

## Legislative Bulletin.....March 14, 2005

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## Summary of the Bills Under Consideration Today:

**Total Number of New Government Programs:** 2

**Total Cost of Discretionary Authorizations:** Approximately \$143.3 million over five years\*

**Effect on Revenue:** Unknown\*\*

**Total Change in Mandatory Spending:** Unknown\*\*\*

**Total New State & Local Government Mandates:** 0

**Total New Private Sector Mandates:** 1

**Number of Bills Without Committee Reports:** 12 of 12

**Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority:** As of press time, 12 of 12 bills coming to the floor today are as introduced not as reported, and all lack committee reports citing constitutional authority.

*\*This does not include the cost of H.R. 486 and does includes an estimate of \$100 million for H.R. 585, which fails to specify in the introduced text, the number of years authorized by the bill*

*\*\*H.R.1134 will stop the IRS from collecting certain taxes which would likely affect revenues*

*\*\*\*A CBO cost estimate of the TANF extension is not available.*

**H.R. 126 To amend Public Law 89-366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore as introduced (Jones of North Carolina)**

**Order of Business:** The bill is scheduled for consideration on March 14, 2005, under a motion to suspend the rules and pass the bill. Reported text of the bill was not available as of press time. The identical bill passed the House in the 108<sup>th</sup> Congress on June 14, 2004.

**Summary:** H.R. 126 would adjust the number of free roaming horses permitted in Cape Lookout National Seashore, North Carolina, from 100 free roaming horses to not less than 110 free roaming horses with a target population of between 120 and 130. The bill would not permit the removal of the horses unless removal is carried out as part of a plan to maintain the viability of the herd.

**Additional Background:** Established in 1966, Cape Lookout National Seashore, a 56-mile long section of the Outer Banks, includes three undeveloped barrier islands--North Core Banks, South Core Banks, and Shackleford Banks. The National Parks Service administers the National Seashore. A herd of free-ranging horses known as the Shackleford herd is part of the natural environment of the Seashore. In 1998, Congress passed legislation requiring annual reports on the status of the herd, and in April 1999, a Memorandum of Understanding was signed between the National Park Service and the Foundation of Shackleford Horses for joint management of the horses. In 2002, the Superintendent of the Cape Lookout National Seashore and the Friends of Shackleford Horses agreed that the population of the horses should never fall below 110 horses for scientific reasons, such as genetic diversity.

**Committee Action:** The bill was introduced on January 4, 2005, and referred to the Resources Committee. The Committee did not consider the bill.

**Cost to Taxpayers:** The Congressional Budget Office estimated for the 108<sup>th</sup> version of this bill that it would have no significant cost.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

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

**Constitutional Authority:** A report from the Committee on Resources is unavailable.

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**H.R. 186 — Llagas Reclamation Groundwater Remediation Initiative — as introduced (Pombo)**

**Order of Business:** The bill is scheduled for consideration on March 14, 2005, under a motion to suspend the rules and pass the bill. Reported text of the bill was not available as of press time. The House passed a similar bill on September 21, 2004.

**Summary:** H.R. 186 authorizes \$25 million for a new California Basins Groundwater Remediation Fund, an interest bearing account in the U.S. Treasury to be used by the Secretary of the Interior to provide grants to the Santa Clara Valley Water District to reimburse it for the Federal share of the costs associated with designing and constructing groundwater remediation projects administered by the Santa Clara Valley Water District. According to the bill “groundwater remediation” means actions that are necessary to prevent, minimize, or mitigate damage to groundwater.

Sixty-five percent of each project will be paid for by the federal government because the bill requires the Interior Secretary to collect 35% of funds from non-federal interests. The State of California, local government agencies, and private entities may provide all or any portion of the non-Federal funds. H.R. 186 directs the Secretary to credit the Santa Clara Valley Water District with prior expenditures going back until January 2000, which are to be counted toward its 35% co-payment with the federal government. Retroactive expenses that are credited toward the total include: expenditures associated with environmental analyses and public involvement activities that were required to implement the groundwater remediation and all expenditures made by non-Federal interests to acquire lands, easements, rights-of-way, relocations, disposal areas, and water rights that were required to implement a groundwater remediation project.

**Additional Information:** Within Santa Clara County, 52% of the water goes to residential customers, 24% to Commercial & public, 9% to Agricultural, and 9% for Industrial. Source: [http://www.valleywater.org/Water/Where\\_Your\\_Water\\_Comes\\_From/How\\_much\\_do\\_we\\_need/index.shtm](http://www.valleywater.org/Water/Where_Your_Water_Comes_From/How_much_do_we_need/index.shtm)

According to the sponsor’s website, the bill will help with the clean up of perchlorate contamination in the groundwater of the Morgan Hill, San Martin and North Gilroy area. A salt commonly used in the manufacture of ammunition, rocket propellant and road flares, perchlorate has become a widespread contaminant in California’s groundwater. The sponsor reports that a plume of perchlorate forced the closure of 1,000 wells.

**Committee Action:** The bill was introduced on January 4, 2005, and referred to the Resources Committee. The Committee did not consider the bill.

**Cost to Taxpayers:** The bill authorizes \$25 million plus accrued interest to be available until expended.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes, the bill creates a new federal trust fund to give grants to a California local water authority in the Santa Clara Valley Water District.

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

**Constitutional Authority:** A report from the Committee on Resources is unavailable.

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**H.R. 486 —To provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, New Mexico, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base — *as introduced* (Pearce)**

**Order of Business:** The bill is scheduled for consideration on March 14, 2005, under a motion to suspend the rules and pass the bill. A similar bill passed the House in the 108<sup>th</sup> Congress on September 28, 2004.

**Summary:** H.R. 486 would authorize the Secretary of the Interior to convey to Randal, Jeffrey, and Timothy Rabon of Otero County, New Mexico all right, title, and interest of the U.S. in and to certain public land administered by the Secretary through the Bureau of Land Management consisting of a total of approximately 320 acres. The Rabons, in exchange, shall convey to the U.S. all right, title, and interest held by the Rabons in and to three parcels of land, which consists of approximately 241 acres, is contiguous to Holloman Air Force Base, New Mexico, and is located within the required safety zone surrounding munitions storage bunkers at the installation.

Subject to valid existing rights, H.R. 486 stipulates that the land exchange under this section shall include conveyance of all surface, subsurface, mineral, and water rights in the lands. A cash equalization payment may be made in excess of 25 percent of the appraised value of the public land to be conveyed. The cost of the appraisals performed as part of the land exchange shall be borne by the Secretary.

**Committee Action:** The bill was introduced on February 1, 2005, and referred to the Resources Committee, which did not consider the bill.

**Cost to Taxpayers:** A CBO cost estimate of the bill is unavailable. The federal government is authorized to pay a cash equalization payment in excess of 25 percent of the appraised value of the public land to be conveyed. The appraised value of the land could not be determined as of press time, so it is not known how much is authorized by the 25% cash payment in H.R. 486. The government will also pay the cost of the appraisals, a cost estimate of which was not available.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No. The bill reduces the amount of federal land the government will own in New Mexico.

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

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

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## **H.R. 585 — Gateway Communities Cooperation Act — *as introduced* (Radanovich)**

**Order of Business:** The bill is scheduled for consideration on March 14, 2005, under a motion to suspend the rules and pass the bill. Reported text of the bill was not available as of press time. A similar bill passed the House in the 108<sup>th</sup> Congress on July 19, 2004.

**Summary:** H.R. 585 would require federal land managers to communicate, coordinate, and cooperate with gateway communities (areas significantly affected by planning and management decisions regarding federal lands abutting or close to their communities). The relevant Secretary (Interior or Agriculture, as appropriate) would be required to involve local elected and appointed officials in gateway communities in the development of land use plans, programs, land use regulations, land use decisions, transportation plans, general management plans, and any other plans or decisions that are likely to have a significant

impact on the community. At the request of the community, the relevant Secretary would be required to provide training sessions to help officials better understand the agency planning processes and technical assistance to help communities develop land use or management plans. H.R. 585 authorizes \$10 million per year for these purposes.

The Secretaries are also authorized to provide grants to any gateway community with a population of less than 10,000. H.R. 585 authorizes \$10 million per year for these grants.

**Committee Action:** H.R. 585 was introduced on February 2, 2005, and referred to the Committee on Resources and the Committee on Agriculture. Neither committee considered the bill.

**Cost to Taxpayers:** H.R. 585 authorizes \$20 million per year (including \$10 million a year for grants). Though the introduced bill is not specific as to the years of authorization, most authorization bills are for five to six years, which would mean that HR 585 would authorize \$100 million over five years or \$120 million over six years, subject to appropriations.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes, the bill requires new cooperation between the Federal Government and gateway communities and authorizes new grants to small gateway communities.

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

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

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## **H.R. 680—To direct the Secretary of Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah — *as introduced* (Cannon)**

**Order of Business:** The bill is scheduled for consideration on March 14, 2005, under a motion to suspend the rules and pass the bill. Reported text of the bill was not available as of press time. A similar bill passed the House in the 108<sup>th</sup> Congress on October 4, 2004.

**Summary:** H.R. 680 would authorize the Secretary of the Interior to take the referenced three-acre property out of trust status and convey it to the City of Richfield, Utah, not later than 90 days after receiving a request from the Paiute Indian Tribe of Utah and from the City of Richfield to convey the property (currently held in trust by the U.S. for the Tribe). The City of Richfield would have to pay all costs related to the conveyance, the proceeds of which would go to the Tribe. The bill states that land acquired by the U.S. in trust for the Tribe after February 17, 1984, shall be part of the Tribe's reservation.

If a Paiute Indian tribal resolution requests the Interior Secretary to take land held in trust by the U.S. for the benefit of the Tribe out of such trust status and take that land into trust for the Shivwits or Kanosh Bands of the Paiute Indian Tribe of Utah, the bill authorizes this action.

**Committee Action:** The bill was introduced on February 9, 2005, and referred to the Resources Committee, which did not consider the bill.

**Cost to Taxpayers:** The bill would prohibit the federal government from incurring any cost related to the conveyance.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

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

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

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## **H.R. 1160 - To reauthorize the Temporary Assistance for Needy Families block grant program through March 31, 2005 — *as introduced* (Herger)**

**Order of Business:** The bill is scheduled for consideration on March 14, 2005, under a motion to suspend the rules and pass the bill. Reported text of the bill was not available as of press time.

**Summary:** The bill extends until June 30, 2005, federal welfare programs now set to expire on March 31, 2005. In the 107th Congress (H.R. 4737) and in the 108th Congress (H.R. 4), the House passed complete welfare reauthorization bills. The full Senate did not consider the 107th or the 108<sup>th</sup> bills. Until a welfare reauthorization bill is signed into law, the welfare programs, which are considered mandatory spending, expire. This bill, if signed into law, will temporarily continue the programs (last authorized in 1996) at the third quarter 2004 levels. The bill also extends the national random sample study of child welfare and child welfare waiver authority through June 30, 2005, at the third quarter 2004 levels.

**Additional Information:** In the 108th Congress, on February 13, 2003, the House passed H.R. 4, 230-192, to reauthorize the welfare programs for five years (<http://johnshadegg.house.gov/rsc/LB21303.pdf> ; <http://clerk.house.gov/evs/2003/roll030.xml>). The Senate has yet to consider a welfare reauthorization. Without Senate reauthorization, Congress has voted five times to temporarily extend the welfare programs: H.R. 2350, which passed the House 406-6 on June 11, 2003, (<http://clerk.house.gov/evs/2003/roll261.xml>) and was subsequently signed into law, extended TANF through September 2003; H.R. 3146, which passed the House by voice vote on September 24, 2003, and was signed into law, extended the program through March 31, 2004; S. 2231, which passed the House by voice vote on March 30, 2004, extended the program through June 30, 2004; H.R. 4589, which passed the House by voice vote on June 22, 2004, extended the program through September 30, 2004; and H.R. 5149 which passed the House by a vote of 416-0 on September 29, 2004 (<http://clerk.house.gov/evs/2004/roll482.xml>), and was signed into law, extended the program through March 31, 2005.

**Committee Action:** The bill was introduced on March 8, 2005, and referred to the House Ways and Means and Energy and Commerce Committees, neither of which has considered the bill.

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

**Does the Bill Expand the Size and Scope of the Federal Government?:** No, the bill extends current TANF (welfare) programs for an additional three months.

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

**Constitutional Authority:** Committee reports citing authority are unavailable.

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## **H.R. 816—Nevada National Forest Land Disposal Act — *as introduced* (Gibbons)**

**Order of Business:** The bill is scheduled to be considered on Monday, March 14<sup>th</sup>, under a motion to suspend the rules and pass the bill. Last Congress, the House passed an identical bill (H.R. 1092) by voice vote. The Senate never considered the bill on the floor.

**Summary:** H.R. 816 would direct the Secretary of Agriculture to sell six parcels of federal land, totaling 231 acres, located in Douglas County and Carson City in Nevada. The land would be sold to the city or the county, with the proceeds from the sale designated as follows:

- 5% - State of Nevada general education program
- 5% - Carson Water Subconservancy in Nevada
- 25% - available for use by the Secretary for costs related to the Douglas County/Carson City land sale and for the development and maintenance of parks, trails and natural areas in Carson City, Douglas County, or Washoe County, Nevada
- 65% - Minden Interagency Dispatch Center (joint U.S. Forest Service/Nevada Division of Forestry facility used for fighting wildfires)

**Additional Background:** According to the committee report for H.R. 1092 last Congress, the lands to be sold under the bill are isolated parcels that are difficult and expensive to manage. In addition, most of the parcels border private land and are close to highways or other development, making the land ideal for future community development.

According to the General Services Administration, the federal government owns 91.9% of the land in Nevada.

**Committee Action:** On February 15, 2005, H.R. 816 was referred to the Resources Committee, which took no official action on the bill.

**Cost to Taxpayers:** Although no cost estimate is available for H.R. 816, the Congressional Budget Office estimated that H.R. 1092 last Congress would have increased offsetting receipts (a credit against direct spending) and direct spending by less than \$500,000 in any year. Selling the land would generate offsetting receipts of about \$1 million over the 2004-2005 period with those funds then being spent, resulting in a negligible change in net direct spending. The bill would not affect revenues.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No, it would slightly reduce the size of federal land-holdings in Nevada.

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

**Constitutional Authority:** A committee report citing constitutional authority for H.R. 816 is unavailable.

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**H.R. 62—To create the Office of Chief Financial Officer of the Government of the Virgin Islands — *as introduced (Delegate Christensen)***

**Order of Business:** The bill is scheduled to be considered on Monday, March 14<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 62 would direct the Governor of the Virgin Islands to appoint a one-time, five-year-term Chief Financial Officer, with the advice and consent of the Legislature of the Virgin Islands. This CFO would assume the functions and authority of the office of the Office of Management and Budget established under the laws of the Virgin Islands. The position of the Director of the Office of Management and Budget of the Virgin Islands would function as a Deputy Chief Financial Officer. After five years, the functions of the CFO would be transferred back to the Director of the Office of Management and Budget of the Virgin Islands.

H.R. 62 would also establish the Virgin Islands Chief Financial Officer Search Commission, to recommend to the Governor not less than three candidates for nomination as Chief Financial Officer of the Virgin Islands, as detailed in the bill. The Commission would terminate 210 days after its first meeting.

Lastly, the bill would authorize “such sums as necessary” for the installation of a Financial Management System, including appropriate computer hardware and software, to the Government of the Virgin Islands.

**Committee Action:** On January 4, 2005, H.R. 62 was referred to the Resources Committee, which took no official action on the bill.

**Cost to Taxpayers:** A formal cost estimate is unavailable. The bill sponsor’s office estimates that the Financial Management System would cost about \$6 million.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** The bill would mandate the temporary creation of a CFO for a U.S. territory.

**Constitutional Authority:** A committee report citing constitutional authority for H.R. 816 is unavailable.

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**H.R. 412—Western Reserve Heritage Areas Study Act — *as introduced (Ryan of Ohio)***

**Order of Business:** The bill is scheduled to be considered on Monday, March 14<sup>th</sup>, under a motion to suspend the rules and pass the bill. The House passed an identical bill, H.R. 3257, last year by voice vote. The Senate never considered the bill.

**Summary:** H.R. 412 would authorize the Secretary of the Interior, in consultation with the State of Ohio, the counties of Trumbull, Mahoning, Ashtabula, Portage, Geauga, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland, and other appropriate organizations, to study (in accordance with the outline contained in the legislation) the “suitability and feasibility” of establishing the Western Reserve Heritage Area in these counties in Ohio. This study, among other things, would have to analyze to what extent this proposed heritage area would have “potential or actual impact on private property located within or abutting the Study Area.”

The legislation also contains eight findings of Congress as to why the Western Reserve area of Ohio warrants federal involvement for historic preservation.

**Additional Background:** As the legislation points out, the Western Reserve was land (made up of the modern-day counties listed above) that was settled in the late 18<sup>th</sup> Century by people from Connecticut whose property and land had been destroyed during the American Revolution.

Congress has established 27 National Heritage Areas around the country, in which conservation, interpretation, and other activities are managed by partnerships among federal, state, and local governments and the private sector. The National Park Service provides technical assistance, as well as financial assistance, for a limited number of years following designation.

The National Park Service defines a National Heritage Area as follows:

A “National Heritage Area” is a place designated by the United States Congress, where natural, cultural, historic and recreational resources combine to form a cohesive, nationally distinctive landscape arising from patterns of human activity shaped by geography. These patterns make National Heritage Areas representative of the national experience through the physical features that remain and the traditions that have evolved in the areas. Continued use of the National Heritage Areas by people whose traditions helped to shape the landscapes enhances their significance.

National Heritage Areas are a new kind of national designation, which seeks to preserve and celebrate many of America's defining landscapes.

<http://www.cr.nps.gov/heritageareas/FAQ/INDEX.HTM>

**NOTE: no legislative criteria exist for designating a National Heritage Area.**

Most of the 27 existing National Heritage Areas are located in the eastern third of the United States. To see what and where they are, visit this webpage:

<http://www.cr.nps.gov/heritageareas/VST/INDEX.HTM>

Congress authorized the National Heritage Areas as follows:

- 1 in 1984
- 1 in 1986
- 2 in 1988
- 2 in 1994
- 11 in 1996
- 6 in 2000
- 1 in 2003
- 3 in 2004

For more information on National Heritage Areas, visit this website:

<http://www.cr.nps.gov/heritageareas/>

**Committee Action:** On January 26, 2005, H.R. 412 was referred to the Resources Committee, which took no official action on the bill.

**Conservative Concerns:** In the past, conservatives have tended to oppose National Heritage Areas because such designations usually lead to restrictive federal zoning and land-use planning. That is, residential and commercial private property owners are often prevented from doing what they want on their own property because of federal concerns that the historic “landscape” would be disrupted.

As J. Peyton Knight of the American Policy Center told the House Resources Committee’s Subcommittee on National Parks, Recreation and Public Lands in 2003, “Nearly every Heritage Area has a management plan or statement of purpose that calls for restrictive zoning regulations, under the auspices of more environmental protection, more open space and more historic preservation. This typically results in more infringements upon the property rights of landowners located within the boundaries of Heritage Areas.”

Furthermore, Mr. Knight pointed out that National Heritage Areas provide another reason for groups subsisting on federal funds to ask for even more federal funds: “If the Heritage Areas program is allowed to proliferate, experience shows that it will become not only a funding albatross, as more and more interest groups gather around the federal trough, but also a program that quashes property rights and local economies through restrictive federal zoning practices. The real beneficiaries of a National Heritage Areas program are conservation groups, preservation societies, land trusts and the National Park Service—essentially, organizations that are in constant pursuit of federal dollars, land acquisition, and restrictions to development.”

Dan Clifton of Americans for Tax Reform also pointed out to the Parks Subcommittee in 2003 that the “National Park Service...is already facing a multi-billion dollar maintenance backlog” and thus will not practically be able to take on any new maintenance requirements.

**Administration Position:** Although an Administration viewpoint is unavailable for this legislation, the National Park Service, in testimony before the Parks Subcommittee in 2003 (for H.R. 280), recommended “**defer[ing] action on any individual national heritage area designation or study bill until generic national heritage area legislation is enacted.**” (*emphasis added*)

To read the full statement, visit this webpage:

<http://resourcescommittee.house.gov/108cong/parks/2003oct16/tiller.htm>

**Cost to Taxpayers:** For H.R. 3257 last year, CBO estimated that completing the proposed study would cost \$300,000 over the next few years.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

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

**Constitutional Authority:** A committee report citing constitutional authority for H.R. 816 is unavailable.

**Outside Organizations:** Americans for Tax Reform was opposed to H.R. 3257 last year and has indicated opposition for H.R. 412 this year.

## **H.R. 694—Gullah/Geechee Cultural Heritage Act — *as introduced (Clyburn)***

**Order of Business:** The bill is scheduled to be considered on Monday, March 14<sup>th</sup>, under a motion to suspend the rules and pass the bill. The House passed a similar (and cheaper) bill, H.R. 4683, last year by voice vote. The Senate never considered the legislation.

**Summary:** H.R. 694 would establish the Gullah/Geechee Cultural Heritage Corridor in South Carolina and Georgia. The bill would also establish a commission to develop and implement a management plan for the area, which would terminate 10 years after enactment of the bill. The management plan must include comprehensive policies and recommendations for conservation, funding, management, and development of the Heritage Corridor. The Secretary of the Interior must receive the plan within three years, at which time the Secretary would approve or disapprove it. The commission is also authorized to establish one or more Coastal Heritage Centers.

The bill authorizes no more than \$2 million for any fiscal year, not to exceed \$20 million in total. Last year's bill authorized no more than \$1 million for any fiscal year, not to exceed \$10 million in total. Authority of the Secretary to provide financial assistance to the Heritage Corridor would terminate 15 years after enactment.

H.R. 694 does contain various private property protection clauses, including:

- “Nothing in this Act shall be construed to require any private property owner to permit public access (including Federal, State, or local government access) to such private property.”
- “Designation of the Heritage Corridor shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.”
- “Nothing in this Act shall be construed to require the owner of any private property located within the boundaries of the Heritage Corridor to participate in or be associated with the Heritage Corridor.”
- “No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Corridor until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.”
- “Any owner of private property included within the boundary of the Heritage Corridor shall have their property immediately removed from within the boundary by submitting a written request to the management entity.”

**Additional Background:** African-Americans who settled in the coastal counties of South Carolina and Georgia, starting during slavery, are known as the Gullah/Geechee. The Gullah/Geechee culture is believed to be the most distinctive African-American culture in the United States. The National Park Service is in the process of completing a special resource study on the Gullah/Geechee culture for Congress.

Congress has established 27 National Heritage Areas around the country, in which conservation, interpretation, and other activities are managed by partnerships among federal, state, and local governments and the private sector. The National Park Service provides technical assistance, as well as financial assistance, for a limited number of years following designation.

The National Park Service defines a National Heritage Area as follows:

A “National Heritage Area” is a place designated by the United States Congress, where natural, cultural, historic and recreational resources combine to form a cohesive, nationally distinctive landscape arising from patterns of human activity shaped by geography. These patterns make National Heritage Areas representative of the national experience through the physical features that remain and the traditions that have evolved in the areas. Continued use of the National Heritage Areas by people whose traditions helped to shape the landscapes enhances their significance.

National Heritage Areas are a new kind of national designation, which seeks to preserve and celebrate many of America's defining landscapes.

<http://www.cr.nps.gov/heritageareas/FAQ/INDEX.HTM>

**NOTE: no legislative criteria exist for designating a National Heritage Area.**

Most of the 27 existing National Heritage Areas are located in the eastern third of the United States. To see what and where they are, visit this webpage:

<http://www.cr.nps.gov/heritageareas/VST/INDEX.HTM>

Congress authorized the National Heritage Areas as follows:

- 1 in 1984
- 1 in 1986
- 2 in 1988
- 2 in 1994
- 11 in 1996
- 6 in 2000
- 1 in 2003
- 3 in 2004

For more information on National Heritage Areas, visit this website:

<http://www.cr.nps.gov/heritageareas/>

**Committee Action:** On February 9, 2005, H.R. 694 was referred to the Resources Committee, which took no official action on the bill.

**Possible Conservative Concerns:** In the past, conservatives have tended to oppose National Heritage Areas because such designations usually lead to restrictive federal zoning and land-use planning. That is, residential and commercial private property owners are often prevented from doing what they want on their own property because of federal concerns that the historic “landscape” would be disrupted. For H.R. 694, these conservative concerns may be assuaged by the explicit private property protections in the bill (as summarized above).

**Administration Position:** Although an Administration viewpoint is unavailable for this legislation, the National Park Service, in testimony before the Parks Subcommittee in 2003 (for H.R. 280), recommended **“defer[ing] action on any individual national heritage area designation or study bill until generic national heritage area legislation is enacted.”** (*emphasis added*)

To read the full statement, visit this webpage:

<http://resourcescommittee.house.gov/108cong/parks/2003oct16/tiller.htm>

**Cost to Taxpayers:** The bill would authorize \$2 million a year—up to a total of \$20 million.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes, the bill would create a new national heritage area.

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

**Constitutional Authority:** A committee report citing constitutional authority is not available.

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## **H.R.1134 To amend the Internal Revenue Code of 1986 to provide for the proper tax treatment of certain disaster mitigation payments — *as introduced* (Foley)**

**Order of Business:** The bill is scheduled for consideration on March 14, 2005, under a motion to suspend the rules and pass the bill.

**Summary** The bill amends the IRS Code so that gross income shall not include any amount received as a qualified disaster mitigation payment. Such a payment includes federal FEMA mitigation grants paid out under the Robert T. Stafford Disaster Relief and Emergency Assistance Act or the National Flood Insurance Act to or for the benefit of the owner of any property for hazard mitigation with respect to such property. The three programs affected by H.R. 1134 include the Hazard Mitigation Grant Program (approximately \$290 million in FY04), the Flood Mitigation Assistance program (approximately \$20 million in FY04) and the Predisaster Mitigation Program (approximately \$81 million in FY04). The bill establishes that certain mitigation payments received after the date of the enactment of H.R. 1134, are not taxable. (The bill is silent on the taxation of previous mitigation grants, thus presumably allowing the IRS ruling to stand (and tax to be collected) on grants made prior to and up until the date this bill is enacted into law).

**Additional Information:** In June 2004, the IRS issued what it called a clarifying ruling that if a hazard mitigation grant *is not directly tied to a natural disaster*, the value of the grant should be taxed as personal income to the beneficiary. Current FEMA grant recipients were never advised that these grants would be taxable before receiving funds under the FEMA program. Mitigation grants have been used to build “safe rooms” in areas hit by tornados, to raise houses on stilts in regions prone to flooding, and to retrofit wind shutters in hurricane-prone areas.

An example cited in press reports is of a man who lived in a flood-prone area whose home flooded three times in ten years and who received a federal grant of \$130,000 (75% of the cost) to knock down his house and rebuild a new one on stilts. The IRS ruling stated that this grant should count as income to the owner. Source: [http://www.sptimes.com/2004/10/27/Business/IRS\\_to\\_tax\\_federal\\_hu.shtml](http://www.sptimes.com/2004/10/27/Business/IRS_to_tax_federal_hu.shtml)

To see a photo of a federally funded elevated (on stilts) home go to:  
<http://www.fema.gov/fima/planning.shtm>

According to press reports, as of October, the Federal Emergency Management Agency had paid out \$383 million for approximately 1,300 projects under the three disaster mitigation programs affected in FY04; about \$51 million of which went to just fewer than 100 projects in Florida.

<http://www.nola.com/news/t-p/frontpage/index.ssf?/base/news-3/110871163369180.xml>

To see a list of some of FEMA's pre-mitigation grants go to: <http://www.fema.gov/fima/pdmclist.shtm>

**Committee Action:** The bill was introduced on March 7, 2005, and referred to the House Ways and Means Committee, which did not consider the bill.

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

**Does the Bill Expand the Size and Scope of the Federal Government?:** The bill modifies the law so that certain qualified FEMA mitigation grants are not taxable as income.

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

**Constitutional Authority:** A Committee report citing authority is unavailable.

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## **H.Res. 135—Providing for the establishment of a commission in the House of Representatives to assist parliaments in emerging democracies — *as introduced* (Dreier)**

**Order of Business:** The resolution is scheduled to be considered on Monday, March 14<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. 135 would establish in the House of Representatives a House Democracy Assistance Commission to:

- “enable Members, officers, and staff of the House of Representatives and congressional support agencies to provide expert advice to members and staff of the parliaments of selected countries;
- “enable members and staff of parliaments of selected countries to visit the House of Representatives and its support agencies to learn about their operations first-hand; and
- “provide recommendations to the Administrator of the United States Agency for International Development regarding the provision of material assistance, such as modern automation and office systems, information technology, and library supplies, that the Commission determines is needed by the parliament of a selected country in order to improve the efficiency and transparency of its work, and to oversee the provision of such assistance.”

The Commission would be composed of Members of the House of Representatives, the number of whom shall be determined by the Speaker of the House of Representatives, in consultation with the Minority Leader of the House of Representatives. The Speaker would appoint majority Members to the commission, and the Minority Leader would appoint minority Members.

The Commission would have to conduct on an annual basis (or more frequently if necessary) a study on the feasibility of programs of assistance for parliaments of countries (as determined by the Commission)

that have established or are developing democratic parliaments, for the purpose of strengthening the parliamentary infrastructure of such countries.

The Commission would report annually to the appropriate entities of Congress plus the United States Agency for International Development and then terminate on September 30, 2009.

**Committee Action:** On March 9, 2005, the International Relations Committee marked up the resolution and approved it for consideration under suspension of the rules on the House floor.

**Cost to Taxpayers:** The Commission would use the existing resources of the House International Relations Committee.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

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

**Constitutional Authority:** A committee report citing constitutional authority is not available.

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## **H.Res. 101—Urging the European Union to add Hezbollah to the European Union's wide-ranging list of terrorist organizations — *as introduced* (Saxton)**

**Order of Business:** The resolution is scheduled to be considered on Monday, March 14<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. 101 would resolve that the House:

- “urges the European Union to classify Hezbollah as a terrorist organization for purposes of prohibiting funding from the European Union to Hezbollah and recognizing it as a threat to international security;
- “condemns the continuous terrorist attacks perpetrated by Hezbollah; and
- “condemns Hezbollah's continuous support of Palestinian terrorist organizations on the European Union terrorist list, such as the Al Aqsa Martyrs Brigade, Hamas, the Palestinian Islamic Jihad, and the Popular Front for the Liberation of Palestine.”

**Additional Background:** As the resolution states, “Hezbollah is a Lebanon-based radical organization with terrorist cells based in Europe, Africa, North America, South America, Asia, and elsewhere, receiving financial, training, weapons, and political and organizational aid from Iran and Syria...Hezbollah has led a 23-year global campaign of terror targeting American, German, French, British, Italian, Israeli, Kuwaiti, Saudi Arabian, Argentinean, Thai, Singaporean, and Russian civilians, among others.” The resolution lists various terrorist atrocities in which Hezbollah has been involved.

**Committee Action:** On March 8, 2005, both the Subcommittee on International Terrorism and Nonproliferation and the Subcommittee on Europe and Emerging Threats favorably forwarded the resolution to the full International Relations Committee, which one day later marked up the resolution and approved it for consideration under suspension of the rules on the House floor.

**Cost to Taxpayers:** The resolution would authorize no expenditure.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

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

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## **S. 384 — To extend the existence of the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group for 2 years (Sen. DeWine)**

**Order of Business:** The bill is scheduled for consideration on March 14, 2005, under a motion to suspend the rules and pass the bill.

**Summary:** The bill extends the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group for an additional two years. The group began as a Nazi War Crimes Working Group and was expanded to include the Japanese Imperial Government Records Interagency working group. The Group is authorized at such sums as may be necessary but it could not be determined how much funding has been appropriated.

**Additional Information:** The working group is charged with locating and declassifying federal records dealing with Nazi and Japanese World War II war crimes. The IWG consists of high-level representatives from federal agencies and public members. Since 1999, the IWG has declassified and opened to the public an estimated 8 million pages of documents that are helping to shape our understanding of the Holocaust, war crimes, and World War II and postwar activities of U.S. and Allied intelligence agencies. The IWG has issued two reports to Congress (in October 1999 and March 2002). The IWG website is <http://www.archives.gov/iwg/>. (Source: [http://www.archives.gov/media\\_desk/press\\_releases/nr05-07.html](http://www.archives.gov/media_desk/press_releases/nr05-07.html))

**Committee Action:** The bill was introduced in the Senate on February 15, 2005, and passed the Senate the following day by voice vote. It was referred to the House Committee on Government Reform, which did not consider the bill.

**Cost to Taxpayers:** A CBO cost estimate is unavailable. The Group is authorized at such sums as may be necessary but it could not be determined as of press time how much funding has been appropriated.

**Does the Bill Expand the Size and Scope of the Federal Government?:** The bill extends a federally funded working group that was set to expire.

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

**Constitutional Authority:** A Committee report citing authority is unavailable.

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