



Legislative Bulletin..... May 15, 2013

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H.R. 356 - Hill Creek Cultural Preservation and Energy Development Act (Bishop, R-UT)

Order of Business: The bill is scheduled to be considered on May 15, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: The legislation amends an existing law that defines the border of the Uintah and Ouray Indian Reservation in Utah. The legislation allows the state of Utah to relinquish to the United States certain mineral rights that are currently in state school trusts or other state-owned subsurface mineral lands.

In order to relinquish these mineral rights, the state of Utah will be able to select, on an acre-for-acre basis, certain other mineral rights. Lands received by the state shall be used for the benefit of its state school trust.

The Secretary of the Interior will reserve an overriding interest in the portion of the mineral rights that are conveyed to the state. Specifically, the Secretary shall reserve:

- 50% of any bonus bid, or other payment as consideration for securing any lease;
- 50% of any rental fee, or other payment as consideration to develop the mineral resources;
- A 6.25% overriding royalty on the gross proceeds of oil and gas production under any lease; and
- An overriding royalty on the gross proceeds of production of such mineral other than oil and gas, equal to 50% of the royalty rate.

The state of Utah will reserve a similar overriding interest in the portion of the mineral rights that are conveyed to the United States.

Additional Information: Similar legislation, H.R. 4027, passed the House of Representatives on June 18, 2012, by voice vote. The RSC Legislative Bulletin for H.R. 4027 can be [viewed here](#).

According to CBO, the state of Utah's School and Institutional Trust Land Administration (SITLA) currently owns the subsurface mineral rights to approximately 18,000 acres in the Hill Creek Extension of the reservation; however, the surface rights to that land are held in trust for the Ute Indian Tribe by the federal government. The legislation would authorize SITLA to relinquish to the Ute Indian Tribe its subsurface mineral rights in exchange for the subsurface rights to about 18,000 acres of other land within the Hill Creek Extension owned by the federal government.

This legislation authorizes a transfer of federally owned subsurface mineral rights for an equivalent number of acres of state land. However, the acres transferred may not have the same value because mineral deposits are not evenly spread across all areas. To compensate, the legislation preserves a royalty interest in the value of any subsurface minerals that are developed on the transferred properties for the state and the federal governments.

Committee Action: H.R. 356 was introduced on January 23, 2013, and was referred to the House Natural Resources Subcommittee on Indian and Alaska Native Affairs, and the Subcommittee on Energy and Mineral Resources. The subcommittees discharged the legislation. A full committee [markup was held on April 24, 2013](#), and the legislation was favorably reported by unanimous consent.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO estimates that the legislation would have no significant impact on the federal budget over the 2014-2023 period. CBO's full 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 CBO, H.R. 356 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. Enacting the bill would benefit the tribe and state.

Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The legislation does not contain earmarks, limited tax benefits, or limited tariff benefits.

Constitutional Authority: According to the sponsor, "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 3 of the United

States Constitution.” Rep. Bishop’s statement in the Congressional Record can be [viewed here](#).

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H.R. 767 - To amend the Energy Policy Act of 2005 to modify the Pilot Project offices of the Federal Permit Streamlining Pilot Project (Cramer, R-ND)

Order of Business: The bill is scheduled to be considered on May 15, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: The legislation amends the Energy Policy Act of 2005 (42 U.S.C. 15924) and authorizes the following Bureau of Land Management (BLM) offices to serve as Pilot Project offices:

- (1) Rawlins Field Office, Wyoming;
- (2) High Plains District Office, Wyoming;
- (3) Montana/Dakotas State Office, Montana;
- (4) Farmington Field Office, New Mexico;
- (5) Carlsbad Field Office, New Mexico;
- (6) Grand Junction/Glenwood Springs Field Office, Colorado; and
- (7) Vernal Field Office, Utah.

Additional Information: The Energy Policy Act of 2005 established a pilot project to improve federal permit coordination. This act also established BLM offices to serve as pilot project offices. Mainly, this legislation renames the Miles City, Montana office to the Montana/Dakotas State Office. This is done because BLM has stated that if the field office name does not specifically include the name of the state, then the pilot program would not be implemented in that state. Thus, adding “Dakotas” to the name of the Montana/Dakotas State Office allows the pilot program to be implemented in North Dakota and South Dakota.

An amendment was offered by Rep. Lummis (R-WY) in the Committee markup that changed the location of an office in Wyoming from “Buffalo Field” to “High Plains.”

Committee Action: H.R. 767 was introduced on February 15, 2013, and was referred to the House Natural Resources Subcommittee on Energy and Mineral Resources. The subcommittee discharged the legislation. A full committee [markup was held on April 24, 2013](#), and the legislation was favorably reported by unanimous consent, with an amendment that was offered by Rep. Lummis.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: Because CBO expects that any funds spent at the offices added to the pilot project under the bill would be spent at other offices under current law, they estimate that implementing the legislation would have no significant net impact on the federal budget. CBO's full 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 CBO, H.R. 767 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 Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The legislation does not contain earmarks, limited tax benefits, or limited tariff benefits.

Constitutional Authority: According to the sponsor, "Congress has the power to enact this legislation pursuant to the following: The constitutional authority on which this bill rests is the power of Congress to make Rules and Regulations respecting the Territory or other Property belonging to the United States, as enumerated in Article 4, Section 3, Clause 2, of the United States Constitution." Rep. Cramer's statement in the Congressional Record can be [viewed here](#).

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H.R. 573 - To amend Public Law 93-435 with respect to the Northern Mariana Islands, providing parity with Guam, the Virgin Islands, and American Samoa (*Del. Sablan, D-MP*)

Order of Business: The bill is scheduled to be considered on May 15, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: The legislation 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.

P.L. 93-435 conveyed the interest of the United States in certain lands permanently or periodically covered by tidal waters to the territories of Guam, the Virgin Islands, and American Samoa. This conveyance included lands that were seaward to a line three geographical miles distant from the coastlines of the territories. H.R. 573 adds "the Commonwealth of the Northern Mariana Islands" each time the territories are mentioned, thereby granting the same treatment to the Northern Mariana Islands.

Additional Information: Similar legislation, H.R. 670, passed the House of Representatives on October 3, 2011, by a [roll call vote of 397-0](#). The RSC's Legislative

Bulletin for H.R. 670 can be [viewed here](#). In the 111th Congress, similar legislation, H.R. 934, passed the House by a [roll call vote of 416-0](#). The RSC's Legislative Bulletin for H.R. 934 can be [viewed here](#).

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).

Committee Action: H.R. 573 was introduced on February 6, 2013, and was referred to the House Natural Resources Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs. The subcommittee discharged the legislation. A full committee [markup was held on April 24, 2013](#), and the legislation was favorably reported by unanimous consent.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO estimates that enacting H.R. 573 would have no significant effect on the federal budget. CBO's full 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 CBO, H.R. 573 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 Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The legislation does not contain earmarks, limited tax benefits, or limited tariff benefits.

Constitutional Authority: According to the sponsor, "Congress has the power to enact this legislation pursuant to the following: 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." Del. Sablan's statement in the Congressional Record can be [viewed here](#).

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H.R. 384 — Homes for Heroes Act of 2013 (*Green, D-TX*)

Order of Business: [H.R. 386](#) is [scheduled](#) to be considered on Wednesday, May 15, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Major Changes Since the Last Time This Legislation Was Before the House: This bill is similar to H.R. 3298 that passed the House on March 27, 2012, by a [vote](#) of 414-5. Unlike under H.R. 3298, the new position is created from an *existing* position so there is no net growth in HUD workforce. View the Legislative Bulletin for H.R. 3298 from last Congress [here](#).

Summary: The bill establishes the position of Special Assistant for Veterans Affairs in the Office of the Secretary of Housing and Urban Development (HUD). This is accomplished by transferring an existing position within HUD. After the transfer, the old position is eliminated so there is no growth in HUD workforce. The Special Assistant would report directly to the Secretary of HUD and be responsible for:

- coordinating services provided to homeless veterans;
- ensuring veterans have fair access to housing and homeless assistance;
- serving as the HUD liaison to the U.S. Interagency Council on Homelessness, the Department of Veterans Affairs, nonprofit veterans service organizations, state and local officials; and
- providing advice and information for programs under the Department regarding housing projects and homeless and housing assistance for veterans.

The Special Assistant is also responsible for coordinating the preparation of a comprehensive report with the Secretary of Housing and Urban Development and the Secretary of Veterans Affairs. HUD currently delivers a report to Senate and House committees; the bill codifies delivery of the report. The report contains detailed assessments of HUD's implementation of veterans programs and the housing needs of homeless veterans.

Additional Background: Similar legislation, H.R. 403 "The Homes for Heroes Act of 2009", passed the House in the 111th Congress by a [vote](#) of 417-2. In addition, H.R. 3329 "The Homes for Heroes Act of 2008" passed the House in the 110th Congress by a [vote](#) of 412-9.

Committee Action: Congressman Green introduced H.R. 386 on January 23, 2013. It was subsequently referred to the House Committee on Financial Services. No further Committee action has occurred on the bill.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: No Congressional Budget Office (CBO) cost estimate is available.

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 Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: No.

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: No.

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:
The bill does not contain any earmarks, limited tax benefits, or limited tariff benefits.

Constitutional Authority: According to the sponsor, “Congress has the power to enact this legislation pursuant to the following: The Constitutional authority to enact this legislation can be found in: General Welfare Clause (Art. 1 Sec. 8 Cl. 1), Commerce Clause (Art. 1 Sec. 8 Cl. 3).” Rep. Green’s statement in the Congressional Record can be [viewed here](#).

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H.R. 701 — To amend a provision of the Securities Act of 1933 directing the Securities and Exchange Commission to add a particular class of securities to those exempted under such Act to provide for such action (McHenry, R-NC)

Order of Business: The bill is [scheduled](#) to be considered on Wednesday, May 15, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: [H.R. 701](#) sets a deadline of October 31, 2013, for the SEC to implement certain rules under Title IV of the Jumpstart Our Business Startups Act (JOBS Act).

Additional Background: The JOBS Act requires the SEC to create a regulatory exemption for securities offerings up to \$50 million in a 12-month period. The SEC has not created the exemption. The exempted securities may be offered and sold publically and they will not be restricted under federal securities regulations and laws.

Committee Action: H.R. 701 was introduced on February 14, 2013, and was referred to the House Committee on Financial Services. On May 7, 2013 the Committee held a markup where the bill was ordered to be reported by voice vote.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: No Congressional Budget Office (CBO) Cost Estimate is available.

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 Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: No.

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: No.

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:
The bill does not contain any earmarks, limited tax benefits, or limited tariff benefits.

Constitutional Authority: According to the sponsor, “Congress has the power to enact this legislation pursuant to the following: Article One, Section Eight.” Rep. McHenry’s statement in the Congressional Record can be [viewed here](#).

Outside Organizations in Support: US. Chamber of Commerce; NASDAQ.

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