

H.R. 404—To authorize early repayment of obligations to the Bureau of Reclamation within the Northport Irrigation District in the State of Nebraska (Rep. Adrian Smith, R-NE)

CONTACT: NICHOLAS RODMAN, NICHOLAS.RODMAN@MAIL.HOUSE.GOV, 6-8576

FLOOR SCHEDULE: SCHEDULED FOR CONSIDERATION ON JUNE 1, 2015, UNDER A SUSPENSION OF THE RULES WHICH REQUIRES TWO-THIRDS MAJORITY FOR PASSAGE.

TOPLINE SUMMARY: [H.R. 404](#) would allow landowners within the Northport Irrigation District in Nebraska to repay the federal government, at any time, under its water contract with the Bureau of Reclamation.

CONSERVATIVE CONCERNS: There are no major substantive concerns.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS: The repayment is for the construction costs of project facilities allocated to the landowner's land within the district. Landowners who choose to repay their debt will no longer be subject to federal acreage limitations and paperwork requirements. Finally, once the landowner has repaid, the Secretary of the Interior will provide them with a certificate. The bill would stipulate that nothing modifies any contractual rights under the reclamation contract between the district and the United States, or any rights, obligations, or relationships between the district and landowners in the district under Nebraska State law.

COST: The Congressional Budget Office (CBO) [estimates](#) that enacting the legislation would have an insignificant effect on the federal budget. Because the legislation would affect direct spending, pay-as-you-go procedures apply. H.R. 404 would not affect revenues.

According to the committee report, Northport is one of four irrigation districts that receives water from the federal North Platte Project. Farmers Irrigation District, which owns and operates the Tri-State Canal, receives compensation through a carriage fee from Northport for allowing the water to be conveyed. In the event the carriage is more than \$8,000 per year (the annual carriage fees are between \$80,000 and \$100,000), Northport is not obligated to make its annual capital repayment to the federal government. Currently, the Northport Irrigation District is not making any payment to the bureau on the district's outstanding obligation of \$924,000.. Due to the outstanding debt, owners are subject to a 960-irrigated acre planting limitation and paperwork requirements that must be met prior to getting water each year. Current law prohibits landowners (such as

those in Northport) from making accelerated or lump sum payments to repay their portion of the capital repayment obligations owed to the federal government.

An identical bill ([H.R. 4562](#)) was introduced in the 113th Congress passed the House by voice vote on July 22, 2014. House report (H. Rept. 114-76) accompanying H.R. 404 can be found [here](#). The RSC's legislative bulletin for H.R. 4562 can be found [here](#).

COMMITTEE ACTION: This bill was introduced on January 16, 2015, and was referred to the House Committee Natural Resources.

ADMINISTRATION POSITION: No statement of administration policy is available.

CONSTITUTIONAL AUTHORITY: Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 18 of the United States Constitution

H.R. 533—To revoke the charter of incorporation of the Miami Tribe of Oklahoma at the request of that tribe, and for other purposes (Rep. Mullin, R-OK)

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FLOOR SCHEDULE: SCHEDULED FOR CONSIDERATION ON JUNE 1, 2015, UNDER A SUSPENSION OF THE RULES WHICH REQUIRES TWO-THIRDS MAJORITY FOR PASSAGE.

TOPLINE SUMMARY: [H.R. 533](#) would revoke the Miami Tribe of Oklahoma charter of incorporation, at the tribe's request.

CONSERVATIVE CONCERNS: There are no major substantive concerns.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS: The bill would revoke the tribe's charter of incorporation issued to that tribe and ratified by its members on June 1, 1940.

According to the committee report, the charter allows the tribe to create a federally chartered corporation with the power "to purchase, take by gift, or bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, including the power to purchase restricted Indian lands and to issue in exchange for therefore interests in corporate property, and such further powers as may be incidental to the conduct of corporate business." The tribe has requested that Congress revoke its charter. Though some tribes opt to run their business activities through corporate charters, the Miami Tribe has testified it has never used and does not intend to use its corporate charter because the tribe views it to be an outdated mode for conducting business.

COST: The Congressional Budget Office (CBO) [estimates](#) that implementing the legislation would have no effect on the federal budget. The tribe has not been operating under the charter for the last several decades. H.R. 533 would not affect direct spending or revenues, and pay-as-you-go procedures do not apply.

An identical bill ([H.R. 4002](#)) was introduced in the 113th Congress and passed the House by voice vote on June 23, 2014. House report (H. Rept. 114-77) accompanying H.R. 533 can be found [here](#). The RSC's legislative bulletin for H.R. 4002 can be found [here](#).

COMMITTEE ACTION: This bill was introduced on January 26, 2015 and referred to the House Committee on Natural Resources.

ADMINISTRATION POSITION: No statement of administration policy is available.

CONSTITUTIONAL AUTHORITY: Congress has the power to enact this legislation pursuant to the following: This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3: The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

H.R. 1168—Native American Children’s Safety Act (Rep. Cramer, R-ND)

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FLOOR SCHEDULE: JUNE 1, 2015 UNDER A SUSPENSION OF THE RULES WHICH REQUIRES TWO-THIRDS MAJORITY FOR PASSAGE.

TOPLINE SUMMARY: H.R. 1168 would amend the Indian Child Protection and Family Violence Prevention Act to require background checks before foster care placements are ordered in tribal court proceedings.

CONSERVATIVE CONCERNS: There are no substantive conservative concerns.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS: This bill would expand the background check requirements for people who hold tribal positions related to the foster care of Native American children. It would require background checks for all adults residing in the household of the foster care placement to ensure all individuals meet the standards of placement. Under current law, those checks are required only if the tribal agency receives federal funds.

This bill would also require each Indian tribe to establish certification procedures for homes or institutions in which foster care placements are made. The established procedures would ensure the safety of the home or institution for the child, and that all adults who reside in the home are subject to a criminal records check.

COST: The Congressional Budget Office (CBO) estimates that this legislation would have no significant effect on the federal budget. CBO estimates that promulgating the procedural guidance required by the legislation would cost less than \$500,000 over the 2015-2020 period, and would be subject to the availability of appropriated funds.

H.R. 1168 would impose an intergovernmental mandate because it would require tribal social services agencies to complete criminal records checks and to recertify existing foster homes and institutions periodically. The bill also would impose private-sector mandates by requiring individuals to submit to criminal records checks and requiring foster care homes and institutions to comply with recertification procedures.

According to the [committee report](#), there were reports of numerous reports of child abuse and neglect on the [Spirit Lake Reservation](#) in North Dakota, which stemmed from the tribe placing children in unlicensed foster homes where sex offenders were known to reside.

COMMITTEE ACTION: H.R. 1168 was introduced on February 27, 2015, by Representative Cramer. The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Indian, Insular and Alaska Native Affairs. On March 24, 2015, the Natural Resources Committee met to consider the bill, it was ordered favorably reported to the House of Representatives by unanimous consent on March 25, 2015.

ADMINISTRATION POSITION: No statement of administration policy is available at this time.

CONSTITUTIONAL AUTHORITY: According to the sponsor, Congress has the power to enact this legislation pursuant to the following: “Article 1, section 8, clause 3.”

H.R. 979—To designate a mountain in the John Muir Wilderness of the Sierra National Forest as “Sky Point” (Rep. McClintock, R-CA)

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FLOOR SCHEDULE: SCHEDULED FOR CONSIDERATION ON JUNE 1, 2015, UNDER A SUSPENSION OF THE RULES WHICH REQUIRES TWO-THIRDS MAJORITY FOR PASSAGE.

TOPLINE SUMMARY: [H.R. 979](#) would designate mountain in the John Muir Wilderness of the Sierra National Forest in California as “Sky Point.”

CONSERVATIVE CONCERNS: There are no major substantive concerns.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

COST: The Congressional Budget Office (CBO) [estimates](#) that enacting this legislation would have no significant effect on the federal budget.

DETAILED SUMMARY AND ANALYSIS: The bill would stipulate that any reference in a law, map, regulation, document, record, or other paper of the United States to the mountain would be considered to be a reference to “Sky Point.” The point would be named after Staff Sergeant [Sky Mote](#), USMC, grew up in El Dorado, California who was posthumously awarded the Navy Cross, a Purple Heart, the Navy-Marine Corps Commendation Medal.

House report (H. Rept. 114-81) accompanying H.R. 979 can be found [here](#).

COMMITTEE ACTION: This bill was introduced on February 13, 2015, and was referred to the House Committee Natural Resources.

ADMINISTRATION POSITION: No statement of administration policy is available.

CONSTITUTIONAL AUTHORITY: Congress has the power to enact this legislation pursuant to the following: Article IV, Section 3, Clause 2 (the Property Clause), which confers on Congress the power to make all needful Rules and Regulations respecting the property belonging to the United States.

H.R. 336— To direct the Administrator of General Services, on behalf of the Archivist of the United States, to convey certain Federal property located in the State of Alaska to the Municipality of Anchorage, Alaska (Rep. Young, R-AK)

CONTACT: MATT DICKERSON, MATTHEW.DICKERSON@MAIL.HOUSE.GOV, 6-9718

FLOOR SCHEDULE: H.R. 336 IS EXPECTED TO BE CONSIDERED ON JUNE 1, 2015, UNDER A MOTION TO SUSPEND THE RULES AND PASS THE BILL, WHICH REQUIRES A TWO-THIRDS MAJORITY VOTE FOR PASSAGE.

TOPLINE SUMMARY: This bill would authorize the transfer land owned by the National Archives in Anchorage, Alaska, to the City of Anchorage.

CONSERVATIVE CONCERNS: There are no substantive conservative concerns.

- **Expand** the Size and Scope of the Federal Government?: No
- **Encroach** into State or Local Authority?: No
- **Delegate** Any Legislative Authority to the Executive Branch?: No
- **Contain** Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No, according to the committee report.

COST: The Congressional Budget Office (CBO) [estimates](#) that H.R. 336 would have no significant effect on the federal budget.

DETAILED SUMMARY AND ANALYSIS: The bill would authorize the transfer, at fair market value, nine acres of land owned by the National Archives in Anchorage, Alaska, to the City of Anchorage.

COMMITTEE ACTION: H.R. 336 was introduced on January 13, 2015, and referred to the Transportation and Infrastructure Committee. The bill was marked up and reported by a voice vote on [April 15, 2015](#).

CONSTITUTIONAL AUTHORITY: “Congress has the power to enact this legislation pursuant to the following: Article IV, Section 3, Clause 2 and Article 1, Section 8, Clause 1.”

H.R. 944—To reauthorize the National Estuary Program (Rep. LoBiondo, R-NJ)

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FLOOR SCHEDULE: H.R. 944 IS EXPECTED TO BE CONSIDERED ON JUNE 1, 2015, UNDER A MOTION TO SUSPEND THE RULES AND PASS THE BILL, WHICH REQUIRES A TWO-THIRDS MAJORITY VOTE FOR PASSAGE.

TOPLINE SUMMARY: This bill would reauthorize the National Estuary Program.

CONSERVATIVE CONCERNS: There are no substantive concerns.

- **Expand** the Size and Scope of the Federal Government?: No.
- **Encroach** into State or Local Authority?: Some conservative may believe that the estuary programs would be more appropriately funded by state or local governments.
- **Delegate** Any Legislative Authority to the Executive Branch?: No
- **Contain** Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No, according to the committee report.

COST: The Congressional Budget Office (CBO) [estimates](#) that H.R. 944 would cost \$116 million over the 2016-2020 period, assuming appropriation of the authorized amounts.

DETAILED SUMMARY AND ANALYSIS: The bill would authorize the appropriation of \$27 million annually over the 2016-2020 period.

The National Estuary Program was established in 1987 and is administered by the Environmental protection Agency (EPA). Twenty-eight of the 130 estuaries in the U.S. are included.

COMMITTEE ACTION: H.R. 944 was introduced on February 12, 2015, and referred to the Transportation and Infrastructure Committee. The bill was marked up and reported by a voice vote on [April 15, 2015](#).

CONSTITUTIONAL AUTHORITY: “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8 of the United States Constitution.”

H.R. 1493—Protect and Preserve International Cultural Property Act (Rep. Engel, D-NY)

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FLOOR SCHEDULE: SCHEDULED FOR CONSIDERATION ON JUNE 1, 2015, UNDER A SUSPENSION OF THE RULES WHICH REQUIRES TWO-THIRDS MAJORITY FOR PASSAGE.

TOPLINE SUMMARY: [H.R. 1493](#) would require the Secretary of State to designate an existing employee at the assistant secretary level or above to serve concurrently as the United States Coordinator for International Cultural Property Protection.

CONSERVATIVE CONCERNS: There are no major substantive concerns.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

COST: The Congressional Budget Office (CBO) [estimates](#) that implementing the bill would cost less than \$500,000 over the 2016-2020 period, assuming the availability of appropriated amounts.

DETAILED SUMMARY AND ANALYSIS: According to the findings of the bill, “over the years, international cultural property has been looted, trafficked, lost, damaged, or destroyed due to political instability, armed conflict, natural disasters, and other threats.” In Syria, the ongoing civil war has resulted in the shelling of medieval cities, damage to five World Heritage Sites, and the looting of museums containing artifacts that date back more than six millennia. In Iraq and Syria, the Islamic State of Iraq and the Levant (ISIL) has destroyed numerous cultural sites and artifacts, such as the [Tomb of Jonah](#) in July 2014, in an effort to eradicate ethnic and religious minorities from contested territories. Cultural antiquities that escape demolition are looted and trafficked to help fund ISIL’s militant operations. In early 2015, ISIL destroyed the ancient sites of [Hatra, and Nimrud](#), as well as priceless artifacts in the [Mosul Museum](#). In May of 2015, ISIL took control of the [ancient ruins of Palmyra](#), putting the UNESCO World Heritage site in great peril.

The Coordinator for International Cultural Property Protection is directed to:

- coordinate and promote efforts to protect international cultural property, especially activities that involve multiple federal agencies;
- act as Chair of the Coordinating Committee on International Cultural Property Protection;
- resolve interagency differences;
- develop strategies to reduce illegal trade and trafficking in international cultural property in the United States and abroad, including by reducing consumer demand for such trade;
- support activities to assist countries that are the principle sources of trafficked cultural property to protect cultural heritage sites and to prevent cultural property looting and theft;
- work with and consult domestic and international actors such as foreign governments, intergovernmental organizations, nongovernmental organizations, museums, educational institutions, and research institutions to protect international cultural property; and
- submit an annual report to Congress.

H.R. 1493 would additionally establish Coordinating Committee on International Cultural Property Protection to coordinate and inform federal efforts to protect international cultural property and to facilitate the work of the coordinator. The committee would be chaired by the coordinator and comprised of members from the

Department of State, the Department of Defense, the Department of the Interior, the Department of Justice, the United States Agency for International Development, as well as the Smithsonian Institution.

The Secretary of State would also be required to submit a report to Congress for the next six years on the activities of: (1) the United States Coordinator and the Coordinating Committee on International Cultural Property Protection to protect international cultural property; (2) the Department of State to protect international cultural property; (3) the United States Agency for International Development (USAID) to protect international cultural property; (4) the Department of Defense to protect international cultural property, including activities under taken pursuant to the [Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict](#); and (5) the Department of Homeland Security and the Department of Justice, including the Federal Bureau of Investigation, to protect both international cultural property abroad and international cultural property located in, or attempted to be imported into the United States.

The bill would stipulate that any agency involved in international cultural property protection activities is authorized to enter into agreements or memoranda of understanding with the Smithsonian Institution to temporarily engage personnel from the Smithsonian Institution for the purposes of furthering international cultural property protection activities.

The bill would also direct the president to apply import restrictions with respect to any archaeological or ethnological material of Syria, to take effect not later than 120 days after the bill's enactment. The president may waive the import restrictions for specified cultural property if the president certifies to Congress that certain conditions have been met.

COMMITTEE ACTION: This bill was introduced on March 19, 2015, and was referred to the House Committee Foreign Affairs.

ADMINISTRATION POSITION: No statement of administration policy is available.

CONSTITUTIONAL AUTHORITY: Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 18 of the Constitution.

S. 802—Girls Count Act of 2015 (Sen. Rubio, R-FL)

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FLOOR SCHEDULE: SCHEDULED FOR CONSIDERATION ON JUNE 1, 2015, UNDER A SUSPENSION OF THE RULES WHICH REQUIRES TWO-THIRDS MAJORITY FOR PASSAGE.

TOPLINE SUMMARY: [S. 802](#) would authorize the Secretary of State and the Administrator of the United States Agency for International Development to provide assistance to support the rights of women and girls in developing countries.

CONSERVATIVE CONCERNS: There are no major substantive concerns.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

COST: The Congressional Budget Office (CBO) estimate is not available for S. 802. The CBO estimate for H.R. 3398 which passed in the 113th Congress is available [here](#).

DETAILED SUMMARY AND ANALYSIS: The secretary and the administrator are specifically authorized to:

- Support programs to improve Civil Registration and Vital Statistics Systems (CRVS) with a focus on birth registration;
- Support programs that build the capacity of developing countries' national and local legal and policy frameworks to prevent discrimination against girls in gaining access to birth certificates, particularly where this may help prevent exploitation, violence, and other abuse;
- Support programs and key ministries to increase property rights, social security, home ownership, land tenure security, inheritance rights, access to education, and economic and entrepreneurial opportunities, particularly for women and girls.

The Secretary of State is also mandated to coordinate with the World Bank, relevant United Nations agencies and programs to enact, implement, and enforce laws that specifically collect data on girls and establish registration and identification laws to ensure girls are active participants in the social, economic, legal and political sectors of society in their countries. The secretary and the Administrator of the United States Agency for International Development are also urged to work with United States, international and local private sector and civil society organizations to advocate for the registration and documentation of all girls and boys in developing countries to prevent exploitation, violence, and other abuses. The secretary and the administrator are mandated to include the following information in relevant evaluations and reports to Congress:

- United States foreign assistance and development assistance beneficiaries by age, gender, marital status, location, and school enrollment status;
- A description of how United States foreign assistance and development assistance benefits girls; and
- Specific information on programs that address the particular needs of girls.

The bill would expire five years after its enactment.

According to the findings of S. 802, even though most countries do have birth registration laws, nearly one-third of all children under the age of five worldwide have never had their births registered. Moreover, an estimated 45 percent of children under the age of five worldwide (about 290 million children) do not possess a birth certificate. The lack of birth registration among girls worldwide is particularly concerning as it exacerbates their disproportionate vulnerability to trafficking, child marriage, and lack of access to health and education services. It can also aggravate what in many places amounts to an already reduced ability to seek employment participate in civil society or purchase or inherit land and other assets.

A similar bill ([H.R. 3398](#)) was introduced in the 113th Congress and passed the House by voice vote on November 19, 2014. The RSC's legislative bulletin for H.R. 3398 can be found [here](#).

COMMITTEE ACTION: This bill was introduced on March 19, 2015 and was referred to the Senate Foreign Relations Committee. The bill was passed by the Senate on May 23, 2015, with an amendment by unanimous consent.

ADMINISTRATION POSITION: No statement of administration policy is available.

CONSTITUTIONAL AUTHORITY: Senate rules do not require the inclusion of a constitutional authority statement.

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