

FLUSHING REMONSTRANCE STUDY ACT

APRIL 1, 2014.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 3222]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3222) to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the 1657 signing of the Flushing Remonstrance in Queens, New York, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Flushing Remonstrance Study Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Dutch involvement in North America started with Henry Hudson’s 1609 voyage on the ship, Half Moon, employed by the Dutch East India Company.

(2) After 1640, New Netherland gradually began to transform from a chain of trading posts into a settlement colony.

(3) As Dutch and English settlers moved closer to one another, they began to assimilate in what would later become Queens County.

(4) The Dutch and English settlements had not been without conflict. Although the Dutch Republic was well known for its toleration of other faiths, Director General Peter Stuyvesant and his council thought that liberty of worship should not be granted to Quakers.

(5) When Quakers began to arrive in Flushing, the colonial government issued an ordinance that formally banned the practice of all religions outside of the Dutch Reformed Church.

(6) On December 27, 1657, 30 Flushing residents signed what was later called the Flushing Remonstrance, objecting to this order. None of the remonstrance’s authors were Quakers.

(7) Dutch colonial authorities proceeded to arrest the signers of the Flushing Remonstrance. In 1662, John Bowne defied the ban and allowed Quakers to hold services in his house. Bowne was fined and banished to the Dutch Republic for showing contempt for secular authority.

(8) Bowne was later exonerated after appealing to the guarantees of religious liberty before the Dutch West India Company and returned to Flushing in 1664. The colony later fell to British control on September 24, 1664.

(9) The Flushing Remonstrance is now considered by many to be instrumental in the development of religious liberty in the United States and a precursor to the First Amendment to the United States Constitution.

(10) In 1957, the United States Postal Service released a 3-cent postage stamp commemorating the 300th Anniversary of the signing of the Flushing Remonstrance which read, "Religious Freedom in America".

(11) Queens remained rural and agricultural through the 18th and 19th Centuries. Although its Dutch identity diminished, the tolerance of diversity that has harbored Quakers and other religious sects in the Dutch Colonial period continues to this day. Queens is the most ethnically diverse urban area in the world, with a population of over 2,200,000 representing over 100 different nations and speaking over 138 different languages.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) STUDY AREA.—The term "study area" means the John Bowne House located at 3701 Bowne Street, Queens, New York, the Friends Meeting House located at 137–17 Northern Boulevard, Queens, New York, and other resources in the vicinity of Flushing related to the history of religious freedom during the era of the signing of the Flushing Remonstrance.

SEC. 4. SPECIAL RESOURCE STUDY.

(a) STUDY.—The Secretary shall conduct a special resource study of the study area.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the study area's resources based on their relationship to the history of religious freedom associated with the signing of the Flushing Remonstrance;

(2) determine the suitability and feasibility of designating resources within the study area as a unit of the National Park System;

(3) consider other alternatives for preservation, protection, and interpretation of the study area by Federal, State, or local governmental entities, or private and nonprofit organizations;

(4) identify properties related to the John Bowne House that could potentially meet criteria for designation as a National Historic Landmark;

(5) consult with interested Federal, State, or local governmental entities, private and nonprofit organizations, or any other interested individuals;

(6) evaluate the impact of the proposed action on the flow of commerce and commercial activity, job opportunities, and any adverse economic effects that could not be avoided if the proposal is implemented;

(7) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives;

(8) analyze the effect of the designation of the study area as a unit of the National Park System on—

(A) existing recreational activities, and on the authorization, construction, operation, maintenance, or improvement of energy production and transmission infrastructure; and

(B) the authority of State and local governments to manage those activities; and

(9) identify any authorities, including condemnation, that will compel or permit the Secretary to influence or participate in local land use decisions (such as zoning) or place restrictions on non-Federal lands if the study area is designated a unit of the National Park System.

(c) NOTIFICATION OF PRIVATE PROPERTY OWNERS.—Upon the commencement of the study, owners of private property in or adjacent to the study area shall be notified of the study's commencement and scope.

(d) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with section 8(c) of the National Park System General Authorities Act (16 U.S.C. 1a–5(c)).

(e) REPORT.—Not later than 3 years after the date on which funds are first made available for the study under subsection (a), the Secretary shall submit to the Com-

mittee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing the results of the study and any conclusions and recommendations of the Secretary.

PURPOSE OF THE BILL

The purpose of H.R. 3222 is to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the 1657 signing of the Flushing Remonstrance in Queens, New York.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 3222 authorizes a special resource study to determine the suitability and feasibility of creating a National Park unit in Queens, New York, of resources associated with the history of religious freedom and the signing of the Flushing Remonstrance.

The Flushing Remonstrance was a 1657 petition to Director-General of New Netherland Peter Stuyvesant, in which several citizens requested an exemption to his ban on Quaker worship. It is recognized as a forerunner of the First Amendment of the Constitution and one of the earliest demands for freedom of religion in what became the United States.

The study will evaluate whether the resources meet the criteria to become a unit of the Park System and provides different federal, local and non-governmental management proposals. The study is informational; Congress would still have to act on separate legislation to create a park.

Legislative language has been included to require that the study consider potential impacts on commercial and recreational uses. The study will also have to identify those authorities, including condemnation, which will allow the Park Service to become involved in local zoning issues, or have influence over private property.

COMMITTEE ACTION

H.R. 3222 was introduced on September 30, 2013, by Congresswoman Grace Meng (D-NY). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Public Lands and Environmental Regulation. On February 26, 2014, the Subcommittee held a hearing on the bill. On March 13, 2014, the Natural Resources Committee met to consider the bill. The Subcommittee on Public Lands and Environmental Regulation was discharged by unanimous consent. Congressman Rob Bishop (R-UT) offered an amendment designated #1 to the bill; the amendment was adopted by unanimous consent. The bill as amended was then adopted and ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

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H.R. 3222 would require the National Park Service (NPS) to conduct a study of sites related to the signing of the Flushing Remonstrance in New York City to determine the suitability and feasibility of designating the area as a unit of the National Park System. Based on information provided by the NPS and assuming the availability of appropriated funds, CBO estimates that carrying out the study required by H.R. 3222 would cost about \$250,000 over the next three years. Enacting H.R. 3222 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 3222 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Martin von Gnechten. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. CBO estimates that carrying out the study required by H.R. 3222 would cost about \$250,000 over the next three years, subject to appropriation.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the 1657 signing of the Flushing Remonstrance in Queens, New York.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

