



Legislative Bulletin.....June 5, 2012

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H.R. 2060 - Central Oregon Jobs and Water Security Act (Walden, R-OR)

Order of Business: The bill is scheduled to be considered on June 5, 2012, under a motion to suspend the rules and pass the bill.

Background According to the Committee Report: Near the city of Prineville, Oregon, the Crooked River flows as a tributary of the Deschutes River. Both rivers serve as a water supply source for irrigated agriculture in central Oregon.

The Arthur R. Bowman Dam, a Bureau of Reclamation-owned project on the River, is an earthen structure about 20 miles upstream from Prineville. The Dam's congressionally authorized purposes include flood control and irrigation. Water releases from the Dam also provide water for a cold-water fishery. Although the Dam impounds 160,000 acre feet of water at full capacity, approximately 80,000 acre feet of this water are not contracted for specific uses. However, the Bureau of Reclamation annually releases some of the uncontracted water supplies for fish and wildlife purposes into the lower Crooked River and will continue to do so during good water years.

Like much of the West, central Oregon has experienced controversies over the Endangered Species Act as part of the larger Columbia basin. This legislation seeks to continue that partnership through provisions that provide a long-term water supply for the area, generate hydropower and allocate more water for fisheries purposes at no cost to the American taxpayer.

Summary of the Legislation:

Section 2: This section amends the Wild and Scenic Rivers Act to adjust the boundary of the river that is designated as a component of the national wild and scenic rivers system. This section moves the upper boundary 0.25 miles downstream. According to the Committee, this redesignation will allow up to six megawatts of hydropower development at the Bowman Dam. The section requires any future hydropower developer to analyze any related impacts to the river and propose mitigation for any impacts. This section also directs the hydropower developer at the Dam to analyze any impacts that may be caused by the development.

Section 3: This section increases the amount of un-allocated water that may be released from the Dam annually. This amount is increased from 10 cubic feet per second to 17 cubic feet per second. The committee states this serves “as a state mitigation credit for groundwater pumping by the City of Prineville. Since the water released would not actually be withdrawn from the Crooked River, the increased flows would also benefit prime trout fishing habitat.”

Section 4: This section directs the Secretary to, on a “first fill” priority basis, store in and release from Prineville Reservoir:

- 68,273 acre feet of water annually to fulfill Bureau of Reclamation contracts, and up to 2,740 acre feet of water annually to supply the McKay Creek lands.
- Not more than 10,000 acre feet of water annually to supply the North Unit Irrigation District pursuant to a Temporary Water Service Contract.

This section also clarifies that the legislation does not modify contractual rights that may exist between contractors on the U.S. under Reclamation contracts. The legislation does not amend those contracts, or modify any rights or requirements under Oregon state law.

Section 5: This section allows a landowner within Ochoco Irrigation District in Oregon, to repay the construction costs of the project facilities allocated to that landowner's lands within the district. At the request of a landowner, the Secretary shall certify that the amounts have been fully repaid.

Committee Action: H.R. 2060 was introduced May 31, 2011, and was referred to the Natural Resources Subcommittees on Water and Power, and on National Parks, Forests and Public Lands. The subcommittees discharged the legislation by unanimous consent. On October 5, 2011, the full committee held a markup and agreed to the legislation, as amended, by voice vote.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: Based on information from the Bureau of Reclamation, CBO estimates that enacting H.R. 2060 would have an insignificant impact on direct spending.

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

Constitutional Authority: Rep. Walden states “Congress has the power to enact this legislation pursuant to the following: 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 [found here](#).

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H.R. 2336 - York River Wild and Scenic River Study Act of 2011 (*Pingree, D-ME*)

Order of Business: The bill is scheduled to be considered on June 5, 2012, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2336 amends the Wild and Scenic Rivers Act to direct the National Park Service (NPS) to study 11.25 miles of the York River (and all associated tributaries) for potential inclusion in the National Wild and Scenic Rivers System.

The study shall also determine the effect of the designation on:

- “Existing commercial and recreational activities, such as hunting, fishing, trapping, recreational shooting, motor boat use, bridge construction;
- “The authorization, construction, operation, maintenance, or improvement of energy production and transmission infrastructure; and
- “The authority of State and local governments to manage those activities; and

The study will also identify:

- “All authorities that will authorize or require the Secretary to influence local land use decisions (such as zoning) or place restrictions on non-Federal land if designated under this Act;
- “All authorities that the Secretary may use to condemn property; and
- “All private property located in the area studied under this paragraph.”

Potential Conservative Concern: According to the Committee “the Wild and Scenic Rivers Act of 1968 intended to put a **development freeze** on rivers to preserve their ‘free-flowing’ values against the influx of man-made dams being constructed at the time.” **[Emphasis Added]**

This legislation is the first step necessary in order to have this section of the river included in the National Wild and Scenic Rivers System which would result in a development freeze. At a time of sluggish economic development, conservatives may be concerned about expanding the role of government and further limiting the potential of the private sector. Conservatives are focused on removing government barriers to job creation, and this legislation arguably is a first step to increasing the government’s role in restricting private sector growth.

Additionally, the NPS has a maintenance backlog of around \$11.04 billion (according to conversations with CRS). 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.

Committee Action: H.R. 2336 was introduced on June 23, 2011, and was referred to the House Natural Resources Subcommittee on National Parks, Forests and Public Lands. The subcommittee discharged the legislation by unanimous consent. On November 17, 2011, the full committee held a markup and reported the legislation, as amended, by unanimous consent.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO estimates that implementing the legislation would cost less than \$250,000 over the next three years, assuming availability of appropriated funds.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The legislation directs the NPS to conduct an additional study which is the first step to get this section of the river added into the National Wild and Scenic Rivers System. If included, there will be a development freeze on this section of the river.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: H.R. 2336 is the introductory step of including this section of river into the National Wild and Scenic Rivers System. If included, there will be a development freeze on this section of the river.

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. Pingree states “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 1--The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States; and Article 1, Section 8, Clause 3--The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.” The statement can be [found here](#).

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H.R. 1740 - To amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System (*Larsen, D-WA*)

Order of Business: The bill is scheduled to be considered on June 5, 2012, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1740 would designate a 14.3-mile segment of the Illabot Creek (located in Skagit County, Washington) as a component of the National Wild and Scenic Rivers System.

The legislation specifies that the 4.3-mile segment from the headwaters of Illabot Creek to the boundary of Glacier Peak Wilderness Area shall be administered by the Secretary of Agriculture as a “wild river.”

The legislation specifies that the 10-mile segment of Glacier Peak Wilderness to the norther terminus shall be administered by the Secretary of Agriculture as a “recreational river.”

The legislation prohibits the Secretary of Agriculture from acquiring by condemnation any land within the boundaries of the Illabot Creek Wild and Scenic River. Additionally, the legislation states that it does not create or authorize the creation of a protective perimeter or buffer zone around the Illabot Creek Wild and Scenic River. The legislation also states that no private property or non-federal public property shall be included within the boundary without the written consent of the owner of the property.

Additional Information: Once designated as a component of the National Wild and Scenic Rivers System, the river will be off-limits to development. According to Committee staff, this river currently flows through federal land and holds no potential for energy development.

Committee Action: H.R. 1740 was introduced on May 5, 2011, and was referred to the House Natural Resources Subcommittee on National Parks, Forests and Public Lands. The subcommittee discharged the legislation by unanimous consent. On October 5, 2011, the full committee held a markup and reported the legislation, as amended, by voice vote.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: Based on information provided by the Forest Service and assuming the availability of appropriated funds, CBO estimates that the agency would spend less than \$20,000 a year to maintain, protect, and enhance the creek.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The legislation adds a portion of the Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: H.R. 1740 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. Larsen states “Congress has the power to enact this legislation pursuant to the following: Under Article 1, Section 2 of the Constitution, ‘the House of Representatives shall be composed of Members chosen every second Year by the People of the

several States.’ As described in Article 1, Section 1 ‘all legislative powers herein granted shall be vested in a Congress.’ I was elected in 2010 to serve in the 112th Congress as certified by the Secretary of State of Washington state. Article III, Section 2 states that the Supreme Court has “the judicial power” that ‘shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States.’ Article II, Section 1 of the Constitution provides that the Supreme Court is the supreme law of the land when stating ‘The judicial power of the United States, shall be vested in one supreme Court.’ The power of judicial review of the Supreme Court was upheld in *Marbury v Madison* in 1803, giving the Supreme Court the authority to strike down any law it deems unconstitutional. Members of Congress, having been elected and taken the oath of office, are given the authority to introduce legislation and only the Supreme Court, as established by the Constitution and precedent, can determine the Constitutionality of this authority.”

The statement can be [found here](#). Rep. Larsen’s statement essentially dismisses the argument that Members should be concerned with the constitutionality of laws they introduce or vote on.

Some conservatives may have concerns with the above Constitutional Authority Statement because it expresses a deeply flawed understanding of Congress’s role in ensuring adherence to the Constitution. It suggests that Members of Congress should abdicate interpretation of the constitutionality of legislation they introduce to the Judicial Branch. In many cases throughout our nation’s history, the Supreme Court has developed certain case law doctrines in its rulings that have established Constitutional precedents. However, the Court does not have sole responsibility to “determine the Constitutionality of this authority.” Members of Congress who have taken an oath of office to uphold and protect the Constitution have a responsibility to consider the constitutionality of legislation they introduce.

Assessing a law’s Constitutionality is not, and should not be, the sole dominion of the courts. The President, the courts and the Congress must uphold the Constitution by assessing all legislation for Constitutionality. President Andrew Jackson explained, upon vetoing legislation for the proposed Second National Bank:

“The Congress, the Executive, and the Court must each for itself be guided by its own opinion of the Constitution. Each public officer who takes an oath to support the Constitution swears that he will support it as he understands it, and not as it is understood by others. It is as much the duty of the House of Representatives, of the Senate, and of the President to decide upon the constitutionality of any bill or resolution which may be presented to them for passage or approval as it is of the supreme judges when it may be brought before them for judicial decision.”

President Taft also noted the important role legislators play in protecting the constitution when he stated as part of his veto message of the Webb-Kenyon Act:

“The court will only declare a law invalid where its unconstitutionality is clear while the lawmaker may very well hesitate to vote for a bill if of doubtful constitutionality because of the wisdom of keeping clearly within the fundamental law.”

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H.R. 3263 - Lake Thunderbird Efficient Use Act of 2011 (Cole, R-OK)

Order of Business: The bill is scheduled to be considered on June 5, 2012, under a motion to suspend the rules and pass the bill.

Summary: If the Secretary of the Interior determines there is enough excess capacity in the reservoir on the Little River (known as “Lake Thunderbird”) that nonproject water can be stored in Lake Thunderbird, the Secretary of the Interior may amend an existing contract, or enter into new contracts, with the Central Oklahoma Master Conservancy District for the storage and conveyance of nonproject water in Norman project facilities. The nonproject water shall be to augment municipal and industrial supplies for the cities served by the Central Oklahoma Master Conservancy District.

In the event that additional infrastructure is needed to enable the storage and conveyance of non-project water in Norman project facilities, the cost of construction, operation and maintenance shall be the responsibility of the non-federal entity contracting with the Secretary of the Interior.

Additional Information from the Committee Report: The Lake Thunderbird watershed experienced a major drought in 2005 and 2006, which resulted in the lowest lake level since the dam was constructed. That drought highlighted the need for additional water supply. Reclamation and the District have determined that Lake Thunderbird has the capacity to store up to 4,600 acre feet of non-project water. The District wants the ability to purchase non-project water from Oklahoma City to augment storage in Lake Thunderbird during times of drought.

Reclamation has general authority under the Warren Act of 1911 to allow for the storage and conveyance of non-project water. However, Reclamation does not have the administrative authority to approve the Lake Thunderbird action since the water does not originate within the same watershed. H.R. 3263 would give Reclamation such authority by amending the underlying Norman Project authorization. All costs, including water costs and environmental planning, would be borne by the water users.

Committee Action: H.R. 3263 was introduced on October 26, 2011, and was referred to the House Natural Resources Subcommittee on Water and Power. The subcommittee discharged the legislation by unanimous consent. The full committee held a markup on February 29, 2012, and favorably reported the legislation by voice vote.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: Enacting H.R. 3263 would affect direct spending. However, based on information from the Bureau of Reclamation, CBO estimates that any impact on net direct spending would be negligible.

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?: H.R. 3263 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. Cole states “Congress has the power to enact this legislation pursuant to the following: This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 which grants Congress the power to regulate Commerce with foreign Nations, and among the several States, and with Indian Tribes. This bill is enacted pursuant to the power granted to Congress under Article IV, Section 3, Clause 2 which grants Congress the power to make all needful Rules and Regulations respecting . . . Property belonging to the United States.” The statement can be [found here](#).

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H.R. 241 - To authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California (Gallegly, R-CA)

Order of Business: The bill is scheduled to be considered on June 5, 2012, under a motion to suspend the rules and pass the bill.

Summary: H.R. 241 directs the Secretary of Agriculture to exchange a 5 acre parcel of federal land with the White Lotus Foundation. This is conditional upon the Foundation transferring certain non-federal land to the Secretary. This land exchange shall be completed within two years of the date of enactment.

If this land transfer does not occur within two years, the Secretary is authorized to sell the land to the Foundation at its fair market value. The legislation requires that the land exchanged be appraised by an independent appraiser selected by the Secretary.

Additional Information According to the Committee Report: H.R. 241 gives the Secretary of Agriculture authority to convey for not less than the appraised market value approximately five acres within the Los Padres National Forest in California to the White Lotus Foundation. A short access road that loops into U.S. Forest Service land is the only road that allows White Lotus and the public access from San Marcos Pass Road. Due to steep topography, there is no reasonable alternative location for an access road and without this space the White Lotus Foundation will be forced to cease its operations.

Committee Action: H.R. 241 was introduced on January 7, 2011, and was referred to the House Natural Resources Subcommittee on National Parks, Forests and Public Lands. The subcommittee approved to the legislation by unanimous consent. On July 20, 2011, the full committee held a markup and reported the legislation, as amended, by unanimous consent.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO estimates that enacting H.R. 241 would have no significant impact on the federal budget because the agency is unlikely to exchange or sell this parcel of land, and if it was sold or exchanged, the net budgetary impact would be negligible.

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?: H.R. 241 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no cost 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. Gallegly states “Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, Clause 1 of the U.S. Constitution, relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress. Also this legislation can be enacted under the authority granted in Article 4, 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 [found here](#).

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H.R. 2512 - Three Kids Mine Remediation and Reclamation Act (Heck, R-NV)

Order of Business: The bill is scheduled to be considered on June 5, 2012, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2512 directs the Secretary of Interior to convey to the Henderson Redevelopment Agency 948 acres that are known as “Three Kids Mine Federal Land.”

The land exchanged (Three Kids Mine) is known to be contaminated with hazardous waste. The legislation directs the land be appraised as if it was not contaminated, and the Henderson Redevelopment Agency will pay for the appraisal.

The legislation directs the Secretary to estimate the cost of cleanup of the hazardous waste, and subtract that from the appraiser’s estimate. The Henderson Redevelopment Agency will pay the Secretary for the land. The cost of the land will be the appraiser’s estimate less the cost of cleanup.

H.R. 2512 also releases the United States from any future liability that could stem from the environmental contamination.

Land transferred by this legislation shall be withdrawn from all forms of:

- “Entry, appropriation, or disposal under the public land laws;
- “Location, entry, and patent under the public land mining laws; and
- “Disposition under the mineral leasing, mineral materials and geothermal leasing laws”

The legislation prohibits the land transferred from being used for future mineral leasing. Many House Republicans have advocated for the increased production of domestic energy and some members may be concerned they are blocking lands from this potential use.

Additional Information: The Henderson Redevelopment Agency is the redevelopment agency of the City of Henderson, Nevada, and was established and authorized by Nevada Community Redevelopment Law.

Committee Action: H.R. 2512 was introduced on July 13, 2011, and was referred to the House Natural Resources Subcommittee on National Parks, Forests and Public Lands, and the Subcommittee on Energy and Mineral Resources. The subcommittees discharged the legislation by unanimous consent. The full committee held a markup on February 29, 2012, and the legislation was reported as amended, by a [roll call vote of 27-17](#).

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO estimates that implementing the legislation would have no significant impact on the federal budget.

Does the Bill Expand the Size and Scope of the Federal Government?: No. The legislation would authorize the sale of 948 acres that are currently owned by the federal government.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: H.R. 2512 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. Heck states “Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8.” The statement can be [found here](#).

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H.R. 4222 - To provide for the conveyance of certain land inholdings owned by the United States to the Tucson Unified School District and to the Pascua Yaqui Tribe of Arizona, and for other purposes (*Grijalva, D-AZ*)

Order of Business: The bill is scheduled to be considered on June 5, 2012, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4222 transfers two 10-acre parcels into a trust for the benefit of the Pascua Yaqui Tribe of Arizona. This land is currently held by the federal government and managed by the Bureau of Land Management (BLM).

Upon enactment, one parcel would be conveyed to a trust (held by the government) for the benefit of the tribe.

Immediately upon the Secretary's receipt from the Tucson Unified School District of their interest in the other 10-acre parcel, that land would then be conveyed to a trust for the benefit of the tribe.

The tribe would be prohibited from gaming activities on the land.

Committee Action: H.R. 4222 was introduced on March 20, 2012, and was referred to the House Natural Resources Subcommittee on National Parks, Forests and Public Lands. The subcommittee discharged the legislation by unanimous consent. On April 25, 2012, the full committee held a markup and approved the legislation, as amended, by unanimous consent.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: Based on information provided by the Bureau of Land Management (BLM), CBO estimates that implementing the bill would have no significant impact on 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?: H.R. 4222 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

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. Grijalva states "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8 of the United States Constitution." The statement can be [found here](#).

It can be noted that Article IV, Section 3, Clause 2 of the United States Constitution grants Congress the "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."

Furthermore, Article I, Section 8, and specifically Clause 3 of the United States Constitution grants Congress the power to "regulate Commerce with foreign Nations, and among the several States, and with the **Indian Tribes.**" **[Emphasis Added]**

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**S. 363 - A bill to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi, and for other purposes
(Sen. Wicker, R-MS)**

Order of Business: The bill is scheduled to be considered on June 5, 2012, under a motion to suspend the rules and pass the bill.

Summary: This bill would allow the Secretary of Commerce to sell specified properties currently owned by the National Oceanic and Atmospheric Administration. Specifically the bill requires that if the Secretary of Commerce considers it in the US national interest, that the land be sold to the City of Pascagoula, Mississippi, and that the price be at fair market value.

Committee Action: On November 8, 2011, the bill was reported by the Senate Committee on Commerce, Science, and Transportation. On November 10, 2011, the bill passed the Senate by unanimous consent. The legislation was then referred to the House Natural Resources Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs, which discharged the legislation by unanimous consent. On April 25, 2012, the bill was reported by the House Committee on Natural Resources, by unanimous consent

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: [CBO estimates](#) that implementing S. 363 would have no significant impact on 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 Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The legislation does not contain earmarks, limited tax benefits, or limited tariff benefits.

Constitutional Authority: The bill was reported by the Senate, which does not require that bills be submitted with statements of Constitutional authority.

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S. 292 - Salmon Lake Land Selection Resolution Act (Murkowski, R-AK)

Order of Business: The bill is scheduled to be considered on June 5, 2012, under a motion to suspend the rules and pass the bill.

Summary: S. 292 ratifies the agreement reached between the United States and the Bering Straits Native Corporation.

The legislation clarifies that the conveyance of land to the Bering Straits Native Corporation shall include certain easements that are identified in the agreement.

The legislation authorizes the Secretary of the Interior to carry out all actions required by the agreement.

Additional Information: According to the House Natural Resources Committee, the purpose of S. 292 is to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act.

The Bering Straits Native Corporation is an Alaskan Native Regional Corporation that was formed under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

The agreement between the United States and the Bering Straits Native Corporation had an initial effective date of July 18, 2007 and is entitled the “Salmon Lake Area Land Ownership Consolidation Agreement.”

According to the Committee Report:

Under the Alaska Native Claims Settlement Act of 1971 (ANCSA), all aboriginal claims to land and waters in Alaska were extinguished in exchange for the transfer of fee title to 44 million acres of public lands in the state to Alaska Natives, divided among 12 Regional Corporations and more than 200 Village Corporations that the Act authorized them to form. Pursuant to Section 14(h)(8) of ANCSA, Bering Straits Native Corporation (BSNC), organized by Natives in the Nome area, received an entitlement to 145,728 acres of land. In partial satisfaction of this entitlement, BSNC selected federal lands adjacent to Salmon Lake, a large lake 38 miles north of Nome, Alaska. Some of these selections overlap a selection made by the State pursuant to its own land entitlement under the Alaska Statehood Act of 1958.

To resolve the conflicting land selections, BSNC, the State, and the United States negotiated the ‘Salmon Lake Area Land Ownership Consolidation Agreement’ (Agreement), effective as of July 18, 2007. An Act of Congress is necessary to ratify the Agreement before it takes full effect.

The Agreement provides for certain land conveyances and relinquishments among the parties. BSNC acquires 1,009 acres in the Salmon Lake area, 6,132 acres of land at Windy Cove, and 7,504 acres of land at Imuruk Basin. The State acquires 3,084 acres in the Salmon Lake area, while BSNC relinquishes 3,084 acres of land from its original Salmon Lake selection.

The Agreement does not change the total amount of land to which BSNC and the State are entitled under ANCSA and the Alaska Statehood Act, respectively. Additionally, the Agreement protects public access to popular recreation and subsistence sites, including a campground managed by the Bureau of Land Management.

The Agreement had originally been set to expire on January 1, 2009, but the three parties to it have extended the deadline for Congressional ratification until January 1, 2013. In the 111th Congress, the House and Senate worked on a prior version of S. 292. In the House, H.R. 2340,

sponsored by Congressman Don Young (R-AK), passed on a [410-0 vote](#), but no further action occurred on this bill in the Senate.

Committee Action: S. 292 was introduced on February 4, 2011, and was referred to the Senate Energy and Natural Resources Subcommittee on Public Lands and Forests. The legislation passed the Senate on October 18, 2011, as amended, by unanimous consent. The legislation was then referred to the House Natural Resources Subcommittee on Indian and Alaska Native Affairs. The subcommittee discharged the legislation by unanimous consent. On February 29, 2012, the full committee held a markup and favorably reported the legislation by voice vote.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO expects that enacting the legislation would increase offsetting receipts (a credit against direct spending) in 2013. CBO estimates, however, that such effects would be insignificant.

Does the Bill Expand the Size and Scope of the Federal Government?:

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

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: Senate rules do not require a statement of constitutional authority.

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H.R. 4282—International Child Support Recovery Improvement Act of 2012 (Berg, R-ND)

Order of Business: The legislation is scheduled to be considered on Tuesday, June 5, 2012 under a motion to suspend the rules and pass the legislation.

Summary:

Amendments to Ensure Access to Child Support Services for International Cases: The legislation allows the Secretary of Health and Human Services (HHS) to “ensure the compliance of the United States with any multilateral child support convention to which the United States is a party.” The “convention” referred to in the bill is the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance. According to the committee, that convention is “a structured system for information exchange and enforcement of child support cases for participating countries, enabling states to more easily collect on child support orders involving parents abroad.”

The United States currently collects child support owed to individuals living abroad. This convention was ratified by the Senate in 2010. H.R 4282 is the implementing legislation for this convention. According to supporters of the bill implementing this convention will enable states to collect child support from a noncustodial parent living abroad.

States would have until October 1, 2013 to make changes to state law to comply with the convention or risk losing federal administrative funds.

Data Exchange Standardized for Improved Interoperability: Section 3 of the bill is intended to develop standardized data elements to improve the administration of child support benefits and services. The bill requires the Secretary (in consultation with an interagency work group) to establish nonproprietary and interoperable data exchange standards.

National Directory of New Hires: The legislation allows non-governmental researchers access to data in the National Directory of New Hires.

Committee Action: The legislation was introduced on March 28, 2012. On that day it was referred to the Committee on Ways and Means, and in addition to the Committees on the Budget, and the Judiciary.

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

Cost to Taxpayers: According to the committee, the preliminary CBO analysis is that the bill would lead to a spending reduction of about \$500,000 over ten years.

Does the Bill Expand the Size and Scope of the Federal Government?: The legislation implements the Hague Convention on the International Recovery of Child Support, which would have the federal government mandate changes to state laws.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No CBO score containing any potential such mandates is available.

Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: According to the sponsor: “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 1 (relating to the general welfare of the United States); and Article I, Section 10, Clause 3 (relating to the power to enter into foreign compacts on behalf of States).”

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