

Legislative Bulletin..... May 6, 2013

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H.R. 291 - Black Hills Cemetery Act (Noem, R-SD)

Order of Business: The legislation is scheduled to be considered on May 6, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: H.R. 291 directs the Secretary of Agriculture to convey to certain local communities in South Dakota all right, title, and interest in the following:

- (1) The parcels of National Forest System land containing such cemeteries; and
- (2) Up to an additional two acres adjoining each cemetery in order to ensure the conveyances include unmarked gravesites and allow for expansion of the cemeteries.

These lands will be conveyed to the following local communities in South Dakota that are currently managing and maintaining the community cemeteries:

1. The Silver City Cemetery to the Silver City Volunteer Fire Department.
2. The Hayward Cemetery to the Hayward Volunteer Fire Department.
3. The encumbered land adjacent to the Englewood Cemetery (encompassing the cemetery entrance portal, access road, fences, 2,500 gallon reservoir and building housing such reservoir, and piping to provide sprinkling system to the cemetery) to the City of Lead.
4. The land adjacent to the Mountain Meadow Cemetery to the Mountain Meadow Cemetery Association.
5. The Roubaix Cemetery to the Roubaix Cemetery Association.
6. The Nemo Cemetery to the Nemo Cemetery Association.
7. The Galena Cemetery to the Galena Historical Society.
8. The Rockerville Cemetery to the Rockerville Community Club.
9. The Cold Springs Cemetery (including adjacent school yard and log building) to the Cold Springs Historical Society.
10. Springs Historical Society.

The lands conveyed by this legislation shall be used in the same manner and for the same purposes as they were immediately prior to the conveyance.

The recipient of each parcel shall be responsible for providing a survey for the particular parcel that is satisfactory to the Secretary.

Additional Information: Similar legislation, H.R. 3874, passed the House during the 112th Congress, on May 15, 2012, by a [roll call vote of 400-1](#). The RSC Legislative Bulletin for H.R. 3874 can be [viewed here](#).

Committee Action: H.R. 291 was introduced on January 15, 2013, and was referred to the House Natural Resources Subcommittee on Public Lands and Environmental Regulation. The subcommittee discharged the legislation. The full committee held a [markup on March 20, 2013](#), and favorably reported the legislation by unanimous consent.

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

Cost to Taxpayers: CBO estimates that implementing H.R. 291 would have no significant impact on the federal budget. CBO's full report can be [viewed 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. 291 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?: The legislation contains no earmarks, limited tax benefits, or limited tariff benefits.

Constitutional Authority: According the sponsor, "Congress has the power to enact this legislation pursuant to the following: Article 4, Section 3, Clause 2, relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." Rep. Noem's statement in the Congressional Record can be [viewed here](#).

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H.R. 588 - Vietnam Veterans Donor Acknowledgment Act of 2013 (Young, R-AK)

Order of Business: The legislation is scheduled to be considered on May 6, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: The legislation directs the Secretary of the Interior to allow the Vietnam Veterans Memorial Fund, Inc. to acknowledge donor contributions to the visitor center by displaying, inside the visitor center, an appropriate statement or credit acknowledging the contribution.

The Secretary shall determine the appropriate form by which acknowledgments may be displayed. The Secretary shall also determine the appropriate period of time that acknowledgments may be displayed, and this shall be proportionate with the level of the contribution.

Any expenses associated with donor acknowledgments shall be borne by the Vietnam Veterans Memorial Fund.

Background Information: According to Committee Report 113-28, Public Law 108-126 authorized the Vietnam Veterans Memorial Fund to establish a visitor center underground, but near the Vietnam Veterans Memorial.

The facility has an estimated cost of \$95 million, all of which must be non-federal funding. The Commemorative Works Act (40 U.S.C. Chapter 89), prohibits donor recognition at monuments and memorials that are authorized under the Act. Proponents of the visitor center have explained that this has put an undue burden on the fund, making it extremely challenging to collect large donations that will provide the necessary funds to commence with construction. This legislation would grant an exemption to the Commemorative Works Act.

Committee Action: H.R. 588 was introduced on February 6, 2013, and was referred to the House Natural Resources Subcommittee on Public Lands and Environmental Regulation. The subcommittee discharged the legislation. The full committee held a [markup on March 20, 2013](#), and favorably reported the legislation by unanimous consent.

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

Cost to Taxpayers: CBO estimates that the legislation would have no significant impact on the federal budget. CBO's full report can be [viewed 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. 588 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The legislation contains no earmarks, limited tax benefits, or limited tariff benefits.

Constitutional Authority: According the sponsor, "Congress has the power to enact this legislation pursuant to the following: Article IV, Section 3, Clause 2 The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State." Rep. Young's statement in the Congressional Record can be [viewed here](#).

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H.R. 507 - Pascua Yaqui Tribe Trust Land Act (*Grijalva, D-AZ*)

Order of Business: The legislation is scheduled to be considered on May 6, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: H.R. 507 transfers two 10-acre parcels into a trust for the benefit of the Pascua Yaqui Tribe of Arizona.

This transfer shall take effect when the Tucson Unified School District relinquishes all right, title and interest to one of the parcels, and the Secretary approves the records the lease agreements between the Tribe and the School District. These leases are for the construction and operation of a regional transportation facility located on the restricted Indian land of the Tribe.

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

Upon enactment, the federal government shall not reserve rights to surface water or groundwater for any land taken into the trust. The Tribe shall retain any right or claim to water for these lands.

Additional Information: Similar legislation, H.R. 4222, passed the House during the 112th Congress, on June 5, 2012, by voice vote. The RSC Legislative Bulletin for H.R. 4222 can be [viewed here](#).

Committee Action: H.R. 507 was introduced on February 5, 2013, and was referred to the House Natural Resources Subcommittee on Public Lands and Environmental Regulation. The subcommittee discharged the legislation. The full committee held a [markup on March 20, 2013](#), and favorably reported the legislation by unanimous consent.

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

Cost to Taxpayers: CBO estimates that any administrative costs to carry out the bill, which would be subject to the availability of appropriated funds, would be minimal. CBO's full report can be [viewed 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. 507 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. Enacting the bill would benefit the tribe.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The legislation contains no earmarks, limited tax benefits, or limited tariff benefits.

Constitutional Authority: According the sponsor, “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8 of the United States Constitution.” Rep. Grijalva’s statement in the Congressional Record can be [viewed here](#).

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