

Legislative Bulletin.....July 22, 2013

Contents:

- H.R. 697** - Three Kids Mine Remediation and Reclamation Act
- H.R. 1300** - To amend the Fish and Wildlife Act of 1956 to reauthorize the volunteer programs and community partnerships for the benefit of national wildlife refuges (Resources/Runyan)
- H.R. 1411** - California Coastal National Monument Expansion Act of 2013 (Resources/Huffman)
- H.R. 2353** — To amend title 23, United States Code, with respect to the operation of vehicles on certain Wisconsin highways
- H.Con.Res. 44** — Authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run
- H.R. 1542** – WMD Intelligence and Information Sharing Act of 2013

**H.R. 697 - Three Kids Mine Remediation and Reclamation Act
(Heck, R-NV)**

Order of Business: The bill is scheduled to be considered on July 22, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds vote for passage.

Summary: H.R. 697 directs the Secretary of Interior to convey to the Henderson Redevelopment Agency (approximately 948 specified acres) that are known as “Three Kids Mine Federal Land.”

The land exchanged (Three Kids Mine) is known to be contaminated with hazardous waste. The legislation directs the land be appraised as if it was not contaminated, with the Henderson Redevelopment Agency paying for the appraisal.

The legislation directs the Secretary to estimate the cost of cleanup of the hazardous waste, and subtract that from the appraiser’s estimate. The cost of the land will be the appraiser’s estimate less the cost of cleanup. The Henderson Redevelopment Agency will pay the Secretary for the land. In addition to paying for the land, the Henderson Redevelopment Agency must agree to complete a mine remediation and reclamation agreement, which obligates them “ensure all remedial actions necessary to protect human health and the environment with respect to any hazardous substances.”

Land transferred by this legislation shall be withdrawn from all forms of:

- “Entry, appropriation, or disposal under the public land laws;
- “Location, entry, and patent under the public land mining laws; and
- “Disposition under the mineral leasing, mineral materials and geothermal leasing laws”

The legislation prohibits the land transferred from being used for future mineral leasing within the next 10 years after the transfer. Many House Republicans have advocated for the increased production of domestic energy and some members may be concerned they are blocking lands from this potential use.

Additional Information: The Henderson Redevelopment Agency is the redevelopment agency of the City of Henderson, Nevada, and was established and authorized by Nevada Community Redevelopment Law.

Similar legislation, H.R. 2512, passed the House on June 5, 2012, by a voice vote. The RSC Legislative Bulletin for H.R. 2512 can be [found here](#).

Committee Action: H.R. 697 was introduced on February 14, 2013, and was referred to the House Natural Resources Subcommittee on Public Lands and Environmental Regulation, and the Subcommittee on Energy and Mineral Resources. The subcommittees discharged the legislation by unanimous consent. The full committee held a [markup on June 12, 2013](#), and the legislation was reported as amended, by unanimous consent.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO estimates that implementing the legislation would have no significant impact on the federal budget. CBO's report can be [viewed here](#).

Does the Bill Expand the Size and Scope of the Federal Government?: No. The legislation would allow the federal government to sell 948 acres to the Henderson Redevelopment Agency.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: According to CBO, H.R. 697 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 does not contain earmarks, limited tax benefits, or limited tariff benefits.

Constitutional Authority: Rep. Heck states "Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, Clause 1." The statement can be [found here](#).

It should also be noted that Article IV Section 3, Clause 2 of the Constitution grants Congress the power "to dispose of and make needful Rules and Regulations respecting the Territory or other Property belonging to the United States."

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H.R. 1300 - To amend the Fish and Wildlife Act of 1956 to reauthorize the volunteer programs and community partnerships for the benefit of national wildlife refuges (Runyan, R-NJ)

Order of Business: The bill is scheduled to be considered on July 22, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds vote for passage.

Summary: H.R. 1300 authorizes \$2,000,000 for each fiscal year 2015, through 2017, for the Secretary of the Interior.

The Secretary is allowed to use these funds to match gifts made for the benefit of a particular national wildlife refuge.

The funds may also be used by the Secretary to recruit, train, and accept volunteers for aid of programs conducted by the Fish and Wildlife Service, or the National Oceanic and Atmospheric Administration. These funds may be used by provide transportation, uniforms, lodging, awards and recognition to the volunteers.

These funds may also be used as matching funds for non-federal funds donated for cooperative agreements between the Secretary and partner organizations, academic institutions, and state or local agencies.

Potential Conservative Concern: The legislation authorizes \$2,000,000 per fiscal year, subject to appropriation, but does not contain an offset. For FY 2012, the Department of Interior was appropriated [\\$29.23 billion](#). This legislation's authorization represents 0.00684 percent of the Department's appropriation for FY 2012.

Committee Action: H.R. 1300 was introduced on March 20, 2013, and was referred to the House Natural Resource Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs. The subcommittee discharged the legislation by unanimous consent. On May 15, 2013, the full committee [held a markup](#) and favorably reported the legislation, as amended, by unanimous consent.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO estimates that implementing the legislation would increase spending by \$6 million over the 2015-2017 period, subject to appropriation. CBO's report can be [viewed here](#).

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. This legislation authorizes funding for programs that would otherwise expire at the end of FY 2013, and these funds are not offset.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: According to CBO, H.R. 1300 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) 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 does not contain earmarks, limited tax benefits, or limited tariff benefits.

Constitutional Authority: Rep. Runyan states “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 4, Section 3, Clause 2 of the U.S. Constitution, which states “The Congress shall have power to dispose of and make all needful Rules and regulations respecting the Territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.” The statement can be [found here](#).

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H.R. 1411 - California Coastal National Monument Expansion Act of 2013 *(Huffman, D-CA)*

Order of Business: The bill is scheduled to be considered on July 22, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds vote for passage.

Summary: H.R. 1411 expands the California Coastal National Monument by 1,255 acres. The land added is known as the Point Arena-Stornetta Public Lands and it is currently federal land.

This new acreage will be managed by the Secretary as part of the monument. However, the legislation maintains the traditional economic activities and existing uses (such as grazing and maintenance of existing structures). Lands, and interests in land, within the proposed land addition not owned by the United States shall not be part of the monument and the future acquisition of those lands and interests in lands by the United States may occur only through donation or exchange with the written consent of the landowner.

Within two years of enactment, the legislation directs the Secretary to finalize an amendment to the Monument management plan for the long-term protection and management of the land added by this legislation. The legislation prohibits motorized and mechanized vehicles in the Monument unless as needed for emergency or authorized administrative purposes.

The legislation allows the Secretary to acquire non-federal land or interests within or adjacent to the land added by this legislation. That land can only be added through exchange, or donation with the written consent of the landowner. The legislation prohibits the land added by this act from placing any restrictions on accessing (via motorized vehicles) any non-federal land within the monument.

Committee Action: H.R. 1411 was introduced on April 9, 2013, and was referred to the House Natural Resources Subcommittee on Public Lands and Environmental Regulation. The subcommittee discharged the legislation by unanimous consent. The full committee held a [markup on June 12, 2013](#), and the legislation was reported as amended, by unanimous consent.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO estimates that implementing the legislation would have no significant impact on the federal budget. CBO's full report can be [viewed here](#).

Does the Bill Expand the Size and Scope of the Federal Government?: No. The land added to the national monument is already owned by the federal government.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: H.R. 1411 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 does not contain earmarks, limited tax benefits, or limited tariff benefits.

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

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H.R. 2353 — To amend title 23, United States Code, with respect to the operation of vehicles on certain Wisconsin highways (Petri, R-WS)

Order of Business: [H.R. 2353](#) is [scheduled](#) to be considered on July 23, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds vote for passage.

Summary: This legislation allows vehicles that are currently authorized under state law to operate on U.S. 41 between Milwaukee and Green Bay, Wisconsin, to continue to operate on U.S. 41 after it is designated as part of an interstate system. This is accomplished by amending 23 U.S.C. § 127.

Additional Background: Federal law weight restrictions are 80,000 pounds which is lower than Wisconsin state law. This legislation allows the current weight restrictions to be maintained so that traffic can continue to operate on U.S. 41 and not be diverted to other state roads once the highway becomes an interstate in 2014. An identical bill, [S. 1299](#), was introduced by Senator Tammy Baldwin (D-WI) and Senator Ron Johnson (R-WI).

Committee Action: H.R. 2353 was introduced on June 13, 2013, and referred to the House Committee on Transportation and the Infrastructure. The House Committee on Transportation and the Infrastructure held a markup on July 18, 2013, where this bill was approved by [voice vote](#).

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

Cost to Taxpayers: At time of press no Congressional Budget Office (CBO) estimate was available.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

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

Does the Bill 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: According to the sponsor, “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 3 and Clause 7.” Congressman Petri’s statement in the Congressional Record can be viewed [here](#).

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H. Con. Res. 44 - Authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run (Norton, D-DC)

Order of Business: [H.Con.Res. 44](#) is [scheduled](#) to be considered on July 23, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds vote for passage.

Summary: This legislation authorizes the use of the Capitol grounds for use DC Special Olympics Law Enforcement Torch Run. The run will take place on September 27, 2013.

Additional Background: This will be the 28th Annual District of Columbia Special Olympics Law Enforcement Torch Run. The Torch Run is two miles long and begins on the West Terrace of the U.S. Capitol. Additional information about the Torch Run can be viewed on the Special Olympics website [here](#).

RSC Bonus Fact: Law Enforcement Torch Runs are held in 40 countries and will raise over \$2 million.

Committee Action: H. Con. Res. 44 was introduced on July 8, 2013 and was referred to the House Committee on Transportation and the Infrastructure. On July 10, 2013, the Committee held a hearing where the legislation was favorably reported by a [voice vote](#).

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

Cost to Taxpayers: According to the Congressional Budget Office [cost estimate](#), “passage of

H. Con. Res. 44 would result in no significant cost to the federal government.”

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?: No.

Constitutional Authority: According to House Rules, Concurrent Resolutions do not require a Statement of Constitutional Authority upon introduction.

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H.R. 1542 – WMD Intelligence and Information Sharing Act of 2013 (Meehan, R-PA)

Order of Business: H.R. 1542 is scheduled to be considered on Monday, July 22, 2013, under a motion to suspend the rules and pass the bill requiring a two-thirds majority vote for passage.

Summary: H.R. 1542 creates a new section to the Homeland Security Act of 2002 (6 U.S.C. § 121 et seq.) to establish weapons of mass destruction intelligence and information sharing functions of the Office of Intelligence and Analysis (OIA) of the Department of Homeland Security (DHS) with required intelligence dissemination to state, local, tribal, and private entities that engage in homeland security-related responsibilities. Specifically, Section 2 of the bill requires the DHS OIA to:

- “support homeland security-focused intelligence analysis of terrorist actors, their claims, and their plans to conduct attacks involving chemical, biological, radiological, and nuclear materials against the Nation;
- support homeland security-focused intelligence analysis of global infectious disease, public health, food, agricultural, and veterinary issues;
- support homeland security-focused risk analysis and risk assessments of the homeland security hazards described above by providing relevant quantitative and non-quantitative threat information;
- leverage existing and emerging homeland security intelligence capabilities and structures to enhance prevention, protection, response, and recovery efforts with respect to a chemical, biological, radiological, or nuclear attack;
- share information and provide tailored analytical support on these threats to State, local, and tribal authorities as well as other national biosecurity and biodefense stakeholders; and

- perform other responsibilities, as assigned by the Secretary.”

The bill requires the OIA, where appropriate, to coordinate with the Intelligence Community¹, including the National Counter Proliferation Center, and other federal, state, local, and tribal authorities such that these entities can provide recommendations for optimal information sharing mechanisms (including expeditious classified information sharing) to DHS.

On year after enactment and annually thereafter, the DHS Secretary is required to submit a report to House Committee on Homeland Security and other committees of jurisdiction describing activities to counter the threat from weapons of mass destruction as well as an implementation assessment.

A similar bill ([H.R. 2764](#)) last Congress passed the House by voice vote on May 30, 2012.

Additional Background: The [mission](#) of the Office of Intelligence and Analysis is to “equip the Homeland Security Enterprise with the intelligence and information it needs to keep the homeland safe, secure, and resilient” primarily through supporting four goals: promoting the understanding of threats through intelligence analysis; collecting information and intelligence pertinent to homeland security; sharing information necessary for action; and managing intelligence for the Homeland Security Enterprise.

The Congressionally-mandated Commission on the Prevention of WMD Proliferation and Terrorism found insufficiencies in the Intelligence Community’s ability to meet the needs of a highly technical nature of WMD analysis (read [here](#)). The threat of bioweapons in particular must remain among the highest national intelligence priorities, the Commissioners argued. H.R. 1542 provides Congressional direction toward WMD intelligence within the DHS to ensure that the analysis is shared with appropriate stakeholders and coordinated with other agencies, thus improving those insufficiencies cited by the Commission.

Committee Action: Representative Pat Meehan (R-PA) introduced H.R. 1542 on April 13, 2013. That day, the bill was referred to the Committee on Homeland Security, as well as the Subcommittee on Counterterrorism and Intelligence on April 24, 2013. No further committee action has occurred on the bill.

Administration Position: No Statement of Administration Policy has been released.

¹ This term has the same meaning given this term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)), which includes the Office of the Director of National Intelligence, the Central Intelligence Agency, the National Security Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, the Other offices within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs, the intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the Federal Bureau of Investigation, the Drug Enforcement Administration, and the Department of Energy, the Bureau of Intelligence and Research of the Department of State, the Office of Intelligence and Analysis of the Department of the Treasury, the Office of Intelligence and Analysis of the Department of Homeland Security, and such other elements of any department or agency as may be designated by the President, or designated jointly by the Director of National Intelligence and the head of the department or agency concerned, as an element of the intelligence community.

Cost to Taxpayers: No Congressional Budget Office (CBO) cost estimate for H.R. 1542 has been released. CBO did release a [cost estimate](#) for last Congress' similar bill (H.R. 2764) estimating "that implementing the bill would not significantly affect spending by DHS," namely because the requirements of the bill are similar to the ongoing activities of OIA. However, it should be noted that CBO's analysis applies only to unclassified activities, and it is possible there could be costs to classified programs.

Does the Bill Expand the Size and Scope of the Federal Government? No, the bill requires that relevant security-focused agencies and actors share national security analysis with each other, reducing needless overlap and promoting efficiency.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? The CBO explained in its cost estimate for last Congress' H.R. 2764 that the bill 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? No.

Constitutional Authority: The Constitutional Authority Statement accompanying the bill upon introduction states, "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause I of the Constitution of the United States."

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