

Legislative Bulletin.....June 6, 2001

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H.R. 1000— To adjust the boundary of the William Howard Taft National Historic Site in the State of Ohio, to authorize an exchange of land in connection with the historic site, and for other purposes. — (Portman)

Order of Business: The bill will be considered under suspension of the rules on Wednesday, June 6, 2001.

Summary: **H.R. 1000 would redraw the boundary of the William Howard Taft National Historic Site to include two parcels of land that are presently contiguous to the site.** The Taft NHS in Cincinnati, Ohio, is a memorial to the 27th President and 10th Chief Justice who lived there from his birth in 1857 until his marriage in 1886. In 1968, the William Howard Taft Memorial Association bought the property. In 1969, the home and its 1/2 acre of land was transferred to the United States Government. In 1972, an additional 1/3 acre of adjacent land was donated to the Government.

According to Committee testimony, the National Park Service would develop part of one of the parcels (acquired through a land swap with a private education entity) into a parking lot, which would enable visitors to park one-half block closer to the Taft Home and Education Center. The NPS would allow another part of this land to revert to so-called “green space.” The NPS would also develop a handicapped accessible walking trail connecting to the site on part of this land “to give visitors a better feel for how this land influenced the life of William Howard Taft.”

The other parcel, which is currently occupied by a residential building with 40 apartments, where the NPS has rented office space for 18 years, will be deemed to be within the boundary of the Taft Site and may be acquired by the Interior Dept. “by donation,

purchase from willing sellers with donated funds, or exchange.” While the NPS stated that it currently “does not have a definitive plan for the use of this property, ” the land could be used for “parking spaces, ... to aid us in telling the William Howard Taft story, ... [and] for administrative space.”

Cost to Taxpayers: CBO estimates that implementing the legislation would cost the federal government between \$0.9 million and \$1.4 million over the next three years, subject to appropriations.

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

Does the Bill Create New Federal Programs or Rules: YES, the bill expands current federal land holdings. **The Interior Department testified that “the two tracts of land that would be brought into the historic site by H.R. 1000 were not part of the original Taft estate,”** but that the land meets the mission of the Taft Site.

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H.R. 37— To amend the National Trails System Act to update the feasibility and suitability studies of 4 national historic trails and provide for possible additions to such trails. (Bereuter)

Order of Business: The bill will be considered under suspension of the rules on Wednesday, June 6, 2001.

Summary: H.R. 37 would require the Secretary of the Interior to undertake a study of 64 specific land areas near 4 national historic trails: the Oregon, California, Pony Express and Mormon Pioneer National Historic Trails, to determine if these lands would be a “feasible and suitable” addition to the current trails. If the Secretary determines these or other lands she considers appropriate are “feasible and suitable” she “shall designate” them as components of the Historic Trail.

The feasibility study for the Oregon NHT was completed in 1977, for the Mormon Pioneer NHT in 1978, and for the California and Pony Express NHTs in 1987. H.R. 37 would require an update of these studies to determine if other areas can be counted as part of the Historic trails. For instance, other roads and routes may have been used by the Pony Express, but these roads and routes are not necessarily part of the Historic Trail designation. The bill would require the Secretary to study an additional 64 roads, routes, and cutoffs to add them to the National Historic Trail system.

Administration Position: “The [Interior] Department supports this legislation in concept, **but will not consider requesting funding** for updating the studies in this or the next fiscal year. Furthermore, in order to better plan for the future of our National Parks, we believe that any such studies should carefully examine the full life cycle operation and maintenance costs that would result from each alternative considered. We caution that our support of this legislation does not mean that the Secretary will make the recommended designations of additional routes upon completion of the studies. When the studies are completed, the Department will evaluate its

progress on the President's Initiative to eliminate the deferred maintenance backlog and determine whether new designations are appropriate at that time.” [emphasis added]

—Katherine Stevenson, of the National Park Service
Committee testimony April 26, 2001

RSC Note: Last year’s cost estimates of the maintenance backlog for federally owned properties, including the national park system, ranged anywhere from \$8 to \$15 billion.

Cost to Taxpayers: CBO estimates that the Federal Government would spend about \$160,000 over the next three years to conduct all of the required studies of trail segments specified by H.R. 37, subject to appropriations. CBO estimates that any expenses associated with adding any suitable routes to the existing four national historic trails would be minimal.

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

Does the Bill Create New Federal Programs or Rules: YES, the bill authorizes new studies and may result in additional lands being added to the National Trails System.

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H.R. 640— Santa Monica Mountains National Recreation Area Boundary Adjustment Act (Gallegly)

Order of Business: The bill is scheduled to be considered under a motion to suspend the rules on Wednesday, June 6th.

Summary: H.R. 640 would adjust the boundaries of the Santa Monica Mountains National Recreation Area in California to include 3,697 acres of additional lands donated by the Santa Monica Mountains Conservancy (that currently owns about three-fourths of the expansion lands) and by two cities and some homeowners associations that own the remainder of the expansion lands. **This bill would not allow public funds to be used for the acquisition of the lands; they could *only* be donated (or purchased with donated funds).** The National Park Service wants to maintain the expansion lands to protect a watershed and a “wildlife corridor.” No development is planned on the expansion lands.

Cost to Taxpayers : The National Park Service and the CBO estimate that the additional costs to manage the donated lands would be less than \$100,000—and probably closer to \$50,000—per year.

Does the Bill Create New Federal Programs or Rules?: Though the bill would increase the number of acres owned by the federal government, it would do so through donated lands only.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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H.R. 1661—To extend indefinitely the authority of the States of Washington, Oregon, and California to manage a Dungeness crab fishery until the effective date of a fishery management plan for the fishery under the Magnuson-Stevens Fishery Conservation and Management Act. (Miller, George)

Order of Business: The bill is scheduled to be considered under a motion to suspend the rules on Wednesday, June 6th.

Summary: H.R. 1661 would eliminate the September 30, 2001 sunset provision in a fishery agreement between the U.S. and Poland regarding the authority of California, Oregon, and Washington to manage the Dungeness crab fisheries.

Cost to Taxpayers: Though no CBO cost estimate is available, the provisions of this bill do not authorize any federal government expenditure.

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

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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H.R. 1209 — Child Status Protection Act (Gekas)

Order of Business: H.R. 1209 will be brought up under suspension of the rules.

Summary: H.R. 1209 modifies current immigration law by providing that for the purpose of determining whether an individual is considered a child and therefore eligible for permanent residence status as an immediate relative of a U.S. citizen, the INS shall use the individual's age at the time of the filing of the petition.

Under current law, unmarried children of U.S. citizens may apply for permanent residence provided they are under 21 (there is no limit on the number of individuals admitted under this provision). INS determines eligibility based on the age of the individual at the time the INS reviews the applications. Because there exists an average 22 to 36-month delay in the processing of applications, about a 1,000 individuals a year “age out” of the system (i.e. they filed while they were under 21, but the INS did not review their applications until they were over 21). Individuals who “age out” of the system are required to seek admittance to the U.S. under the family-based preference category, which is subject to annual numerical limits therefore, often delaying admittance for years.

The bill is retroactive in that it would apply to petitions filed both before and after enactment.

Cost to Taxpayers: CBO estimates that the budgetary effects would be less than \$500,000 annually.

Does the Bill Create New Government Programs or Regulations: No, the bill revises current law.

Administration Views: Sheryl Walter, Acting Assistant Attorney General, indicated in a letter to the Committee on the Judiciary that while the Administration supports the goal of the bill, they have concerns about the retroactive nature of the bill and that they desire to work with the Committee on this provision. According to the letter, the retroactive provision could require the INS to review determinations made as long ago as 1952.

Constitutional Authority: The Committee cites Article I, Section 8, Clause 4 of the Constitution (establish uniform rule of Naturalization).

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H.R. 1914 — Four-Month Extension of Chapter 12 of Title 11 Related to Farm Bankruptcies (Smith (MI))

Order of Business: H.R. 1914 will be brought up under suspension of the rules.

Summary: Chapter 12 of Title 11 provides special bankruptcy protections for family farms. These provisions were enacted on a temporary 7-year basis in 1986 but have been extended 10 times since they first expired. The current provisions expired on June 1, 2000. The proposed legislation would extend the provisions through October 1, 2001. The last extension was passed by the House on February 28 of this year and signed into law on May 11.

Cost to Taxpayers: CBO has previously found that similar legislation, while affecting direct spending and revenue, had no significant impact on the federal budget.

Does the Bill Create New Government Programs or Regulations: No. The bill simply extends current law.

Constitutional Authority: Article I, Section 8, Clause 4 gives the Congress the power “to establish....uniform Laws on the subject of Bankruptcies throughout the United States.”

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The views expressed in Legislative Bulletin may not reflect the views of all Members of the Republican Study Committee.