

BUNITAN TÅSI ACT

MAY 18, 2010.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 4493]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 4493) to provide for the enhancement of visitor services, fish and wildlife research, and marine and coastal resource management on Guam related to the Marianas Trench Marine National Monument, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Bunitan Tåsi Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **PROCLAMATION.**—The term “Proclamation” means Presidential Proclamation 8335 of January 6, 2009.

(2) **SECRETARIES.**—The term “Secretaries” means the Secretary of the Interior and the Secretary of Commerce.

SEC. 3. TREATMENT OF THE GOVERNMENT OF GUAM AS A COOPERATING AGENCY.

In implementing the Proclamation, the Secretaries shall treat the Government of Guam as a cooperating agency with responsibilities and roles similar to the Government of the Commonwealth of the Northern Mariana Islands, including with respect to membership on the Mariana Monument Advisory Council.

SEC. 4. ENHANCEMENT OF NATIONAL WILDLIFE REFUGE SYSTEM RESOURCE MANAGEMENT, VISITOR SERVICES, AND ENVIRONMENTAL EDUCATION PROGRAMS ON GUAM.

(a) **IN GENERAL.**—The Secretary of the Interior may—

(1) enhance existing visitor services programs at the Guam National Wildlife Refuge; and

(2) initiate a comprehensive program, in consultation with the Government of Guam, to—

(A) facilitate natural resource exploration and research; and

(B) encourage tourism, recreation, and economic opportunities to build public awareness and appreciation of the natural resources under the jurisdiction of the Department of the Interior and the Department of Commerce.

(b) INCLUDED ACTIVITIES.—Activities under subsection (a) may include—

(1) enhanced resource management, research, and visitor services programs to promote and interpret for the general public the fish and wildlife resources of Guam including activities to improve conservation of coral reef ecosystems (as that term is defined in the Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.)) and activities to conserve the marine resources of Guam, including indigenous fishing; and

(2) the facilitation of environmental education for students on Guam in partnership with the University of Guam, the Guam Community College, and the Guam Department of Education.

(c) DONATIONS.—For the purposes of carrying out this section, the Secretary of the Interior may accept, retain, and expend donations of funds, and use property or services donated from private persons and entities or from public entities.

Amend the title so as to read:

A bill to provide for treatment of the Government of Guam as a cooperating agency in the implementation of the Presidential proclamation that established the Marianas Trench Marine National Monument, to provide for the enhancement of visitor services at the Guam National Wildlife Refuge, and for other purposes.

PURPOSE OF THE BILL

The purpose of H.R. 4493, as ordered reported, is to provide for the treatment of the Government of Guam as a cooperating agency in the implementation of the Presidential proclamation that established the Marianas Trench Marine National Monument, to provide for the enhancement of visitor services at the Guam National Wildlife Refuge, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

On January 6, 2009, in recognition of the unique biological, ecological, geological and cultural heritage of the lands, waters and submerged lands of the Mariana Ridge, President George W. Bush signed Presidential Proclamation 8335 to establish the Marianas Trench Marine National Monument. The creation of this monument, encompassing approximately 95,216 square miles, will ensure the protection of rare and scientifically significant marine resources including the biologically rich waters of the archipelago's northern islands, as well as the unique geological and volcanic phenomena of the Mariana Ridge, including the Challenger Deep, the deepest part of Earth's oceans.

The monument is composed of three units: the "Islands Unit" which includes the waters and submerged lands of the three northernmost Mariana Islands; the "Volcanic Unit," made up of the submerged lands within one nautical mile of 21 designated volcanic sites; and the "Trench Unit," which extends from the northern limit of the Exclusive Economic Zone of the United States in the Commonwealth of the Northern Mariana Islands to the southern limit of the Exclusive Economic Zone of the United States in Guam, following the geographical footprint of the Mariana Trench.

Under the terms of the proclamation the Secretary of the Interior has management responsibility for the monument, in consultation with the Secretary of Commerce, except with respect to fishery-related activities regulated pursuant to the Magnuson-Stevens Fish-

ery Conservation and Management Act, over which the Secretary of Commerce will have primary management responsibility.¹ The proclamation calls for the Secretaries of Commerce and the Interior to permit scientific exploration and research within the monument, prohibit commercial fishing within the Islands Unit, and ensure that subsistence, recreational, and traditional indigenous fishing will be managed as a sustainable activity.

The Secretaries of the Interior and Commerce are also required to establish management plans for the monument to encourage public education and outreach, promote monument-related scientific exploration and research, tourism, and recreational and economic activities, and allow for traditional access to indigenous peoples for culturally significant subsistence, cultural, and religious uses.

In addition, the proclamation requires that the Commonwealth of the Northern Mariana Islands be treated as a cooperating agency in regards to long-term planning and the establishment of an advisory council. The Territory of Guam is not recognized for such purposes despite its proximity to the southern portion of the monument.

COMMITTEE ACTION

H.R. 4493 was introduced on January 21, 2010 by Congresswoman Madeleine Bordallo (D-GU). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Insular Affairs, Oceans and Wildlife. On February 25, 2010, the Subcommittee held a hearing on the bill. On May 5, 2010, the Subcommittee was discharged from the further consideration of H.R. 4493 and the full Natural Resources Committee met to consider the bill. Congresswoman Bordallo (D-GU) offered an amendment in the nature of a substitute to delete the authorization for the establishment of a new multipurpose visitor facility on Guam, to enhance visitor services at the Guam National Wildlife Refuge, and to streamline the language designating the Government of Guam as a cooperating agency for the purposes of implementing the proclamation. The amendment was adopted by voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives by voice vote.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides that this Act may be cited as the “Bunitan Tåsi Act.” Bunitan tåsi means “beautiful ocean” in Chamorro, the indigenous language of Guam.

Section 2. Definitions

This section defines the term “Proclamation” to mean Presidential Proclamation 8335 of January 6, 2009. It defines the term “Secretaries” to mean the Secretary of the Interior and the Secretary of Commerce.

¹Under Secretarial Order 3284, issued on January 16, 2009, the authority given to the Secretary of the Interior to manage the monument was delegated to the U.S. Fish and Wildlife Service (FWS). This order directed that the Trench and Volcanic Units be managed as units of the National Wildlife Refuge System, and the Island Unit be similarly managed by the Director of the FWS but not as a part of the National Wildlife Refuge System.

Section 3. Treatment of the Government of Guam as a Cooperating Agency

This section stipulates that in implementing the proclamation and with respect to membership on the Mariana Monument Advisory Council, that the Secretaries shall treat the Government of Guam as a cooperating agency with responsibilities and roles similar to the Government of the Commonwealth of the Northern Mariana Islands.

Section 4. Enhancement of National Wildlife Refuge System Resource Management, Visitor Services, and Environmental Education Programs on Guam

This section authorizes the Secretary of the Interior to enhance existing visitor services programs at the Guam National Wildlife Refuge; to initiate an exploration, research and public awareness program to promote the natural resources of Guam; and to facilitate environmental education for students on Guam in partnership with local colleges and universities. It also allows the Secretary to accept donations of money, property or services to carry out these activities.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill, as ordered reported, is to provide for the treatment of the Government of Guam as a cooperating agency in the implementation of the Presidential proclamation that established the Marianas Trench Marine National Monument, provide for the enhancement of visitor services at the Guam National Wildlife Refuge, and for other purposes.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

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Summary: H.R. 4493 would authorize the Secretary of the Interior to establish certain environmental research and education programs on the island of Guam. The bill also would allow the Secretary to collect and spend donations to support those activities.

Based on information from the Fish and Wildlife Service (FWS) and assuming appropriation of the necessary amounts, CBO estimates that implementing the legislation would cost \$15 million over the 2011–2015 period. Enacting the legislation could increase offsetting receipts (from private donations) and associated direct spending; therefore, pay-as-you-go procedures would apply. However, CBO estimates that the net effects would be negligible for each year. Enacting the bill would not affect revenues.

H.R. 4493 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 4493 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					2011–2015
	2011	2012	2013	2014	2015	
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level	4	3	3	3	3	16
Estimated Outlays	3	3	3	3	3	15

Basis of estimate: For this estimate, CBO assumes that the legislation will be enacted by the end of fiscal year 2010 and that the necessary amounts will be appropriated for each fiscal year. Estimated outlays are based on historical spending patterns for similar activities.

H.R. 4493 would authorize the Secretary of the Interior to establish certain environmental research and education programs on the island of Guam. Based on information from the FWS, CBO estimates that implementing the new programs would cost \$1 million in 2011 for start-up activities and \$3 million annually for additional staffing and ongoing activities. Assuming appropriation of the necessary amounts, CBO estimates that implementing the legislation would cost \$15 million over the 2011–2015 period.

Pay-as-you-go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget reporting and enforcement procedures for legislation affecting direct spending or revenues. H.R. 4493 could increase offsetting receipts (from private donations) and associated direct spending; therefore, pay-as-you-go procedures would apply. However, CBO estimates that any increase in offsetting receipts would be less than \$500,000 a year and would be offset by similar increases in direct spending. The net budgetary changes

that are subject to pay-as-you-go procedures are shown in the following table.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 4493, THE BUNITAN TASI ACT, AS ORDERED REPORTED BY THE HOUSE COMMITTEE ON NATURAL RESOURCES ON MAY 5, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
NET INCREASE OR DECREASE (–) IN THE DEFICIT													
Statutory Pay-As-You-Go Impact ...	0	0	0	0	0	0	0	0	0	0	0	0	0

Intergovernmental and private-sector impact: H.R. 4493 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal Costs: Jeff LaFave; Impact on State, Local, and Tribal Governments: Melissa Merrell; Impact on the Private Sector: Amy Petz.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 4493 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.