



Legislative Bulletin.....May 28, 2014

Contents:

- H.R. 3366 - Hermiston Reversionary Interest Release Act, as amended**
- H.R. 503 - National Desert Storm and Desert Shield War Memorial Act**
- S. 611 - Sandia Pueblo Settlement Technical Amendment Act**
- H.R. 2072 - Demanding Accountability for Veterans Act, as amended**
- H.R. 4261 - Gulf War Health Research Reform Act of 2014**
- H.R. 2942 - To amend title 38, United States Code, to reestablish the Professional Certification and Licensure Advisory Committee of the Department of Veterans Affairs**
- H.R. 2527 - To amend title 38, United States Code, to provide veterans with counseling and treatment for sexual trauma that occurred during inactive duty training**

H.R. 3366 – Hermiston Reversionary Lands Act (Walden, R-OR)

Order of Business: The bill is scheduled to be considered on May 28, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: [H.R. 3366](#) will provide for the release of the property interests retained by the United States to the State of Oregon for the establishment of the Hermiston Agricultural Research and Extension Center of Oregon State University. The land shall be lawfully released by the Director of Bureau and Land Management, acting on behalf of the Secretary of the Interior.

Additional Information: According to H. Rept. 113-402, “In 1954, the federal government conveyed the 290 acres affected by this legislation to the State of Oregon for the creation of the HAREC. The federal government retains a reversionary interest in the property and the property would return to federal ownership if it is not specifically used for agricultural research purposes. As the city of Hermiston continues to grow up around the HAREC, this reversionary interest denies OSU and the city the control and flexibility needed to efficiently manage the property and advance new agricultural research programs. Lifting the reversionary interest will advance the goals of the HAREC and OSU, benefit the local economy and create job opportunities to meet the demands of the growing region.”

Committee Action: The bill was introduced in the House on October, 29, 2013, and subsequently referred to the House Committee on Natural Resources. On November 1, 2013, the bill was referred to the Subcommittee on Public Lands and Environmental Regulation. On March 13, 2014 the bill was marked-up, and ordered to be reported. On April 4, 2014 the Committee on Natural Resources reported the following: H. Rept. [113-402](#), and the bill was placed on the Union Calendar, Calendar No. 296.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: The Congressional Budget Office estimates that “implementing the legislation would have no significant effect on the federal budget.” Please read the full report [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?: This bill contains no unfunded mandates.

Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: This bill 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: According to the sponsor, “Congress has the power to enact this legislation pursuant to the following: Article IV, 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).” Please read the Congressional record [here](#).

RSC Staff Contact: Andrew Cavazos, Andrew.Cavazos@mail.house.gov, (202) 226-4804.

H.R. 503 – National Desert Storm and Desert Shield War Memorial Act (Roe, R-TN)

Order of Business: The bill is scheduled to be considered on May 28, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: [H.R. 503](#) would “authorize the National Desert Storm Memorial Association to establish the National Desert Storm and Desert Shield Memorial as a commemorative work in the District of Columbia, and for other purposes.”

Additional Information: The bill would authorize the National Desert Storm Memorial Association to establish a memorial as a commemorative work on federal land in the District of Columbia, as an homage to those men and women of the armed forces who served on active duty in support of Operation Desert Storm or Operation Desert Shield.

The memorial will comply with the standards of the Commemorative Works Act.

Federal funds are prohibited to pay for any expense associated with the establishment of the memorial.

Committee Action: The bill was introduced on February 2, 2013, and referred to the House Committee on Natural Resources. On February 15, 2014, the bill was referred to the subcommittee on Public Lands and Environmental Regulation. On February 26, 2014 the subcommittee held hearing on the bill. On April 9, 2014 the subcommittee discharged the bill, considered the bill, held a mark-up, and ordered to be reported, as amended, by unanimous consent. The bill was reported (see H. Rept. [113-437](#)) and placed on the Union Calendar (Calendar No. 325) on May 6, 2014.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: According to the Congressional Budget Office [cost estimate](#), “Enacting the legislation would affect direct spending; therefore, pay-as-you-go procedures apply. However, CBO estimates that the net effect on the budget would not be significant in any year. Enacting H.R. 503 would not affect revenues.”

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?: No.

Constitutional Authority: According to the sponsor, “Congress has the power to enact this legislation pursuant to the following: The constitutional authority on which this bill rests is the power of Congress as stated in Article 1, Section 8, Clause 17 of the United States Constitution.” Congressman Roe’s statement in the Congressional Record can be viewed [here](#).

RSC Staff Contact: Andrew Cavazos, Andrew.Cavazos@mail.house.gov, (202) 226-4804

H.R. 4058 – Sandia Pueblo Settlement Technical Amendment Act (*Sen. Udall, D-NM*)

Order of Business: The bill is scheduled to be considered on May 28, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: [S. 611](#) makes a technical amendment to the T’uf Shur Bien Preservation Trust Area Act, and for other purposes.

Additional Information: According to the Senate report, “The T'uf Shur Bien Preservation Trust Area Act settled the Pueblo of Sandia's claim to the west face of Sandia Mountain, New Mexico. As part of the land settlement, the Act directed the U.S. Forest Service to prepare and offer a land exchange of approximately 700 acres of Forest Service land to the Pueblo, with title restrictions that the land transferred to the Pueblo would remain in its natural state and not subject to any commercial development. The Pueblo was to provide compensation to the Forest Service for the 700-acre land transfer.

Since the passage of the Act, the Forest Service has argued that the land to be transferred to the Pueblo should be appraised without title restrictions because the land use limitations mandated by the Act would take effect post-conveyance. In response to the Forest Service's interpretation, Congress acted to clarify its original intent by passing the Sandia Pueblo Land Exchange Technical Amendment in 2009 (P.L. 111-11). The amendment provided that the land use limitations on the lands to be transferred to the Pueblo be considered 'as a condition of conveyance,' rather than limitations that apply post-conveyance. Notwithstanding the passage of the 2009 technical amendment, there has been continued confusion about the Congressional intent on the matter of land valuation for transfer.

S. 611 states that in return for the 700-acre land exchange, the Pueblo of Sandia will 1) transfer 70 acres (the La Luz Tract) to the Forest Service; and 2) agree to a conservation easement and right-of-way on another 160 acre parcel (Piedra Lisa). In addition, S. 611 makes the exchange automatic if it is not completed within 30 days of the Act's enactment."

Committee Action: The bill was introduced in the Senate on March 19, 2013. On January 28, 2014 the Committee on Indian Affairs, reported by Sen. Cantwell with an amendment in the nature of a substitute (see report No. [113-136](#)). On March 12, 2014 the bill passed the Senate, with an amendment, by unanimous consent. On March 13, 2014, the bill was held on desk.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: The Congressional Budget Office estimates, "that implementing S. 611 would have no significant impact on the federal budget. Based on information provided by the Forest Service, CBO estimates that the cost of administering the land transfers would be minimal. Enacting S. 611 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply." Please read the full report [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?: S. 611 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would benefit the Pueblo of Sandia.

Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: No Constitutional authority statement could be found on S. 611; however, a companion bill (H.R. 3605) cites, "Congress has the power to enact this legislation pursuant to the following: Article One of the United States Constitution, located at section 8, clause 18."

RSC Staff Contact: Andrew Cavazos, Andrew.Cavazos@mail.house.gov, (202) 226-4804.

**H.R. 2072 - Demanding Accountability for Veterans Act, as amended—
(Benishek-MI, R)**

Order of Business: [H.R. 2072](#) is scheduled to be considered on May 27, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: This bill increases the accountability of the Secretary to the Inspector General (IG) at the Department of Veterans Affairs (VA). In the event the IG determines the Secretary has not responded with significant progress to a covered report, the IG will contact the Committees on Veterans' Affairs in the House and Senate about the failure to respond, and then the Secretary will submit to the IG a list of names (not to be made public) of each responsible manager and their action plan. The Secretary will then notify each manager and direct them to resolve the identified issues as well as provide the manager with appropriate counseling and a mitigation plan. During a manager's performance review, it will be required to include an evaluation of whether the manager took appropriate actions to respond to the covered issue. A bonus or award may not be given if the manager failed to mitigate the identified issues.

In addition, this bill gives the Secretary the authority for a three year period, beginning on October 1, 2014, to enter into a contract or agreement with a certified medical foster home to pay for long-term care for certain veterans already eligible for VA-paid nursing home care. A medical foster home is a home designed to provide non-institutional, long-term care for veterans who are unable to live independently.

This bill amends the conditions of the per diem payments made for furnishing services to homeless veterans. It requires for a payment to be provided, the facility where the entity provides housing or services must be in compliance with codes relevant to the operations and level of care provided.

This bill also extends through October 1, 2018, [loan guaranty fees](#) for certain subsequent loans. These fees reduce the subsidy cost associated with VA's guaranty of mortgage loans and have typically been viewed as a reasonable cost to the benefit gained by having VA guarantee a mortgage loan. Such fees can also be rolled into the principal of the loan.

Finally, this bill extends the authority of the Secretary to obtain certain information, such as income verification, from the Secretary of the Treasury or the Commissioner of Social Security through May 31, 2017. This authority was set to expire on September 30, 2016.

Committee Action: H.R. 2072, the Demanding Accountability for Veterans Act of 2013, was introduced by Representative Benishek on May 21, 2013, and was referred to the House Committee on Veterans' Affairs. It was subsequently referred to the Subcommittee on Health where a mark-up was held and the bill passed by voice vote. On August 1, 2013, the full committee held a [mark-up](#) and the bill passed, as amended, by voice vote. In addition to H.R. 2072, the amended version of the bill reflects the Committee's consideration of several bills introduced during the 113th Congress.

Read the committee report [here](#).

Administration Position: No statement of administrative policy is available at this time.

Cost to Taxpayers: We do not currently have an update CBO score for the amended version of this bill.

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 Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: H.R. 2072, as amended, does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

Constitutional Authority: According to the sponsor, “Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8 of the United States Constitution.” Read the statement [here](#).

RSC Staff Contact: Rebekah Armstrong, Rebekah.Armstrong@mail.house.gov, 202-226-0678

H.R. 4261 - Gulf War Health Research Reform Act of 2014 — (Coffman- CO, R)

Order of Business: [H.R. 4261](#) is scheduled to be considered on May 27, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: This bill makes improvements to the Research Advisory Committee on Gulf War Veterans’ Illnesses (the Committee) by ensuring the Committee is an independent advisory committee which provides advice and counsel to Congress and the Secretary. The Committee will have independent control of the budget allocations, staffing levels and expenditures and other management functions. They will provide to Congress, the Secretary and other heads of departments advice on proposed research studies, plans and strategies relating to the health consequences of military service in Southwest Asia. The Committee will not conduct their own scientific research, rather they have the goal of improving the health of ill Gulf War veterans and they will assess the overall effectiveness of the research conducted by the federal government. No later than December 1 of each year, the Committee will submit a report to Congress summarizing their activities. These reports will not be subject to the review or approval of the Secretary. The Committee will be comprised of 12 members and will meet at least twice every year. Funding for Committee activities will be derived from amounts appropriated to the VA for these purposes.

In conducting these studies, the Secretary will ensure that each is conducted in a manner that animal studies are considered to the same extent in all respect as human studies.

Finally, the bill contains five different Sense of Congress provisions, some of which include:

- The Secretary should conduct an additional follow-up study of a national cohort of Gulf War and Gulf-War-Era veterans.
- A study on the risk of developing multiple sclerosis, Parkinson's disease, brain cancers and other conditions.
- The Secretary should seek to enter into an agreement with the Institute of Medicine to carry out several reviews of Gulf War illness.
- A notification of undue influence or attempted influence which could alter the outcome of a report or study.

Additional Background: The Research Advisory Committee on Gulf War Veterans' Illnesses was created by Congress in 1998, and first appointed by Secretary of Veterans Affairs Anthony J. Principi in January, 2002. The [mission](#) of the Committee is to make recommendations to the Secretary of Veterans Affairs on government research relating to the health consequences of military service in the Southwest Asia theater of operations during the Persian Gulf War. The Committee is charged with reviewing previous medical research and other relevant medical knowledge, and with making recommendations for future research. The charter directs that the fundamental standard against which the Committee should measure research opportunities is whether the research will make a difference to the health of ill veterans.

Some [reports](#) have noted that in the past year the VA has minimized and possibly interfered with the work of the Committee. [Testimony](#) provided to the committee also indicated the VA's involvement in misleading research.

Committee Action: This bill was introduced on March 14, 2014, by Representative Coffman and referred to the House Committee on Veterans' Affairs. It was then referred to the Subcommittee on Health and the Subcommittee on Oversight and Investigations. On March 25, 2014, the Subcommittee on Oversight and Investigations held a legislative [hearing](#).

Administration Position: No statement of administrative policy is available at this time.

Cost to Taxpayers: No CBO score is available at this 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.

Constitutional Authority: According to the sponsor, "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8." Read the statement [here](#).

RSC Staff Contact: Rebekah Armstrong, Rebekah.Armstrong@mail.house.gov, 202-226-0678

H.R. 2942 - To amend title 38, United States Code, to reestablish the Professional Certification and Licensure Advisory Committee of the Department of Veterans Affairs — (Kirkpatrick-AZ,D)

Order of Business: [H.R. 2942](#) is scheduled to be considered on May 27, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: This bill reestablishes the Professional Certification and Licensure Advisory Committee of the Department of Veterans Affairs (VA) through December 31, 2019. This committee previously terminated on December 31, 2006. In addition, it allows the Secretary to appoint new members to the Committee without regard to the individuals who served before.

Additional Background: The purpose of the Committee would be to advise the Secretary of the requirements of organizations or entities offering licensing and certification tests to individuals receiving VA education benefits and other related issues as the Committee determines to be appropriate.

Committee Action: This bill was introduced by Representative Kirkpatrick on August 1, 2013, where it was then referred to the House Committee on Veterans' Affairs. It was then referred to the Subcommittee on Economic Opportunity where a legislative [hearing](#) was held on March 25, 2014.

Administration Position: No statement of administrative policy is available at this time.

Cost to Taxpayers: No CBO score is available at this time.

Does the Bill Expand the Size and Scope of the Federal Government?: This bill reestablishes a previous advisory committee which had terminated at the end of 2006.

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

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: No.

Constitutional Authority: According to the sponsor, "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 18, "The Congress shall have Power To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof." Read the statement [here](#).

RSC Staff Contact: Rebekah Armstrong, Rebekah.Armstrong@mail.house.gov, 202-226-0678

H.R. 2527 - To amend title 38, United States Code, to provide veterans with counseling and treatment for sexual trauma that occurred during inactive duty training— (Titus- NV, D)

Order of Business: [H.R. 2527](#) is scheduled to be considered on May 27, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: This bill extends a Department of Veterans Affairs (VA) program which provides counseling and appropriate care and services to overcome psychological trauma which resulted from a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment to those who experienced such trauma during inactive duty training. Current authority covers only sexual trauma that a Veteran experienced while serving on active duty or active duty for training. This bill defines the term “Veteran,” with respect to inactive duty training described in section 1720D(a)(1), as amended by the bill, to include an individual who is not eligible for VA health care benefits (under 38 U.S.C. chapter 17), and who, while serving in the reserve components of the Armed Forces, performed such inactive duty training but did not serve on active duty.

Additional Background: Currently, there is a gap in eligibility for military sexual trauma-related counseling and care. This occurs when a sexual trauma occurs during weekend drill trainings for members of the National Guard or Reserves since they are considered inactive duty training. The VA currently lacks the authority to treat these specific Veterans from conditions resulting from that trauma.

Committee Action: This bill was introduced by Representative Titus on June 6, 2013, where it was then referred to the House Committee on Veterans’ Affairs. It was then referred to the Subcommittee on Health where a legislative [hearing](#) was held on March 27, 2014.

Outside Groups:
[Servicewomen’s Action Network](#)

Administration Position: No statement of administrative policy is available at this time.

Cost to Taxpayers: No CBO score is available at this time.

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

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: No.

Constitutional Authority: According to the sponsor, “Congress has the power to enact this legislation pursuant to the following: The bill is enacted pursuant to the power granted to Congress under Article I, Section 8; Amendment XVI, of the United States Constitution.” Read the statement [here](#).

RSC Staff Contact: Rebekah Armstrong, Rebekah.Armstrong@mail.house.gov, 202-226-0678

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