



## Legislative Bulletin.....October 3, 2011

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### **H.R. 686—Utah National Guard Readiness Act (Rep. Bishop, R-UT)**

**Order of Business:** The bill is scheduled to be considered on Monday, October 3, 2011, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 3651 directs the Bureau of Land Management (BLM) to convey, without consideration, about 430 acres of land in Utah to the state. The conveyed property would be used by Utah for activities of the state national guard.

**Additional Background:** According to the sponsor’s office when the legislation passed by voice vote during the 110<sup>th</sup> Congress, “the Utah National Guard is one of only a few states that have met its recruiting and retention goals for the past several years. As a result, the Utah Guard is expected to grow by several hundred personnel positions over the next few years. Camp Williams is the existing headquarters of the Utah National Guard and the main cantonment area was planned and developed in the 1940s and sits on lands owned by the State of Utah. In order to accommodate future expansion needs identified in its master plan for the main cantonment area, the Utah Guard must acquire ownership of contiguous lands already within the existing boundaries of Camp Williams which are technically owned by the federal government.”

“HR 686 would transfer fee ownership of approximately 431 acres of federal land at Camp Williams, under the administrative control of the Bureau of Land Management of the Department of the Interior, to the Utah National, as identified in the Guard's master plan. The legislation will also help consolidate checkerboard land ownership patterns in the area leading to more efficient

management of the affected lands. The transfer is subject to a reverter that the lands must be used for National Guard or defense purposes.”

**Committee Action:** On February 14, 2011, the bill was introduced and referred to the Committee on Natural Resources. On June 15, 2011, the full committee held a mark-up and ordered the bill reported by unanimous consent.

**Administration Position:** No Statement of Administration Policy has been provided.

**Cost to Taxpayers:** According to CBO, H.R. 686 would have no significant cost to the federal government. Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

**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.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** Committee Report 112-163 states H.R. 686 is in compliance with clause 9(e), 9(f), and 9(g) of rule XXI, and contains no earmarks, limited tax benefits, or limited tariff benefits.

**Constitutional Authority:** The Congressional Record cites Article I, section 8 of the United States Constitution, specifically clause 14 (relating to the power of Congress to make rules for the government and regulation of the land and naval forces), clause 16 (relating to the power of Congress to provide for organizing, arming, and disciplining the militia), and clause 18 (relating to the power of Congress to make all laws necessary and proper for carrying out the powers vested in Congress); and Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

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## **H.R. 765—Ski Area Recreational Opportunity Enhancement Act of 2011 (Rep. Bishop, R-UT)**

**Order of Business:** The bill is scheduled to be considered on Monday, October 3, 2011, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 2476 would authorize National Forest Ski Area Permit Act to allow for ski areas and associated facilities, in addition to nordic and alpine skiing, to be permitted on National Forest System land. The bill would authorize the holder of a ski area permit other seasonal or year-round natural resource-based, outdoor-developed recreational activities and associated facilities (in addition to skiing and other snow-sports) as the Secretary of Agriculture determines to be appropriate on Forest Service land. The bill does not allow the Secretary to authorize any activity or facility if it would result in the primary recreational purpose other than skiing or any other snow-sport.

**Additional Background:** According to the sponsor of similar legislation passed in the 111<sup>th</sup> Congress, the National Forest System land that is used for skiing and other snow-sports can provide additional opportunities for seasonal and year-round recreational activities, which promotes jobs and enhances the economy of local communities that serve these areas as well as the state and the nation.

**Committee Action:** On February 17, 2011, the bill was introduced and referred to the Committee on Natural Resources. On June 15, 2011, the full committee held a mark-up and ordered the bill reported by unanimous consent.

**Administration Position:** No Statement of Administration Policy has been provided.

**Cost to Taxpayers:** According to CBO, H.R. 765 would have no significant cost to the federal government. Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

**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.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** Committee Report 112-164 states H.R. 765 is in compliance with clause 9(e), 9(f), and 9(g) of rule XXI, and contains no earmarks, limited tax benefits, or limited tariff benefits.

**Constitutional Authority:** The Congressional Record cites Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

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**H.R. 489—To clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and for other purposes (Rep. Gosar, R-AZ)**

**Order of Business:** The bill is scheduled to be considered on Monday, October 3, 2011, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 489 would give the Secretary of the Interior exclusive jurisdiction to manage the C.C. Cragin Dam and Reservoir. This area consists of approximately 512 acres of land within the Coconino and Tonto National Forests in northern Arizona.

**Committee Action:** On January, 26, 2011, the bill was introduced and referred to the Committee on Natural Resources. On June 15, 2011, the full committee held a mark-up and ordered the bill reported by unanimous consent.

**Administration Position:** No Statement of Administration Policy has been provided.

**Cost to Taxpayers:** According to CBO, the legislation would have no significant impact on the federal budget. The legislation would not affect direct spending or revenues.

**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.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** Committee Report 112-160 states H.R. 489 is in compliance with clause 9(e), 9(f), and 9(g) of rule XXI, and contains no earmarks, limited tax benefits, or limited tariff benefits.

**Constitutional Authority:** The Congressional Record cites “Article I, Sec. 8, to exercise exclusive legislation over federal lands in addition to the Congressional power to control obstructions to navigable waters, including dams, and the historical doctrine recognizing that the States possess dominion over the beds of all navigable streams within their borders, and the servitude that Congress' power to regulate commerce imposes upon such streams.”

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## **H.R. 473—Help to Access Land for the Education of (HALE) Scouts Act (*Rep. Boren, D-OK*)**

**Order of Business:** The bill is scheduled to be considered on Monday, October 3, 2011, under a motion to suspend the rules and pass the bill.

**Summary:** The bill would require the Secretary of Agriculture to convey, at fair market value, approximately 140 acres of land in the Ouachita National Forest, Oklahoma, to the Indian Nations Council, Inc. This is a chartered council of the Boy Scouts of America. The bill requires that the land be appraised and sold at market value under Uniform Appraisal Standards for Federal Land Acquisitions. The Boy Scouts will be responsible for the appraisals, surveys and other administrative costs occurred during the transaction.

**Additional Background:** According the Resources Committee, “the Indian Nations Council Boy Scout Camp Tom Hale is currently on 480 acres located within the Ouachita National Forest. Since 1963, hundreds of thousands of Boy Scouts have camped at this site. The additional acres will allow the Boy Scouts to accommodate more campers and allow a larger array of activities at the camp.”

**Committee Action:** On January, 26, 2011, the bill was introduced and referred to the Committee on Natural Resources. On July 20, 2011, the subcommittee on National Parks, Forests, and Public Lands held a mark-up and ordered the bill reported by unanimous consent. On September 23, 2011, the full committee reported the legislation and was placed on the union calendar.

**Administration Position:** No Statement of Administration Policy has been provided.

**Cost to Taxpayers:** According to CBO, implementing the legislation would have no significant impact on the federal budget. Enacting H.R. 473 would reduce direct spending; therefore, pay-as-

you-go procedures apply. Under the bill, proceeds from the sale of the affected land, which CBO estimates would total less than \$300,000, would be deposited in the Treasury as offsetting receipts (a credit against direct spending). Enacting the legislation would not affect revenues. Because the council would be required to pay any administrative costs associated with the conveyance, CBO also estimates that implementing the legislation would not affect spending subject to appropriation.

**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.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** Committee Report 112-118 states H.R. 473 is in compliance with clause 9(e), 9(f), and 9(g) of rule XXI, and contains no earmarks, limited tax benefits, or limited tariff benefits.

**Constitutional Authority:** The Congressional Record cites “Clause II, Section III, Article IV of the Constitution.”

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## **H.R. 470—Hoover Power Allocation Act of 2011 (Rep. Heck, R-NV)**

**Order of Business:** The bill is scheduled to be considered on Monday, October 3, 2011, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 470 would revise existing regulations governing electric power allocation produced at the Hoover Dam. The current allocations expire at the end of FY 2017. The revised allocations would expire September 30, 2067. This legislation would increase the allocation set for the Western Area Power Administration (WAPA), and would allocate unallocated electricity to various Native American Indian tribes. Without this legislation CBO expects that: “WAPA would allocate the electricity from the Hoover Dam by regulation. CBO estimates that any differences between the electricity allocation under and the allocations developed under such regulations would have a negligible effect on offsetting receipts (an offset to direct spending) from electricity sales because the agency is required by law to keep electric rates as low as possible while recovering all costs of generation and marketing over time. CBO also estimates that implementing the bill would have no significant impact on WAPA’s administrative costs, which are funded by appropriations and offset by proceeds from the sale of electricity.”

**Additional Background:** Similar legislation passed in the 111<sup>th</sup> Congress by a voice vote.

**Committee Action:** On January, 26, 2011, the bill was introduced and referred to the Committee on Natural Resources. On June 15, 2011, the subcommittee on Water and Power held a mark-up and ordered the bill reported by unanimous consent. On July 20, 2011, the full committee reported the legislation and was placed on the union calendar.

**Administration Position:** No Statement of Administration Policy has been provided.

**Cost to Taxpayers:** According to CBO, “implementing this bill would have a negligible effect on net direct spending and spending subject to appropriation.” H.R. 470 would affect direct spending; therefore, pay-as-you-go procedures apply. However, CBO estimates that the net effects would be insignificant for each year. In the absence of this legislation, CBO expects that WAPA would allocate the electricity from Hoover Dam by regulation. CBO estimates that any differences between the electricity allocation under H.R. 470 and the allocations developed under such regulations would have a negligible effect on offsetting receipts (a credit against direct spending) from electricity sales because the agency is required by law to keep electric rates as low as possible while recovering all costs of generation and marketing over time.

**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.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** Committee Report 112-158 states H.R. 470 is in compliance with clause 9(e), 9(f), and 9(g) of rule XXI, and contains no earmarks, limited tax benefits, or limited tariff benefits.

**Constitutional Authority:** The Congressional Record cites “Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.”

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**H.R. 670—To convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands  
(Del. Sablan, D-MP)**

**Order of Business:** The bill is scheduled to be considered on Monday, October 3, 2011, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 670 provides the Northern Mariana Islands with the same ownership and jurisdiction over offshore submerged lands as has been provided to other United States territories like Guam. Additionally, the legislation provides a less formal mechanism for the Governor to raise issues with the federal government than the current procedures agreed upon in the covenant that established the Commonwealth in political union with the United States. Currently, section 902 of the Covenant requires among other items, the formal appointment of negotiators during disputes. Proponents of H.R. 670 argue a less formal approach will serve to improve federal-Commonwealth relations and the ability of both sides to reach agreements.

**Additional Background:** Similar legislation passed by a vote of [416-0](#) on July 15, 2009. After World War II, the Islands were administered by the United States and they chose to keep close ties with the United States. In 1975, Congress approved a covenant to establish a commonwealth in political union with the U.S. A new government and constitution went into effect in 1978.



Similar to other U.S. territories, the islands do not have representation in the U.S. Senate, but are represented in the U.S. House of Representatives by a delegate (beginning January 2009 for the CNMI) who may vote in committee but not on the House floor.

**Committee Action:** On February 11, 2011, the bill was introduced and referred to the Committee on Natural Resources. On June 15, 2011, the full committee held a mark-up and ordered the bill reported by unanimous consent.

**Administration Position:** No Statement of Administration Policy has been provided.

**Cost to Taxpayers:** According to CBO, H.R. 670 would have no significant cost to the federal government. Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

**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.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** Committee Report 112-162 states H.R. 670 is in compliance with clause 9(e), 9(f), and 9(g) of rule XXI, and contains no earmarks, limited tax benefits, or limited tariff benefits.

**Constitutional Authority:** The Congressional Record sites Under Article IV, Section 3, Clause 2 of the Constitution, 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 this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

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**S. Con. Res. 29 – Authorizing the use of the rotunda of the United States Capitol for an event to present the Congressional Gold Medal, collectively, to Neil A. Armstrong, Edwin E. “Buzz” Aldrin, Jr., Michael Collins, and John Herschel Glenn, Jr., in recognition of their significant contributions to society.  
(Sen. Nelson, D-NE)**

**Order of Business:** The legislation is scheduled to be considered on Monday, October 3, 2011, under a motion to suspend the rules requiring two-thirds majority vote for passage.

**Summary:** This bill authorizes the use of rotunda of the United States Capitol on November 16, 2011 for the presentation of the Congressional Gold Medal, collectively, to Neil A. Armstrong, Edwin E. `Buzz' Aldrin, Jr., Michael Collins, and John Herschel Glenn, Jr., in recognition of their significant contributions to society. It permits physical preparations for the conduct of this event to be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

**Additional Background:** These four astronauts collectively are known as history-makers for their participation in the first manned lunar landing mission on the moon in July of 1969 called Apollo 11. Neil Armstrong became the first person to walk on the moon. Edwin E. “Buzz” Aldrin, Jr. was the [second person](#) to talk on the moon. Michael Collins piloted the Apollo 11 mission command, and John Herschel Glenn, Jr. was the first American to orbit the Earth.

**Committee Action:** Senator Ben Nelson (*D-NE*) introduced the bill on September 23, 2011. The bill passed the Senate by Unanimous Consent that same day and has been referred to the House Committee on House Administration, which has taken no further action.

**Administration Position:** No Statement of Administration Policy (SAP) has been released.

**Cost to Taxpayers:** There is no Congressional Budget Office (CBO) cost estimate available at press time. However, the legislation does not authorize any additional funds.

**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.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** S.Con. Res. 29 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

**Constitutional Authority:** There is no accompanying committee report citing the constitutional authority of the bill. Also, there is no Constitutional Authority Statement accompanying the bill.

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