile under 18 U.S.C. 2423.

According to the committee, the federal statutes currently used against sex predators in cases where they entice children into engaging in sex with them, are not currently wiretap predicates. Yet many times, some aspect of the interaction between the predator and the child will occur over the telephone. If law enforcement is unable to monitor the predator's conversation with the child they are put at a disadvantage in their effort to apprehend the predator before he meets with and physically harms the child. H.R. 1877 would fill this gap in the investigative resources available to law enforcement during these investigations.

Cost to Taxpayers: CBO estimates that implementing H.R. 1877 would not result in any significant cost to the federal government. Any increase in costs for law enforcement, court proceedings, or prison operations would not be significant because of the small number of cases likely to be affected. Likewise, CBO estimates that any additional fines collected (which would be deposited in the Crime Victims Fund) would be negligible.

Does the Bill Create New Federal Programs or Rules?: The bill expands federal wiretapping laws to allow 4 types of child sex crimes to warrant court-approved wiretaps. The four areas are already federal crimes, but they currently do not fall under crimes eligible for wiretapping.

Constitutional Authority: The Judiciary Committee (in report #107-468) finds constitutional authority under Article I, Section 8 of the Constitution (Power of Congress) but fails to cite a specific clause.

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H.R. 3375 — Embassy Employee Compensation Act (Blunt)

Order of Business: The bill is scheduled to be considered on Tuesday, May 21st, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3375 provides compensation to U.S. citizens (an individual or relatives in the case of a deceased individual) who “suffered physical harm or death” as a result of the August 7, 1998, bombings that took place at the United States Embassy in Nairobi, Kenya, or the United States Embassy in Dar es Salaam, Tanzania. This compensation is to occur on the same basis as compensation provided to the victims of the airline hijackings of September 11, 2001, and be overseen by the Special Master appointed under the September 11th Victim Compensation Fund of 2001. Payment can be made for physical harm, economic losses and noneconomic losses such as physical and emotional pain or loss of enjoyment of life, but no punitive damages may be awarded.

By filing a claim for compensation, “the claimant waives the right to file a civil action (or to be a party to an action) in any Federal or State court for damages sustained as a result of the bombings of United States embassies in East Africa on August 7, 1998.” This does not prohibit claimants from filing suits that involve recovery of "collateral source" obligations such as life insurance, pension funds, death benefit programs and payments by Federal, State and local governments.

The bill also “constitutes budget authority in advance of appropriations” and “represents the obligation of the Federal Government to provide for the payment of amounts for compensation under this Act.”

Additional Background: Two nearly simultaneous bombings at U.S. Embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, on Aug. 7, 1998 killed 224 people, including 12 Americans, and injured more than 5,400. The bombings were linked to Osama bin Laden, who was indicted for the crime by a federal grand jury in New York in November 1998, along with other members of al Qaida. Four men were convicted and sentenced to life in prison on October 18, 2001.

Cost to Taxpayers: CBO expects that enactment of the bill would result in several dozen additional claims through the Victims’ Compensation Fund. The claims are expected to consist of one dozen deceased victims and 47 injured. Each claim is different and more severe claims may pay out in the vicinity of \$1 million dollars per claim depending on the individual circumstances. The direct spending effect is still being assessed, but the 5-year total is expected to be below \$50 million.

Does the Bill Create New Federal Programs or Rules?: The bill creates a program to compensate victims of the 1998 U.S. embassy bombings in Africa, as described above.

Constitutional Authority: No committee report citing constitutional authority is available.

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H.R. 4626—Encouraging Work and Supporting Marriage Act (Houghton)

Order of Business: The bill is scheduled to be considered on Tuesday, May 21st, under a motion to suspend the rules and pass the bill.

Summary (As Amended): H.R. 4626 would accelerate the elimination of the marriage penalty contained in the tax-cut bill signed into law last year (*Public Law 107-16*). In law, the standard deduction for married couples filing jointly is gradually increased (to double that of single filers) beginning in 2005 and ending in 2009. H.R. 4626 would begin this gradual increase in 2003.

Beginning in 2003, the bill would roll the Welfare-to-Work Tax Credit (WWTC) into the Work Opportunity Tax Credit (WOTC) and conform most of their qualifying rules. The WOTC is a tax credit for employers who voluntarily hire and retain individuals from one or more of nine targeted groups: 1) certain families eligible to receive benefits under the Temporary Assistance for Needy Families Program; 2) high-risk youth; 3) qualified ex-felons; 4) vocational rehabilitation referrals; 5) qualified summer youth employees; 6) qualified veterans; 7) families receiving food stamps; 8) persons receiving certain Supplemental Security Income (SSI) benefits; and 9) qualified long-term family assistance recipients.

H.R. 4626 would eliminate the household-income-test for hiring ex-felons under the WOTC to widen the pool of ex-felons who may be hired. Additionally, the bill would increase (from 25 to 30) the maximum age of a food-stamp recipient hired under the WOTC. According to the Ways & Means Committee, this adjustment would qualify more low-income men under the WOTC. Currently, about 80 percent of the individuals hired under the WOTC program are women.

Lastly, the bill would allow employers to claim the WOTC for hiring individuals who are referred as recipients of vocational rehabilitative services (for disabilities) by a private network. Currently, such qualifying individuals must be referred by a State-approved or VA-approved rehabilitation plan.

Cost to Taxpayers: According to the Joint Committee on Taxation, implementing H.R. 4626 would yield an estimated net savings to taxpayers of **\$257 million** in FY2003 and **\$908 million** over the FY2003-FY2007 period.

Does the Bill Create New Federal Programs or Rules?: The bill would make adjustments to existing tax law and combine two tax credits into one.

Constitutional Authority: The House Committee on Ways & Means cites constitutional authority in Article I, Section 8, Clause 1 (which grants Congress the power to “lay and collect Taxes, Duties, Imposts, and Excises....”) and in the 16th Amendment (which grants Congress the power to tax incomes).

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H.R. 3994—Afghanistan Freedom Support Act (Hyde)

Order of Business: The bill is scheduled to be considered on Tuesday, May 21st, subject to an open rule that passed the House on May 15th. See “Possible Amendments” section below.

Summary: H.R. 3994 would authorize **\$1.05 billion** over four years in economic and democratic development assistance for Afghanistan, as well as an undefined amount in military assistance for Afghanistan and other eligible countries and international organizations.

Specifically, for economic and democratic development assistance for Afghanistan, H.R. 3994 would authorize appropriations as follows:

- \$200 million for FY2002
- \$300 million for FY2003
- \$300 million for FY2004
- \$250 million for FY2005

For military assistance for Afghanistan, other countries, and international organizations, H.R. 3994 would authorize such sums as may be necessary through December 31, 2004.

Authorizations of appropriations are all in addition to amounts otherwise available for Afghanistan and other eligible countries under other laws. [See “Cost to Taxpayers” section below for details.]

Declaration of Policy: The bill contains six statements of policy, one of which is that the international community, led by the United States, should support efforts that develop democratic institutions and a “broad-based, multi-ethnic, gender-sensitive, and fully representative” government in Afghanistan. The bill would also call upon the U.S. to help reconstruct Afghanistan’s agriculture, health care, and education systems. Further, the President should be given “maximum flexibility” for administering “**temporary special**” assistance to Afghanistan. The economic, social, and political assistance is aimed at maintaining an Afghanistan in which terrorism and the seeds of terrorism could not flourish.

Principles of Assistance: The bill then states five “principles of assistance” to guide the President in providing assistance to Afghanistan:

1. Terrorism and Narcotics Control. Reducing the likelihood of terrorism emanating from Afghanistan and preventing the cultivation, production, trafficking, and use of illegal narcotics in Afghanistan.
2. Role of Women. Expanding educational, economic, health, and political opportunities for women in Afghanistan.
3. Afghan Ownership. Increasing the abilities of the Afghan people and institutions to participate in the reconstruction of their own country.
4. Stability. Disarming, demobilizing, and reintegrating combatants, and establishing the rule of law enforced by a police force and an independent judiciary.
5. Coordination. Encouraging collaboration among the various donors to the Afghan reconstruction.

Authorization of Economic and Democratic Development Assistance: The President would be authorized to provide assistance to Afghanistan for the purposes of:

- **Meeting the “urgent humanitarian needs” of the Afghan people** (including food, shelter, medical care, sanitation, family reunification, and landmine clearing);
- **Resettling refugees and internally displaced people;**
- **Reducing the overall supply of and demand for illegal narcotics** (including eradicating poppy cultivation, disrupting heroin production, and training a counter-narcotics force—with not less than \$15 million a year earmarked for the UN Drug Control Program to help carry out such objectives);
- **Re-establishing food security, rehabilitating the agriculture sector, improving health conditions, and reconstructing basic infrastructure** (including improving irrigation systems, rehabilitating livestock, increasing landmine awareness, implementing child immunization and maternal programs, and rebuilding health clinics);
- **Re-establishing Afghanistan as a “viable nation-state”** (including improving access to basic education, focusing on the recruiting of female teachers, supporting the drafting of a new constitution and other legal frameworks, promoting programs that reduce government corruption through increased transparency, establishing an independent media, and supporting the development of political parties and free elections—with not less than \$10 million a year earmarked for carrying out a traditional Afghan assembly and supporting free, party-based elections);
- **Establishing a market economy** (including establishing private financial institutions, promoting foreign direct investment, developing a telecommunications infrastructure, and developing international trade links)

Subject to presidential waiver, this assistance to Afghanistan is subject (in FY2003) to the convening of a traditional Afghan assembly and the establishment of a transitional authority that is broad-based, multiethnic, gender-sensitive, and fully representative. In FY2004 and FY2005, such assistance is subject to “substantial progress” made toward adopting a constitution and instituting a democratically elected government for Afghanistan.

Coordination of Economic and Development Assistance: H.R. 3994 would “strongly urge” the President to designate a coordinator within the State Department to assure the proper implementation of the assistance and other provisions of this bill.

Administrative Issues: No more than 5% of an amount made available to any federal agency under this bill could be used for administrative expenses. The use of Afghan-Americans in carrying out the provisions of this bill is encouraged. The Inspector General of the U.S. Agency for International Development would audit the funds distributed to Afghanistan.

Authorization of Military Assistance: The President would be authorized to provide the following military assistance to Afghanistan and other eligible foreign countries and international organizations:

- Defense articles
- Defense services
- Counter-narcotics, crime-control, and police-training services
- Other support and training services

An eligible foreign country or international organization is one that is participating in or directly supporting the U.S. war in Afghanistan or one that is participating in military, peacekeeping, or policing activities in Afghanistan aimed at restoring peace and security there (as long as such participant has not “repeatedly provided support for acts of international terrorism”).

Possible Amendments: NOTE: Under an open rule new amendments may be offered without prior notice.

- Hyde (Manager’s Amendment): Increases by \$100 million (from \$200 million to \$300 million) the appropriations authorized for economic and democratic development assistance in fiscal year 2002. Adds that the U.S. should seek the reconstruction of Afghanistan’s civil service and financial systems (in addition to agriculture, health care, and education systems). Caps U.S. contributions to the UN Drug Control Program at \$15 million per fiscal year through fiscal year 2005 (currently set in the base bill at “not less than” \$15 million per fiscal year). Authorizes the use of economic and democratic development assistance funds for supporting the establishment of a central bank and central budgeting authority. Clarifies presidential waiver authority. Authorizes funds withheld from opium-producing regions of Afghanistan to be redistributed to other qualifying regions of Afghanistan. Removes the requirement that the coordinator of assistance to Afghanistan be presidentially appointed and Senate-confirmed. Directs the President to encourage the donation of appropriate excess or obsolete manufacturing and such equipment by U.S. businesses. Directs the President to utilize research conducted by U.S. land grant colleges and universities and the technical expertise of professionals within such institutions.
- Lantos: States that it should be U.S. policy to “support measures to help meet the immediate security needs of Afghanistan in order to promote safe and effective

delivery of humanitarian and other assistance throughout Afghanistan, further the rule of law and civil order, and support the formation of a functioning, representative Afghan national government.” Requires the President to transmit to Congress (within 45 days of enactment of this bill) a strategy for meeting the immediate and long-term security needs of Afghanistan in support of U.S. policy. Expresses several findings about the need for security in Afghanistan in order to foster peace and lessen the need for a long-term American presence there.

- *Blumenauer*. Adds “programs for housing, rebuilding urban infrastructure, and supporting basic urban services” as an allowable use of economic and democratic assistance funds.

Cost to Taxpayers: CBO estimates that H.R. 3994 would authorize total appropriations of \$255 million in FY2002 and **\$1.355 billion** over the FY2002-2005 period. If the Hyde (Manager’s) amendment passes, H.R. 3994 would authorize an additional \$100 million in appropriations for economic and democratic development assistance in FY2002.

Though this bill would not authorize any new appropriations beyond FY2005, funds would remain available until expended (and thus could outlay beyond FY2005). This bill would have no effect on mandatory spending or receipts.

According to the House Committee on International Relations, nearly \$300 million has already been allocated to Afghanistan from food aid accounts, development assistance accounts, and economic support funds. The authorizations in this bill would be in addition to these funds.

Does the Bill Create New Federal Programs or Rules?: This bill would authorize economic, democratic development, and military aid for the reconstruction of Afghanistan. Such aid could go directly to Afghanistan and to countries and international organizations directly involved in the reconstruction.

Constitutional Authority: The Committee on International Relations, in House Report 107-420, cites constitutional authority in Article I, Section 8, Clause 18 (all laws “necessary and proper”).

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H.Con.Res. 405—Commemorating the independence of East Timor and expressing the sense of Congress that the President should establish diplomatic relations with East Timor (Smith, Chris)

Order of Business: The resolution is scheduled to be considered on Tuesday, May 21st, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 405 would resolve that Congress:

- congratulates and honors the courageous people of East Timor and their leaders;
- welcomes East Timor into the community of nations as a sovereign state and looks forward to working with East Timor as an equal partner;
- supports United Nations and international efforts to support reconstruction and development in East Timor, and United Nations and international peacekeeping forces to safeguard East Timor's security, including continuing the periodic visits by United States military forces;
- remains committed to working toward a debt-free start to East Timor and just, sustainable, and secure development programs as well as adequate resources for the judicial system for East Timor for the foreseeable future beyond independence;
- expresses continued concern over deplorable humanitarian conditions and an environment of intimidation among the East Timorese refugees living in West Timor;
- strongly supports prompt, safe, voluntary repatriation and reintegration of East Timorese refugees, in particular those East Timorese still held in militia-controlled refugee camps in West Timor, especially reunification of East Timorese children separated from their parents through coercion or force;
- expresses a commitment to maintaining appropriate restrictions and prohibitions in law on military assistance, training relations, and technical support to the Indonesian Armed Forces; and
- acknowledges that a United Nations International Commission of Inquiry found in January 2000 that justice is "fundamental for the future social and political stability of East Timor", and remains deeply concerned about the lack of justice in the region;

H.Con.Res. 405 would also express a sense of Congress that the President and the Secretary of State should:

- immediately extend to East Timor the diplomatic relations afforded to other sovereign nations, including the establishment of an embassy in East Timor;
- maintain a level of United States assistance for East Timor commensurate with the challenges this new nation faces after independence;
- work to fund in a generous and responsible way East Timor's financing gap in its recurrent and development budgets, and coordinate with other donors to ensure the budget gap is addressed;
- focus bilateral assistance for East Timor on the areas of employment creation, job training, rural reconstruction, microenterprise, environmental protection, health care, education, refugee resettlement, reconciliation and conflict resolution, and strengthening the role of women in society;
- strongly urge the Indonesian Government to step up efforts to disarm and disband all militia, hold them accountable to the rule of law, ensure stability along the border, and promptly reunite East Timorese children separated from their parents through coercion or force; and
- review thoroughly information from the East Timorese Commission for Reception, Truth, and Reconciliation and use all diplomatic resources at their disposal to ensure that those officials responsible for crimes against humanity and war crimes against the East Timorese people are held accountable and that the Indonesian Government fully cooperates with the East Timorese judicial system.

Additional Background: East Timor broke away from Indonesia in October 1999, when it began its transition to full independence by allowing the United Nations to oversee the government. On May 20, 2002, this UN-control ended and East Timor gained full independence.

Cost to Taxpayers: The resolution would authorize no expenditure.

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

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H.R. 4592 — Bob Hope Veterans Chapel Designation Act (Cox)

Order of Business: The bill is scheduled to be considered on Tuesday, May 21st, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4592 would designate the chapel in the Los Angeles National Cemetery as the “Bob Hope Veterans Chapel.”

Additional Background: Bob Hope's first radio show for the U.S. Armed Forces was broadcast from March Field in Riverside, California in 1941. His first overseas trip to entertain members of the armed forces took place in 1942. He went on to perform annual Christmas shows all over the world, including Korea, Vietnam, Russia and Saudi Arabia, for more than 50 years. It is estimated that Hope has entertained more than 10 million troops over the course of his career.

Hope was cited by the Guinness Book of World Records as "The Most Honored Entertainer" of all time with over 1,500 awards and citations for humanitarian and professional efforts, including the "Congressional Gold Medal" the "Medal of Freedom," and the "Honor of Knight Commander of The Most Excellent Order of the British Empire."

In 1997 Bob Hope was designated an honorary veteran for his humanitarian services to the United States Armed Forces by Congress. He is the only individual in history to have earned this honor.

Cost to Taxpayers: Though no cost estimate is available, building designations generally have negligible cost.

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

Constitutional Authority: No committee report citing constitutional authority is available.

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H.R. 4231 — Small Business Advocacy Improvement Act (Manzullo)

Order of Business: The bill is scheduled to be considered on Tuesday, May 21st, under a motion to suspend the rules and pass the bill.

Summary: Makes certain changes to the provisions of current law authorizing the Office of Advocacy within the Small Business Administration (SBA) designed to make the Office more independent and to ensure that the Office has the resources to carryout its purpose.

Specifically, the bill:

- Requires that the Chief Counsel for Advocacy:
 - be appointed by the President without regard to political affiliation,
 - not have been employed by the SBA within the past 5 years,
 - be paid at Level III of the Executive Schedule
- Permits the Chief Counsel for Advocacy to continue to serve at the pleasure of the new President for an additional one-year after the expiration of the term of the President by whom the individual was nominated.
- Generally replaces the term “minority enterprises” where it appears in the underlying act with “small business concerns owned and operated by socially and economically disadvantaged individuals, women, and veterans.”
- Requires the Office to maintain economic databases
- Requires the Office to prepare a separate budget request each year and requires the President to include in his Budget a separate request for the Office.
- Permits the Chief Counsel to appoint 2 individuals to serve as Deputy Chief Counsels to be paid at not more than Level III of the Senior Executive Service
- Permits the Chief counsel to appoint Regional Advocates in each of the Federal Regions
- Requires the Chief Counsel to submit an annual report on compliance with current law related to analysis of regulations
- Increases the authorization from \$1 million to \$10 million in FY 2003, \$12 million in FY 2004, and \$14 million in FY 2005

Cost to Taxpayers: CBO estimates that enacting H.R. 4231 would cost \$6 million in 2003 and \$32 million during the 2003-2007 period, assuming the appropriation of authorized amounts.

Does the Bill Create New Federal Programs or Rules?: Yes, the bill expands the Office of Advocacy within the Small Business Administration.

Constitutional Authority: The Committee finds Constitutional authority under Article I, Section 8 of the Constitution, but fails to cite a specific clause or power.

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