



**Legislative Bulletin.....January 24, 2012**

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**H.R. 2070 - World War II Memorial Prayer Act of 2011 (Johnson, R-OH)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, January 24, 2012, under a motion to suspend the rules and pass the legislation.

**Summary:** H.R. 2070 would instruct the Secretary of the Interior to install a plaque or inscription with the prayer that President Franklin D. Roosevelt prayed with the nation on June 6, 1944. This plaque or inscription will be placed at the World War II Memorial in the District of Columbia.

H.R. 2070 prohibits the Secretary to use federal funds to prepare or install the plaque.

**Additional Information:** President Roosevelt’s prayer from June 6, 1944, can be [viewed here](#).

**Committee Action:** H.R. 2070 was introduced on June 1, 2011, and 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 favorably reported, as amended, by unanimous consent.

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

**Cost to Taxpayers:** CBO estimates that implementing the legislation would have no significant impact on the federal budget. Based on information from the NPS, CBO estimates that the cost to maintain the inscription would be insignificant. Additionally, federal funds could not be used to prepare or install the inscription. CBO’s 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?:** [House Report 112-368](#) states that H.R. 2070 “contains no unfunded mandates.”

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited**

**Tariff Benefits?:** [House Report 112-368](#) states that H.R. 2070 “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. Johnson’s statement of constitutional authority states: “Congress has the power to enact this legislation pursuant to the following: The Congress enacts this bill pursuant to Article I, Section 1, clause 18 and pursuant to Article I, section 8, clause 18 and of the United States Constitution.” The statement can be [viewed here](#).

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**H.R. 290 - War Memorial Protection Act (Hunter, R-CA)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, January 24, 2012, under a motion to suspend the rules and pass the legislation.

**Summary:** H.R. 290 would allow for the inclusion of religious symbols at U.S. government established military memorials, and military memorials that the American Battle Monuments Commission cooperated in establishing.

This legislation does not authorize for appropriation any funding, and it does not require that any existing memorials be changed.

**Additional Information:** The American Battle Monuments Commission was established by Congress in 1923 and is an agency of the Executive Branch. More information can be [found here](#).

**Committee Action:** H.R. 290 was introduced on January 12, 2011, and referred to the House Natural Resources Subcommittee on National Parks, Forests and Public Lands. A full committee markup occurred on May 25, 2011, and the legislation was favorably reported by unanimous consent.

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

**Cost to Taxpayers:** CBO states “that there would be no costs associated with implementing H.R. 290.” CBO’s 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?:** [House Report 112-156](#) states that H.R. 290 “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?:** [House Report 112-156](#) states that H.R. 290 “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. Hunter’s statement of constitutional authority states: “The Constitutional authority for the War Memorial Protection Act is found in Section 3, clause 2 of Article IV, which states in part that ‘the Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory and other Property belonging to the United States.’ Constitutional authority is also found in Clause 18 of Article I, Section 8, which states that Congress has the authority to ‘make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.’” The statement can be [viewed here](#).

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## **H.R. 1022 - Buffalo Soldiers in the National Parks Study Act (*Speier, D-CA*)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, January 24, 2012, under a motion to suspend the rules and pass the legislation.

**Summary:** H.R. 1022 requires the Secretary of the Interior (via the National Park Service) to conduct a study and report to Congress. The report will analyze the role that Buffalo Soldiers played in our nation’s national parks.

The report will also include a feasibility study of constructing a national historic trail commemorating the route traveled by the Buffalo Soldiers from their post in the Presidio of San Francisco to Sequoia and Yosemite National Parks. The report will also include the identification of properties that could meet criteria for listing in the National Register of Historic Places or criteria for designation as National Historic Landmarks. This report is due within three years after funds are made available.

The legislation also contains a number of findings, including:

- “In the late 19th century and early 20th century, African-American troops who came to be known as the Buffalo Soldiers served in many critical roles in the western United States, including protecting some of the first National Parks;
- “Based at the Presidio in San Francisco, Buffalo Soldiers were assigned to Sequoia and Yosemite National Parks where they patrolled the backcountry, built trails, stopped poaching, and otherwise served in the roles later assumed by National Park rangers;
- “The public would benefit from having opportunities to learn more about the Buffalo Soldiers in the National Parks and their contributions to the management of National Parks and the legacy of African-Americans in the post-Civil War era; and

- “As the centennial of the National Park Service in 2016 approaches, it is an especially appropriate time to conduct research and increase public awareness of the stewardship role the Buffalo Soldiers played in the early years of the National Parks.”

**Potential Conservative Concerns:** The federal government is currently the largest landowner in the United States, owning more than 660 million acres. This equates to around 1/3 of the entire land mass of the United States. Many conservatives have advocated that the U.S. should own less land, not more.

Some conservatives may be concerned that this legislation is an introductory step to incorporating new land into the national park system. The legislation requires that the report to Congress include a feasibility study of “establishing a national historic trail commemorating the route traveled by the Buffalo Soldiers from their post in the Presidio of San Francisco to Sequoia and Yosemite National Parks and to any other National Parks where they may have served.” The distance from San Francisco to Yosemite National Park is approximately 200 miles.

Furthermore, the National Park Service has a maintenance backlog of around \$10.17 billion ([as of FY2009](#)). This legislation would require the NPS to divert existing resources to comply with the mandates of this legislation. This legislation does not contain an offset, or any other reduction to existing NPS responsibilities, to counteract the cost that the NPS would incur in order to carry out this legislation.

**RSC Bonus Fact:** The study will also ascertain the feasibility of identifying property that could be listed in the National Register of Historic Places as National Historic Landmarks. Under the Antiquities Act of 1906 (U.S.C. 431 et seq.) the President has the authority to create national monuments on land that is federally owned, and that contains historic landmarks.

**Committee Action:** H.R. 1022 was introduced on March 10, 2011, and referred to the House Natural Resources Subcommittee on National Parks, Forests and Public Lands. A full committee markup was held on June 15, 2011, and the legislation was favorably reported by unanimous consent.

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

**Cost to Taxpayers:** CBO estimates that conducting the study would cost about \$400,000 over the next three years. CBO’s report can be [viewed here](#).

**Does the Bill Expand the Size and Scope of the Federal Government?:** This legislation would require an additional study to be conducted by the National Park Service. This legislation could be viewed as a first step in creating a trail from San Francisco to Sequoia and Yosemite National Parks, which would be an increase in the size and scope of the federal government.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** [House Report 112-166](#) states H.R. 1022 “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?:** [House Report 112-166](#) states H.R. 1022 “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. Speier’s statement of constitutional authority states: “Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8: Congress shall have the power to regulate commerce among the states, and provide for the general welfare.” The statement can be [viewed here](#).

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## **H.R. 3800 - Airport and Airway Extension Act of 2012 (Mica, R-FL)**

**Order of Business:** H.R. 3800 is scheduled to be considered on Tuesday, January 24, 2012, under a motion to suspend the rules and pass the legislation.

**Summary:** H.R. 3800 will extend through February 29, 2012, certain authorities of the Federal Aviation Administration (FAA), which will expire on January 31, 2012, under current law. Aviation-related taxes that are used to finance the Airport and Airway Trust Fund currently expire on January 31<sup>st</sup>. The bill extends the taxes that are used to finance the Airport and Airway Trust Fund, including taxes on aviation fuel, domestic and international ticket taxes, and taxes on cargo shipped by air. The bill also extends the authority to use money from the Airport and Airway Trust Fund, into which revenue from those taxes are deposited for FAA programs for that same period.

H.R. 3800 authorizes \$1.4 billion for a five month period beginning on Oct. 1, 2011 through February 29, 2012. The bill allows for FY 2012 amounts to be available for obligation at any time up to September 30, 2012, and shall remain available until expended. The bill requires the FAA to extend, through February 29, 2012, the termination date of certain insurance policies under its aviation war-risk insurance program. The department also would be permitted to extend the termination date of such policies through May 31, 2012. It also extends, through May 31<sup>st</sup>, air carrier liability protection for third party claims arising out of acts of terrorism that exceed \$100 million. The legislation also extends the authority to make grants from the Airport and Airway Trust Fund and the federal government's 95% share of Airport Improvement Program project costs through February 29, 2012.

Lastly, H.R. 3800 extends a passenger facility fee pilot program at non-hub airports compatible land use planning and projects by state and local governments, funding for the Midway Island Airport, and grant eligibility for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau. It allows the FAA to approve airport development project grants for large or medium hub airports, and for the Metropolitan Washington Airports Authority, which oversees the Washington D.C. area airports, for an additional month.

### **Provisions Impacting Essential Air Service**

H.R. 3800 changes the Essential Air Service (EAS) and specifies that part of the appropriations for the program come out of the Airport and Airway Trust Fund. The legislation authorizes \$59.4 million from the trust fund for the first five months of FY 2012. The legislation authorizes the Essential Air Service program to receive \$50 million each fiscal year from administration accounts through over flight fees. The bill also authorizes \$2.49 million for the first five months of FY 2012 for the Small Community Air Service Development program. The Small Community Air Service Development program allows the Transportation Department to provide grants to small communities not receiving sufficient air carrier service. The legislation extends the ability of the Transportation Secretary, through February 29, 2012, to review and issue final orders on eligibility for Essential Air Service subsidies based on mileage from the nearest medium- or large-hub airport, for areas that have lost Essential Air Service subsidies and have requested review. This authority is set to expire Sept. 30, 2011. **Members may be concerned that the Essential Air Service program provides subsidies to airlines that serve rural and smaller communities where demand for airline service is often weak. This program pays up to 93% of the cost of flights that are in many cases nearly empty. The RSC Spending Reduction Act would eliminate the Essential Air Service Program.**

**Potential Conservative Concerns:** Conservatives have for years expressed concerns about the wastefulness and unfairness of the Essential Air Service and have proposed its elimination through many RSC Budget Resolutions and amendments.

**Background:** The last multi-year FAA reauthorization law, Vision 100--Century of Aviation Reauthorization Act (P.L. 108-176), was enacted in 2003. It was a four-year reauthorization, covering fiscal years 2004-2007. Since September 30, 2007, the FAA has been operating under a series of short-term extensions. This will be the twenty second extension to date.

**Committee Action:** H.R. 3800 was introduced by Rep. John Mica (R-FL) on 1/23/2012 and the legislation was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Mean.

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

**Cost to Taxpayers:** No Congressional Budget Office cost estimate is available.

**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?:** A committee report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available.

**Constitutional Authority:** According the author, "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8 of the United States Constitution, specifically Clause 1, Clause 3, and Clause 18."

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**H.Res. 516 — Expressing the sense of the House of Representatives that the passage of a fiscal year 2013 Federal budget is of national importance (Nugent, R-FL)**

**Order of Business:** The resolution is scheduled to be considered under a suspension of the rules on Tuesday, January 24, 2012.

**Summary:** H.Res. 516 resolves that it is the sense of the House of Representatives that:

- “The passage of a fiscal year 2013 Federal budget is of national importance.”

The legislation contains a number of findings, including:

- “The Congressional Budget Act of 1974 established the modern budgeting process;
- “The President is required to submit a budget to Congress each year;
- “The last time the House of Representatives passed a budget was on April 15, 2011;
- “The last time the Senate passed a budget was on April 29, 2009; and
- “People in the United States must routinely set budgets for themselves, their businesses, and their families.”

**Additional Background:** January 24, 2012 marks the 1,000<sup>th</sup> day without a budget from Senate Democrats.

The last time the Senate passed a budget, GM had not declared bankruptcy and the national debt was over \$4 trillion smaller than it is today. The Senate has taken over twice as long to pass a budget as the United States took to write, approve, and ratify the U.S. Constitution. More information can be found [here](#).

**Committee Action:** This bill was introduced on January 18, 2012, and referred to the House Committee on the Budget, which took no public action.

**Administration Position:** No Statement of Administration Policy is available at press time.

**Cost to Taxpayers:** There is no accompanying CBO report.

**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 any earmarks.

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

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