

Legislative Bulletin.....January 19, 2010

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H.R. 3726 – Castle Nugent National Historic Site Establishment Act of 2009 (*Del. Christensen, D-VI*)

Order of Business: The bill is scheduled to be considered on Tuesday, January 19, 2010, under a motion to suspend the rules and pass the bill.

Summary: This legislation establishes the Castle Nugent National Historic Site on the Island of St. Croix, U.S. Virgin Islands as a unit of the National Park System. This site consists of approximately 2,900 acres of land, and includes submerged lands within the three-mile territorial limit, an additional 8,600 acres. CBO estimates that implementing H.R. 3726 would cost \$26 million over the next five years, assuming appropriation of the necessary amounts, mostly to acquire about half of the total acreage.

Additional Background: According to the sponsor, Castle Nugent Farms is a breeding center for St. Croix's famed Senepol cattle for half a century. It covers dry forest and pastureland rich in cultural resources predating the arrival of Christopher Columbus at Salt River in 1493. See [here](#) for Del. Christensen's statement on H.R. 3726.

Conservative Concern: Some conservatives have expressed concern that spending \$50 million on federal land acquisition when the unemployment rate is 10% is problematic – even more so when most Americans do not have the luxury of taking a family vacation to

visit the site. Even if we were not running \$1.4 trillion in federal deficits, the purchase may still be still dubious as there is a \$9 billion maintenance backlog in the parks.

Committee Action: H.R. 3726 was introduced on October 6, 2009, and was referred to the Natural Resources Subcommittee on National Parks, Forests and Public Lands. A Subcommittee hearing was held on November 17, 2009 with a representative of the National Park Service. A full committee markup was held on Wednesday, December 16, 2009 and it passed the committee by a party line [roll call vote of 25 yeas and 14 nays](#).

Cost to Taxpayers: CBO estimates that implementing H.R. 3726 would cost \$26 million over the next five years, assuming appropriation of the necessary amounts, mostly to acquire about half of the total acreage. Currently the NPS estimates that the entire parcel (2,900 acres of nonsubmerged land) has a value of about \$45 million and would take 10 years to acquire.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, this legislation creates the Castle Nugent National Historic Site on the Island of St. Croix, U.S. Virgin Islands as a unit of the National Park System.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No. If, however, the Secretary determines that condemnation is necessary to acquire a property, such use of condemnation would be a private-sector mandate as defined in UMRA. The cost of the mandate would be equal to the fair-market value of the property. Since, according to the NPS, the value of property that may be obtained is no more than \$50 million, CBO estimates that the cost of the mandate, if imposed, would fall well below the annual threshold established in UMRA for private-sector mandates (\$141 million in 2010, adjusted annually for inflation).

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and no explanation in the accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: The committee report for H.R. 3726 cites Constitutional Authority in Article I, Section 8.

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H.R. 3759 - BLM Contract Extension Act (*Rep. DeFazio, D-OR*)

Order of Business: The bill is scheduled to be considered on Tuesday, January 19, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3759 would allow the Secretary of the Interior to extend the expiration date of certain timber contracts. The Secretary would be able to extend these contacts by as much as three years.

Committee Action: H.R. 3759 was introduced on October 8, 2009 and referred to the Natural Resources Subcommittee on National Parks, Forests and Public Lands. On November 5, 2009, the Subcommittee held a hearing on the bill, at which a representative of the Department of the Interior testified that the Administration supports the goal of the legislation. On November 18, 2009, the Subcommittee was discharged from further consideration of H.R. 3759 and the full Natural Resources Committee met to consider the bill. Subcommittee Chairman Raul Grijalva (D-AZ) offered a long title amendment to correct an error in the long title. The amendment was agreed to by unanimous consent. H.R. 3759, as amended, was then favorably reported to the House of Representatives by unanimous consent.

Cost to Taxpayers: CBO estimates that enacting H.R. 3759 would not significantly affect the federal budget.

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?: Though the bill contains no earmarks, and no explanation in the accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: The committee report for H.R. 3759 cites Constitutional Authority in Article I, Section 8.

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H.R. 725 - Indian Arts and Crafts Amendments Act of 2009 (Rep. Pastor, D-AZ)

Order of Business: The bill is scheduled to be considered on Tuesday, January 19, 2010, under a motion to suspend the rules and pass the bill.

Summary: This legislation allows any federal law enforcement officer to conduct investigations into alleged violations regarding the sale of counterfeit Indian products. Current law dictates that only FBI employees can conduct these investigations. This legislation would reduce the maximum penalty given to offenders who market or sell counterfeit items priced at less than \$1,000. Current law sets the same maximum

penalties for all offenders, regardless of the price of the counterfeit product. Fines set by this legislation will be recorded as revenues and deposited into the Crime Victims Fund. CBO estimates that enacting H.R. 725 could reduce the amount of revenues deposited into the fund and direct spending from that fund, but any such effects would be insignificant given the small number of cases involved.

If the price of the counterfeit goods sold is more than \$1,000, the individual can be fined up to \$250,000, imprisoned for up to 5 years, or both, and in the case of a “person other than an individual” (such as a business), they can be fined up to \$1,000,000.

If the price of the counterfeit goods sold is less than \$1,000 the individual can be fined up to \$25,000, imprisoned for up to 1 year, or both, and in the case of a “person other than an individual” (such as a business), they can be fined up to \$100,000.

Repeat offenders can be imprisoned for up to 15 years and “persons other than individuals” (such as a business) can be fined up to \$5,000,000.

Committee Action: H.R. 725 was introduced on January 27, 2009 and was referred to the House Natural Resources Committee and the House Judiciary Committee. On December 16, 2009 the full Natural Resources Committee favorably reported the legislation by voice vote.

Cost to Taxpayers: CBO estimates “that the cost of implementing H.R. 725 would not be significant because we expect that it would not appreciably change the workload of federal law enforcement officers or DOJ attorneys who would prosecute the cases.”

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?: Though the bill contains no earmarks, and no explanation in the accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: The committee report for H.R. 725 cites Constitutional Authority in Article I, Section 8.

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**H.R. 3538 – Idaho Wilderness Water Resources Protection Act
(Rep. Simpson, R-ID)**

Order of Business: The bill is scheduled to be considered on Tuesday, January 19, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3538 allows the Secretary of Agriculture to issue special permits to owners of a water storage and transport facility that is located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness.

Committee Action: H.R. 3538 was introduced on September 8, 2009 and was referred to the Natural Resources Subcommittee on National Parks, Forests and Public Lands. A substitute amendment was offered by Rep. Grijalva and was agreed to by voice vote. The bill passed committee by voice vote on December 16, 2009.

Cost to Taxpayers: CBO estimates “that enacting H.R. 3538 would have a negligible effect on the federal budget because any costs to process the permits would be paid by the permit holders.”

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?: Though the bill contains no earmarks, and no explanation in the accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: No report citing Constitutional Authority was available.

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H.Res. 1007 - Commending the University of Alabama for winning the Bowl Championship Series National Championship Game (Bachus, R-AL)

Order of Business: The resolution is scheduled to be considered on Tuesday, January 19, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1007 resolves that the House of Representatives:

- “Commends the University of Alabama for winning the Bowl Championship Series National Championship;
- “Recognizes the achievements of the players, coaches, students, and support staff who were instrumental in the victory; and

- “Directs the Clerk of the House of Representatives to transmit a copy of this resolution to University of Alabama President Dr. Robert E. Witt and head coach Nick Saban for appropriate display.”

The resolution lists a number of findings, including:

- “On January 7, 2010, the University of Alabama Crimson Tide defeated the University of Texas Longhorns, 37-21, in the Bowl Championship Series (BCS) National Championship Game in Pasadena, California;
- “The University of Alabama has been the Southeastern Conference (SEC) Football Champion a record-setting 22 times;
- “The Crimson Tide players won many individual accomplishments throughout the season including, Mark Ingram as the first player from the University of Alabama to win the Heisman Trophy, Rolando McClain as the Butkus Award Winner, and 6 players selected as Associated Press First Team All Americans; and
- “Residents of Alabama and Crimson Tide fans worldwide are to be commended for their longstanding support, perseverance, and pride in the team.”

Committee Action: H.Res. 1007 was introduced on January 13, 2010, and referred to the House Committee on Education and Labor, which took no public action.

Cost to Taxpayers: The resolution authorizes no expenditures. This resolution does direct the Clerk of the House of Representatives to transmit a copy of this resolution to University of Alabama President Dr. Robert E. Witt and head coach Nick Saban for appropriate display.

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?: A committee reporting citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. However, the resolution does not contain any earmarks.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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H.Res. 1004 - Congratulating the Northwestern University Feinberg School of Medicine for its 150 years of commitment to advancing science and improving health. (Davis, D-IL)

Order of Business: The resolution is scheduled to be considered on Tuesday, January 19, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1004 resolves that the House of Representatives:

- “Congratulates the Feinberg School of Medicine on the momentous occasion of its 150th anniversary, and expresses its best wishes for continued success;
- “Recognizes and commends the Feinberg School of Medicine for its dedication to educating world class physicians and scientists, sponsoring cutting edge medical research, and providing highly specialized clinical care; and
- “Directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to the Feinberg School of Medicine for appropriate display.”

The resolution lists a number of findings, including:

- “On March 12, 1859, the origins of Northwestern University Feinberg School of Medicine began with Drs. Hosmer A. Johnson, Edmund Andrews, Ralph N. Isham, and David Rutter signing an agreement to establish the medical department of Lind University, which provided the first graded curriculum in a United States medical school;
- “On April 26, 1864, the medical department of Lind University became Chicago Medical College;
- “In 1870, Chicago Medical College entered into an agreement with Northwestern University to serve as the University's Department of Medicine; and
- “In 2002, Northwestern University Board of Trustees renamed the medical school in honor of benefactor Reuben Feinberg.”

Committee Action: H.Res. 1004 was introduced on January 12, 2010, and referred to the House Committee on Education and Labor, which took no public action.

Cost to Taxpayers: The resolution authorizes no expenditures. This resolution does direct the Clerk of the House of Representatives to make available enrolled copies of this resolution to the Feinberg School of Medicine for appropriate display.

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?: A committee reporting citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. However, the resolution does not contain any earmarks.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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H.Res. 776 - Congratulating the Dartmouth Outing Club of Hanover, New Hampshire, for 100 years of service to the United States and its wilderness. (Hodes, D-NH)

Order of Business: The resolution is scheduled to be considered on Tuesday, January 19, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 776 resolves that the House of Representatives:

- “Congratulates the Dartmouth Outing Club of Hanover, New Hampshire, for 100 years of service to the United States and its wilderness, and commends the Club's ongoing commitment to further environmental stewardship and student leadership.”

The resolution lists a number of findings, including:

- “December 14, 2009, marks the centennial of the founding of the Dartmouth Outing Club (DOC) at Dartmouth College in Hanover, New Hampshire;
- “The DOC is a student-run club and has consistently focused on student leadership by providing students with the opportunity to lead by carrying out projects which have included constructing the Class of '66 Lodge, organizing the largest freshman trips program in the world, and directing sub-clubs that together allow students to learn about, appreciate, and experience the natural environment year-round; and
- “The Environmental Studies Division of the DOC has displayed national leadership in environmental conservation by testifying before Congress regarding the Alaska Lands Act in the spring of 1977, establishing the Dartmouth Organic Farm, and constructing a carbon-neutral greenhouse.”

Additional Information: The [Dartmouth Outing Club](#) is one of the oldest and largest collegiate outing clubs in the country. Anyone, member or not, may stay in their [cabins](#), go on their [trips](#), rent their [gear](#), and take their [classes](#).

Committee Action: H.Res. 776 was introduced on September 24, 2009, and referred to the House Education and Labor Subcommittee on Higher Education, Lifelong Learning, and Competitiveness, which took no public action.

Cost to Taxpayers: The resolution authorizes no expenditures.

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?: A committee reporting citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. However, the resolution does not contain any earmarks.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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H.Res. 1008 - Honoring the contributions of Catholic schools. (Lipinski, D-IL)

Order of Business: The resolution is scheduled to be considered on Tuesday, January 19, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1008 resolves that the House of Representatives:

- “Supports the goals of Catholic Schools Week, an event co-sponsored by the National Catholic Educational Association and the United States Conference of Catholic Bishops and established to recognize the vital contributions of the thousands of Catholic elementary and secondary schools in the United States;
- “Applauds the National Catholic Educational Association and the United States Conference of Catholic Bishops on their selection of a theme that all can celebrate; and
- “Congratulates Catholic schools, students, parents, and teachers across the Nation for their ongoing contributions to education, and for the key role they play in promoting and ensuring a brighter, stronger future for this Nation.”

The resolution lists a number of findings, including:

- “Nearly 30 percent of school children enrolled in Catholic schools are from minority backgrounds, and nearly 15 percent are non-Catholics;
- “The Catholic high school graduation rate is 99 percent, with 80 percent of graduates attending four-year colleges and 17 percent attending two-year colleges or technical schools;
- “The week of January 31, 2010, to February 6, 2010, has been designated as Catholic Schools Week by the National Catholic Educational Association and the United States Conference of Catholic Bishops;
- “The theme for this year's Catholic Schools Week 2010 is ‘Dividends for Life-- Faith, Knowledge, Discipline, and Morals.’”

Committee Action: H.Res. 1008 was introduced on January 13, 2010 and referred to the House Committee on Education and Labor, which took no public action.

Cost to Taxpayers: The resolution authorizes no expenditures.

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?: A committee reporting citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. However, the bill does not contain any earmarks.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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**H.Res. __ - Congratulating the Penn State women’s volleyball team on winning the 2009 NCAA Division I national championship
(Thompson, R-PA)**

Order of Business: The resolution is scheduled to be considered on Tuesday, January 19, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. __ resolves that the House of Representatives:

- “Congratulates the Penn State women’s volleyball team and the university’s athletes, coaches, faculty, students, and alumni on the winning of the 2009 NCAA Division I women’s volleyball championship; and
- “Recognizes Penn State for its recognized excellence as an institution of higher education.”

The resolution lists a number of findings, including:

- “The Penn State Nittany Lions continued a 102 match winning streak, the longest Division I women’s streak, to win the 2009 NCAA Division I women’s volleyball championship;
- “The Penn State women’s volleyball team has won 65 consecutive Big Ten matches and owns the top 3 winning streaks in league history;
- “The Nittany Lions women’s volleyball team has won 74 straight home matches and the program also owns the NCAA’s longest road winning streak at 50 straight matches; and

- “The athletic excellence demonstrated by the Penn State women’s volleyball team is one example of the athletic, academic, and collegiate excellence of Penn State’s students, faculty, administration, and alumni.”

Committee Action: H.Res. __ was introduced on January 19, 2010, and referred to the House Committee on Education and Labor.

Cost to Taxpayers: The resolution authorizes no expenditures.

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?: A committee reporting citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. However, the resolution does not contain any earmarks.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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**H.Res. 991 - Commending the University of Virginia men's soccer team for winning the 2009 Division I NCAA National Championship.
(Perriello, D-VA)**

Order of Business: The resolution is scheduled to be considered on Tuesday, January 19, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 991 resolves that the House of Representatives:

- “Congratulates the University of Virginia men's soccer team for winning the 2009 Division I NCAA National Championship.

The resolution lists a number of findings, including:

- “The University of Virginia men's soccer team won the 2009 Division I national championship, defeating the University of Akron at WakeMed Soccer Park in Cary, North Carolina, on December 13, 2009;
- “Sean Hiller scored the game-winning goal in the penalty kick shootout;
- “Midfielder Jonathan Villanueva earned recognition as offensive most valuable player of the College Cup; and

- “Head coach George Gelnovatch led the University of Virginia to its sixth national championship and first since 1994.”

Committee Action: H.Res. 991 was introduced on December 16, 2010, and referred to the House Committee on Education and Labor, which took no public action.

Cost to Taxpayers: The resolution authorizes no expenditures.

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?: A committee reporting citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. However, the resolution does not contain any earmarks.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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