



Legislative Bulletin.....July 19, 2006

Contents:

H.R. 5683 — To preserve the Mt. Soledad Veterans Memorial in San Diego, California, by providing for the immediate acquisition of the memorial by the United States

H.Con.Res. 448 — Commending the National Aeronautics and Space Administration on the completion of the Space Shuttle's second Return-to-Flight mission

H.Res. 921—Condemning the recent attacks against the State of Israel, holding terrorists and their state-sponsors accountable for such attacks, and supporting Israel's right to defend itself

H.Res. 911—Expressing sympathy for the people of India in the aftermath of the deadly terrorist attacks in Mumbai on July 11, 2006

Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 0

Total Cost of Discretionary Authorizations: \$0

Effect on Revenue: \$0

Total Change in Mandatory Spending: \$1 million increase

Total New State & Local Government Mandates: See H.R. 5683 below.

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: 0

H.R. 5683 — To preserve the Mt. Soledad Veterans Memorial in San Diego, California, by providing for the immediate acquisition of the memorial by the United States — *as introduced* (Hunter, R-CA)

Order of Business: The bill is scheduled for consideration on Wednesday, July 19th, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5683 would transfer all right, title, interest in and to, and the right to immediate possession of the Mt. Soledad Veterans Memorial in San Diego, California to the federal government. The U.S. would have to compensate any owners for the taking “in the amount of the agreed negotiated value of the property.” If a price cannot be agreed upon within one year after enactment, the Secretary of Defense would be allowed to seek a judicial determination as to the just compensation for the land.

Once the land is acquired by the U.S., the Secretary of Defense would manage the property until a memorandum of understanding could be concluded with the Mount Soledad Memorial Association for the continued maintenance of the site.

The bill lists a number of findings, including the following:

- “The Mt. Soledad Veterans Memorial has proudly stood overlooking San Diego, California, for over 52 years as a tribute to the members of the United States Armed Forces who sacrificed their lives in the defense of the United States.
- “The Mt. Soledad Veterans Memorial was dedicated on April 18, 1954, as ‘a lasting memorial to the dead of the First and Second World Wars and the Korean conflict’ and now serves as a memorial to American veterans of all wars, including the War on Terrorism.
- “The United States has a long history and tradition of memorializing members of the Armed Forces who die in battle with a cross or other religious emblem of their faith, and a memorial cross is fully integrated as the centerpiece of the multi-faceted Mt. Soledad Veterans Memorial that is replete with secular symbols.
- “The Mt. Soledad Veterans Memorial has been recognized by Congress as a National Veterans Memorial and is considered a historically significant national memorial.
- “76 percent of the voters of San Diego supported donating the Mt. Soledad Memorial to the Federal Government only to have a superior court judge of the State of California invalidate that election.
- “The City of San Diego has diligently pursued every possible legal recourse in order to preserve the Mt. Soledad Veterans Memorial in its entirety for persons who have served in the Armed Forces and those persons who will serve and sacrifice in the future, and
- “Congressional action is now necessary because the City of San Diego is under a district court order to remove the Memorial Cross from city property by August 1, 2006.”

Additional Information: A single plaintiff sued the City of San Diego in 1989, asserting the presence of the cross at the memorial violated the California Constitution. The court agreed. Ten years later, San Diego sold the site to the Mount Soledad Memorial Association. According to the sponsor’s office, “the Ninth Circuit Court of Appeals found that the method of sale violated the California Constitution’s ban on aid to sectarian purposes.” San Diego then proposed to donate the lands to the federal government by ballot initiative. The voters approved the initiative by 76%. Subsequently, “a San Diego County Superior Court judge invalidated the referendum as violating the California Constitution,” thereby forbidding San Diego from transferring the property to the U.S. On May 9, 2006, Judge Thompson, a federal

judge, gave San Diego 90 days to comply with his 1991 injunction requiring the cross to be removed from the memorial. Recently, Supreme Court Justice Anthony Kennedy issued a stay of Judge Thompson's order, while the Supreme Court considers taking the case.

Committee Action: H.R. 5683 was introduced on June 26, 2006, and referred to the Resources and Armed Services Committees. The bill was referred by the Committee on Resources to the Subcommittees on National Parks on June 29, 2006, which requested comment from the Department of the Interior. The House Armed Services Committee referred the bill to the Subcommittee on Readiness on July 13, 2006, which took no official action.

Cost to Taxpayers: Although a formal CBO cost estimate of H.R. 5683 is unavailable, CBO informally reported that the purchase price for Mt. Soledad (scored as mandatory spending) is going to be less than \$1 million. CBO stated that the reason why the purchase price is mandatory spending is because the bill requires the purchase price to be paid from a federal fund designated to pay successful plaintiffs against the U.S. CBO has stated that, should the Association fail to raise all the operating costs for the memorial, the maintenance costs would be covered by the federal government (as discretionary spending subject to appropriations). However, an official at the Memorial informed staff that the Association is currently able to cover all operating costs with private fundraising and plaque sales.

The sponsor's office believes the purchase price should be too small to score based on the previous purchase price, and disagrees with CBO's categorization of the individual memorials of veterans as property improvements and addition of the memorials into the value of the land.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill adds land to the federal portfolio. As of September 2004 (most recent data available), 45.3% of the land in California was owned by the federal government.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: The bill would remove the state of California's jurisdiction over the memorial.

Constitutional Authority: 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*].

Although no committee report citing constitutional authority is available, the Fifth Amendment to the Constitution grants Congress the authority to take private property with just compensation. The Fifth Amendment has been interpreted by the Supreme Court to allow the federal government to acquire state lands already dedicated to a public purpose (U.S. v. Carmack, 329 U.S. 230).

Outside Organizations: The bill's sponsor notes that H.R. 5683 is supported by the Mayor of San Diego, San Diegans for the Mount Soledad National War Memorial, the American

Legion, Veterans of Foreign Wars of the U.S., Disabled American Veterans, AMVETS, the Thomas Moore Law Foundation, and the Center for Law and Justice.

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H.Con.Res. 448 - Commending the National Aeronautics and Space Administration on the completion of the Space Shuttle's second Return-to-Flight mission (Paul, R-TX)

Order of Business: The resolution is scheduled for consideration on Wednesday, July 19, 2006, under a motion to suspend the rules and pass the resolution.

Summary: H.Con.Res. 448 resolves a sense of Congress that the National Aeronautics and Space Administration (NASA) be commended for:

- “the successful completion of the Space Shuttle Discovery’s STS-121 mission; and
- “its pioneering work in space exploration which is strengthening the Nation and benefiting all Americans.”

Additional Information: The resolution lists a number of findings, including the following:

- “on July 4, 2006, the National Aeronautics and Space Administration performed a successful launch of the Space Shuttle Discovery;
- “this mission, known as STS-121, marks the second Return-to-Flight mission;
- “the crew of the Discovery consisted of Colonel Steve Lindsey, Commander Mark Kelly, Piers Sellers, Ph.D., Lieutenant Colonel Mike Fossum, Commander Lisa Nowak, Stephanie Wilson, and Thomas Reiter;
- “the success of the STS-121 mission is a tribute to the skills and dedication of the Space Shuttle crew, the National Aeronautics and Space Administration, and its industrial partners;
- “all Americans benefit from the technological advances gained through the Space Shuttle program; and
- “the National Aeronautics and Space Administration plays a vital role in sustaining America’s preeminence in space.”

Recent NASA Appropriations:

FY00: \$13.601 billion (authorized at \$13.625 billion)

FY01: \$14.230 billion (authorized at \$13.747 billion)

FY02: \$14.868 billion (authorized at \$13.839 billion)

FY03: \$15.364 billion (unauthorized)

FY04: \$15.379 billion (unauthorized)

FY05: \$16.197 billion (includes \$126 million in emergency hurricane supplemental appropriations)

FY06 \$16.456 billion (\$500 million more than the Administration requested)

Committee Action: H.Con.Res. 448 was introduced on June 13, 2006 and was referred to the Committee on Science, 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.Res. 921—Condemning the recent attacks against the State of Israel, holding terrorists and their state-sponsors accountable for such attacks, and supporting Israel’s right to defend itself (Boehner, R-OH)

Order of Business: The resolution is scheduled to be considered on Wednesday, July 19th, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 921 would resolve that the House:

- “reaffirms its steadfast support for the State of Israel;
- “condemns Hamas and Hezbollah for engaging in unprovoked and reprehensible armed attacks against Israel on undisputed Israeli territory, for taking hostages, for killing Israeli soldiers, and for continuing to indiscriminately target Israeli civilian populations with their rockets and missiles;
- “further condemns Hamas and Hezbollah for cynically exploiting civilian populations as shields, locating their equipment and bases of operation, including their rockets and other armaments, amidst civilian populations, including in homes and mosques;
- “recognizes Israel’s longstanding commitment to minimizing civilian loss and welcomes Israel’s continued efforts to prevent civilian casualties;
- “demands the Governments of Iran and Syria to direct Hamas and Hezbollah to immediately and unconditionally release Israeli soldiers which they hold captive;
- “affirms that all governments that have provided continued support to Hamas or Hezbollah share responsibility for the hostage-taking and attacks against Israel and, as such, should be held accountable for their actions;
- “condemns the Governments of Iran and Syria for their continued support for Hezbollah and Hamas in their armed attacks against Israelis and their other terrorist activities;
- “supports Israel’s right to take appropriate action to defend itself, including to conduct operations both in Israel and in the territory of nations which pose a threat to it, which

is in accordance with international law, including Article 51 of the United Nations Charter;

- “commends the President of the United States for fully supporting Israel as it responds to these armed attacks by terrorist organizations and their state sponsors;
- “urges the President of the United States to bring the full force of political, diplomatic, and economic sanctions available to the Government of the United States against the Governments of Syria and Iran;
- “demands the Government of Lebanon to do everything in its power to find and free the kidnapped Israeli soldiers being held in the territory of Lebanon;
- “calls on the United Nations Security Council to condemn these unprovoked acts and to take action to ensure full and immediate implementation of United Nations Security Council 1559 (2004), which requires Hezbollah to be dismantled and the departure of all Syrian personnel and Iranian Revolutionary Guards from Lebanon;
- “expresses its condolences to all families of innocent victims of recent violence; and
- “declares its continued commitment to working with Israel and other United States allies in combating terrorism worldwide.”

The resolution indicates that, “the Government of Israel has previously shown great restraint despite the fact that Hezbollah has launched at least four separate attacks into Israel using rockets and ground forces over the past year.” The Government of Iran, the Government of Syria, and certain elements of the Government of Lebanon provide financial, political, and military support to Hezbollah, and reports show that Iranian Revolutionary Guards are currently controlling Hezbollah’s operations in southern Lebanon.

The resolution also notes that, since Israel withdrew from Gaza in September 2005, over 1000 rockets have been fired at Israel from Gaza.

Additional Background: On June 25, 2006, Israeli Defense Forces Corporal Gilad Shalit was kidnapped and is being held hostage in Gaza by a Palestinian terrorist group that includes members of Hamas. On July 12, 2006, Hezbollah members (operating out of southern Lebanon) killed three Israeli soldiers and took two others hostage. The combination of these two events led to the two-front Israeli defense operations occurring now.

Hezbollah, a Shiite group inspired by the teachings and revolution of Iran’s Ayatollah Khomeini, was created in 1982 with the assistance of Iran’s Islamic Revolutionary Guards Corps. Hezbollah means “party of God.”

Below is a timeline of certain key moments in Hezbollah’s history of international terrorism and violence (adapted from the Committee on Accuracy for Middle East Reporting in America):

June 6, 1982: Israel invades Lebanon to drive out the PLO's terrorist army, which had frequently attacked Israel from its informal "state-within-a-state" in southern Lebanon.

July 19, 1982: The president of the American University in Beirut, Davis S. Dodge, is kidnapped. Hezbollah is believed to be behind this and most of the other 30 Westerners kidnapped over the next ten years.

April 18, 1983: Hezbollah attacks the U.S. Embassy in Beirut with a car bomb, killing 63 people, 17 of whom were American citizens.

October 23, 1983: Hezbollah attacks the U.S. Marine barracks in Beirut with a truck bomb, killing 241 American military personnel stationed there as part of a peace-keeping force. A separate Hezbollah attack against the French military compound in Beirut kills 58.

September 20, 1984: Hezbollah attacks the U.S. Embassy annex in Beirut with a car bomb, killing 2 Americans and 22 others.

March 16, 1984: Hezbollah kidnaps and murders a CIA operative working at the U.S. embassy in Beirut.

April 12, 1984: Hezbollah attacks a restaurant near the U.S. Air Force Base in Torrejon, Spain, killing eighteen U.S. servicemen and injuring 83 people.

December 4, 1984: Hezbollah terrorists hijack a Kuwait Airlines plane, murdering four passengers, including two Americans.

June 14, 1985: Hezbollah terrorists hijack TWA flight 847, severely beating passenger Robert Stethem, a U.S. Navy diver, before killing him and dumping his body onto the tarmac at the Beirut airport. Other passengers are held as hostages before being released on June 30.

February 17, 1988: Hezbollah kidnaps and murders Col. William Higgins, a U.S. Marine serving with a United Nations truce monitoring group in Lebanon.

October 22, 1989: Members of the dissolved Lebanese Parliament ratify the Taif Agreement. Although the agreement calls for the "disbanding of all Lebanese and non-Lebanese militias," Hezbollah remains active.

February 16, 1992: Sayyad Hassan Nasrallah takes over Hezbollah after Israel kills the group's leader, Abbas Musawi.

March 17, 1992: With the help of Iranian intelligence, Hezbollah bombs the Israeli Embassy in Buenos Aires, killing 29 people and injuring over 200.

July 18, 1994: Hezbollah bombs the Jewish community center in Buenos Aires—again with Iranian help—killing 86 people and injuring over 200.

May 23, 2000: Israel withdraws all troops from Lebanon after 18 years patrolling the “security zone” in southern Lebanon to prevent attacks on northern Israel.

June 2000: The United Nations certifies Israel’s withdrawal from Lebanon. Hezbollah nonetheless alleges Israel occupies Lebanon, claiming the small Shebba Farms area Israel captured from Syria during the 1967 war as Lebanese territory.

October 7, 2000: Hezbollah attacks an Israel military post and raids Israel, kidnapping and killing three Israeli soldiers. In mid-October, Hezbollah leader Nasrallah announces the group has also kidnapped an Israeli businessman. In 2004, Israel frees over 400 Arab prisoners in exchange for the business man and the bodies of the three soldiers.

September 2, 2004: United Nations Security Council Resolution 1559 calls for “the disbanding and disarmament of all Lebanese and non-Lebanese militias,” a reference to Hezbollah.

July 12, 2006: Hezbollah attacks Israel with rockets, crosses the border, kidnaps two Israeli soldiers and kills eight Israeli soldiers. Israel launches an operation to rescue the soldiers and push Hezbollah from its border. Hezbollah attacks towns across northern Israel with rocket fire, which continues to this day. Reports indicate that Iran-supported Hezbollah has fired over 1,400 rockets into Israeli territory this month so far.

Hezbollah has sponsored a wide variety of terrorist attacks over the last 24 years, too numerous to include in the above timeline.

Committee Action: The resolution was referred to the International Relations Committee on July 18, 2006, but no official action was taken.

Administration Position: The Administration has indicated support for Israel’s efforts at self-defense and eradication of terrorist forces within and across its borders.

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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H.Res. 911—Expressing sympathy for the people of India in the aftermath of the deadly terrorist attacks in Mumbai on July 11, 2006—as amended (Crowley, D-NY/ Wilson, R-SC)

Order of Business: The resolution is scheduled to be considered on Wednesday, July 19th, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 911 would resolve that the House:

- “condemns in the strongest possible terms the July 11, 2006, terrorist attacks in Mumbai and Srinagar;
- “expresses its deepest condolences to the families and friends of those individuals killed in the attacks and expresses its sympathies to those individuals who have been injured;
- “expresses its solidarity with the Government and people of India in fighting and defeating terrorism in all its forms; and
- “expresses its support for the enhancement of relations between the United States and India, with the goal of combating terrorism and advancing international peace and security.”

Additional Background: As the resolution points out, on July 11, 2006, during evening rush hour, seven explosions occurred on urban commuter trains in the Indian financial capital of Mumbai, killing as many as 200 people and wounding more than 700 people. These attacks occurred shortly after a series of grenade attacks took the lives of at least eight people and injured approximately 40 others in tourist areas of Srinagar, Kashmir.

Committee Action: On July 12, 2006, the resolution was referred to the International Relations Committee, which took no official action on it. The version coming to the floor has been amended since it was introduced.

Administration Position: The Administration strongly condemned the attacks in India: <http://www.whitehouse.gov/news/releases/2006/07/20060711-10.html>.

Cost to Taxpayers: The resolution would authorize 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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