



**Legislative Bulletin.....June 17, 2013**

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**H.R. 876 - Idaho Wilderness Water Resources Protection Act  
(Rep. Simpson, R-ID)**

**Order of Business:** The legislation is scheduled to be considered on June 17, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

**Summary:** H.R. 876 directs the Secretary of Agriculture to authorize the continued operation, maintenance, and reconstruction of a water storage facility in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness.

The Secretary is directed to authorize this activity if the Secretary determines that:

- “The facility was in existence on the date on which the land upon which the facility is located was designated as part of the National Wilderness Preservation System (in this section referred to as ‘the date of designation’);
- “The facility has been in substantially continuous use to deliver water for the beneficial use on the owner's non-Federal land since the date of designation;
- “The owner of the facility holds a valid water right for use of the water on the owner's non-Federal land under Idaho State law, with a priority date that predates the date of designation; and
- “It is not practicable or feasible to relocate the facility to land outside of the wilderness and continue the beneficial use of water on the non-Federal land recognized under state law.”

This authorization will include the ability to use motorized equipment and will preclude the use of the water storage facility of water in excess of the water right recognized by the State of Idaho on the date of designation.

The Secretary may require the facility to be modified or relocated in the wilderness if the Secretary determines it necessary to reduce certain impacts to the wilderness. The Secretary may also require the owner to provide a reciprocal right of access across the non-federal property. In this case, the owner shall receive the fair market value for any right-of-way or other interest that is conveyed to the United States.

**Additional Information:** The Frank Church-River of No Return Wilderness was created by Congress in 1980 and now contains approximately 2,366,827 acres. More information can be [found here](#).

The Selway-Bitterroot Wilderness was created by Congress in 1964 and contains approximately 1,340,587 acres, spread across Idaho and Montana. This wilderness borders the Frank Church-River of No Return Wilderness. More information can be [found here](#).

Similar legislation (H.R. 2050) passed the House on April 26, 2013, voice vote. The RSC Legislative Bulletin for H.R. 2050 can be [found here](#).

**Committee Action:** H.R. 876 was introduced on February 27, 2013, and was referred to the House Natural Resources Subcommittee on Public Lands and Environmental Regulation. The subcommittee discharged the bill. On April 24, 2013, the [full committee held a markup](#) and reported the bill by unanimous consent.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** CBO estimates that the legislation would affect net direct spending (through the collection and spending of receipts), therefore pay-as-you-go procedures apply; however, CBO estimates that such effects would be insignificant. 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 CBO, H.R. 876 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:** Rep. Simpson states Congress has the power to enact this legislation pursuant to the following: "The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution, specifically clause 1 (relating to the power of Congress to provide for the general welfare of the United States) and clause 18 (relating to the power 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)." The statement can be [viewed here](#).

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## **H.R. 253 - Y Mountain Access Enhancement Act, as amended (Rep. Chaffetz, R-UT)**

**Order of Business:** The legislation is scheduled to be considered on June 17, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

**Summary:** H.R. 253 allows for Brigham Young University to request an approximately 80 acre parcel from the Department of Agriculture. The University has up to one year after enactment to make this request.

After the request, the Department has up to one year to transfer the 80 acre parcel to the University. The parcel is located within the National Forest System in the Uinta-Wasatch-Cache National Forest.

The University is directed to pay the Secretary the fair market value of the parcel, as determined by an appraisal that will be approved by the Secretary. The payment will be deposited in the general fund of the Treasury for deficit reduction.

After the conveyance, the University is directed to continue to allow the public access to the trailhead and portion of the Y Mountain Trail that is currently owned by the University. The University is also directed to cover the costs of the survey, appraisal, and any administrative analyses that is required by law..

Similar legislation, H.R. 4484, passed the House on July 23, 2012, by voice vote. The RSC Legislative Bulletin for H.R. 4484 can be [viewed here](#).

**Additional Information:** The following information is according to House Report 113-

**Committee Action:** H.R. 253 was introduced on June 6, 2013, and was referred to the House Natural Resources Subcommittee on Public Lands and Environmental Regulation. The subcommittee discharged the bill. On April 24, 2013, the [full committee held a markup](#) and reported the bill by unanimous consent.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** CBO estimates that enacting the legislation would increase offsetting receipts (a credit against direct spending) by less than \$500,000 in 2014. CBO estimates that implementing the bill would not affect 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 CBO, H.R. 253 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 Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** The legislation does not contain earmarks, limited tax benefits or limited tariff benefits.

**Constitutional Authority:** Rep. Chaffetz states “Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, Clause 2.” The statement can be [viewed here](#).

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## **H.Res. \_\_ - To amend the Senate Amendment to H.R. 588 - Vietnam Veterans Donor Acknowledgement Act of 2013 (Rep. Young, R-AK)**

**Order of Business:** The legislation is scheduled to be considered on June 17, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

**Summary:** H.R. 588 originally passed the House on May 6, 2013, by a [roll call vote of 398-2](#). The Senate amended the bill, with a substitute amendment, on June 3, 2013, by unanimous consent.

The Senate amendment allows for donor contributions to be displayed inside a visitor center, or within other supplementary structures associated with the commemorative work.

The Secretary shall determine the appropriate form for the display of the contributions, as well as the time that the acknowledgements are displayed.

The sponsor shall bear all expenses related to the display of donor acknowledgements. This legislation will apply to all works that were dedicated after January 1, 2010.

The RSC Legislative Bulletin for the version of H.R. 588 that passed the House can be [found here](#).

**Additional Information:** The following information is according to House Report 113-

**Committee Action:** H.R. 588 was introduced on February 6, 2013, and was referred to the House Natural Resources Subcommittee on Public Lands and Environmental Regulation. The subcommittee discharged the legislation. The full committee held a [markup on March 20, 2013](#), and favorably reported the legislation 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. 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. 588 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 Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** The legislation does not contain earmarks, limited tax benefits or limited tariff benefits.

**Constitutional Authority:** According the sponsor, “Congress has the power to enact this legislation pursuant to the following: Article IV, 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 this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.” Rep. Young’s statement in the Congressional Record can be [viewed here](#).

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## **H.R. 520 - Buffalo Soldiers in the National Parks Study Act (*Speier, D-CA*)**

**Order of Business:** The legislation is scheduled to be considered on June 17, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

**Summary:** H.R. 1022 requires the Secretary of the Interior (via the National Park Service) to conduct a study and report to Congress. The report will analyze the role that Buffalo Soldiers played in our nation’s national parks.

The report will also include a feasibility study of constructing a national historic trail commemorating the route traveled by the Buffalo Soldiers from their post in the Presidio of San Francisco to Sequoia and Yosemite National Parks. The report will also include the identification of properties that could meet criteria for listing in the National Register of Historic Places or criteria for designation as National Historic Landmarks. This report is due within three years after funds are made available.

The legislation also contains a number of findings, including:

- “In the late 19th century and early 20th century, African-American troops who came to be known as the Buffalo Soldiers served in many critical roles in the western United States, including protecting some of the first National Parks;
- “Based at the Presidio in San Francisco, Buffalo Soldiers were assigned to Sequoia and Yosemite National Parks where they patrolled the backcountry, built trails, stopped poaching, and otherwise served in the roles later assumed by National Park rangers;
- “The public would benefit from having opportunities to learn more about the Buffalo Soldiers in the National Parks and their contributions to the management of National Parks and the legacy of African-Americans in the post-Civil War era; and

- “As the centennial of the National Park Service in 2016 approaches, it is an especially appropriate time to conduct research and increase public awareness of the stewardship role the Buffalo Soldiers played in the early years of the National Parks.”

**Conservative Concerns:** The federal government is currently the largest landowner in the United States, owning more than 660 million acres. This equates to around 1/3 of the entire land mass of the United States. Many conservatives have advocated that the U.S. should own less land, not more.

Some conservatives may be concerned that this legislation is an introductory step to incorporating new land into the national park system. The legislation requires that the report to Congress include a feasibility study of “establishing a national historic trail commemorating the route traveled by the Buffalo Soldiers from their post in the Presidio of San Francisco to Sequoia and Yosemite National Parks and to any other National Parks where they may have served.” The distance from San Francisco to Yosemite National Park is approximately 200 miles.

Furthermore, the National Park Service has a maintenance backlog of around \$11.04 billion ([as of FY2011](#)). This legislation would require the NPS to divert existing resources to comply with the mandates of this legislation. This legislation does not contain an offset, or any other reduction to existing NPS responsibilities, to counteract the cost that the NPS would incur in order to carry out this legislation.

Similar legislation, H.R. 1022, passed the House of Representatives on January 25, 2012, by a [roll call vote of 388-70](#). The RSC Legislative Bulletin for H.R. 1022 can be [found here](#).

**Committee Action:** H.R. 520 was introduced on February 5, 2013, and was referred to the House Natural Resources Subcommittee on Public Lands and Environmental Regulation. The subcommittee discharged the bill. On April 24, 2013, the [full committee held a markup](#) and reported the bill by unanimous consent.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** CBO estimates that conducting the study would cost about \$400,000 over the next three years, subject to appropriation. 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 CBO, H.R. 520 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 Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** The legislation does not contain earmarks, limited tax benefits or limited tariff benefits.

**Constitutional Authority:** Rep. Speier states “Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8: Congress shall have the power to regulate



commerce among the states, and provide for the general welfare.” The statement can be [viewed here](#).

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## **H.R. 674 - Rota Cultural and Natural Resources Study Act (*Del. Sablan, D-MP*)**

**Order of Business:** The legislation is scheduled to be considered on June 17, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

**Summary:** H.R. 674 mandates that the Secretary of the Interior carry out a feasibility study regarding the designation of certain historic, and limestone forest sites on the island of Rota, Commonwealth of the Northern Mariana Islands, as being included as a unit of the National Park System. This study is due in a report to Congress within three years after funds are appropriated for this act.

The legislation contains a number of findings, including:

- “The island of Rota was the only major island in the Mariana Islands to be spared the destruction and large scale land use changes brought about by World War II.
- “Four prehistoric sites are listed on the National Register of Historic Places: Monchon Archeological District (also known locally as Monchon Latte Stone Village), Taga Latte Stone Quarry, the Dugi Archeological Site that contains latte stone structures, and the Chugai Pictograph Cave that contains examples of ancient Chamorro rock art. Alaguan Bay Ancient Village is another latte stone prehistoric site that is surrounded by tall-canopy limestone forest.
- “Because of the significant cultural and natural resources listed above, on September 2005, the National Park Service, Pacific West Region, completed a preliminary resource assessment on the island of Rota, Commonwealth of the Northern Mariana Islands, which determined that the ‘establishment of a unit of the national park system appear[ed] to be the best way to ensure the long term protection of Rota’s most important cultural resources and its best examples of its native limestone forest.’”

**Conservative Concerns:** Some conservatives may be concerned that this legislation could be an introductory step to incorporating parts of the island Rota into the national park system. The legislation mentions a previous National Park Service (NPS) assessment and states “establishment of a unit of the national park system appear[ed] to be the best way to ensure the long term protection of Rota’s most important cultural resources and its best examples of its native limestone forest.”

The federal government is currently the largest landowner in the United States, owning more than 660 million acres. This equates to around 1/3 of the entire land mass of the United States. Many conservatives have advocated that the U.S. should own less land, not more.

Furthermore, the National Park Service has a maintenance backlog of around \$11.04 billion ([as of FY2011](#)). This legislation would require the NPS to divert existing resources to comply with the mandates of this legislation. This legislation does not contain an offset, or any other reduction to

existing NPS responsibilities, to counteract the cost that the NPS would incur in order to carry out this legislation.

**Additional Information:** The following information is according to House Report 113-

An identical bill, H.R. 1141, passed the House last congress by a recorded vote of 278 - 100 on January 23, 2012. The RSC Legislative Bulletin for H.R. 3117 can be [found here](#).

**Committee Action:** H.R. 674 was introduced on February 13, 2013, and was referred to the Natural Resources Subcommittee on Public Lands and Environmental Regulation. The subcommittee discharged the bill. On April 24, 2013, the [full committee held a markup](#) and reported the bill by unanimous consent.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** CBO estimates that carrying out the study required by H.R. 674 would cost about \$300,000 over the next three years, subject to appropriation. 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 CBO, H.R. 674 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:** Del. Sablan states "Congress has the power to enact this legislation pursuant to the following: Under Article I, section 8, clause 3 and Article IV, section 3, clause 2 of the Constitution." The statement can be [viewed here](#).

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**H.R. 862 - To authorize the conveyance of two small parcels of land within the boundaries of the Coconino National Forest containing private improvements that were developed based upon the reliance of the landowners in an erroneous survey conducted in May 1960 (*Kirkpatrick, D-AZ*)**

**Order of Business:** The legislation is scheduled to be considered on June 17, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.



**Summary:** H.R. 862 authorizes the Secretary of Agriculture to convey two parcels of land within the Coconino National Forest to the majority of landowners with private property adjacent to the two parcels. The two parcels total 2.67 acres.

The landowners are responsible for paying the Secretary \$20,000 for this land transfer. These funds will be available to the Secretary for acquisition of land in the National Forest System

**Additional Information:** Similar legislation, H.R. 1038, passed the House of Representatives on April 25, 2012, by a [roll call vote of 421-1](#). The RSC Legislative Bulletin for H.R. 1038 can be [viewed here](#).

According to House Report 113-075, an erroneous land survey was conducted in 1960. Based on the survey, many landowners developed and maintained property as their own. However, a 2007 survey found that the landowners had actually built just inside the boundary of the Coconino National Forest.

More information about the Coconino National Forest can be [found here](#).

**Committee Action:** H.R. 862 was introduced on February 27, 2013, and was referred to the Natural Resources Subcommittee on Public Lands and Environmental Regulation. The subcommittee discharged the bill. On April 24, 2013, the [full committee held a markup](#) and reported the bill by unanimous consent.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** CBO estimates that implementing the bill would have a negligible 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?:** According to CBO, the bill 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 government

**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:** Rep. Kirkpatrick states "Congress has the power to enact this legislation pursuant to the following: Under Article [sic] I, Section 7 Congress has the authority to pass bills for the good of the nation." The statement can be [viewed here](#).

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