



**Legislative Bulletin.....February 28, 2006**

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

**Total Number of New Government Programs: 0**

**Total Cost of Discretionary Authorizations: \$200,000 over three years plus such sums as necessary**

**Effect on Revenue: \$0**

**Total Change in Mandatory Spending: \$0**

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

**Total New Private Sector Mandates: 0**

**Number of Bills Without Committee Reports: 1**

**Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 2**

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**S. 449 — A bill to facilitate shareholder consideration of proposals to make Settlement Common Stock under the Alaska Native Claims Settlement Act available to missed enrollees, eligible elders, and eligible persons born after December 18, 1971 (Sen. Murkowski, R-AK)**

**Order of Business:** The bill is scheduled for consideration on Tuesday, February 28, 2006, under a motion to suspend the rules and pass the bill.

**Summary:** S. 449 would amend the Alaska Native Claims Settlement Act (P.L. 92-203, passed in 1971) to make Settlement Common Stock under such Act available to missed enrollees, eligible elders, and eligible persons born after December 18, 1971.

**Additional Information:** As originally enacted, the Alaska Native Claims Settlement Act provided that stock in Alaska Native corporations would be available only to eligible Alaska Natives born after December 18, 1971, and their descendants. Subsequent amendments to the act provided that a majority of a corporation's outstanding shareholders could vote to offer stock to other Alaska Natives. S. 449 would further amend the act to allow a corporation to offer shares to otherwise eligible individuals upon approval by a majority of shareholders present and voting at a shareholder meeting.

**Committee Action:** S. 449 was introduced on February 17, 2005, in the Senate. It was passed in the Senate on December 14, 2005, and referred to the House Committee on Resources, which took no official action.

**Cost to Taxpayers:** CBO estimates that S. 449 would have no significant impact on the federal budget. Enacting the bill would not affect direct spending or revenues.

**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.

House Rule XIII, Section 3(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. 1096 — Act Commemorating the LITE, or Lifetime Innovations of Thomas Edison — *as reported* (Garrett, R-NJ)**

**Order of Business:** The bill is scheduled for consideration on Tuesday, February 28, 2006, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 1096 would recognize and pay tribute to Thomas Alva Edison and his innovations, and preserve, protect, restore, and enhance the Edison National Historic Site for public use. The bill would commemorate the Lifetime Innovations of Thomas Edison (LITE). It would also establish the Thomas Edison National Historical Park in New Jersey as a unit of the National Park System (NPS).

In addition, the bill grants authority to the Secretary to acquire 1) land or interests in land within the Historical Park's boundaries from willing sellers only, and 2) personal property associated with, and appropriated for, interpretation of the Historical Park. The act also repeals P.L 87-628, regarding the establishment and administration of the Edison National Historic Site. The bill authorizes such sums as may be necessary to carry out the act.

**Committee Action:** H.R. 1096 was introduced on March 3, 2005, and referred to the Committee on Resources' Subcommittee on National Parks. The bill was marked-up on October 19, 2005, and it was reported to the House by unanimous consent (H. Rept. [109-286](#)).

**Cost to Taxpayers:** CBO estimates that "implementing this bill would have no significant effect on the federal budget. Under the bill, the unit's boundaries, the agency's authority to acquire land and execute cooperative agreements with local entities, and annual operating costs would be similar or identical to those under existing law. We expect that one-time costs to revise NPS brochures, maps, and signs would be minimal because most such revisions would take place in conjunction with scheduled reprinting and other routine maintenance."

**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:** The Committee Report, H. Rept. [109-286](#), cites constitutional authority for this legislation in Article I, Section 8, and Article IV, Section 3 of the Constitution, but fails to cite a specific Clause.

House Rule XIII, Section 3(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. 1728—French Colonial Heritage National Historic Site Study Act (*Carnahan, D-MO*)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, February 28<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 1728 would direct the Secretary of the Interior (in consultation with the State of Missouri) to study the suitability and feasibility of designating the French Colonial Heritage Area in Missouri as a unit of the National Park System. The study, which would have to be completed and submitted to Congress within three years of funds being made available for it, would have to address the potential impact that such designation might have on private land within or adjacent to the proposed area.

The legislation defines the French Colonial Heritage Area as the area “which includes the Bequette-Ribault, St. Gemme-Amoureux, and Wilhawk homes, and the related and supporting historical assets located in Ste. Genevieve County, Missouri.”

**Background:** The House Resources Committee writes the following in the committee report for this bill (House Report 109-338):

The Area contains some of the only existing examples of the French Colonial period settlement, including two of the five poteaux-en-terre (post-in-the-ground) vertical log French buildings remaining in North America, dating from circa 1785, in addition to several other important historical resources. Moreover, the Area is located within the expanded boundaries of Ste. Genevieve National Historic District, a National Historic Landmark. Currently, no unit of the National Park System has comparable historic features providing the cultural backdrop required to adequately interpret the story of the early French in the New World.

**Additional Background:** 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.

(Source: <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/>

**Possible Conservative Concerns:** In the past, conservatives have objected to 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."

Americans for Tax Reform testified 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.

(Sources: <http://resourcescommittee.house.gov/archives/108/testimony/peytonknight.htm>;  
<http://resourcescommittee.house.gov/archives/108/testimony/danielclifton.htm>)

**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 until generic national heritage area legislation is enacted.** (*emphasis added*)

To read the full statement, visit this webpage:

<http://resourcescommittee.house.gov/archives/108/testimony/tiller280.htm>

**Committee Action:** H.R. 1728 was introduced on April 20, 2005, and subsequently referred to the Resources Committee and its Subcommittee on National Parks. On November 16, 2005, the full committee marked up and ordered the bill reported to the full House by unanimous consent.

**Cost to Taxpayers:** CBO estimates that H.R. 1728 would cost about \$200,000 over three years.

**Does the Bill Expand the Size and Scope of the Federal Government?:** The study itself would not grow government.

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

**Constitutional Authority:** The Resources Committee, in House Report 109-338, cites constitutional authority in Article I, Section 8, but fails to cite a specific clause. House Rule XIII, Section 3(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.Res. 677 – Recognizing the creation of the NASCAR-Historically Black Colleges and Universities Consortium — *as introduced* (Rogers, R-AL)**

**Order of Business:** The resolution is scheduled to be considered on Tuesday, February 28th, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 677 resolves that the House of Representatives:

- “recognizes the National Association for Stock Car Auto Racing, Inc., the NASCAR Universal Technical Institute, and a collaboration of Historically Black Colleges and Universities, and their creation of a strategic alliance to increase the number and quality of job opportunities for African-American students in key racing and other related automotive business activities;
- “commends NASCAR, the NASCAR Universal Technical Institute, the NASCAR Technical Training Institute, and the Historically Black Colleges and Universities, for their efforts to increase the number and quality of job opportunities for African-American students in key racing and other related automotive business activities; and
- “encourages the Departments of Education and Labor and other appropriate agencies of the Federal government to support this effort.”

**Additional Information:** According to the resolution, “the National Association for Stock Car Auto Racing, Inc. (NASCAR), the NASCAR Universal Technical Institute, and a collaboration of Historically Black Colleges and Universities (HBCUs) have agreed to create a strategic alliance focused on increasing the number and quality of job opportunities for African-American students in key racing and other related automotive business activities including automotive engineering and technology, automotive safety, sports marketing, and other automotive industry areas.” The coalition is working to increase the number of NASCAR jobs available to African-American students, and NASCAR has “agreed to efforts to enhance the identification of employment opportunities with NASCAR such as Internships, full time jobs, including entry level management positions, part-time jobs for college students, and post-graduate job placement for students pursuing undergraduate and graduate degrees at partner HBCUs.”

**Note:** H.Res. 677 resolves that the House of Representatives “encourages the Departments of Education and Labor and other appropriate agencies of the Federal government to support this effort.” Although the Committee has stated that this “support” is not intended to be federal financial aid to the program, it unclear specifically what type of support the resolution encourages from the Departments. Some conservatives may be concerned that the resolution encourages federal agencies to “support” the

NASCAR/HCBU effort, which may eventually include providing federal funding to NASCAR for this initiative.

**Committee Action:** On February 14, 2006, the bill was introduced and referred to the House Committee on Education and the Workforce, which took no official action.

**Cost to Taxpayers:** The resolution authorizes 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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**H.Res. 668 — Celebrating the 40th anniversary of Texas Western's 1966 NCAA Basketball Championship and recognizing the groundbreaking impact of the title game victory on diversity in sports and civil rights in America – *as introduced (Reyes, D-TX)***

**Order of Business:** The resolution is scheduled to be considered on Tuesday, February 28th, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 668 resolves that the House of Representatives:

- “celebrates the 40th anniversary of Texas Western’s 1966 NCAA Basketball Championship and recognizes the groundbreaking impact of the title game victory on diversity in sports and civil rights in America.”

**Additional Information:** According to the resolution, Don Haskins was an Oklahoma high school and college basketball star, and went on to become the coach of the men’s basketball team at Texas Western College, which was renamed the University of Texas at El Paso. Coach Haskin’s 1966 basketball team included the following team members, Bobby Joe Hill (Detroit, Michigan), Orsten Artis (Gary, Indiana), Togo Railey (El Paso, Texas), Willie Worsley (New York, New York), David Palacio (El Paso, Texas), Dick Myers (Peabody, Kansas), Harry Flournoy (Gary, Indiana), Louis Baudoin (Albuquerque, New Mexico), Nevil Shed (New York, New York), Jerry Armstrong (Eagleville, Missouri), Willie Cager (New York, New York), and David “Big Daddy” Lattin (Houston, Texas) finished the basketball season 28-1. On March 19, 1966, Coach Haskins’ team played in the NCAA Basketball Championship against Pat Riley and the University of Kentucky. The game was considered very controversially because for the first time in history, the Coach utilized an all-black starting line-up, as he said they were his best players and deserved to start the game. The Texas team went on to win the championship, and many believe this historical event played a major part in advancing the civil rights movement in the sports arena.

**Committee Action:** On February 1, 2006, the bill was introduced and referred to the House Committee on Education and the Workforce, which took no official action.



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

**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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## **H.R. 2872 — Louis Braille Bicentennial--Braille Literacy Commemorative Coin Act —as introduced (Ney, R-OH)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, February 28, 2006, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 2872 authorizes the Secretary of the Treasury to mint and issue in 2009 not more than 400,000 \$1 coins, made of 90 percent silver and 10 percent copper, with a design “emblematic of the life and legacy of Louis Braille,” that is selected by the Secretary in consultation with the Commission of Fine Arts and the National Federation of the Blind. The coin shall emphasize Braille literacy and shall specifically include the word for Braille in Braille code.

The bill requires each coin sold to include a \$10 surcharge, and all surcharges collected shall be promptly paid by the Treasury Secretary to the National Federation of the Blind to further its programs to promote Braille literacy. The bill specifies that the National Federation of the Blind shall be subject to the audit requirements with regard to the amounts received by from the government under this bill.

**Additional Information:** According to the resolution’s findings, Louis Braille, who invented the Braille method for reading and writing by the blind, was born near Paris, on January 4, 1809. He lost his sight at the age of three after injuring himself with an awl in the shop of his father. At age 10, Braille, with the aid of the priest and schoolteacher, was given a scholarship and attended the Royal Institute for Blind Children where he became the youngest pupil. By the age of 15, and using a blunt awl, the same sort of tool that had blinded him, Braille had developed what is essentially modern Braille, a code that uses no more than 6 dots in a “cell” of 2 columns of 3 dots each to represent each letter and contains a system of punctuation and of “contractions” to speed writing and reading.

There was great skepticism among sighted people about the real usefulness of Braille's code, and even at the Royal Institute, it was not taught until after his death on January 6, 1852. Braille did not start to spread widely until 1868 when a group of British men began publicizing and teaching the system. Braille did not become the official and sole method of reading and writing for blind U.S. citizens until the 20th Century. While rapid technological advances in the 20th Century have greatly aided the blind in many ways by speeding access to information, each advance has seen a commensurate drop in the teaching of Braille, to the point that only about 10 percent of blind students today are taught the system. The National Federation of the Blind, the Nation’s oldest membership organization consisting of blind members, has been a champion of the Braille code, of Braille literacy for all blind people and of the memory of Louis Braille, and continues its Braille literacy efforts today through its divisions emphasizing Braille literacy, emphasizing education of blind children and emphasizing employment of the blind.



**Committee Action:** On June 13, 2005, the bill was introduced and referred to the Committee on the Financial Services, which took no official action

**Cost to Taxpayers:** A CBO cost estimate is not available. The bill, as introduced, requires the Secretary to set the price of the coin equal to its face value (\$1), plus a \$10 surcharge, plus the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping). If enough coins are sold to repay the Treasury for the cost of the designing and issuing the coins, the bill would have no cost. It cannot be determined, without additional information, if sales will in fact cover the costs.

**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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**H.R.1259 — To authorize the President to award a gold medal on behalf of the Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces — as introduced (*Rep. Rangel, D-NY*)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, February 28, 2006, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 1259 authorizes \$30,000 to create and issue a Congressional Gold Medal to the Tuskegee Airmen, collectively, in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces. According to the Treasury, each medal contains one pound (14.5 troy ounces or 16 regular ounces of gold). Thus, at current market rates, this medal will include approximately \$8,000 worth of gold. The bill also authorizes the creation and sale of duplicate bronze medals and requires any funds made from the duplicates be deposited in the U.S. Mint's Public Enterprise Fund.

**Additional Background:** Among the recipients of the medal are President George Washington, Mother Teresa, Nelson Mandela, Rosa Parks, Winston Churchill, and Pope John Paul II. Legislation has been introduced in recent Congresses to award the gold medal to individuals including the Reverend Jesse Jackson, Arnold Palmer, Cesar Chavez, and Fred Rogers. To see a full list of award recipients see: <http://www.congressionalgoldmedal.com/>.

According to the resolution's findings, in 1941, President Franklin D. Roosevelt overruled his top generals and ordered the creation of an all Black flight training program. Due to the rigid system of racial segregation that prevailed in the United States during World War II, Black military pilots were trained at a separate airfield built near Tuskegee, Alabama. They became known as the "Tuskegee Airmen." Studies commissioned by the Army War College between 1924 and 1939 concluded that Blacks were unfit for leadership roles and incapable of aviation. Instead, the Tuskegee Airmen excelled. Overall, 992 Black pilots graduated from the pilot training program of the Tuskegee Army

Air Field, with the last class finishing in June 1946, 450 of whom served in combat. A period of nearly 30 years of anonymity for the Tuskegee Airmen was ended in 1972 with the founding of Tuskegee Airmen, Inc., in Detroit, Michigan. Organized as a non-military and nonprofit entity, Tuskegee Airmen, Inc., exists primarily to motivate and inspire young Americans to become participants in our Nation's society and its democratic process, and to preserve the history of their legacy.

**Committee Action:** On March 10, 2005, the bill was introduced and referred to the Committee on Financial Services, which took no official action

**Cost to Taxpayers:** The bill, as introduced, authorizes \$30,000, which will include approximately \$8,000 worth of gold for the coin. The bill requires duplicate bronze medals to be created and sold, though it does not authorize any funds for these medals. According to the U.S. Mint, very few of the gold medals sell enough duplicate bronze medals to replenish the cost of the gold medal.

**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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