



**Legislative Bulletin.....February 29, 2012**

**Contents:**

- H.R. 3902** - To amend the District of Columbia Home Rule Act to revise the timing of special elections for local office in the District of Columbia, as amended
- S. 1134** - St. Croix River Crossing Project Authorization Act
- H.Res. 556** - Condemning the Government of Iran for its continued persecution, imprisonment, and sentencing of Youcef Nadarkhani on the charge of apostasy, as amended

---

**H.R. 3902— To amend the District of Columbia Home Rule Act to revise the timing of special elections for local office in the District of Columbia, as amended (*Norton, D-DC*)**

**Order of Business:** The bill is scheduled to be considered on February 29, 2012, under a motion to suspend the rules and pass the bill.

**Summary:** [H.R. 3902](#) requires the Board of Elections, in the event of vacancies, to hold a special election in the District of Columbia on the first Tuesday occurring between 70-174 days. Currently it is held the first Tuesday after 114 days, after the vacancy occurs. This legislation applies to vacancies for the Office of Mayor, Attorney General, Office of Chairman, and Council Members (both at-large and from wards). The intent of this legislation is to more quickly fill vacancies.

**Committee Action:** [H.R. 3902](#) was introduced on February 6, 2012 and referred to the House Committee on Oversight and Government Reform. On February 7, 2012, this legislation was reported out by voice vote.

**Administration Position:** No statement of Administration Policy is available.

**Cost to Taxpayers:** No CBO score was available at press time.

**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 appear to contain any earmarks.

**Constitutional Authority:** According to the sponsor:

“Clause 17 of section 8 of article I of the Constitution.”

**RSC Staff Contact:** Derek S. Khanna, [Derek.Khanna@mail.house.gov](mailto:Derek.Khanna@mail.house.gov), (202) 226-0718

---

## **S. 1134 - St. Croix River Crossing Project Authorization Act (Klobuchar, D-MN)**

**Order of Business:** The legislation is scheduled to be considered on Wednesday, February 29, 2012, under a motion to suspend the rules and pass the bill.

**Summary:** S. 1134 will authorize the St. Croix River Crossing Project with appropriate mitigation (from environmental regulations) to allow the construction of the project. According to the bill text, the legislation allows, in spite of 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)):

“the head of any Federal agency or department may authorize and assist in the construction of a new extradosed bridge crossing the St. Croix River approximately 6 miles north of the I-94 crossing if the mitigation items described in paragraph 9 of the 2006 St. Croix River Crossing Project Memorandum of Understanding for Implementation of Riverway Mitigation Items, signed by the Federal Highway Administration on March 28, 2006, and by the National Park Service on March 27, 2006 (including any subsequent amendments to the Memorandum of Understanding), are included as enforceable conditions.”

The legislation also includes a provision that provides an offset by rescinding the Department of Interior Franchise Fund, which is used by the department to perform certain administrative tasks for federal agencies on a contract basis. Lastly the legislation requires pay-as-you-go procedures to be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, and be submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee.

**Background:** According to the Committee Report:

“The St. Croix River stretches approximately 160 miles from its headwaters in northwestern Wisconsin to its confluence with the Mississippi River south of Minneapolis. The lower 125 miles of the river form the boundary between Minnesota and Wisconsin.

In 1968, a portion of the St. Croix River was designated as one of the original components of the National Wild and Scenic Rivers System. In 1972, Public Law 92-560 added 52 miles of the Lower St. Croix River to the system, with the upper 27 miles administered by the Secretary of the Interior and the lower 25 miles to be designated upon application by the Governors of Minnesota and Wisconsin, which occurred in 1976. The first 10 miles of the Lower St. Croix are administered as a ‘scenic’ river under the Wild and Scenic Rivers Act, and the downstream 42 miles, including the segment that would be affected by S. 1134, are administered as ‘recreational.’ The National Park Service administers the designated rivers, along with a tributary, the Namekagon River, as the St. Croix National Scenic Riverway. The bridge was built in 1931 and includes a 140-foot vertical lift span which can be raised to

accommodate river traffic. The bridge, which is listed on the National Register of Historic Places, accommodates only two lanes of traffic, and during busy travel periods is the source of lengthy backups.

In 1995 the Federal Highway Administration (FHWA), along with the Minnesota and Wisconsin Departments of Transportation, proposed construction of a new four-lane bridge that would cross the river about a mile south of the Stillwater Lift Bridge.

In response to a legal challenge to the proposal, the National Park Service prepared a section 7 evaluation. Section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)) precludes any department or agency of the United States from assisting `by loan, grant, or otherwise, in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was designated, as determined by the Secretary charged with its administration.' The National Park Service completed its evaluation in December 1996 and concluded that the proposed bridge would have a direct and adverse impact on the scenic and recreational values of the Lower St. Croix River, and that no mitigation package could adequately offset the negative impact.

The Park Service revised its section 7 evaluation in October 2010 and found that the proposed bridge would have a direct and adverse effect on the river's recreational and scenic values. The Park Service also concluded that no mitigation package could offset the direct and adverse impact. The National Park Service letter to the FHWA noted that while the Park Service did not believe a mitigation package could be effective, it strongly supported the inclusion of the previous mitigation package if the bridge was ultimately authorized.

As a result of the Federal court decision and subsequent determination of direct and adverse effect by the National Park Service, legislation is necessary to allow construction of the new bridge to proceed. S. 1134 would authorize the FHWA and other appropriate Federal agencies to assist in the construction of the proposed bridge, notwithstanding section 7 of the Wild and Scenic Rivers Act, if the mitigation items described in the 2006 memorandum of understanding are included as enforceable provisions.”

**Conservative Highlights:** The legislation does not cost the federal government money. It allows a bridge to be built with state funds instead of federal funds. The legislation provides regulatory relief from environmental regulations in constructing the bridge.

**Committee Action:** The legislation was introduced on May 26, 2012 in the Senate. On January 23, 2012, the Senate passed the legislation with an amendment by Unanimous Consent. On January 31, 2012, the legislation was referred to the House subcommittee on National Parks, Forests and Public Lands.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** According to the CBO report, “enacting the bill would have no significant net impact on direct spending over the 2012-2022 period.”

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

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

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** The legislation does not contain earmarks.

**Constitutional Authority:** Senate Rules do not require a statement of constitutional.

**RSC Staff Contact:** Ja’Ron Smith, [ja'ron.smith@mail.house.gov](mailto:ja'ron.smith@mail.house.gov), (202) 226-2076.

---

---

**H.Res. 556 - Condemning the Government of Iran for its continued persecution, imprisonment, and sentencing of Youcef Nadarkhani on the charge of apostasy, as amended (Pitts, R-PA)**

**Order of Business:** The legislation is scheduled to be considered on Wednesday, February 29, 2012, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. 556 resolves that the House of Representatives:

- “Condemns the Government of Iran for its state-sponsored persecution of religious minorities in the Islamic Republic of Iran and its continued violation of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, and calls for the Government of Iran to exonerate and immediately release Youcef Nadarkhani and all other individuals held or charged on account of their religion;
- “Recognizes that freedom of religious belief and practice is a universal human right and a fundamental freedom of every individual, regardless of race, sex, country, creed, or nationality, and should never be arbitrarily abridged by any government; and
- “Recognizes that governments have a responsibility to protect the fundamental rights of their citizens and to pursue justice for all.”

The resolution contains a number of findings, including:

- “The United Nations Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights uphold that every individual shall have ‘the right to freedom of thought, conscience and religion’, which includes the ‘freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance’;
- “Iran is a member of the United Nations and signatory to both the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;
- “In recent years, there has been a significant increase in the number of incidents of Iranian authorities raiding religious services, detaining worshippers and religious leaders, and harassing and threatening minority religious members;
- “In October 2009, Youcef Nadarkhani, a minority Christian, protested an Iranian law that would impose Islam on his Christian children;

- “The Iranian court sentenced Youcef Nadarkhani to death by hanging according to Article 167 of the Iranian Constitution, Article 8 from the book of Tahrir Alvasilah Fi Sofat Alghazi Va Maianaseb Lah, and Fatwas of Shia theologians;
- “Numerous Government of Iran officials have attempted to coerce Youcef Nadarkhani to recant his Christian faith and accept Islam in exchange for his freedom;
- “The Government of Iran continues to indefinitely imprison Youcef Nadarkhani for choosing to practice Christianity; and
- “The United Nations Special Rapporteur on human rights reported that, at the time of his report, in 2011, Iran had secretly executed 146 people, and in 2010, Iran secretly executed more than 300 people.”

**Committee Action:** H.Res. 556 was introduced on February 17, 2012, and referred to the House Foreign Affairs Committee, which took no public action.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** A CBO report was unavailable at press time.

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

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

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** The legislation does not contain earmarks.

**Constitutional Authority:** House Rules do not require a statement of constitutional authority for House Resolutions.

**RSC Staff Contact:** Curtis Rhyne, [Curtis.Rhyne@mail.house.gov](mailto:Curtis.Rhyne@mail.house.gov), (202) 226-8576.

---

---