



Legislative Bulletin.....December 14, 2011

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**H.R. 2719 - Rattlesnake Mountain Public Access Act of 2011
(Hastings, R-WA)**

Order of Business: The bill is scheduled to be considered on Wednesday, December 14, 2011, under a motion to suspend the rules and pass the legislation.

Summary: H.R. 2719 directs the Secretary of the Interior to provide public access to the summit of Rattlesnake Mountain for educational, recreational, historical, scientific, and cultural purposes. This access shall be adequate for motor vehicles and pedestrians. The Secretary of the Interior may cooperate with the Secretary of Energy, the State of Washington, or local government agencies for providing guided tours, and maintaining the access road, to the summit of Rattlesnake Mountain.

Rattlesnake Mountain is located in Hanford Reach National Monument in Washington State.

This legislation does not authorize for appropriation any new spending.

Committee Action: H.R. 2719 was introduced on August 1, 2011, and referred to the House Natural Resources Subcommittee on National Parks, Forests and Public Lands, and the Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs. The full committee held a markup on December 8, 2011, and reported the legislation by unanimous consent.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO states: “The legislation could influence the magnitude and timing of federal expenditures related to Rattlesnake Mountain; however, CBO expects that any change in costs relative to those expected under current law would be minimal. There is an existing road to the summit; however, providing public access to it may

require road improvements that would cost a few million dollars according to the agency. Any such costs would be subject to the availability of appropriated funds.” CBO’s report can be [viewed here](#).

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?: House Report 112-321 states H.R. 2719 “contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.”

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: House Report 112-321 states H.R. 2719 “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.”

Constitutional Authority: Rep. Hastings’ statement of constitutional authority states: “Congress has the power to enact this legislation pursuant to the following: Article 4, Section 3, Clause 2--The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in the Constitution shall be construed to as to Prejudice any Claims of the United States, or of any particular State.” The statement can be [viewed here](#).

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.R. 443 - To provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska (Young, R-AK)

Order of Business: The bill is scheduled to be considered on Wednesday, December 14, 2011, under a motion to suspend the rules and pass the legislation.

Summary: H.R. 443 directs the Secretary of Health and Human Services to convey to the Maniilaq Association located in Kotzebue, Alaska, three parcels totaling approximately 14.619 acres. This property is to be used by the Maniilaq Association for health and social services programs. This property is to be transferred within 180 days after enactment.

H.R. 443 states that the Maniilaq Association will not be held liable for any soil, surface water, groundwater, or other contamination that currently exists on the conveyed property.

Committee Action: H.R. 443 was introduced on January 25, 2011, and referred to the Natural Resources Subcommittee on Indian and Alaska Native Affairs. A full committee

markup was held on October 5, 2011, and the legislation was favorably reported by unanimous consent.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO estimates that enactment of H.R. 443 would not have a significant impact on the federal budget. CBO's report can be [viewed here](#).

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?: House Report 112-318 states, "H.R. 443 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."

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The legislation contains no earmarks.

Constitutional Authority: Rep. Young's statement of constitutional authority states: "Congress has the power to enact this legislation pursuant to the following: Article IV, Section 3, Clause 2 and Article 1, Section 8, Clause 3." The statement can be [viewed here](#).

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.R. 1466 - To resolve the status of certain persons legally residing in the Commonwealth of the Northern Mariana Islands under the immigration laws of the United States (*Del. Salban, D-MP*)

Order of Business: The bill is scheduled to be considered on Wednesday, December 14, 2011, under a motion to suspend the rules and pass the legislation.

Summary: H.R. 1466 amends the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (48 U.S.C. 1806(c)) and the Consolidated Natural Resources Act of 2008 (Public Law 110-229) by adding a new provision regarding the legal status of long term residents of the Commonwealth of the Northern Mariana Islands (CNMI).

This legal status affects those aliens who resided in the CNMI on November 28, 2009, and on the date of enactment of H.R. 1466, and who either:

- Were "born in the Northern Mariana Islands between January 1, 1974, and January 9, 1978;

- Were “on May 8, 2008, a permanent resident as that term is defined in section 4303 of Title 3 of the Northern Mariana Islands Commonwealth Code in effect on May 8, 2008;
- “Is the spouse or child, as defined in section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)), of an alien described in subclauses (I) or (II); or
- “Was, on May 8, 2008, an immediate relative, as that term is defined in section 4303 of Title 3 of the Northern Mariana Islands Commonwealth Code in effect on May 8, 2008, of a United States citizen, not withstanding the age of the United States citizen, and continues to be such an immediate relative on the date of the application described under” this legislation.

After enactment, the alien will have permanent CNMI legal status. This legal status (absent subsequent legislation) would not permit the individual to travel to, or reside in, any part of the U.S., other than the CNMI.

These aliens may apply to receive an immigrant visa or to adjust his or her status to that of an alien lawfully admitted for permanent residence on or after January 1, 2015, and before January 1, 2016. Upon granting an immigrant visa to these select individuals, the Secretary of State shall reduce the total number of diversity immigrant visas that are permitted to be used during that fiscal year.

Additional Information: The stateless individuals captured by this legislation were born in the CNMI, but were there before the Covenant with the U.S. was signed. The Covenant gave CNMI residents U.S. citizenship status, but because the negotiations for the Covenant took over 10 years, this group of individuals was not captured.

On March 11, 1976, Congress approved H.J.Res. 549, which approved the Covenant to Establish a Commonwealth of Northern Mariana Islands in Political Union With the United States of America, now public law 94-241. This legislation defines the relationship between the CNMI and the United States.

According to the Committee on Natural Resources, the Covenant exempted the CNMI from the majority of the provisions of U.S. immigration laws and allowed the CNMI to control its own immigration. Section 503 of the Covenant provides Congress with the ability to apply U.S. immigration and naturalization laws to the CNMI. Using this authority Congress passed the Consolidated Natural Resources Act of 2008, now public law 110-229. This required the application of federal immigration law to the CNMI. This provision went into effect on November 28, 2011, and has caused around 6,000 legal CNMI residents to be without a federal immigration status. This legislation allows those individuals to retain their CNMI-only legal status. It further restricts their travel and ability to reside in the U.S., outside of the CNMI.

Potential Concerns: Commonwealth of the Northern Mariana Islands Governor Benigno Fitial (R- MP) has listed concerns with H.R. 1466. The Governor has stated that this legislation is amnesty and is not fair, will harm the CNMI economy, and make U.S.

citizens in the CNMI less employable. Governor Fitial's letter citing these concerns is [linked here](#).

Governor Fitial testified on July 14, 2011, before the Natural Resources Subcommittee on fisheries, Wildlife, Oceans and Insular Affairs, in opposition to the legislation. The Governor noted in his testimony that this legislation would affect more than the Committee's estimate of 4,000-7,000 residents. The reason for this discrepancy is that "the U.S. Labor Department and the U.S. Department of Commerce do not provide the Commonwealth with the full range of data services routinely available to States and counties in the Mainland." For example, the Governor notes they "will not even have the preliminary results of the 2010 census until 2012."

The Governor also argues that allowing these aliens permanent residence in the CNMI "is a significant distortion of the U.S. immigration system." The Governor notes that allowing these aliens to remain in the CNMI is "a long-term burden on the Commonwealth that occurs nowhere else in the U.S." For example, "a parent who is unemployed will qualify to remain in the Commonwealth forever," because under H.R. 1466, the individual is not allowed to travel to the U.S. Additionally, the Governor states "a parent who works illegally in the underground economy, and harms the Commonwealth in the process, is eligible. This kind of broad amnesty encourages illegal employment as there is no deportation penalty."

The Governor's full testimony is [linked here](#).

Committee Action: H.R. 1466 was introduced on April 8, 2011, and was referred to the House Natural Resources Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs. Governor Fitial testified on July 14, 2011, before the Natural Resources Subcommittee on fisheries, Wildlife, Oceans and Insular Affairs, in opposition to the legislation. The Governor's full testimony is [linked here](#). The full committee held a markup on October 5, 2011, and reported the legislation by unanimous consent. The legislation was also referred to the House Judiciary Committee, which took no public action.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO estimates that implementing H.R. 1466 would have no significant net cost to the federal government. CBO's report can be [viewed here](#).

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The legislation grants permanent residence status to certain CNMI individuals, which is a federally recognized status.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: House Report 112-319 states: "H.R. 1466 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments."

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The legislation contains no earmarks.

Constitutional Authority: Del. Sablan’s statement of constitutional authority states “Congress has the power to enact this legislation pursuant to the following: Under Article I, Section 8, Clause 4 of the Constitution of the United States, Congress has the power to establish a uniform Rule of Naturalization--to define the terms under which a foreign person can become a citizen of the U.S. Congress also has the power to exclude aliens and to prescribe the terms under which they are allowed to enter the U.S.” The statement can be [viewed here](#).

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

**S. 278 - Sugar Loaf Fire Protection District Land Exchange Act
(Sen. Udall, D-CO)**

Order of Business: The bill is scheduled to be considered on Wednesday, December 14, 2011, under a motion to suspend the rules and pass the legislation.

Summary: S. 278 authorizes a land transfer between the Sugar Loaf Fire Protection District, in Boulder, Colorado, and the Secretary of Agriculture.

If the District conveys to the Secretary a specified parcel of approximately 5.17 acres, then the Secretary will convey to the District two specified parcels totaling approximately 5.08 acres.

The District is responsible for paying for the land to be surveyed and appraised. In the event that the land currently owned by the federal government is worth more than the private land, the Secretary is authorized to receive a cash equalization payment.

If this land exchange is not completed with one year after enactment, the Secretary is authorized to sell the land to the District.

Committee Action: S. 278 was introduced on February 3, 2011, and referred to the Senate Energy and Natural Resources Subcommittee on Public Lands and Forests. The full committee held a markup on August 30, 2011, and favorably reported the legislation without amendment. The legislation passed the Senate on November 2, 2011, by unanimous consent, and was held at the desk.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO estimates that implementing the bill would have no impact on discretionary spending. CBO’s report can be [viewed here](#).

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?: According to [Senate Report 112-051](#), S. 278 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The legislation contains no earmarks.

Constitutional Authority: Senate rules do not require a statement of constitutional authority to accompany legislation upon introduction.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.
