THE REPUBLICAN STUDY COMMITTEE
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Legislative Bulletin……..……..……September 15, 2014

Contents:

H.R. 4771— Designer Anabolic Steroid Control Act of 2014 (Pitts, R- PA)

Order of Business: H.R. 4771 is scheduled for consideration on September 15, 2014, under a suspension of the rules, which requires a two-thirds majority vote for passage.

Summary: This bill amends the Controlled Substances Act to expand the list of anabolic steroids that can now be regulated by the Drug Enforcement Agency. In addition, a drug or hormonal substance that is not listed, but is derived from or has a similar chemical structure to one or more of the anabolic steroids listed will be considered an anabolic steroid if certain conditions under this bill are met. These conditions include:

- Promotes muscle growth;
- Causes a pharmacological effect similar to that of testosterone; or,
- It is intended to be marketed in a manner suggesting it will promote muscle growth

This bill also details the circumstances in which the substance will not be considered a drug or hormonal substance.

This bill gives the Attorney General the authority to temporarily (up to 24 months) add a drug or substance to the definition of anabolic steroids.

The bill adds new labeling requirements related to the false labeling of anabolic steroids making it unlawful to import, export, manufacture, distribute, or dispense an anabolic steroid unless the product bears a label identifying it as an anabolic steroid by the nomenclature used by the International Union of Pure and Applied Chemistry.

Finally, the Attorney General may collect data and analyze products to determine whether they contain anabolic steroids and are properly labeled. The Attorney General may then publish a list of products the Attorney General has determined contain an anabolic steroid and are not labeled in accordance with the Act.

Additional Background: The Controlled Substances Act is the statutory framework for how the federal government regulates controlled substances. The law categorizes substances, including plants, drugs, and chemicals (including anabolic steroids) in one of five schedules based on their use, potential for abuse, and safety or dependence liability.

Unlike some controlled substances such as oxycodone, anabolic steroids can be disguised as legal products like dietary supplements. Although listed as a Schedule III substance, chemists are finding ways to design new products that circumvent the list of regulated substances. These "designer anabolic steroids" are chemically different from those on the list; however, they have the same pharmacological effect. In addition, the DEA is unable to take enforcement action against those who manufacture or distribute the designer steroids. This bill makes it easier for the DEA to identify and pursue those who produce and sell these products.

Committee Action: This bill was introduced by Representative Pitts on May 29, 2014, and Referred to the Committee on Energy and Commerce, and the Committee on the Judiciary. On June 19, 2014, the Energy and Commerce Subcommittee on Health held a mark-up and the bill was forwarded to the full committee by voice vote. On July 14, 2014, the full committee held a mark-up and the bill was voted out, as amended, by voice vote.

The House Judiciary Committee held a mark-up on September 10, 2014, and reported the bill, as amended, by voice vote.

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

Cost to Taxpayers: CBO estimates that implementing H.R. 4771 would have no significant costs to the federal government. Enacting the bill could affect direct spending and revenues; therefore, pay-as-you-go procedures apply. However, CBO estimates that any effects would be insignificant for each year.

Does the Bill Expand the Size and Scope of the Federal Government?: This bill gives the Attorney General the authority to issue a temporary order to add a drug or other substance to the definition of anabolic steroids.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: H.R. 4771 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

H.R. 4771 would impose private-sector mandates, as defined in UMRA, on manufacturers, sellers, importers, exporters, distributors, and consumers of products that contain certain chemical compounds that would be defined as anabolic steroids. CBO estimates that the cost of complying with those mandates would probably exceed the annual threshold established in UMRA for private-sector mandates ($152 million in 2014, adjusted annually for inflation).

The bill also would impose a mandate on importers, exporters, manufacturers, and distributors by requiring that any anabolic steroid or product containing an anabolic steroid be labeled as such, using the nomenclature of the International Union of Pure and Applied Chemistry. The cost of the mandate would probably be small.

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

Does the Bill Delegate Any Legislative Authority to the Executive Branch?:
Constitutional Authority: According to the sponsor, "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 3, which states that Congress shall have the power ``to regulate commerce with foreign nations, and among the several states." Read the statement here.

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S. 2154 — Emergency Medical Services for Children Reauthorization Act of 2014 (Casey, D-PA)

Order of Business: S. 2154 is scheduled for consideration on September 15, 2014, under a suspension of the rules, which requires a two-thirds majority vote for passage.

Summary: This bill amends the Public Health Service Act to reauthorize the Emergency Medical Services for Children Program through FY 2019.

Major Changes Since the Last Time This Legislation was Before the House: The House passed H.R. 4290, The Wakefield Act of 2014, by voice vote on September 9, 2014**.**

The only difference between the two bills is the authorization level. According to CBO, H.R.4290 would authorize appropriations of about $30 million in 2015 and $152 million over the 2015-2019 period. In contrast, S. 2154 would authorize appropriations of about $20 million in 2015 and $101 million over the 2015-2019 period.

Read the RSC legislative bulletin for H.R. 4290 here.

Additional Background: In 1984, Congress passed the Emergency Medical Services for Children (EMSC) as part of the Preventive Health Amendments of 1984. The mission of the EMSC is to reduce child and youth mortality and morbidity caused by severe illness or trauma. Funds in this program are used to support pediatric emergency care improvement initiatives

Committee Action: This bill was introduced by Senator Casey on March 25, 2014, and referred to the Committee on Health, Education, Labor, and Pensions. On September 10, 2014, the bill passed the Senate by Unanimous Consent.

Outside Groups Support:
Emergency Nurses Association
Nurse Coalition Letter

Possible Conservative Concerns: This bill reauthorizes a program that would expire at the end of fiscal year 2014.

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

Cost to Taxpayers: CBO estimates that implementing S. 2154 would cost $90 million over the 2015-2019 period, assuming appropriation of the authorized amounts. Pay-as-you-go procedures do not apply to this legislation because it 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?: S. 2154 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. The bill would reauthorize grant funding to expand and improve emergency medical services for children in need of treatment for trauma or critical care. State, local, or tribal governments that choose to apply for those grants would benefit from the additional support.

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

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

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

Constitutional Authority: Senate rules do not require a constitutional authority statement.

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H. R. 83 – To require the Secretary of the Interior to assemble a team of technical, policy, and financial experts to address the energy needs of the

insular areas of the United States and the Freely Associated States through the development of action plans aimed at reducing reliance on imported fossil fuels and increasing use of indigenous clean-energy resources, and for other purposes.
(*Del. Christensen*, D-VI)

Order of Business: The bill is scheduled to be considered on September 15, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: H. R. 83 requires the Secretary of the Interior to establish a team of technical, policy, and financial experts to address energy needs of the insular areas of the Unites States (American Samoa, the Northern Mariana Islands, Puerto Rico, Guam, and the Virgin Islands) and the Freely Associated States (the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau). Section 1 requires the Secretary of the Interior, not later than 180 days after the enactment of the Act, to establish the team of technical, policy, and financial experts:

- To develop energy action plans addressing the immediate, near-term, and long-term energy and environmental needs of each of the insular areas and Freely Associated States; and

- To assist each of the insular areas and Freely Associated States in implementing an energy action plan.

Section 1 also stipulates that the Secretary of the Interior shall consider including regional utility organizations. The energy action plans shall include:

- Recommendations, based on the comprehensive energy plan where applicable, to promote access to affordable, reliable energy; develop indigenous, non-fossil fuel energy resources; and improve performance of energy infrastructure and overall energy efficiency;

- A schedule for implementation of such recommendations and identification and prioritization of specific projects;

- A financial and engineering plan for implementing and sustaining projects; and

- Benchmarks for measuring progress toward implementation.

The team is mandated to submit to the Secretary of the Interior a report detailing progress in implementing the energy action plans, not later than 1 year after the date on which the Secretary establishes the team and annually thereafter. The Secretary of the Interior is also required to submit to Congress a summary of the team's report not later than 30 days after the date on which the Secretary receives the team's report. Section 1 mandates that no additional funds are authorized to be appropriated for the purpose of carrying out the Act.

Additional Information: The report (H. Rept. 113-483) accompanying H. R. 83 can be found here. More information from the Department of the Interior on the insular areas of the United States can be found here and here.

Committee Action: The bill was introduced on January 3, 2013 and was referred to the House Committee on Energy and Commerce. On July 16 and July 17, 2013, the Committee held a markup of the bill and ordered it reported (amended) by unanimous consent.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: The Department of Interior currently spends $1.2 million annually to establish energy action plans for insular areas. Based on information from the agency, the Congressional Budget Office (CBO) expects that under H. R. 83, the Department of Interior would need to spend about $2 million more annually to hire additional staff to handle the increased technical support called for under the bill. Thus, the Congressional Budget Office estimates that implementing the bill would cost about $10 million over the 2014-2018 period, assuming appropriation of the necessary amounts. Enacting H. R. 83 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. The CBO estimate can be found 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?: H. R. 83 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.

Constitutional Authority: 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.

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H.R. 3044 — To approve the transfer of Yellow Creek Port properties in Iuka, Mississippi. (Nunnelee, R-MS)

Order of Business: H.R. 3044 is expected to be considered on September 15, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: H.R. 3044 would approve the transfer of 173 acres of Yellow Creek Port property in Iuka, Mississippi from the Tennessee Valley Authority (TVA) to the State of Mississippi.

Additional Background: Under current law, the TVA is permitted to negotiate transfers of real property for the purposes of supporting trade, and those transfers must be approved by Congress.

The agreement between the TVA and Mississippi requires the State to use the transferred property for the purposes required by law. Mississippi passed a law in 2011 authorizing the State to acquire the land from the TVA.

Committee Action: H.R. 3044 was introduced on August 2, 2013. The House Transportation and Infrastructure Committee marked up and reported H.R. 3044 on July 16, 2014, by voice vote. The Committee Report can be found here.

Cost to Taxpayers: According to CBO, the net impact of H.R. 3044 "on direct spending would be insignificant over the 2014-2024 period," and "enacting H.R. 3044 would not affect revenues or spending subject to appropriation."

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

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

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: According to the Committee Report, "no provision in the bill includes an earmark, limited tax benefit, or limited tariff benefit."

Constitutional Authority: "Congress has the power to enact this legislation pursuant to the following: Article IV, Section 3, clause 2 and Article I, Section 8, clause 18."

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S. 1086 - Child Care and Development Block Grant Act of 2014, as amended— (Mikulski, D-MD)

Order of Business: S. 1086 is scheduled for consideration on September 15, 2014, under a suspension of the rules, which requires a two-thirds majority vote for passage.

Summary: The Child Care and Development Block Grant (CCDBG), administered by the Administration for Children and Families within HHS, provides subsidies to assist low-income families in obtaining child care so that parents can work or participate in education or training

activities. States are given flexibility on the implementation and design on their plans with the basic framework outlined by the federal government.

To be eligible for funds under the program, children must be under 13 years old and live with their parents (or be in need of protective services) who are enrolled in school or hold a job.

According to its sponsors, the goal of the Child Care and Development Block Grant Act of 2014 is to allow each state maximum flexibility in developing child care programs; promote parental choice and empower working parents to make decisions which suit their family's needs; encourage states to provide consumer education information to help parents make choices about child care services; assist states in delivering high-quality, coordinated early childhood care and educations services to maximize parents' options; assist states in improving the overall quality of child care services; improve child care and development of participating children, and; increase the number and percentage of low-income children in high-quality child care settings.

This bill authorizes for appropriation $2.35 billion for FY 2015, $2.478 billion for FY 2016, $2,668,534,969 for FY 2019, and $3,748,591,018 for FY 2020.

To be eligible to receive assistance, a state will prepare and submit an application (plan) which contains information including:

- Certification that the state has policies in place to make available the results of monitoring and inspections reports. These reports will include major substantiated complaints with regard to failure to comply with State child care policies, as well as the number of deaths, serious injuries, and child abuse.
- Certification that the state has in effect licensing requirements applicable to child care services. A description of the training and professional development requirements for child care workers that are in effect as well as the required number of training hours required within a state are also to be included as part of a state's plan.
- Description of child care standards for services appropriate to the type of child care setting involved, to provide for the safety and developmental needs of children such as group size limits, the appropriate ratio between the children and providers, and the qualifications of the providers.
- Certification that there are procedures in place that complies with state and local law, which provide for the health and safety of the child.
- Description of how priority will be given to children of families in areas that have significant concentrations of poverty.
- Demonstration of how the state will maintain or implement early learning and developmental guidelines that are appropriate for children birth to kindergarten.
- Description of how the state will develop and implement strategies to strengthen the business practices of child care providers to expand the supply of quality of child care providers.
- Certification that payment rates are sufficient to ensure equal access to childcare services for eligible children in comparison to children who are not eligible for payments. This includes a statistically valid survey of market rates for child care services in a state, and a description of how the state will set payment rates for which assistance is provided.

This bill also makes changes to current law aimed at improving the quality of child care. These changes include:

- Requires states that receive funds to reserve a portion of their funds to carry out activities such as the training and professional development of the child care workforce, training on outreach and parent engagement, training on the nutritional and physical activity needs to promote healthy development, training on the neurological development of children.
- Developing, implementing, or enhancing a tiered quality rating system for child care providers and services which assess the quality of providers in the state and is designed to improve the quality and safety of facilities.
- Accommodate a variety of approaches to childhood education including those in faith-based settings, community-based settings, or similar settings.
- Facilitate compliance with state requirements for inspection, monitoring, training, and health and safety, and with state licensing standards.
- Beginning in FY16 each state will annually submit to the Secretary a certification that the state is in compliance with the requirement to reserve a portion of their funds to carry out certain activities. In addition, the states will include how the funds are being used.

This bill requires states that receive funds to have in place requirements, polices, and procedures to require and conduct criminal background checks for child care staff members. In addition, the state will have in place licensing, regulation, and registration requirements to prohibit the employment of child care staff members who refuse to consent to the criminal background checks, knowingly make false statements, are on the sex offender registry, have been convicted of a felony, or have been convicted of a violent misdemeanor.

For the purposes of this bill, a child care provider is a center-based child care provider, a family child care provider, or another provider of child care services for compensation on a regular basis this is not related to all the children for whom care services are provided and is licensed, regulated, or registered under state law.

This bill requires the Secretary to operate a national toll-free hotline and website to disseminate information for parents to help them obtain information on safe and quality child care services, and to allow for the reporting of suspected child abuse or other violations in health and safety requirements.

Finally, the bill calls for an interdepartmental review of all early learning and care programs for children six and under in order to develop a plan for the elimination of over-lapping programs and to make recommendations to Congress to streamline these programs.

Additional Background: According to the Congressional Resource Service, it was estimated in 2012 that 1.5 million children received child care subsides through this program in the average month. Unfortunately, due to varying laws in each state, lax safety regulations and licensing requirements have put some children at risk. This bill strengthens safety requirements by requiring providers to undergo annual inspections and increases transparency by requiring the public availability of information

Under current law, children are eligible for these programs if their family maximum income does not exceed 85 percent of the state median; however, states have the ability to adopt income eligibility limits below the federal level. Parents of eligible children who receive subsidized child care are given the choice of child care providers including public or private, secular or religious, and center- or home-based care. In addition, states are required to show how parental choice is implemented in their state.

The Education and Workforce Committee has provided additional background information here.

Committee Action: On March 13, 2014, the Senate passed S. 1806, the Child Care and Development Block Grant Act of 2014, by a vote of 96-2.

The Education and Workforce Committee has held several hearings, at the subcommittee and full committee level, on this issue this Congress.

This bill represents a bipartisan and bicameral agreement.

Outside Groups Support:
Child Care of America
Council for American Private Education
Association of Christian Schools International
Early Care and Education Consortium
First Children's Finance
Knowledge Universe
National Education Association
Save the Children
Zero to Three
Child Care Aware of Virginia
Child Care Resources
Oklahoma Child Care
Center for Law and Social Policy
National Women's Law Center
National Coalition on Children and Disasters

**The letters from the above groups can be viewed on the Education and Workforce website.*

Possible Conservative Concerns: Some conservatives are concerned generally about the number of early learning and child care programs currently in existence and the billions of dollars of spent operating these programs.

It is important to note, the Child Care Development Block Grant is not an extension of the Head Start Program nor part of a President Obama's federally funded preschool initiative.

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

Cost to Taxpayers: An updated CBO score to reflect the amended version of S. 1086 is not 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?: The bill includes new requirements for states to enforce increased health and safety standards, including annual inspections, for child care providers.

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

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

Constitutional Authority: Senate rules do not require a constitutional authority statement.

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H. R. 3006 – To authorize a land exchange involving the acquisition of private land adjacent to the Cibola National Wildlife Refuge in Arizona for inclusion in the refuge in exchange for certain Bureau of Land Management lands in Riverside County, California.
(Rep. Calvert, R-CA)

Order of Business: The bill is scheduled to be considered on September 15, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: H.R. 3006 requires the Secretary of the Interior to convey to River Bottom Farms of La Paz County, Arizona, all right, title, and interest of the United States in and to certain Federal land administered by the Secretary through the Bureau of Land Management (BLM) consisting of a total of approximately 80 acres in Riverside County, California. The conveyed land shall be subject to valid existing rights, including easements, rights-of-way, utility lines, and any other valid encumbrances on the land as of the date of the conveyance.

In exchange for the land transferred to the United States, River Bottom Farms shall convey to the United States all right, title, and interest of River Bottom Farms in and to two parcels of land contiguous to the Cibola National Wildlife Refuge in La Paz County, Arizona, consisting of a total of approximately 40 acres in La Paz County, Arizona. The values of the Federal land and non-Federal land to be exchanged under this section shall be equal or equalized by the payment of cash to the Secretary of the Interior by River Bottom Farms.

The value of the land shall be determined by the Secretary through an appraisal performed by a qualified appraiser mutually agreed to by the Secretary and River Bottom Farms and performed in conformance with the Uniform Appraisal Standards for Federal Land Acquisitions (U.S. Department of Justice, December 2000).

Additional Information: The Cibola National Wildlife Refuge was established in 1964 and is administered by the U.S. Fish and Wildlife Service. More information on the wildlife refuge can be found here.

Committee Action: The bill was introduced on August 2, 2013, and was referred to the House Committee on Natural Resources. On July 30, 2014, the Committee held a markup of the bill and ordered it reported (amended) by unanimous consent.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: Based on information provided by the Department of the Interior, the Congressional Budget Office (CBO) estimates that any administrative costs associated with the exchange would not be significant. Enacting H.R. 3006 would increase offsetting receipts, which are treated as reductions in direct spending; therefore, pay-as-you-go procedures apply. Enacting the legislation would not affect revenues. Because the Congressional Budget Office estimates that the private lands would have a lower value than the Federal lands that would be conveyed under the bill, CBO expects that the private party in the exchange would provide a cash payment to the Bureau of Land Management (BLM) equal to 25 percent of the value of the Federal lands conveyed (the maximum amount that can be accepted in a land exchange under the Federal Land Policy and Management Act). Based on the value of similar lands in southern California, CBO estimates that the value of the BLM lands would total less than $300,000 and that the payment the agency would receive from the private party would be less than $75,000. Proceeds from the payment would be deposited in the United States Treasury. The CBO estimate can be found 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?: H.R. 3006 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). The land exchange between the Federal government and a private business would have a small effect on property taxes collected by local governments in California and Arizona. That effect, however, would not result from an intergovernmental mandate as defined in UMRA.

Constitutional Authority: Congress has the power to enact this legislation pursuant to the following: The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution, specifically clause 1 and clause 18, and Article IV, section 3, clause 2.

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S. 476 – A bill to amend the Chesapeake and Ohio Canal Development Act to extend to the Chesapeake and Ohio Canal National Historical Park Commission.
(*Sen. Cardin*, D-MD)

Order of Business: The bill is scheduled to be considered on September 15, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: S. 476 authorizes the Chesapeake and Ohio Canal National Historical Park Commission in accordance with the provisions of Section 6 of the Chesapeake and Ohio Canal Development Act (16 U.S.C. 410y–4), except that the Commission shall terminate 10 years after the date of enactment of the Act.

Additional Information: The Senate report (S. Rept. 113-64) accompanying S. 476 can be found here. The Chesapeake and Ohio Canal National Historical Park Commission was established in 1971. However, the Commission's authority expired in 2011. The bill would extend the Commission's authority to operate for an additional 10 years. The Department of the Interior's statement in support of S. 476 can be found here.

Committee Action: The bill was introduced in the Senate on March 6, 2013, and was referred to the Senate Committee on Energy and Natural Resources. The bill was reported by Senator Wyden with an amendment in the nature of a substitute. On July 9, 2014, the bill was passed by the Senate with an amendment by unanimous consent.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: Based on information provided by the National Park Service, the Congressional Budget Office (CBO) estimates that implementing the legislation would have no significant effect on the Federal budget. Commission members would serve without compensation; however, certain expenses could be reimbursed. CBO estimates that those payments would be small. Enacting S. 476 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. The CBO estimate can be found 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. 476 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.

Constitutional Authority: No Constitutional Authority statement is available because Senate rules do not require them.

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S. 1603 – Gun Lake Trust Land Reaffirmation Act.
(*Sen. Stabenow*, D-MI)

Order of Business: The bill is scheduled to be considered on September 15, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: S. 1603 would reaffirm that certain land has been taken into trust for the benefit of the Match-E-Be-Nash-She-Wish Band of Pottawatami Indians (Gun Lake Tribe). The actions of the Secretary of the Interior in taking that land into trust are ratified and confirmed. Section 2 of the bill stipulates that an action related to the land shall not be filed or maintained in a Federal Court and shall promptly dismissed. Section 2 also mandates that nothing in the Act alters or diminishes the right of the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians from seeking to have any additional land taken into trust by the United States for the benefit of the Band.

Additional Information: According to the report accompanying S. 1603, the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians (Gun Lake Tribe) is a federally recognized tribe residing in rural Michigan. In 1998, the Department of the Interior recognized the Tribe through the administrative Federal acknowledgement process. In 2000, the Tribe filed an application with the Department of the Interior to place a tract of land into trust pursuant to the Indian Reorganization Act. The report states that "the bill would provide certainty to the legal status of the land, on which the Tribe has begun gaming operations as a means of economic development for its community." The trust acquisition by the Department of the Interior "was quickly challenged by an anti-gaming organization and a neighboring landowner," resulting in the United States Supreme Court's decision in Patchak v. Salazar." The Senate report (S. Rept. 113-194) accompanying S. 1603 can be found here.

Committee Action: The bill was introduced in the Senate on October 29, 2013, and was referred to the Senate Committee on Indian Affairs. On June 19, 2014, the bill was passed by the Senate without an amendment by unanimous consent.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: Based on information provided by the Department of the Interior, the Congressional Budget Office (CBO) estimates that implementing the legislation would have no significant effect on the Federal budget. The legislation would not significantly increase the cost

of managing tribal trust lands. Enacting S. 1603 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. The CBO estimate can be found 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. 1603 contains an intergovernmental and private-sector mandate as defined in the Unfunded Mandates Reform Act (UMRA) because it would end rights of action for public and private entities that are currently able to pursue legal actions related to the land held in trust for the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians. The act would prohibit any action relating to the trust land from being brought or maintained in a Federal court. The cost of the mandate would be any forgone compensation that would have been awarded through legal actions. The state of Michigan and several local governments have entered into an agreement with the tribe related to the use of the land, and CBO believes it is unlikely that, absent enactment of S. 1603, any other public entity would bring an action that would result in significant compensation. Therefore, CBO estimates the cost of the intergovernmental mandate would not exceed the annual threshold established in UMRA for such mandates ($76 million, in 2014, adjusted annually for inflation).

Private entities, however, have no such agreement, and S. 1603 would extinguish all rights to legal actions relating to the trust lands. Awards in such claims are in many cases limited to the value of the land. Because of the commercial properties located on the trust land, the value of awards related to those lands could be significant. However, because both the number of claims that could be barred or terminated and the value of forgone compensation stemming from those claims are uncertain, CBO has no basis for estimating the cost of the mandate. Therefore, CBO cannot determine whether the cost of the private-sector mandate would exceed the annual threshold established in UMRA for such mandates ($152 million, in 2014, adjusted annually for inflation).

Constitutional Authority: No Constitutional Authority statement is available because Senate rules do not require them.

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H. R. 5205 – Northern Nevada Land Conservation and Economic Development Act.
(Rep. Amodei, R-NV)

Order of Business: The bill is scheduled to be considered on September 15, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: H.R. 5205 would authorize land conveyances involving public lands in northern Nevada to promote economic development and conservation. Title I, the ''Pine Forest Range Recreation Enhancement Act,'' would designate approximately 26,000 acres of Federal land managed by the Bureau of Land Management as wilderness and as a component of the National Wilderness Preservation System, to be known as the ''Pine Forest Range Wilderness.'' Subject to valid existing rights, the wilderness shall be administered by the Secretary of the Interior in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.). Consistent with applicable law, the Secretary of the Interior may exchange the Federal land for non-Federal land.

Title II, or ''Lyon County Economic Development and Conservation Act,'' would require the Secretary of the Interior to convey roughly 10,000 acres of Federal lands to the city of Yerington, Nevada at fair market value. Title II would designate approximately 47,500 acres in Nevada as wilderness, and as a component of the National Wilderness Preservation System, to be known as the ''Wovoka Wilderness.''

Title III would require the Secretary of the Interior, without consideration, to convey approximately 1,400 acres of Federal land to the city of Carlin, Nevada. The city of Carlin shall pay or reimburse the Secretary of the Interior, as appropriate, for the reasonable transaction and administrative personnel costs associated with the conveyance.

Title IV would require the Secretary of the Interior to convey, without consideration, approximately 9,400 acres of Federal land to the city of Fernley, Nevada. The city of Fernley shall pay or reimburse the Secretary of the Interior, as appropriate, for the reasonable transaction and administrative personnel costs associated with the conveyance.

Title V, or the "Restoring Storey County Act,'' would require the Secretary of the Interior and the Bureau of Land Management to convey, without consideration, 1,745 acres of Federal land to Storey County, Nevada. All costs associated with the conveyance under this section shall be the responsibility of the Bureau of Land Management.

Title VI, or the "Elko Motocross and Tribal Conveyance Act,'' would require the Secretary of the Interior to convey approximately 275 acres of land managed by the Bureau of Land Management to Elko County, Nevada. The land conveyed shall be used only as a motocross, bicycle, off-highway vehicle, or stock car racing area, or for any other public purpose consistent with uses allowed under the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.). Title VI would also require the Department of the Interior to hold approximately 373 acres of land administered by the Bureau of Land Management in trust for the benefit and use of the Te-moak Tribe of Western Shoshone Indians of Nevada (Elko Band).

Title VII, or the ''Naval Air Station Fallon Housing and Safety Development Act,'' would require the Secretary of the Interior to transfer to the Secretary of the Navy, without reimbursement, approximately 400 acres adjacent to Naval Air Station Fallon.

Additional Information: More information on the Pine Forest Range can be found here. Information from the Congressional Western Caucus on Federal land management can be found here, and on wilderness designations here.

Committee Action: The bill was introduced on July 25, 2014 and was referred to the House Committee on Natural Resources. On July 30, 2014, the bill was to be reported (amended) by voice vote.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: Based on information provided by the affected agencies and assuming appropriation of the necessary amounts, The Congressional Budget Office (CBO) estimates that implementing the bill would cost less than $500,000. In addition, CBO estimates that enacting H.R. 5205 would increase offsetting receipts, which are treated as reductions in direct spending, by $2 million in 2015; therefore, pay-as-you-go procedures apply. Enacting the legislation would not affect revenues. The CBO estimate, which contains a cost breakdown by each title, can be found 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?: H. R. 5205 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. Conveyances of Federal land authorized in the bill would benefit cities and counties in Nevada. Any costs to those entities would be incurred voluntarily as conditions of land conveyances. The Te-moak Tribe of the Western Shoshone Indians of Nevada would benefit from federal land being taken into trust by the Federal government on their behalf.

Constitutional Authority: Congress has the power to enact this legislation pursuant to the following: The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution, specifically clause 1 (relating to providing for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and 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).

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H. R. 3222 – Flushing Remonstrance Study Act.
(*Rep. Meng*, D-NY)

Order of Business: The bill is scheduled to be considered on September 15, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: H.R. 3222 would authorize the Secretary of the Interior to conduct a special resource study of sites associated with the 1657 signing of the Flushing Remonstrance in Queens, New York. The Secretary is mandated to:

- Evaluate the national significance of the study area's resources based on their relationship to the history of religious freedom associated with the signing of the Flushing Remonstrance;

- Determine the suitability and feasibility of designating resources within the study area as a unit of the National Park System;

- Consider other alternatives for preservation, protection, and interpretation of the study area by Federal, State, or local governmental entities, or private and nonprofit organizations;

- Identify properties related to the John Bowne House that could potentially meet criteria for designation as a National Historic Landmark;

- Consult with interested Federal, State, or local governmental entities, private and nonprofit organizations, or any other interested individuals;

- Evaluate the impact of the proposed action on the flow of commerce and commercial activity, job opportunities, and any adverse economic effects that could not be avoided if the proposal is implemented;

- Identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives;

- Analyze the effect of the designation of the study area as a unit of the National Park System on existing recreational activities the authority of State and local governments to manage those activities; and

- Identify any authorities, including condemnation, that will compel or permit the Secretary to influence or participate in local land use decisions (such as zoning) or place restrictions on non-Federal lands if the study area is designated a unit of the National Park System.

The Secretary of the Interior is mandated to submit a report containing the results of the study to Congress not later than 3 years after the date on which funds are first made available for the study.

Additional Information: According to the findings of the bill, on December 27, 1657, 30 Flushing residents, in what is now New York, signed what was later called the Flushing Remonstrance, objecting to a Dutch colonial government decree banning the practice of all religions outside of the Dutch Reformed Church. The Flushing Remonstrance is now considered by many to be instrumental in the development of religious liberty in the United States and a

precursor to the First Amendment to the United States Constitution. More information on the 1657 signing of the Flushing Remonstrance can be found here and here (original text). The House report (H. Rept. 113-395) accompanying H. R. 3222 can be found here.

Committee Action: The bill was introduced on September 30, 2013, and was referred to the House Committee on Natural Resources. On April 1, 2014, the bill was reported (amended) by the House Committee on Natural Resources.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: Based on information provided by the National Park Service and assuming the availability of appropriated funds, the Congressional Budget Office (CBO) estimates that carrying out the study required by H.R. 3222 would cost about $250,000 over the next three years. Enacting H.R. 3222 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. The CBO estimate can be found 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?: H.R. 3222 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.

Constitutional Authority: Congress has the power to enact this legislation pursuant to the following: Article 1; Sec 8; Clause 14: To make Rules for the Government and Regulation of the land and naval Forces.

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H. R. 2569 – Upper Missisquoi and Trout Wild and Scenic Rivers Act. (*Rep. Welch*, D-VT)

Order of Business: The bill is scheduled to be considered on September 15, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: H.R. 2569 would amend the Wild and Scenic Rivers Act to designate segments of the Missisquoi River and the Trout River in the State of Vermont, as components of the National Wild and Scenic Rivers System. The bill mandates that the designated river segments be managed in accordance with the Upper Missisquoi and Trout Rivers Management Plan required by the Wild and Scenic Rivers Act.

In order to provide for the long-term protection, preservation, and enhancement of the river segments, the Secretary of the Interior may enter into cooperative agreements with the State of Vermont, the municipalities of Berkshire, Enosburg Falls, Enosburgh, Montgomery, North Troy, Richford, Troy, and Westfield; and appropriate local, regional, statewide, or multi-state planning or recreational organizations consistent with the management plan.
The designation of the river segments does not preclude, prohibit, or restrict the Federal Energy Regulatory Commission from licensing, relicensing, or otherwise authorizing the operation or continued operation of the Troy Hydroelectric, North Troy, or Enosburg Falls hydroelectric projects under the terms of licenses or exemptions in effect on the date of enactment of the Act.

Resource protection, mitigation, or enhancement measures required by Federal Energy Regulatory Commission hydropower proceedings would not be considered to be project works for purposes of the Act.

The bill would limit the Secretary of the Interior's authority to acquire lands by donation or exchange and is subject to the additional criteria set forth in the management plan.
H.R. 2569 would also stipulate that the Missisquoi and Trout Rivers would not be administered as part of the National Park System or be subject to regulations that govern the National Park System.

Additional Information: A National Park Service Fact Sheet on the Wild and Scenic Rivers Act can be found here. More information from the National Wild and Scenic Rivers System can be found here. The House report (H. Rept. 113-502) accompanying H.R. 2569 can be found here. A corresponding bill was introduced in the Senate as S. 1252. S. 1252 would also direct the Secretary of the Interior to determine adequate local support for the designation of the additional segment of the Missisquoi River as a recreational river if the legal voters of the town of Lowell, Vermont express by a majority vote a desire for the designation.

Committee Action: The bill was introduced on June 27, 2013, and was referred to the House Committee on Natural Resources. On June 30, 2014, the bill was reported (amended) by the House Committee on Natural Resources.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: Based on information provided by the National Park Service (NPS), the Congressional Budget Office (CBO) estimates that implementing the bill would cost about $1 million over the 2015-2019 period, assuming the availability of the necessary amounts. Under the legislation, NPS would administer the river segments in partnership with an advisory committee composed of local representatives. Based on the cost of similar management partnerships in the region, CBO estimates that NPS would provide $175,000 annually to the advisory committee to manage the river segments. Enacting H.R. 2569 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. The CBO estimate can be found 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?: H.R. 2569 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.

Constitutional Authority: Congress has the power to enact this legislation pursuant to the following: Article 1, 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 this Constitution in the Government of the United States, or in any Department or Officer thereof…

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H. R. 4119 – West Hunter Street Baptist Church Study Act. (*Rep. Johnson*, D-GA)

Order of Business: The bill is scheduled to be considered on September 15, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: H.R. 4119 would direct the Secretary of the Interior to conduct a special resource study of the West Hunter Street Baptist Church in Atlanta, Georgia. As part of the study, the Secretary is mandated to:

- Evaluate of the national significance of the site;
- Determine the suitability and feasibility of designating the area as a unit of the National Park System;
- Consider other alternatives for preservation, protection, and interpretation of the site by Federal, State, or local governmental entities, or private and nonprofit organizations;
- Consult with interested Federal, State, or local governmental entities, private and nonprofit organizations or any other interested individuals;
- Identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives;
- Consider the effect of the designation of the study area as a unit of the National Park System on existing commercial and recreational activities, and the authority of State and local governments to manage those activities; and

- Identify any authorities, including condemnation, that will compel or permit the Secretary of the Interior to influence or participate in local land use decisions (such as zoning) or place restrictions on non-Federal lands if the study area is designated a unit of the National Park System.

The Secretary of the Interior is directed to report the findings of the study to Congress not later than 3 years after the date on which funds are first made available for the study.

Additional Information: More information on West Hunter Street Baptist Church from the bill's sponsor can be found here.

Committee Action: The bill was introduced on February 28, 2014, and was referred to the House Committee on Natural Resources. On July 30, 2014, the bill was ordered to be reported (amended) by unanimous consent.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: Based on information provided by the National Park Service and assuming the availability of appropriated funds, the Congressional Budget Office (CBO) estimates that conducting the study would cost about $150,000 over the next three years. Enacting H.R. 4119 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. The CBO estimate can be found 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?: H.R. 4119 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.

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 of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

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H.R. 2996 — Revitalize American Manufacturing and Innovation Act of 2013 (Reed, R-NY)

Order of Business: H.R. 2996 is expected to be considered on September 15, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: H.R. 2996 would establish a new Network for Manufacturing Innovation Program within the National Institute of Standards and Technology (NIST), an agency within the Department of Commerce.

Purpose: The purpose of the Network would be to "improve the competitiveness of United States manufacturing and to increase the production of goods manufactured predominately within the United States," "stimulate United States leadership in advanced manufacturing research, innovation and technology," "facilitate the transition of innovative technologies into scalable, cost-effective and high preforming manufacturing capabilities," "facilitate access by manufacturing enterprises to capital-intensive infrastructure, including high-performance electronics and computing, and the supply chains that enable these technologies," "accelerate the development of an advanced manufacturing workforce," "to leverage non-federal sources of support to promote a stable and sustainable business model without the need for long-term federal funding," and "create and preserve jobs."

Funding: H.R. 2996 authorizes $300 million in funding for the Network from two Federal sources: NIST and the Department of Energy's Energy Efficiency and Renewable Energy (EERE) account. NIST is authorized to use $5 million in appropriations each fiscal year between 2015 and 2024 for the Network. Over the 2015 to 2024 period, a total of $250 million may be transferred from EERE to support the Network.

Many conservatives believe that these two accounts should be eliminated or significantly reduced. The FY 2015 RSC Budget proposed eliminating EERE, stating that "instead of wasting taxpayer dollars on risky renewable energy schemes, the United States should be pursuing a market-based, all-of-the-above energy policy." A majority of RSC Members voted for an amendment to eliminate all funding for EERE during consideration of the FY 2015 Energy and Water Appropriations bill. The FY 2015 RSC Budget also proposed eliminating the Advanced Manufacturing Technology Consortia and the Hollings Manufacturing Extension Program, two NIST programs that already provide subsidies to the manufacturing sector.

National Program Office: H.R. 2996 would establish a National Office of the Network for Manufacturing Innovation Program to oversee and carry out the program.

Centers: The Network would establish individual Centers tasked with achieving the goals of the Network, by carrying out manufacturing technology research, development, and demonstration projects, workforce training and recruitment, supply chain development, and outreach to different manufacturing companies.

Funding to any one Center is limited to seven years. Centers must receive at least fifty percent of their funding from non-Federal sources, although that requirement can be waived for "large capital facilities or equipment purchases."

Recognition of Centers Established By Extralegal Executive Action: H.R. 2996 would explicitly include the National Additive Manufacturing Innovation Institute as a Center for participation in the Network. This Institute was created by executive action by President Obama

in August, 2012, as a part of his "We Can't Wait Initiative" without legislative authority from Congress. This was cited as an example of the Imperial Presidency in a report from then-Majority Leader Cantor, stating "this pilot has not been authorized and that these funds were clearly appropriated for other activities, the President has circumvented the legislative process and commenced with the pilot." This legislation would further include other centers established "pursuant to Federal law or executive actions, or under interagency review for such recognition as of the date of enactment" of H.R. 2996.

Proponents of the bill argue that the bill circumscribes the President's ability to act outside the parameters it sets forward and would stop future extralegal actions in this area. H.R. 2996 would prohibit financial assistance to Centers established by executive action in the future.

National Strategic Plan for Advanced Manufacturing: H.R. 2996 would require the National Science and Technology Council, in consultation with the National Economic Council, to develop "a strategic plan to improve Government coordination and provide long-term guidance for Federal programs and activities in support of United States manufacturing competitiveness."

Regional Innovation Program: H.R. 2996 would establish a Regional Innovation Program to "encourage and support the development of regional innovation strategies, including regional innovation clusters."

This new government program would authorize grants to states, local governments, nonprofits, schools, public-private partnerships, research parks, Federal laboratories, or economic development organizations. Grants will be awarded for feasibility studies, planning activities, technical assistance, strengthening communication between participants and other entities, attracting participants, and facilitating market development of products and services.

Federal grants may not provide more than fifty percent of funding for any activity funded by this new program.

Regional Innovation Research and Information Program: H.R. 2996 would establish a new Regional Innovation Research and Information Program as a part of the Regional Innovation Program.

The Regional Innovation Research and Information Program would "gather, analyze, and disseminate information on best practices for regional innovation strategies," "provide technical assistance, support the development of relevant metrics and measurement standards to evaluate regional innovation strategies," and "collect and make available data on regional innovation cluster activity in the United States."

Grants would be available to support this new program.

Funding for the Regional Innovation Program and the Regional Innovation Research and Information Program: H.R. 2996 would authorize $10 million each fiscal year between 2015 and 2019 of appropriated funding for the Regional Innovation Program and the Regional Innovation Research and Information Program, for a total of up to $50 million.

Committee Action: H.R. 2996 was introduced on August 2, 2013. The House Committee on Science, Space and Technology marked up and reported H.R. 2996 by voice vote on July 25, 2014. A Committee Report is not available at this time.

Possible Conservative Concerns: Some conservatives may believe that it is inappropriate for the Federal government to subsidize one sector of the economy. They argue that large corporations and small corporations acting collectively should be able to fund their own research and development programs and workforce development training without the use of taxpayer dollars.

Some conservatives may believe that the new programs established by this legislation may be duplicative of other Federal programs that already subsidize the manufacturing sector.

Cost to Taxpayers: A CBO report is not available at this time. H.R. 2996 would authorize a total of $350 million of appropriated funds to support the new programs created by the legislation over the 2015 – 2024 period.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. HR. 2996 would establish three new Federal programs.

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?: Some conservatives may argue that economic development projects should primarily be the job of local and state governments, not the Federal government.

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: H.R. 2996 would allow the recognition of Centers created by executive action, but would prohibit financial assistance for Centers created by executive action in the future.
Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: "Congress has the power to enact this legislation pursuant to the following: Article 1 Section 8; The Congress shall have a Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for The Congress shall have the power for the common defense and general welfare of the United States."

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