

Legislative Bulletin.....December 3, 2013

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H.R. 1095 — TSA Loose Change Act — (Miller, R-FL)

Order of Business: [H.R. 1095](#) is scheduled to be considered on December 3, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: This bill transfers all unclaimed money that has been retained by the Transportation Security Administration (TSA) at security checkpoints to nonprofit organizations which provide certain-travel related assistance, such as places which provide a place of rest and recuperation to military personnel and their families. This bill establishes a request for proposal process to select each nonprofit organization. In addition, the names of all nonprofits who receive funds under this bill would have their name printed in the Federal Register.

Additional Background: Under current law, the TSA has the authority to retain and spend any unclaimed money left at security checkpoints. These unclaimed funds are spent on activities relating to aviation safety. TSA estimates about \$500,000 are left unclaimed at security checkpoints each fiscal year.

Committee Action: This bill was referred to House Homeland Security Committee Subcommittee on Transportation Security. The full committee held a markup on this bill on October 29, 2013, and H.R. 1095 (as amended) passed by voice vote.

Administration Position: No Statement of Administrative Position was available at this time.

Cost to Taxpayers: [CBO](#) does not expect this change would have a significant net impact on the budget in any given year.

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?: No.

Constitutional Authority: According to the sponsor, “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8 of the United States Constitution.”

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H.R. 2719 — The Transportation Acquisition Security Reform Act (Hudson, R-NC)

Order of Business: [H.R. 2719](#) is scheduled to be considered on December 3, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: **Summary:** H.R. 2719 creates a new framework for the Transportation Security Administration’s (TSA) security-related technology acquisition policies and procedures. This bill establishes a multi-year, strategic investment plan which includes defined objectives, goals and measures for all planned technology projects and plans. Also included in the plan will be analysis of current trends in passenger travel, security technologies that are becoming outdated, identification of partnerships and collaboration with third parties, workforce needs, resources to protect security-related technology, and ways to streamline the acquisition process.

This bill requires the TSA to conduct analysis before it implements any security-related technology acquisition in order to determine if the acquisition is justified. If the contract exceeds \$30 million, the TSA is required to submit this report to relevant committees in both the House and Senate. This report would have to include the type and level of risk the acquisition would address and how it is in line with the multi-year technology investment plan. In addition, it would be required to include cost-benefit analysis as well as alternative solutions to closing security gaps. Finally, all acquisitions must not pose significant risks to human health and safety.

This bill also establishes certain baseline requirements created by the Department of Homeland Security (DHS) which are set prior to implementing any security-related technology acquisition which includes cost estimates, milestones, feasibility and risk assessment. TSA would be required to report to the House Homeland Security Committee and Senate Committee on Commerce, Science and Transportation if actual costs exceed baseline costs by more than 10 percent; delivery date has been delayed by more than 180 days or if there is a failure of achieving milestones that impact security effectiveness.

In addition, this bill requires TSA to use existing inventory instead of procuring additional equipment as well as create processes to track the utilization of inventory and the quantity of such inventory. It also requires several reports to Congress which include: a report from the Comptroller General to report on TSA's progress regarding the acquisition of technology, the Administrator of TSA on the feasibility of tracking transportation security-related technology and the GAO on the test and evaluation process.

Additional Background: There have been reports from the [GAO](#) which found the TSA is not following DHS' acquisition process including Government best practices. The failure to follow protocol has resulted in TSA acquisitions which have not met performance objectives and have wasted Federal dollars.

Committee Action: The Committee on Homeland Security met on October 29, 2013, and ordered the measure to be reported to the House with a favorable recommendation, amended, by voice vote.

Outside Groups: According to the Committee report, they have received letters of support for H.R. 2719 from: The U.S. Travel Association; Airports Council International-North America; the Security Industry Manufacturers Coalition; the General Aviation Manufacturers Association; and the Security Industry Association.

Administration Position: No Statement of Administrative Position was available at this time.

Cost to Taxpayers: [CBO](#) estimates that implementing H.R. 2719 would have no significant cost. Enacting H.R. 2719 would not affect direct spending or 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 Any 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: Article I, section 8, clause 1; and Article I, section 8, clause 18 of the Constitution of the United States."

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H.R. 1204 — Aviation Security Stakeholder Participation Act of 2013 *(Thompson, D-MS)*

Order of Business: [H.R. 1204](#) is scheduled to be considered on December 3, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: H.R. 1204 creates an advisory committee known as the Aviation Security Advisory Committee within the TSA. The Assistant Secretary would consult with the advisory committee on aviation security matters including the development and implementation of policies, programs and rulemaking. In turn, the advisory committee would develop recommendations and improvements for aviation security and submit reports to the Assistant Secretary.

The advisory committee members would be appointed by the Assistant Secretary and consist of individuals representing no more than 32 member organizations. These members will not receive pay or benefits from the Federal Government.

Within the advisory committee it would be comprised of the air cargo security subcommittee, general aviation security subcommittee, perimeter security subcommittee, and risk-based subcommittee.

Major Changes Since the Last Time This Legislation was Before the House: H.R. 1447, the Aviation Security Stakeholder Participation Act of 2011, [passed](#) the House on June 28, 2012, by voice vote.

There were very minimal changes made since the passage of H.R. 1447. Changes include the addition of the risk-based subcommittee and the security-technology subcommittee.

Additional Background: TSA currently operates the Aviation Security Advisory Committee (ASAC) which was chartered in 1989 and comprised of private sector organizations. On June 11, 2013, it was [announced](#) in the Federal Register that the charter for the ASAC would be renewed. This bill authorizes the ASAC into law.

Committee Action: H.R. 1204 was referred to the House Committee on Homeland Security and then referred to the Subcommittee on Transportation Security. On July 24, the Subcommittee held a markup where it was favorably reported (as amended) by voice vote. On October 29, the Full Committee held a mark-up and the bill was reported out favorably reported (as amended) by voice vote.

Administration Position: No Statement of Administrative Position was available at this time.

Cost to Taxpayers: [CBO](#) estimates that implementing H.R. 1204 would have no significant additional cost and would not affect direct spending or receipts.

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.

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

Constitutional Authority: According to the sponsor, “No Statement of Administrative Position was available at this time.”

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NOTE: *RSC Legislative Bulletins are for informational purposes only and should not be taken as statements of support or opposition from the Republican Study Committee.*

H.R. 3626 - To extend the Undetectable Firearms Act of 1988 for 10 years (Coble, R-NC)

Order of Business: The legislation is scheduled to be considered on December 3, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: [This legislation](#) extends the Undetectable Firearms Act of 1988 ([P.L. 100-649](#)) for ten more years. The law is currently set to expire on December 9, 2013.

Additional Information: The Undetectable Firearms Act of 1988, also known as the “plastic gun” legislation, prohibits the manufacture, importation, possession, transfer, or receipt of firearms that are undetectable by metal detectors and imaging devices at security checkpoints. The regulated components of “firearms” do not include removable grips, stocks, and magazines under current law. The original legislation had a 10-year sunset provision and has since been extended for an additional five years in 1998 and another 10 years in 2003.

Outside Groups:

This legislation is opposed by the following groups:

- Gun Owners of America
- National Association for Gun Rights.

**This list is not exhaustive and does not represent an endorsement by the RSC.*

Committee Action: No Committee action was taken for this legislation.

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

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

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 contains no earmarks, limited tax benefits, or limited tariff benefits.

Constitutional Authority: According to the sponsor, “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 3 of the United States Constitution.” Rep. Coble’s statement in the Congressional Record can be [viewed here](#).

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H.R. 255 - To amend certain definitions contained in the Provo River Project Transfer Act for purposes of clarifying certain property descriptions (Chaffetz, R-UT)

Order of Business: The legislation is scheduled to be considered on December 3, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: H.R. 255 amends certain definitions with the Provo River Project Transfer Act (described below). Amending these definitions would have the effect of directing the Secretary of the Interior to transfer the water conveyance facility (known as the Provo Reservoir Canal) and all associated bridges, fixtures, structures, facilities, lands to the Provo River Water Users Association.

Additional Information: The Provo River Water Users Association is a nonprofit corporation in Pleasant Grove, Utah.

In 2004, Congress passed the Provo River Project Transfer Act, which became P.L. 108-382. According to the Committee, this was meant to transfer title of the Provo Reservoir Canal from the federal government to the Provo River Water Users Association. However, an agreement on the terms of title transfer could not be reached between various local parties. However, the PRC enclosure project was eventually completed using a combination of financial sources. Due to the enclosure of the PRC prior to execution of the title transfer, the Bureau of Reclamation contends that the definition of ‘canal’ in current law is no longer legally sufficient to convey what is now a piped PRC. Amending the definition of the PRC to reflect its enclosure will allow for the completion of the title transfer originally intended in federal law.

Committee Action: H.R. 255 was introduced on January 15, 2013, and was referred to the House Natural Resources Subcommittee on Water and Power. The subcommittee discharged the legislation. A full committee [markup was held](#) on July 31, 2013, and the legislation was favorably reported by unanimous consent.

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

Cost to Taxpayers: CBO estimates that enacting the legislation would result in a net reduction in direct spending of about \$400,000 over the 2014-2018 period and \$100,000 over the 2014-2023 period. 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?: According to CBO, H.R. 255 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 Contain 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 1, Section 8, Clause 2.” Rep. Chaffetz’s statement in the Congressional Record can be [viewed here](#).

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H.R. 2388 - To authorize the Secretary of the Interior to take certain Federal lands located in El Dorado County, California, into trust for the benefit of the Shingle Springs Band of Miwok Indians (McClintock, R-CA)

Order of Business: The legislation is scheduled to be considered on December 3, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: H.R. 2388 would take approximately 40.852 acres of land into a trust for the benefit of the Shingle Springs Band of Miwok Indians. This land is currently federal land that is managed by the Bureau of Land Management and is located in El Dorado County, California. The legislation prohibits Class II and Class III gaming (known as gambling) from taking place at any time on these lands.

Committee Action: H.R. 2388 was introduced on June 14, 2013, and was referred to the House Natural Resources Subcommittee on Public Lands and Environmental Regulation, as well as the Subcommittee on Indian and Alaska Native Affairs. The subcommittees discharged the legislation.

A full committee [markup was held](#) on July 31, 2013, and the legislation was favorably reported, as amended, by unanimous consent.

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

Cost to Taxpayers: CBO estimates that implementing H.R. 2388 would have no significant impact on the federal budget because the cost of administering the lands would not change significantly. 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. 2388 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

Does the Bill Contain 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:

- 1) U.S. Constitution, Article IV, Section 3, Clause 2 (the Property Clause), which confers on Congress the authority over lands belonging to the United States, including the placement of such lands into trust for Native American Tribes.
- 2) U.S. Constitution, Article I, Section 8, Clause 3 (the Commerce Clause) and U.S. Constitution, Article II, Section 2 (the Treaty Clause), which confer on Congress plenary authority over Native American affairs.”

Rep. McClintock’s statement in the Congressional Record can be [viewed here](#).

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H.R. 1963 - Bureau of Reclamation Conduit Hydropower Development Equity and Jobs Act, as amended (Daines, R-MT)

Order of Business: The legislation is scheduled to be considered on December 3, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: H.R. 1963 allows the Secretary of the Interior to enter into certain hydropower generation leases at location that is governed by the Water Conservative and Utilization Act (WCUA). The legislation allows revenues from the sale of hydropower to be credited to the generating facility.

The Bureau of Reclamation is directed to apply their categorical exclusion process, under the National Environmental Policy Act, to small conduit hydropower development under this act. The legislation states that it does not obligate the Western Area Power Administration or the Bonneville Power Administration to purchase or market any of the power produced by the facilities that are covered under this legislation.

Additional Information: Similar legislation, H.R. 678 from this Congress, passed the House on April 4, 2013, by a [roll call vote of 416-7](#), passed the Senate by unanimous consent on August 1, 2013, and became public law 113-24. The RSC Legislative Bulletin for H.R. 678 can be [viewed here](#).

Committee Action: H.R. 1963 was introduced on May 14, 2013, and was referred to the House Natural Resources Subcommittee on Water and Power. The subcommittee discharged the

legislation. A full committee [markup was held](#) on July 31, 2013, and the legislation was favorably reported, as amended, by unanimous consent.

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

Cost to Taxpayers: CBO estimates that enacting the bill would have an impact on direct spending. However CBO estimates such effects would not be significant. Enacting the legislation would not affect revenues or discretionary spending. 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?: According to CBO, H.R. 1963 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 Contain 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 of the Constitution of the United States." Rep. Daines' statement in the Congressional Record can be [viewed here](#).

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H.R. 1241 - To facilitate a land exchange involving certain National Forest System lands in the Inyo National Forest (Cook, R-CA)

Order of Business: The legislation is scheduled to be considered on December 3, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: H.R. 1241 allows the Secretary of Agriculture the ability to exchange certain land with the Inyo National Forest, within the National Forest System in California, with certain non-federal lands in California that are outside the boundaries of the Inyo National Forest. The legislation also allows the Secretary to receive a cash payment to equalize the values of any acreage that is exchanged.

According to CBO, this legislation would apply to 20 acres of federal land within the Inyo National Forest in California.

Committee Action: H.R. 1241 was introduced on March 18, 2013, and was referred to the House Natural Resources on Public Lands and Environmental Regulation. The subcommittee

discharged the legislation. A full committee [markup was held](#) on April 24, 2013, and was favorably reported by unanimous consent.

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

Cost to Taxpayers: CBO estimates that implementing the legislation would increase offsetting receipts and associated direct spending. However, CBO expects that those changes would have no net impact on the deficit over the 2014-2023 period. 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?: According to CBO, H.R. 1241 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 Contain 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." Rep. Cook's statement in the Congressional Record can be [viewed here](#).

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H.R. 1846 - To amend the Act establishing the Lower East Side Tenement National Historic Site (*Velazquez, D-NY*)

Order of Business: The legislation is scheduled to be considered on December 3, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: H.R. 1846 would expand the boundaries of the Lower East Side Tenement Historic Site to include 103 Orchard Street in New York City.

The current boundaries of the Lower East Side Tenement Historic Site are limited to 97 Orchard Street in New York City.

Additional Information: According to CBO, the Lower East Side Tenement Historic Site was established in 1998 and is owned and operated by the Lower East Side Tenement Museum, a nonprofit organization authorized to receive technical and financial assistance from the National Park Service (NPS). In recent years, NPS has provided about \$250,000 annually in assistance to the museum.

According to the Lower East Side Tenement Museum, their mission is to preserve and interpret “the history of immigration through the personal experiences of the generations of newcomers who settled in and built lives on Manhattan's Lower East Side, America's iconic immigrant neighborhood; forges emotional connections between visitors and immigrants past and present; and enhances appreciation for the profound role immigration has played and continues to play in shaping America's evolving national identity.” More information can be [found here](#).

Committee Action: H.R. 1846 was introduced on March 18, 2013, and was referred to the House Natural Resources Subcommittee on Public Lands and Environmental Regulation. The subcommittee discharged the legislation. A full committee [markup was held](#) on October 30, 2013. An amendment by Rep. Bishop (R-UT) was agreed to by unanimous consent. The legislation was then favorably reported, as amended, by unanimous consent.

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

Cost to Taxpayers: In recent years, NPS has provided about \$250,000 annually in assistance to the museum. Based on information provided by NPS, CBO estimates that implementing H.R. 1846 would not significantly increase that assistance and would have no significant impact on the federal budget. 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?: According to CBO, H.R. 1846 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 Contain 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 of the Constitution of the United States grant Congress the authority to make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.’” Rep. Velazquez's statement in the Congressional Record can be viewed here.

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H.R. 2650 - Fond du Lac Band of Lake Superior Chippewa Non-Intercourse Act of 2013 (Nolan, D-MN)

Order of Business: The legislation is scheduled to be considered on December 3, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: H.R. 2650 allows the Fond du Lac Band of Lake Superior Chippewa in the State of Minnesota the option to lease, sell, convey, warrant, or transfer any portion of the interest of the tribe that is not held in a trust by the U.S. for the benefit of the tribe.

According to House Report 113-194, the bill “ensures that the Non-intercourse Act (25 U.S.C. 177) does not interfere with the ability to lease, buy, or sell fee-land owned by the tribe.”

Committee Action: H.R. 2650 was introduced on July 10, 2013, and was referred to the House Natural Resources Subcommittee on Indian and Alaska Native Affairs. The subcommittee discharged the legislation. A full committee [markup was held](#) on July 31, 2013, and the legislation was favorably reported by unanimous consent.

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

Cost to Taxpayers: CBO estimates that implementing the legislation would have no impact on the federal budget because the legislation would not affect tribal trust lands. 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?: According to CBO, H.R. 2650 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

Does the Bill Contain 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 1, Section 8, Clause 3 of the United States Constitution vests Congress with the authority to engage in relations with the tribes. The clause states that the United States Congress shall have power ‘to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.’” Rep. Nolan’s statement in the Congressional Record can be [viewed here](#).

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