



Legislative Bulletin.....February 6, 2012

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H.R. 306 – Corolla Wild Horses Protection Act (Jones, R-NC)

Order of Business: The legislation is scheduled to be considered on February 6, 2012, under a motion to suspend the rules and pass the bill.

Summary: H.R. 306 would direct the Secretary of the Interior to enter into an agreement with the Corolla Wild Horse Fund to provide for the management of the free-roaming wild horses near the Currituck National Wildlife Refuge.

The agreement specifies that the Corolla Wild Horse Fund shall maintain the herd of wild horses between 110 and 130. The Fund is further directed to maintain the horses and ensure that the natural resources of the refuge are not adversely impacted. The Fund shall also introduce a “small number” of wild horses from the herd at Cape Lookout National Seashore in order to maintain the genetic viability of the herd within the Currituck National Wildlife Refuge. The legislation contains certain criteria for bringing a horse from Cape Lookout National Seashore for introduction at Currituck National Wildlife Refuge.

The Corolla Wild Horse Fund is responsible for the following costs associated with the agreement:

- “Coordinating a periodic census and inspecting the health of the horses;
- “Maintaining records of the horses living in the wild and in confinement;
- “Coordinating the removal and placement of horses and monitoring of any horses removed from the Currituck County Outer Banks; and
- “Administering a viable population control plan for the horses including auctions, adoptions, contraceptive fertility methods, and other viable options.”

Additional Information: The Corolla Wild Horse Fund is a 501(c) 3 nonprofit corporation located in Corolla, North Carolina. More information can be [found here](#).

The Currituck National Wildlife Refuge is located in the northern portion of Currituck Sound on an Outer Banks barrier island. The Refuge is managed by the U.S. Fish & Wildlife Service. More information can be [found here](#).

According to House Report 112-310:

“During the past four years, the Corolla Wild Horse Fund, the County of Currituck and the State of North Carolina have formally requested that the maximum herd size be increased and that a small number of mares from the nearby Shackleford Banks herd be introduced to restore diversity to the Corolla horses’ gene pool. According to a veterinary expert, ‘Horses of the Corolla herd show levels of genetic variability that are among the lowest seen in any horse population.’ Under the existing agreement, any changes to the Plan management must be adopted by a consensus vote. These requests have been repeatedly denied by the Service, prompting the need for H.R. 306.”

Committee Action: H.R. 306 was introduced on January 18, 2011, and was referred to the Natural Resources Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs. The full committee held a markup on October 5, 2011 and the legislation was favorably reported, as amended, by voice vote.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO estimates “that the federal government would incur no significant additional costs to manage or mitigate the effects of horses on the refuge. If, however, CWHF was unable to maintain the population at or below 130 horses as required under the bill, CBO expects that USFWS would incur costs totaling roughly \$200,000 a year to manage the horses.” CBO’s report can be [found here](#).

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The legislation directs the Secretary of the Interior to enter into an agreement with the Corolla Wild Horse Fund.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: [House Report 112-310](#) states “H.R. 306 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 Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: [House Report 112-310](#) states H.R. 306 “does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.”

Constitutional Authority: Rep. Jones’ statement of constitutional authority states “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, and Article IV, Section 3, of the Constitution of the United States.” The statement can be [viewed here](#).

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H.R. 1162 - To provide the Quileute Indian Tribe Tsunami and Flood Protection, and for other purposes. (Dicks, D-WA)

Order of Business: The legislation is scheduled to be considered on February 6, 2012, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1162 authorizes the transfer of certain lands in and around Olympic National Park in Washington state.

The legislation clarifies that approximately 222 acres of wilderness land in Olympic National Park is no longer considered a component of the National Wilderness Preservation System. This land will then be considered part of the Quileute Reservation.

The legislation releases all right, title and interest of the United States to approximately 785 acres (combined from two land areas containing approximately 510 acres and 275 acres respectively). This acreage is to be held in a United States trust for the benefit of the Quileute Indian Tribe, without any further action by the Secretary. This land shall be considered as part of the Quileute Reservation and shall not be subject to any requirements for valuation, appraisal, or equalization under any federal law.

After an environmental hazard assessment is completed, the Secretary shall incorporate approximately 184 acres into the trust for the benefit of the Tribe. This land is non-federal land that is owned by the Tribe.

Upon the date of enactment, the Tribe shall relinquish any claims against the United States, the Secretary, or the Olympic National Park relating to the Park's past or present ownership, or other activities, upon the conveyed land.

Committee Action: H.R. 1162 was introduced on March 17, 2011, and was referred to the House Natural Resources Subcommittee on Indian and Alaska Native Affairs, and the Subcommittee on National Parks, Forests and Public Lands. A full committee markup was on October 5, 2011, and the legislation was favorably reported, by voice vote, as amended.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO estimates that H.R. 1162 would have no significant impact on the federal budget. CBO's report can be [found here](#).

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

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: According to CBO, H.R. 1162 would impose an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) by exempting some land from taxation by state and local governments, but CBO expects the cost of that mandate to be small and well below the annual threshold established in UMRA for intergovernmental mandates (\$73 million in 2012, adjusted annually for inflation). H.R. 1162 contains no private-sector mandates as defined in UMRA.

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

Constitutional Authority: Rep. Dicks' statement of constitutional authority states: "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8." The statement can be [found here](#).

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H.R. 2606 - New York City Natural Gas Supply Enhancement Act (Grimm, R-NY)

Order of Business: The legislation is scheduled to be considered on February 6, 2012, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2606 allows the Secretary of the Interior to authorize the construction of a natural gas pipeline within Gateway National Recreation Area.

The Secretary may charge a fee for any permits issued for the construction of this pipeline. The fees will be based on the fair market value and shall consider any costs incurred by the National Park Service.

H.R. 2606 also authorizes the Secretary to lease building space in properties on Floyd Bennett Field to house facilities associated with the pipeline project (notably a meter and regulations station). The Secretary may charge rent for the occupancy and use of this property, and may access penalties for the violation of the lease.

The legislation specifies that any fees and rent collected pursuant to this legislation will be deposited into the United States Treasury as offsetting receipts (this is a credit against direct spending).

Additional Information: The Gateway National Recreation Area contains 26,000 acres within the states of New York and New Jersey. Additional information can be [found here](#).

The Floyd Bennett Field is within the Gateway National Recreation Area. It opened as New York City's first municipal airport in 1931 and is currently listed on the National Register of Historic Places. More information can be [found here](#).

According to [House Report 112-373](#):

"Due to increased demand for natural gas in New York City, New York, additional pipeline capacity is needed. To remedy this problem, New York City is working to place a pipeline through Gateway National Recreation Area. H.R.

2606 provides the National Park Service (NPS) with the authority to approve a pipeline through its jurisdiction.”

Committee Action: H.R. 2606 was introduced on July 21, 2011, and was referred to the House Natural Resources Subcommittee on National Parks, Forests and Public Lands. A full committee markup was held on November 17, 2011, and the legislation was agreed to, as amended, by unanimous consent.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO estimates that any offsetting receipts from leasing NPS land or buildings associated with a pipeline in the Gateway National Recreation Area would total less than \$150,000 a year. CBO’s estimate can be [viewed here](#).

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The legislation allows the Secretary of the Interior to authorize the construction of a natural gas pipeline within Gateway National Recreation Area.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: [House Report 112-373](#) states “H.R. 2606 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 Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: [House Report 112-373](#) states, H.R. 2606 “does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.”

Constitutional Authority: Rep. Grimm’s statement of constitutional authority states: “Congress has the power to enact this legislation pursuant to the following: Article IV, Section 3, Clause 2.” The statement can be [viewed here](#).

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