



Legislative Bulletin.....July 24, 2006

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Summary of the Bills Under Consideration Today:

Total Number of New Government Programs/Projects: 10

Total Cost of Discretionary Authorizations: estimated \$35.45 million over five years

Effect on Revenue: \$0

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 4

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 2

H.R. 854 — To provide for certain lands to be held in trust for the Utu Utu Gwaitu Paiute Tribe — *as amended* (McKeon, R-CA)

Order of Business: The bill is scheduled for consideration on Monday, July 24, 2006, under a motion to suspend the rules and pass the bill, as amended.

Summary: H.R. 854 would declare 240 acres that the Bureau of Land Management currently owns, adjacent to the Benton Paiute Reservation in California, to be held in trust for the Utu Utu Gwaitu Paiute Tribe. The bill prohibits class two and class three gaming on the property held in trust.

Additional Information: The Bureau of Land Management has declared the land suitable for disposal. According to Committee Report 109-577, the declaration of trust is intended to aid the Utu Utu Gwaitu Paiute Tribe with economic self-sufficiency. Reportedly, the tribe intends to build tribal housing units, a health clinic, fire station, police station and an industrial park for manufacturing businesses. The committee report asserts, “there is not enough reservation land to house tribal members or support any form of economic diversification.”

Committee Action: H.R. 854 was introduced on February 16, 2005, and referred to the Committee on Resources. The bill was marked-up and was reported, as amended, to the House by unanimous consent on June 21, 2006.

Cost to Taxpayers: CBO estimates that enacting H.R. 854 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.

Constitutional Authority: Committee Report 109-557 cites constitutional authority for this legislation in Article IV, Section 3, Clause 2 of the Constitution, the property clause.

RSC Staff Contact: Marcus Kelley; marcus.kelley@mail.house.gov; 202-226-9717

**H.R. 1307 — Musconetcong Wild and Scenic Rivers Act
— *as reported* (Garrett, R-NJ)**

Order of Business: The bill is scheduled for consideration on Monday, July 24, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1307 would designate two sections of the Musconetcong River in New Jersey as a recreational river section, and a scenic river section, to be administered by the Secretary of the Interior. Specifically, the 3.5 mile segment extending from Saxton Falls to the Route 46 bridge, would be designated as a scenic river, and the 20.7 mile segment from the Kings Highway bridge to the railroad tunnels at Musconetcong Gorge, would be designated as a recreational river.

H.R. 1307 states that the river sections, “shall not be administered as a part of the National Park System.” Instead, the river sections are to be managed under the April 2002 “Musconetcong River Management Plan” The bill also declares the management plan, “to satisfy the requirements for a comprehensive management plan for the river segments” under current law.

H.R. 1307 permits the Secretary to provide planning, financial, and technical assistance to local municipalities and non-profit organizations to assist in the implementation of actions to protect the natural and historic resources of the river segments.

The bill lists a number of findings, including the following:

- “The Secretary of the Interior, in cooperation and consultation with appropriate Federal, State, regional, and local agencies, is conducting a study of the eligibility and suitability of the Musconetcong River in the State of New Jersey for inclusion in the Wild and Scenic Rivers System;
- “The Musconetcong Wild and Scenic River Study Task Force has prepared, with assistance from the National Park Service, a river management plan for the study area entitled ‘Musconetcong River Management Plan’ and dated April 2002, which establishes goals and actions that will ensure long-term protection of the outstanding values of the river and compatible management of land and water resources associated with the river;
- “Thirteen municipalities and three counties along segments of the Musconetcong River eligible for designation have passed resolutions supporting the Musconetcong River Management Plan, agreeing to take action to implement the goals of the plan, and endorsing designation of the river; and
- “the Musconetcong River segment ‘C’, as described in the management plan, is suitable for designation as a recreational river pursuant to this subsection if the Secretary determines that there is adequate local support for the designation.”

H.R. 1307 authorizes such sums as are necessary to carry out this section, including the amendment to the Wild and Scenic Rivers Act.

Additional Information: In Section 2(b) of the Wild and Scenic Rivers Act, a *recreational* river is defined as a river or, “sections of rivers that are readily accessible by road or railroad, may have some development along their shorelines and that may have undergone some impoundment or diversion in the past.”

A *scenic* river is defined as, “those rivers or sections of rivers that are free of impoundment, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.” According to the National Park Service, designating a river as scenic is a “method for providing Federal protection for certain of our country's remaining free-flowing rivers, preserving them and their immediate environments for the use and enjoyment of present and future generations. Rivers are included in the system so that they may benefit from the protective management and control of development for which the Act provides.” (source: <http://www.nps.gov/rivers/guidelines.html>)

Committee Action: H.R. 1307 was introduced on March 15, 2005, and referred to the Committee on Resources. The bill was marked-up and was ordered reported to the House by unanimous consent on March 29, 2006.

Cost to Taxpayers: CBO estimates that H.R. 1307 would not significantly affect the Department of the Interior's costs, and would not affect direct spending or revenues.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

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

Constitutional Authority: Committee Report 109-427 cites constitutional authority for this legislation in Article 1, Section 8 of the Constitution, but fails to cite a specific Clause.

House Rule XIII, Section 3(d)(1), requires that all committee reports contain "a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution" [*emphasis added*].

RSC Staff Contact: Marcus Kelley; marcus.kelley@mail.house.gov; 202-226-9717

H.R. 4947 — Cahaba River National Wildlife Refuge Expansion Act — *as amended* (Baucus, R-AL)

Order of Business: The bill is scheduled for consideration on Monday, July 24, 2006, under a motion to suspend the rules and pass the bill, as amended.

Summary: H.R. 4947 would redraw the boundaries of the Cahaba National Wildlife Refuge in Alabama to include new property. In addition, the bill authorizes the Secretary of the Interior to acquire the land and waters within the boundaries of the Refuge. The land may not be acquired by forced taking.

Additional Information: According to Committee Report 109-587, the Secretary of the Interior was previously directed to acquire, by purchase or donation, approximately 3,800 acres of land and adjacent waters for inclusion within the Cahaba National Wildlife Refuge. To date, the U.S. Fish and Wildlife Service has acquired title to 3,414 acres of land at a cost of \$5.7 billion.

Committee Action: H.R. 4947 was introduced on March 14, 2006, and referred to the Committee on Resources. The bill was marked-up and was ordered reported, as amended, to the House by unanimous consent on June 21, 2006.

Cost to Taxpayers: CBO estimates that implementing H.R. 4947 would cost about \$6 million over five to seven years. Enacting the bill would not affect direct spending or revenues.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

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

Constitutional Authority: Committee Report 109-587 cites constitutional authority for this legislation in Article I, section 8, clause 3, the commerce clause; and in Article IV, section 3, clause 2, the property clause, of the Constitution.

RSC Staff Contact: Marcus Kelley; marcus.kelley@mail.house.gov; 202-226-9717

H.R. 5057 — To authorize the Marion Park Project and Committee of the Palmetto Conservation Foundation to establish a commemorative work on Federal land in the District of Columbia, and its environs to honor Brigadier General Francis Marion — as amended (Smith, R-SC)

Order of Business: The bill is scheduled for consideration on Monday, July 24, 2006, under a motion to suspend the rules and pass the bill, as amended.

Summary: H.R. 5057 would allow the Marion Park Project of the Palmetto Conservation Foundation to establish a commemorative work on federal land in the District of Columbia to honor Brigadier General Francis Marion. The bill forbids federal funds to be used to establish the park, and makes the Marion Park Project solely responsible for establishment costs.

The bill lists a number of findings, including the following:

- “Brigadier General Marion commanded the Williamsburg Militia Revolutionary force in South Carolina and was instrumental in delaying the advance of British forces by leading his troops in disrupting supply lines;
- “Brigadier General Marion’s tactics, which were unheard of in rules of warfare at the time, included lightning raids on British convoys, after which he and his forces would retreat into the swamps to avoid capture. British Lieutenant Colonel Tarleton stated that ‘as for this damned old swamp fox, the devil himself could not catch him’. Thus, the legend of the ‘Swamp Fox’ was born;
- “Brigadier General Marion’s troops are believed to be the first racially integrated force fighting for the United States, as his band was a mix of Whites, Blacks, both free and slave, and Native Americans;
- “As a statesman, he represented his parish in the South Carolina senate as well as his State at the Constitutional Convention; and
- “Brigadier General Marion’s legacy must live on. At present, and since 1878, United States Reservation 18 has been officially referred to as Marion Park. Located between 4th and 6th Streets, S.E., at the intersection of E Street and South Carolina Avenue, S.E., in Washington, DC, the park lacks a formal commemoration to this South Carolina hero who was important to the initiation of the Nation’s heritage.”

Committee Action: H.R. 5057 was introduced on March 30, 2006, and referred to the Committee on Resources. The bill was marked-up and was ordered reported to the House by unanimous consent on June 21, 2006.

Cost to Taxpayers: CBO estimates that enacting H.R. 5057 would have no significant effect on the federal budget. The bill would affect revenues and direct spending, but such effects would be insignificant

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.

Constitutional Authority: Committee Report 109-582 cites constitutional authority for this legislation in Article I, Section 8, Clause 3, the commerce clause, of the Constitution.

RSC Staff Contact: Marcus Kelley; marcus.kelley@mail.house.gov; 202-226-9717

S. 310 — Newlands Project Headquarters and Maintenance Yard Facility Transfer Act — *as received from the Senate* (Sen. Ensign, R-NV)

Order of Business: The bill is scheduled for consideration on Monday, July 24, 2006, under a motion to suspend the rules and pass the bill.

Summary: S. 310 would direct the Secretary of the Interior to convey all right, title, and interest of the United States in 2666 Harrigan Road, Fallon, Nevada to the Truckee-Carson Irrigation District. If the conveyance is not completed within one year, the bill directs the Secretary of the Interior to submit to Congress a report explaining the reasons why, and when it will be complete.

Additional Information: According to Committee Report 109-188, “The Newlands Project...provides water for approximately 73,000 irrigated acres near Fallon, Nevada. The Truckee-Carson Irrigation District (TCID) operates and maintains the project. TCID currently leases 40 acres of land from the Bureau for office headquarters, as well as for an operation and maintenance yard. TCID seeks title to 35.6 acres of this land in order to make permanent improvements. The transfer will allow TCID to obtain the necessary financing for such improvements, which includes the construction of a new office building. The remaining 4.4 acres of land will be retained by the Bureau for its Fallon office.”

Committee Action: S. 310 passed the Senate by unanimous consent on December 16, 2005, and was received in the House on the same day.

Cost to Taxpayers: CBO estimates that implementing S. 310 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.

Constitutional Authority: House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution” [*emphasis added*]. However, the bill originated in the Senate, and was not referred to a House committee.

RSC Staff Contact: Marcus Kelley; marcus.kelley@mail.house.gov; 202-226-9719

H.R. 3603 — Central Idaho Economic Development and Recreation Act — *as amended* (Simpson, R-ID)

Order of Business: The bill is scheduled for consideration on Monday, July 24, 2006, under a motion to suspend the rules and pass the bill, as amended.

Note: Under House Republican Conference Rules, legislation creating a new program is not to be considered by the House on the Suspension Calendar. Although the Conference rule may be waived, H.R. 3603 has been deemed ***not*** to create a new federal program, despite evidence to the contrary (see summary below), and a waiver was therefore not sought by the sponsor nor granted by Leadership.

Summary: Directs the Secretary of Agriculture to convey the following lands:

- to Custer County Idaho, certain federal land in the Sawtooth National Recreation Area (86 acres);
- to Blaine County, Idaho all right, title, and interest of the United States in and to the parcels of federal land in the Sawtooth National Forest; and
- to the City of Stanley, Idaho, all right, title, and interest of the United States in and to National Forest System land consisting of two parcels containing a total of roughly 76 acres of land.

Directs the Secretary of Interior to convey the following lands:

- designated BLM land to City of Clayton, Idaho;
- designated BLM land to City of Mackay, Idaho;
- designated BLM land to City of Challis, Idaho; and
- to the State of Idaho all right, title, and interest of the United States in and to a parcel of public land administered through the Bureau of Land Management, consisting of roughly 960 acres near Boise, Idaho, for the purpose of the establishment of a motorized recreation park on the land (directs the state to reserve 20 acres for the use of mountain bikes).

Authorizes \$500,000 for the Secretary of Agriculture to design, construct, and maintain a paved trail between the city of Stanley, Idaho, and Redfish Lake that is designated for use by pedestrians and non-motorized vehicles generally, and as a snowmobile route when there is adequate snow cover.

Authorizes \$50,000 to the Secretary of Agriculture or the Secretary of the Interior for the construction and maintenance of bicycle trails in the State of Idaho.

Directs the Secretary of Agriculture and the Secretary of the Interior to grant a 10-year extension of each guide or outfitter operating permit that authorized activities on lands included in a wilderness area designated by title II or the Boulder-White Cloud Management Area established by title III.

Directs the Secretary of Agriculture to complete and submit to Congress, a Red Trees Phase II study evaluating necessary landscape approaches to risk assessment to identify forest health projects that, if implemented, will effectively mitigate major fire risks on lands included in the Sawtooth National Recreation Area.

Authorizes \$5.1 million for the Secretary of Agriculture to make a grant to Custer County, Idaho, for the purpose of assisting the County in supporting sustainable economic development in the County. **Also authorizes \$500,000 for the Secretary to make a grant to the State of Idaho Parks and Recreation Department** for the purpose of assisting the State in purchasing Bayhorse Campground for use as a State park.

Authorizes \$500,000 for the Secretary of Interior to expand and improve the Herd Lake Campground facilities located below the outlet of Herd Lake.

Adds the following lands in central Idaho to the National Wilderness Preservation System:

- Ernest Hemingway-Boulder Wilderness (96,700 acres);
- White Clouds Wilderness (73,100 acres); and
- Jerry Peak Wilderness (131,700 acres).

Provides that nothing in the Act is to be construed to diminish the rights of any Indian tribe, or to diminish tribal rights regarding access to federal lands for tribal activities, including spiritual, cultural, and traditional food-gathering activities.

Provides that the federal lands in the Challis National Forest, the Sawtooth National Recreation Area, and the Challis District of the Bureau of Land Management that are not designated as wilderness are designated as the Boulder White Cloud Management Area. **Authorizes \$650,000 for trail construction and maintenance** and for other improvements related to outfitting, guiding, hiking, and horseback use within the management area.

Authorizes \$5 million for the Secretary of Interior to acquire lands and interests in lands located inside the boundaries of the new management area or land adjacent to the management area.

Authorizes \$1 million for the Secretary of Agriculture to establish a new grant program, to make a grant to the State of Idaho in the full amount appropriated for the program, for deposit with the Off Road Motor Vehicle Program of the Idaho Department of State Parks and Recreation, which is used to support the acquisition, purchase, improvement, repair, maintenance, furnishing, and equipping of off-road motor vehicle facilities and sites, to groom snowmobile trails, and for enforcement activities and the rehabilitation of land damaged by off-road vehicle users. As a condition of the grant, the State must maintain the grant funds as a separate account of the Off Road Motor Vehicle Program and may not use the funds except as provided by this section.

Committee Action: H.R. 3603 was introduced on July 28, 2005 and was referred to the Committee on Resources, which considered it, held a mark-up and reported the bill, as amended, on July 19, 2006.

Cost to Taxpayers: There is no CBO score available for H.R. 3603. However, the bill authorizes approximately \$13.3 million in new spending.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The bill creates at least two new programs.

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

H.R. 5025 — Mount Hood Stewardship Legacy Act — *as amended* (Walden, R-OR)

Order of Business: The bill is scheduled for consideration on Monday, July 24, 2006, under a motion to suspend the rules and pass the bill, as amended.

Note: Under House Republican Conference Rules, legislation without a cost estimate is not to be considered by the House on the Suspension Calendar. Although the Conference rule may be waived, a waiver was therefore not sought by the sponsor nor granted by Leadership. As of press time, a final CBO cost estimate was not available.

Summary: H.R. 5025 designates roughly 77,500 acres of National Forest System land in the Oregon Mount Hood National Forest as wilderness, which represents a 41 percent increase in the amount of designated wilderness in the national forest and first new wilderness designated in the national forest since 1984. Specifically, the bill designates the following areas in the Mount Hood National Forest as wilderness, and part of the National Wilderness Preservation System:

- Big Bottom Wilderness;
- Bull of the Woods Wilderness;
- Cooper Spur Wilderness;
- Gorge Ridgeline Wilderness;
- Roaring River Wilderness; and
- Salmon-Huckleberry Wilderness.

Designates roughly 23 miles of waterways within the Mount Hood National Forest as additions to the National Wild and Scenic Rivers System, which represents a 19 percent increase in the total length of all of the waterways in the national forest included in the system.

Directs the Secretary of the Treasury to establish a special account in the Treasury for Mount Hood National Forest. Provides that funds received from the special account, may be used for the following purposes related to Mount Hood National Forest:

- Trail maintenance, interpretive programs, and other activities and projects to improve recreational services to the public;
- Cooperative environmental restoration projects with non-Federal partnership groups and associations;
- Law enforcement and rescue and recovery efforts;
- Improving administration of special use authorizations; and
- Preparation of documents required under the National Environmental Policy Act of 1969 in connection with the improvement or development of recreational opportunities.

In addition, of the total funds received by the Secretary of Agriculture from the special account, the Secretary is to allocate the funds as follows:

- 95 percent of the funds to Mount Hood National Forest.

- 5 percent of the funds to the Regional Office for the Pacific Northwest Region of the Forest Service to develop needed policy and training to support programs in wilderness areas, special uses, trails, developed and dispersed recreation, and interpretation related to Mount Hood National Forest.

Directs the Secretary of Agriculture to submit to Congress an annual report specifying:

- the total funds received by the Secretary from the special account;
- how the funds were allocated and expended; and
- the results from such expenditures.

Directs the Secretary of Agriculture to establish an advisory council for the purpose of providing advice and recommendations to the Forest Service on planning and implementing recreation enhancements in Mount Hood National Forest, including advice and recommendations regarding how the funds in the special account should be requested and expended. Provides that members of the Advisory Council will not receive any compensation for their service on the council.

Directs the Secretary of Agriculture to make a determination regarding whether the Forest Service roads in Mount Hood National Forest that were selected before that date for closure and decommissioning, but have not yet been decommissioned, should be converted to recreational uses to enhance recreational opportunities in the national forest, such as conversion for use as single-track trails for mountain bikes.

Authorizes and directs the Secretary of Agriculture to work with the State of Oregon to develop an integrated, multi-modal transportation plan for the Mount Hood region. The transportation plan is to address both transportation of people to and from areas outside the Mount Hood region on major corridors traversing the region; and transportation of people from place to place within the Mount Hood region. Provides that of the amounts appropriated under section 1117 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users for the Transportation, Community, and System Preservation Program, \$2,000,000 is to be available to the State of Oregon for the preparation of the transportation plan for the Mount Hood region.

Directs the Secretary of Agriculture to conduct a study of the feasibility of establishing a gondola connection between Timberline Lodge and Government Camp, Oregon, in the vicinity of the historic gondola corridor; and an intermodal transportation center in or near Government Camp.

The Secretary of Agriculture would have to prepare a plan to address those areas of Mount Hood National Forest with a high incidence of insect or disease infestation (or both), heavily overstocked tree stands, or moderate-to-high risk of unnatural catastrophic wildfire for the purpose of improving condition class, which significantly improves the forest health and water quality.

Directs the Secretary of Agriculture to identify, establish, develop, and manage priority-use areas in Mount Hood National Forest for the gathering of first foods by members of Indian tribes with treaty-reserved gathering rights on lands encompassed by the national forest. The priority-use areas are to be identified, established, developed, and managed in a manner consistent with the memorandum of understanding entered into between the Department of Agriculture, the Bureau of Land Management, the Bureau of Indian Affairs, and the Confederated Tribes of the Warm Springs Reservation of Oregon, and such further agreements as are necessary between the Secretary of Agriculture and the Warm Springs Tribe to carry out the purposes of this section.

Directs the Secretary of Agriculture to convey to Mt. Hood Meadows Oregon, Limited Partnership, all right, title, and interest of the United States in and to an 80-acre parcel of National Forest System land in Mount Hood National Forest consisting and a 40-acre parcel of National Forest System land in Mount Hood National Forest

Committee Action: H.R. 5025 was introduced on March 28, 2006, and was referred to the Committee on Resources, which considered it, held a mark-up and reported the bill, as amended, on July 19, 2006. H.R. 5025 was also referred to the Committee on Agriculture, which took no official action.

Cost to Taxpayers: There is no CBO score available for H.R. 5025.

Does the Bill Expand the Size and Scope of the Federal Government?: The bill would increase the land areas subject to more restrictive federal regulations.

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

RSC Staff Contact: Joelle Cannon; joelle.cannon@mail.house.gov, (202) 226-0718.

S.Con.Res. 60 — A concurrent resolution designating the Negro Leagues Baseball Museum in Kansas City, Missouri, as America’s National Negro Leagues Baseball Museum — *as received from the Senate* (Sen. Talent, R-MO)

Order of Business: The resolution is scheduled for consideration on Monday, July 24, 2006, under a motion to suspend the rules and pass the resolution.

Summary: S.Con.Res. 60 resolves that Congress:

- “designates the Negro Leagues Baseball Museum in Kansas City, Missouri, including the museums future and expanded exhibits, collections library, archives, artifacts and education programs as ‘America’s National Negro Leagues Baseball Museum’;
- “supports the efforts of the Negro Leagues Baseball Museum to recognize and preserve the history of the Negro Leagues and the impact of segregation on our Nation;
- “recognizes that the continued collection, preservation, and interpretation of the historical objects and other historical materials held by the Negro Leagues Baseball Museum enhances our knowledge and understanding of the experience of African Americans during legal segregation;
- “commends the ongoing development and visibility of the ‘Power Alley’ educational outreach program for teachers and students throughout the Nation sponsored by the Negro Leagues Baseball Museum;
- “asks all Americans to join in celebrating the Negro Leagues Baseball Museum and its mission of preserving and interpreting the legacy of the Negro Leagues; and
- “encourages present and future generations to understand the sensitive issues surrounding the Negro Leagues, how they helped shape our Nation and Major League Baseball, and how the sacrifices made by Negro League players helped make baseball America’s national pastime.”

Additional Information: The resolution also lists a number of findings, including the following:

- “the Negro Leagues Baseball Museum in Kansas City, Missouri, was founded in 1990, in honor of those individuals who played in the Negro Baseball Leagues as a result of segregation in America;
- “the Negro Leagues Baseball Museum is the only public museum in the Nation that exists for the exclusive purpose of interpreting the experiences of the players in the Negro Leagues from 1920 through 1970;
- “the Negro Leagues Baseball Museum continues to receive strong support from the residents of the Kansas City metropolitan area and annually entertains over 60,000 visitors from all 50 States, and
- “a great opportunity exists to use the invaluable resources of the Negro Leagues Baseball Museum to teach the Nation's school children, through on-site visits, traveling exhibits, classroom curriculum, distance learning, and other educational initiatives.”

Committee Action: S.Con.Res. 60 was received from the Senate on April 4, 2006, and referred to the Committee on Resources, which took no official action.

Cost to Taxpayers: The resolution authorizes no expenditure.

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.

RSC Staff Contact: Joelle Cannon; joelle.cannon@mail.house.gov, (202) 226-0718.

S. 1496 — Electronic Duck Stamp Act of 2005 — *as amended* (Sen. Crapo, R-ID)

Order of Business: The bill is scheduled for consideration on Monday, July 24, 2006, under a motion to suspend the rules and pass the bill, as amended.

Note: Under House Republican Conference Rules, legislation creating a new program is not to be considered by the House on the Suspension Calendar. Although the Conference rule may be waived, S. 1496 has been deemed ***not*** to create a new federal program, despite evidence to the contrary (see summary below), and a waiver was therefore not sought by the sponsor nor granted by Leadership.

Summary: S. 1496 lists the following findings:

- “on March 16, 1934, Congress passed and President Roosevelt signed the Act of March 16, 1934, which requires all migratory waterfowl hunters 16 years of age or older to buy a Federal migratory bird hunting and conservation stamp annually;
- “the Federal Duck Stamp program has become one of the most popular and successful conservation programs ever initiated;
- “because of that program, the United States again is teeming with migratory waterfowl and other wildlife that benefit from wetland habitats;

- “as of the date of enactment of this Act, 1,700,000 migratory bird hunting and conservation stamps are sold each year;
- “as of 2003, those stamps have generated more than \$600,000,000 in revenue that has been used to preserve more than 5,000,000 acres of migratory waterfowl habitat in the United States; and
- “many of the more than 540 national wildlife refuges have been paid for wholly or partially with that revenue.”

Directs the Secretary of Interior to conduct a **new, three-year pilot program** under which up to 15 states authorized by the Secretary may issue electronic duck stamps. Duck stamps are required to be purchased by all migratory waterfowl hunters 16 years of age or older annually.

Directs the Secretary to require that each individual to whom a state sells an electronic stamp under the pilot program shall receive an actual stamp by not later than the date on which the electronic stamp expires and in a manner agreed upon by the state and Secretary. S. 1496 outlines specific electronic stamp requirements issued under the new program, as well as the guidelines by which the Secretary may terminate an electronic duck stamp program in a state.

Directs the Secretary, in consultation with state fish and wildlife management agencies and appropriate stakeholders with expertise specific to the duck stamp program, to evaluate the pilot program and determine whether the pilot program has provided a cost-effective and convenient means for issuing migratory-bird hunting and conservation stamps, including whether the program has:

- increased the availability of those stamps;
- assisted States in meeting the customer service objectives of the States with respect to those stamps;
- maintained actual stamps as an effective and viable conservation tool; and
- maintained adequate retail availability of the actual stamp.

The bill provides that the funds received from the sale of stamps under this Act are to be deposited in the Migratory Bird Conservation Fund.

S. 1496 amends the Migratory Bird Hunting Stamp Act (or Duck Stamp Act of 1934), reassigning the authority for issuing stamps from the Department of Agriculture to the Department of the Interior.

Committee Action: S. 1496 was received in the House on December 17, 2005, and referred to the Committee on Resources, which considered it, held a mark-up, and reported the bill by unanimous consent on June 21, 2006.

Cost to Taxpayers: CBO estimates that implementation of S. 1496 will cost the federal government \$750,000 over three years.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The bill creates a new program.

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

Constitutional Authority: The Committee cites constitutional authority in Article I, Section 8, Clause 3 of the Constitution (interstate commerce).

RSC Staff Contact: Joelle Cannon; joelle.cannon@mail.house.gov, (202) 226-0718.

S. 203 — National Heritage Areas Act of 2005 — *as received* (Sen. Thomas, R-WY)

Order of Business: The bill is scheduled for consideration on Monday, July 24, 2006, under a motion to suspend the rules and pass the bill, as amended.

Summary: S. 203 would reduce royalty fees for soda ash (the trade name for sodium carbonate). Specifically, the bill would reduce the royalty rate from 6 percent to 2 percent for the next five years. The bill also requires a study by the Secretary of Interior within four years on the effects of the royalty reduction, including the number of jobs created or maintained and a recommendation of whether the reduced rate should continue.

S. 203 would establish the following 11 National Heritage Areas:

- Northern Rio Grande National Heritage Area (New Mexico);
- Atchafalaya National Heritage Area (Louisiana);
- Arabia Mountain National Heritage Area (Georgia);
- Mormon Pioneer National Heritage Area (Utah);
- Bleeding Kansas National Heritage Area (Kansas);
- Upper Housatonic Valley National Heritage Area (Massachusetts);
- Champlain Valley National Heritage Partnership (Vermont/New York);
- Great Basin National Heritage Route (Utah/Nevada); and
- Crossroads of the American Revolution (New Jersey).

Directs the Secretary of the Interior to carry out a study regarding the suitability and feasibility of establishing the Western Reserve Heritage Area in certain counties in Ohio. Also directs the Secretary to conduct a study regarding the suitability and feasibility of designating the island of St. Croix as the St. Croix National Heritage Area, and to study the feasibility of designating certain South Carolina parts as a Southern Campaign of the Revolution Heritage Area.

Amends the Illinois and Michigan Canal National Heritage Corridor Act of 1984, designating the Canal Corridor Association to be the “local coordinating entity” for the Illinois and Michigan Canal National Heritage Corridor, and authorizing \$10 million for the National Heritage Corridor. The bill allows the Association, for purposes of preparing and implementing a management plan, to use federal funds to make grants to, and enter into cooperative agreements with, states and their political subdivisions, or private organizations. The federal share of the cost of this project is limited to 50%. These provisions of S. 203 would essentially establish a National Heritage Corridor, very similar to a National Heritage Area.

Reauthorizes appropriations, at “such sums as necessary,” for the New Jersey Coastal Heritage Trail Route, and requires that the funding may only be used for technical assistance and the design and fabrication of interpretive materials, devices, and signs.

Additional Information: Congress has established 27 National Heritage Areas around the country, in which conservation, interpretation, and other activities are managed by partnerships among federal, state, and local governments and the private sector. The National Park Service provides technical assistance, as well as financial assistance, for a limited number of years following designation.

The National Park Service defines a National Heritage Area as follows:

A National Heritage Area is a place designated by the United States Congress, where natural, cultural, historic and recreational resources combine to form a cohesive, nationally distinctive landscape arising from patterns of human activity shaped by geography. These patterns make National Heritage Areas representative of the national experience through the physical features that remain and the traditions that have evolved in the areas. Continued use of the National Heritage Areas by people whose traditions helped to shape the landscapes enhances their significance.

National Heritage Areas are a new kind of national designation, which seeks to preserve and celebrate many of America's defining landscapes. <http://www.cr.nps.gov/heritageareas/FAQ/INDEX.HTM>

NOTE: no legislative criteria exist for designating a National Heritage Area.

Most of the 27 existing National Heritage Areas are located in the eastern third of the United States. To see what and where they are, visit this webpage:

<http://www.cr.nps.gov/heritageareas/VST/INDEX.HTM>

Congress authorized the National Heritage Areas as follows:

1 in 1984
1 in 1986
2 in 1988
2 in 1994
11 in 1996
6 in 2000
1 in 2003
3 in 2004

For more information on National Heritage Areas, visit this website:

[http://www.cr.nps.gov/heritageareas/.](http://www.cr.nps.gov/heritageareas/)

Committee Action: S. 203 was introduced on July 27, 2005, and was referred to the Committee on Resources, which took no official action.

Cost to Taxpayers: The CBO score for S. 203 only includes an analysis for the soda ash portion of the bill. According to CBO, this section of the bill will authorize \$3 million in FY06, and \$15 million over five years. In addition, the bill authorizes \$110 million for the 11 new National Heritage Areas.

Does the Bill Expand the Size and Scope of the Federal Government?: The bill would increase the lands that fall under certain restrictions and also provides new federal funding streams to 11 new national heritage areas.

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

RSC Staff Contact: Joelle Cannon; joelle.cannon@mail.house.gov, (202) 226-0718.

H.R. 3817 — Valle Vidal Protection Act of 2005 — *as reported* (Udall, R-NM)

Order of Business: The bill is scheduled for consideration on Monday, July 24, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3817 would withdraw the Valle Vidal unit of the Carson National Forest in New Mexico from mining laws. Specifically, the bill would withdraw the Valle Vidal Unit from: 1) all forms of entry, appropriation, and disposal under the public lands laws; 2) location, entry, and patent under the mining laws; and 3) operation of the mineral leasing and geothermal leasing laws and mineral materials laws. H.R. 3817 stipulates that existing valid rights would continue to be recognized, but if those rights were relinquished or otherwise acquired by the U.S. at any time after the enactment of this Act, those lands will also be withdrawn from the mining laws.

Additional Information: According to the committee report, the land covered in this Act is approximately 101,000 acres within the Carson National Forest. Thus, the bill excludes a significant portion of the Carson National Forest from mining laws, thereby eliminating the opportunity for future mining operations in this area.

Committee Action: H.R. 3817 was introduced on September 15, 2005, and referred to the Committee on the Resources' Subcommittee on Energy and Mineral Resources and the Subcommittee on Forests and Forest Health. Subcommittee hearings were held in October 2005. The bill was considered in committee on June 21, 2006, and it was reported to the House by unanimous consent the same day (H. Rept. [109-583](#)).

Cost to Taxpayers: A CBO score of H.R. 3817 is unavailable, but the bill does not authorize new 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.

Constitutional Authority: Committee Report [109-583](#) cites constitutional authority for this legislation in Article IV, Section 3, and Clause 2 (power of Congress over publicly owned lands) of the Constitution. House Rule XIII, Section 3(d)(1), requires that all committee reports contain "a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution." *[emphasis added]*

RSC Staff Contact: Derek V. Baker; derek.baker@mail.house.gov; 202-226-8585

H.R. 4301 — Blunt Reservoir and Pierre Canal Land Conveyance Act of 2005 — *as reported* (Herseth, D-SD)

Order of Business: The bill is scheduled for consideration on Monday, July 24, 2006, under a motion to suspend the rules and pass the bill.

Summary: In 1968, Congress authorized Pick-Sloan Missouri Basin Program, which included numerous dam and reservoir projects in South Dakota. Within that program, the federal government was authorized to acquire 42,000 acres of land to construct the Blunt Reservoir and Pierre Canal feature, including 19,000 acres between 1972-1977, with an understanding that the willing sellers would be able to lease back the land until the project was completed.

H.R. 4301 would deauthorize the Blunt Reservoir feature, and allow preferential leaseholders (original landowners or descendants, or operators of the land at the time of purchase) the first option to purchase the land they currently lease, then convey any parcels not purchased back to the South Dakota Department of Game, Fish, and Parks for the purposes of mitigating lost wildlife habitat. The bill allows preferential leaseholders five years to purchase the land (via cash or 30 year financing; parcels under \$10,000 must be purchased with cash), and fixes the price at 10 percent below fair market value for cash purchasers. H.R. 4301 would authorize \$750,000 to implement these provisions. The bill would also authorize “such sums” to reimburse the South Dakota for expenses incurred implementing this Act (not to exceed 10 percent of the cost of each transaction).

Committee Action: H.R. 4301 was introduced on November 10, 2005, and referred to the Committee on Resources’ Subcommittee on Water and Power. The bill was marked-up on June 21, 2006, and it was reported to the House by unanimous consent the same day (H. Rept. [109-588](#)).

Cost to Taxpayers: CBO estimates that implementing **H.R. 4301 would cost about \$2 million in 2007**, assuming necessary appropriations. CBO estimates that “enacting H.R. 4301 would increase direct spending by about \$300,000 in 2007. Enacting the bill would also lead to about \$1.1 million in collections from asset sales. **Thus, the net impact on direct spending over the 2007-2016 period would be a reduction of \$0.8 million.**”

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.

Constitutional Authority: Committee Report [109-583](#) cites constitutional authority for this legislation in Article IV, Section 3, and Clause 2 (power of Congress over publicly owned lands) of the Constitution. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

RSC Staff Contact: Derek V. Baker; derek.baker@mail.house.gov; 202-226-8585

H.R. 233 — Northern California Coastal Wild Heritage Wilderness Act — as introduced (Thompson, D-CA)

Order of Business: The bill is scheduled for consideration on Monday, July 24, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 233 would designate over 300,000 acres of federal land in California as wilderness, and also designates segments of the Black Butte River in the State as a wild and scenic river. The thirteen specific areas designated as wilderness areas and components of the National Wilderness Preservation System (under the Wilderness Act; 16 U.S.C. 1131 et seq.) are listed below:

- Snow Mountain Wilderness Addition - certain land in the Mendocino National Forest (approximately 23,312 acres);
- Sanhedrin Wilderness: certain land in the Mendocino National Forest (approximately 10,571 acres);
- Yuki Wilderness: certain land in the Mendocino National Forest and certain land administered by the Bureau of Land Management in Lake and Mendocino Counties, California (approximately 54,087 acres);
- Yolla Bolly-Middle Eel Wilderness Addition: certain land in the Mendocino National Forest and certain land administered by the Bureau of Land Management in Mendocino County, California, (approximately 25,806 acres);
- Mad River Buttes Wilderness: certain land in the Six Rivers National Forest (approximately 6,494 acres);
- Siskiyou Wilderness Addition: certain land in the Six Rivers National Forest (approximately 48,754 acres);
- Trinity Alps Wilderness Addition: certain land in the Six Rivers National Forest (approximately 28,805 acres);
- Underwood Wilderness: certain land in the Six Rivers National Forest (approximately 2,977 acres);
- Cache Creek Wilderness: certain land administered by the Bureau of Land Management in Lake County, California (approximately 30,870 acres);
- Cedar Roughts Wilderness: certain land administered by the Bureau of Land Management in Napa County, California (approximately 6,350 acres);
- South Fork Eel River Wilderness: certain land administered by the Bureau of Land Management in Mendocino County, California (approximately 12,915 acres);
- King Range Wilderness: certain land administered by the Bureau of Land Management in Humboldt and Mendocino Counties, California (approximately 42,585 acres); and
- Rocks and Islands, King Range National Conservation Area: all federally-owned rocks, islets, and islands that are located not more than three geographic miles off the coast of the King Range National Conservation Area and above mean high tide.

Committee Action: H.R. 233 was introduced on January 4, 2005, and referred to the Committee on Resources' Subcommittee on Forests and Forest Health. The bill was marked-up on July 19, 2006, and it was reported to the House by voice vote the same day.

Cost to Taxpayers: CBO estimates "that enacting H.R. 233 would have no significant effect on the federal budget. Withdrawing the proposed wilderness areas from programs to sell land or develop natural resources could result in forgone offsetting receipts (a credit against direct spending). However, based on information from the Forest Service and Bureau of Land Management, CBO estimates that any receipts forgone as a result of H.R. 233 would be negligible in any year. We estimate that any increase in federal costs to manage areas affected by the bill, which would be subject to appropriation, would not exceed \$500,000 in any year."

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.

Constitutional Authority: A committee report citing constitutional authority is unavailable. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

RSC Staff Contact: Derek V. Baker; derek.baker@mail.house.gov; 202-226-8585

H.R. 5534 — To establish a grant program whereby moneys collected from violations of the corporate average fuel economy program are used to expand infrastructure necessary to increase the availability of alternative fuels— *as amended* (Rogers, R-MI)

Order of Business: The bill is scheduled for consideration on Monday, July 24, 2006, under a motion to suspend the rules and pass the bill.

Note: Under House Republican Conference Rules, legislation creating a new program is not to be considered by the House on the Suspension Calendar. Although the Conference rule may be waived, H.R. 5534 has been deemed *not* to create a new federal program, despite evidence to the contrary (see summary below), and a waiver was therefore not sought by the sponsor nor granted by Leadership.

Summary: H.R. 5534 would establish a new **Department of Energy (DOE) grant program** (through the Clean Cities Program of the DOE) for the construction or expansion of infrastructure “necessary to increase the availability to consumers of alternative fuels.” The bill would establish a new **“Fuel Economy Fund” at the U.S. Treasury**, to be: 1) funded by fines, penalties, and other moneys obtained through enforcement actions, and 2) used by the Secretary of Energy to implement the grant program. Thus, the bill would provide grants to support the installation of equipment at gas stations for the delivery of alternative fuels, among other things.

The bill stipulates that individual grants may not exceed \$60,000 in any fiscal year, and excludes from eligibility any “large, vertically integrated oil company.”

Possible Conservative Concerns: Conservatives may view the provisions of this bill as supplanting the free market process, by creating new federal programs and treasury funds to increase alternative fuel use, instead of letting the market determine the most effective and efficient means of providing alternative fuels to consumers.

Committee Action: H.R. 5534 was introduced on June 6, 2006, and referred to the Committee on Energy and Commerce’ Subcommittee on Energy and Air Quality. The bill was marked-up on June 20, 2006, and it was reported to the House by voice vote the same day (H. Rept. [109-535](#)).

Cost to Taxpayers: A cost estimate for the amended bill is not available, though the spending would be subject to appropriation. The CBO estimate for the version of the bill as reported from committee estimated that it would increase mandatory spending by \$5 million in 2007 and by \$225 million over

the 2007-2016. It is possible that these numbers would still apply to the authorizations in the amended bill.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, as described above, the bill would create a new federal grant program to bring alternative fuels to the marketplace.

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

Constitutional Authority: The Committee Report, H. Rept. [109-535](#)), cites constitutional authority for this legislation in Article I Section 8, and Clause 3 (power of Congress to regulate commerce among the states) of the Constitution. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

RSC Staff Contact: Derek V. Baker; derek.baker@mail.house.gov; 202-226-8585

H.Res. 892 — Recognizing the dedication of the employees at the national Aeronautics and Space Administration’s Michoud Assembly Facility — *as introduced (Melancon, D-LA)*

Order of Business: The resolution is scheduled for consideration on Monday, July 24, 2006, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 892 resolves that the House of Representatives:

- “commends the dedication of the 37 members of the “Michoud Hurricane Ride-Out Team” who stayed behind at the National Aeronautics and Space Administration’s Michoud Assembly Facility and protected vital program assets, which enabled the facility to resume production of the Shuttle External Tank within 5 weeks of Hurricane Katrina’s landfall” and specifically names the 36 employees involved.

The resolution also states a number of findings, including the following:

- Recognizing the dedication of the employees at the National Aeronautics and Space Administration’s Michoud Assembly Facility, the ‘Michoud Hurricane Ride-Out Team’, who risked their lives during Hurricane Katrina’s assault on southeast Louisiana, and kept the generators and pumps running to protect the facilities and flight hardware, and whose dedication kept the Michoud Assembly Facility an island of dry land, which made it possible to resume External Tank production less than 5 weeks after the storm passed;
- the Michoud Assembly Facility plays a vital role in the United States manned space flight program, including production of the Shuttle External Tank, a vital component of the Shuttle program;
- the 37 members of the ‘Michoud Hurricane Ride-Out Team’ who stayed behind during Hurricane Katrina risked their lives in dedication to the space program and faced down one of the greatest natural disasters in this Nation’s history, at great personal risk; and

- if not for the dedication of this team, the Michoud facility would have suffered a great loss of National Aeronautics and Space Administration assets and technology, which would have severely limited the National Aeronautics and Space Administration's mission.

Committee Action: H.Res. 892 was introduced on June 26, 2006, and referred to the Committee on Science, which took no official action.

Cost to Taxpayers: The resolution authorizes no expenditure.

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.

RSC Staff Contact: Derek V. Baker; derek.baker@mail.house.gov; 202-226-8585

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