

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HM 333 Recognition of Haitian Independence Day, Haitian Flag Day, & Haitian Heritage Month

SPONSOR(S): Campbell and others

TIED BILLS: **IDEN./SIM. BILLS:** SM 600

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local & Federal Affairs Committee	14 Y, 2 N	Walker	Kiner
2) State Affairs Committee			

SUMMARY ANALYSIS

Congress has passed legislation relating to national observances and commemorative months on several occasions. For example, Congress has passed legislation to commemorate or authorize the President to proclaim February as 'National African American History Month,' November as 'Native American Heritage Month,' May as 'Jewish American Heritage Month,' May as 'Asian Pacific Heritage Month,' and the period beginning September 15 and ending October 15 as 'National Hispanic Heritage Month.' In addition, Congress has passed legislation to commemorate or authorize the President to proclaim several days of national observance such as Flag Day on June 14, and Native American Heritage Day on the first Friday after Thanksgiving.

HM 333 urges Congress to recognize January 1st as 'Haitian Independence Day,' May 18 as 'Haitian Flag Day,' and the month of May as 'Haitian Heritage Month.'

Legislative memorials are not subject to the Governor's veto power and are not presented to the Governor for review. Memorials have no force of law, as they are mechanisms for formally petitioning the federal government to act on a particular subject.

This memorial does not have a fiscal impact on state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Located in the Caribbean on the western one-third of the island of Hispaniola, Haiti is a country of approximately 10 million people.¹ Due in part to Haiti's close proximity to the United States, there are approximately 1.5 million² people of Haitian descent living in this country – a large portion of whom reside in and around the city of Miami and the greater South Florida area.

The month of May is of great cultural significance to the people of Haiti and the Haitian diaspora, and as such, many events and celebrations are held during the month throughout the country. 'Haitian Flag Day,' which is among Haiti's most celebrated holidays, is celebrated on May 18th. Toussaint L'Ouverture, one of the leaders of the Haitian Revolution, is reported to have been born on May 20, 1743.

In addition, various governmental entities in the United States have issued resolutions or proclamations recognizing the importance of May in Haitian and Haitian American culture, including, but not limited to, the following:

- In 2001, Miami-Dade County passed a resolution designated May as 'Haitian Cultural Heritage Month' and has held annual celebrations in the county ever since³;
- In 2003, the Palm Beach County School District issued a resolution recognizing May as 'Haitian Heritage Month'⁵;
- In 2015, the Governor of the Commonwealth of Massachusetts proclaimed the month of May 2015 to be 'Haitian Heritage Month'⁶;
- In 2015, the Mayor of the City of Boston and the City of Boston City Council issued separate proclamations to designate the month of May as 'Haitian Heritage Month' and to specifically honor 'Haitian Flag Day'⁷.

At the federal level, several resolutions have been introduced in the United States House of Representatives to recognize May as 'Haitian American Heritage Month'. For example, House Resolution 777, sponsored by former Congressman Kendrick Meek, was introduced, but never heard, during the 109th Congress.⁸ Additionally, House Resolution 224, sponsored by Congresswoman Frederica Wilson, was introduced, but never heard, during the 113th Congress.⁹

¹ UNITED STATES CENTRAL INTELLIGENCE AGENCY, *The World Factbook: Haiti*, <https://www.cia.gov/library/publications/the-world-factbook/geos/ha.html> (last visited Feb. 23, 2016).

² U.S. CENSUS BUREAU, *2013 & 2014 American Community Survey*, available at, <https://www.census.gov/programs-surveys/acs/news/data-releases.html>.

³ MIAMI-DADE BOARD OF COUNTY COMMISSIONERS, *County Resolution R-452-01*, <http://www.miamidade.gov/govaction/matter.asp?matter=011622&file=false&yearFolder=Y2001> (Feb. 23, 2016).

⁴ MIAMI-DADE COUNTY, *Haitian Cultural Heritage Month kicks off on May 1*, <http://www.miamidade.gov/district02/releases/2015-04-24-haitian-month.asp> (last visited Feb. 23, 2016).

⁵ A copy of the resolution, dated April 23, 2003, is on file with the House of Representatives Local & Federal Affairs Committee.

⁶ THE OFFICIAL WEBSITE OF THE GOVERNOR OF MASSACHUSETTS, *Issued Proclamations, Haitian Heritage Month*, available at <http://www.mass.gov/governor/constituent-services/recognition/issued-proclamations/haitian-heritage-month.html>.

⁷ A copy of each resolution is on file with the House of Representatives Local & Federal Affairs Committee.

⁸ 109TH CONGRESS 2005-2006, *H.Res.777 - Expressing the sense of the House of Representatives, in recognition of the contributions of the Haitian people to the history and culture of the United States, by establishing "Haitian-American Heritage Month"*, available at <https://www.congress.gov/bill/109th-congress/house-resolution/777?q=%7B%22search%22%3A%5B%22%5C%22hres777%5C%22%22%5D%7D&resultIndex=5>.

⁹ 113TH CONGRESS 2013-2014, *H.Res.224 - Expressing the sense of the House of Representatives that a "Haitian-American Heritage Month" should be established in recognition of the contributions of the Haitian people to the history and culture of the United States*, available at <https://www.congress.gov/bill/113th-congress/house-resolution/224?q=%7B%22search%22%3A%5B%22%5C%22hres224%5C%22%22%5D%7D&resultIndex=2> (Last viewed on 9/29/2015).

Congress has passed legislation relating to national observances and commemorative months on several occasions. For example, Congress has passed legislation to commemorate or authorize the President to proclaim February as 'National African American History Month,' November as 'Native American Heritage Month,'¹⁰ May as 'Jewish American Heritage Month,' May as 'Asian Pacific Heritage Month,' and the period beginning September 15 and ending October 15 as 'National Hispanic Heritage Month'.¹¹ In addition, Congress has passed legislation to commemorate or authorize the President to proclaim several days of national observance such as Flag Day on June 14¹², and Native American Heritage Day on the first Friday after Thanksgiving.¹³

Effect of the Memorial

This memorial urges Congress to recognize January 1st as 'Haitian Independence Day,' May 18 as 'Haitian Flag Day,' and the month of May as 'Haitian Heritage Month.'

Copies of the memorial will be sent to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

Legislative memorials are not subject to the Governor's veto power and are not presented to the Governor for review. Memorials have no force of law, as they are mechanisms for formally petitioning the federal government to act on a particular subject.

This memorial does not have a fiscal impact on state or local governments.

B. SECTION DIRECTORY:

Not applicable.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

¹⁰ The observance was first authorized by President H.W. Bush in 1990 under the title 'National American Indian Heritage Month' and has since been titled under several variations. The current title of the observation is 'Native American Heritage Month.' LIBRARY OF CONGRESS, *About Native American Heritage Month*, <http://nativeamericanheritagemonth.gov/about/> (last visited Feb. 23, 2016).

¹¹ LIBRARY OF CONGRESS, *Commemorative Observances*, <http://www.loc.gov/law/help/commemorative-observations/index.php> (Last visited Feb. 23, 2016).

¹² House Joint Resolution 211, Pub. L. 99-54 (1985), *available at*

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&ved=0ahUKEwiSj5qJs4zLAhWHHR4KHf7DCGoQFggpMAI&url=https%3A%2F%2Fwww.gpo.gov%2Ffdsys%2Fpkg%2FSTATUTE-99%2Fpdf%2FSTATUTE-99-Pg97.pdf&usg=AFQjCNH77ULTKF7_aCvD_cFlt6GQW2V8gg.

¹³ House Joint Resolution 40, Pub. L. 111-33 (2009), *available at*

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwj_n7O5sYzLAhULmR4KHfKgAWMQFggcMAA&url=https%3A%2F%2Fwww.gpo.gov%2Ffdsys%2Fpkg%2FSTATUTE-123%2Fpdf%2FSTATUTE-123-Pg1922.pdf&usg=AFQjCNHgUui0zBxm0sz54PUC3H6kPzc8vg&bvm=bv.114733917,d.dmo.

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES