



Legislative Bulletin.....June 23, 2014

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S. 2086 — Reliable Home Heating Act (Thune, R-SD)

Order of Business: S. 2086 is expected to be considered on June 23, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: S. 2086 would allow governors to declare a state of emergency for up to 90 days due to a shortage of home heating fuels that would provide an exemption from federal [Hours of Service](#) regulations for commercial vehicles transporting home heating fuel.

Additional Background: The cold weather this winter increased demand for propane, which is used to heat more than 12 million homes. The propane delivery infrastructure was not able to meet the demand, thanks in part to the unexpected closure of a propane pipeline for maintenance in December.

The most effective and immediate way to transport propane from where it is stored to where it is needed is by truck. In response, the Department of Transportation issued emergency waivers of the Hours of Service rules, allowing propane truck drivers to work for longer hours. Under current law, these declarations only last for 30 days at a time, creating uncertainty and limited regulatory relief.

To help alleviate this situation, the House passed [H.R. 4076](#), the Home Heating Emergency Assistance Through Transportation (HHEAT) Act of 2014, by voice vote on March 4, 2014. H.R. 4076, which was signed into law on March 21, 2014, extended through May 31, 2014, the Department of Transportation’s emergency declarations to allow truck operators delivering propane and other home heating fuels to drive for longer periods of time. If the propane

emergency subsidies prior to May 31, the Secretary of Transportation, in consultation with the governors of affected states, may end the emergency declaration on a state by state basis.

Committee Action: S. 2086 was introduced on March 6, 2014, by Senator Thune, the Ranking Republican on the Senate Commerce, Science, and Transportation Committee. The Senate Committee on Commerce, Science, and Transportation [marked up and reported](#) S. 2086 by voice vote on April 9, 2014. The Senate approved S. 2086 on May 21, 2014, by Unanimous Consent.

Cost to Taxpayers: According to the [CBO](#), “implementing the bill would have no significant effect on the federal budget.”

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, according to CBO.

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.

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H. R. 4092 – Streamlining Energy Efficiency for Schools Act of 2014 (Rep. Cartwright, D-PA)

Order of Business: The bill is scheduled to be considered on June 23, 2014, subject to a rule.

Summary: [H. R. 4092](#) requires the Secretary of Energy to establish a centralized clearinghouse to disseminate information on federal programs, incentives, and mechanisms for financing energy-efficient retrofits and upgrades at schools. The bill amends the [Energy Policy and Conservation Act](#) by directing the Secretary of Energy, acting through the [Office of Energy and Renewable Energy](#), to act as the lead federal agency for coordinating and disseminating information on existing federal programs and assistance that may be used to initiate, develop, and finance energy efficiency, renewable energy, and energy retrofitting projects for schools.

The bill requires the Secretary of Energy to:

- Consult with appropriate Federal agencies to develop a list of Federal programs and financing mechanisms that may be used for the purposes designated by the legislation;

- Establish a federal cross-departmental collaborative coordination, education, and outreach effort to streamline communication and promote available federal opportunities and assistance for such projects that enables states, local educational agencies, and schools to use existing federal opportunities more effectively and to form partnerships with governors, state energy programs, local educational, financial, and energy officials, state and local officials, nonprofit organizations, and other appropriate entities to support project initiation;
- Provide technical assistance for states, local educational agencies, and schools to help develop and finance projects that meet specified requirements;
- Develop and maintain a single online resource website with contact information for relevant technical assistance and support staff in the Office of Energy and Renewable Energy for states, local educational agencies, and schools to effectively access and use federal opportunities and assistance to develop such projects; and
- Establish a process for the recognition of schools that have successfully implemented such projects and are willing to serve as resources for other local educational agencies and schools to assist initiation of similar efforts.

Additional Information: The April 25, 2014 House Energy and Commerce Committee Memorandum on H.R. 4092 can be found [here](#). The bill was first introduced in the Senate as [S. 1084](#) on June 3, 2013, and incorporated into [S. 2074](#), Energy Savings and Industrial Competitiveness Act of 2014.

Committee Action: The bill was introduced on February 26, 2014, and reported by the House Committee on Energy and Commerce on June 19, 2014.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: The Congressional Budget Office (CBO) estimates that enacting H.R. 4092 would not significantly affect the federal budget. CBO estimates that any additional costs incurred by the Department of Energy to expand existing efforts to promote opportunities to boost energy efficiency of schools under H.R. 4092 would total less than \$500,000 annually. H.R. 4092 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. The CBO cost 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. 4092 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.

Constitutional Authority: Congress has the power to enact this legislation pursuant

to the following: Article 1, Section 8 (relating to the power of Congress to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States.)

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H. R. 316 – Collinsville Renewable Energy Production Act (Rep. Esty, D-CT)

Order of Business: The bill is scheduled to be considered on June 23, 2014, subject to a rule.

Summary: [H.R. 316](#) authorizes the Federal Energy Regulatory Commission (FERC) to reinstate the licenses and extend the deadline for beginning construction of two hydroelectric projects (numbers 10822 and 10823) in Hartford County, Connecticut. The legislation would direct FERC to update the environmental analyses associated with those projects and, if reinstated, authorize the agency to transfer the licenses to the town of Canton, Connecticut. The Senate amendment of the bill includes the following:

- The Federal Energy Regulatory Commission may, at the request of the town of Canton, Connecticut reinstate the license, extend for 2 years after the date on which the license is reinstated the time period during which the licensee is required to commence the construction of the project subject to the license, and transfer the license to the town of Canton.
- The town of Canton may request the reinstatement, extension, and transfer of the license by filing an application for approval of the transfer. The application for approval of the transfer shall set forth in appropriate detail the qualifications of the town of Canton to hold the license and to operate the property under license. The Federal Energy Regulatory Commission may approve the transfer on a showing that the transfer is in the public interest.
- The Federal Energy Regulatory Commission shall supplement the environmental impact statement or similar analysis required under the [National Environmental Policy Act of 1969](#) (42 U.S.C. 4321 et seq.) prepared in connection with the issuance of the original license to examine all new circumstances and information relevant to environmental concerns and bearing on the reinstatement of the license or the impact of the license.

Additional Information: The February 12, 2013 Republican Study Committee legislative bulletin on H.R. 316 can be found [here](#). The committee report (H. Rept. 113-7) can be found [here](#).

Committee Action: [The bill](#) was introduced on January 18, 2013, and was referred to the House Energy and Commerce Committee, which held a markup on January 22, 2014, and approved the legislation by voice vote. The bill was passed by the House of Representatives on February 12,

2013 and was then referred to the Senate Energy and Natural Resources Subcommittee on Water and Power. The bill was passed by the Senate with an amendment by Unanimous Consent on May 22, 2014.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: According to the Congressional Budget Office, the legislation's provisions would have no net budgetary impact. Because the Federal Energy Regulatory Commission's administrative costs are controlled through annual appropriation acts, enacting H.R. 316 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. The CBO's May 22, 2013 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. 316 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.

Constitutional Authority: H.R. 316. Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8

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**H. R. 4801 – To require the Secretary of Energy to prepare a report on the impact of thermal insulation on both energy and water use for potable hot water
(Rep. Kinzinger, R-IL)**

Order of Business: The bill is scheduled to be considered on June 23, 2014, subject to a rule.

Summary: [H. R. 4801](#) requires the Secretary of Energy to prepare a report, within one year of enactment, on the effects that thermal insulation has on both energy consumption and systems for providing potable water in federal buildings. The report would be submitted to the House Committee on Energy and Commerce and the Senate Committee on Energy and Natural Resources, and would include the following:

- An analysis based on the cost of municipal or regional water for delivered water and the avoided cost of new water; and
- A summary of energy and water savings, including short term and long term (20 years) projections of such savings.

Additional Information: The June 5, 2014 House Energy and Commerce Committee Memorandum on H.R. 4801 can be found [here](#).

Committee Action: The bill was introduced on June 5, 2014, and ordered to be reported by voice vote on June 10, 2014

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: Based on information from the Department of Energy about the cost of similar analyses, the Congressional Budget Office estimates that completing the required report would cost less than \$500,000; those costs would be subject to the availability of appropriated funds. H.R. 4801 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. The CBO's cost 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. 4801 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 I, Section 9, Clause 7 of the Constitution states that; a regular statement and account of receipts and expenditures of all public money shall be published from time to time.

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S. 1044 - World War II Memorial Prayer Act of 2013— (Sen. Portman, R-OH)

Order of Business: [S. 1044](#) is scheduled to be considered on June 23, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: This bill directs the Secretary of the Interior to install a plaque or inscription in the World War II memorial in the District of Columbia with the words that President Franklin D. Roosevelt prayed on D-Day, June 6, 1944. The bill text prohibits the use of federal funds to prepare or to install the plaque or inscription.

Additional Background: According to the [FDR Presidential Library](#), President Roosevelt addressed the Nation on the morning of June 6, 1944 regarding the D-Day invasion. The President asked listeners to join him in prayer, which can be read in full [here](#).

Committee Action: The bill was introduced in the Senate on May 23, 2013. On March 31, 2014, the bill was reported out of the Committee on Energy and Natural Resources (report No.

[113-141](#)), and on June 5, 2014, the bill was agreed to in the Senate without amendment by unanimous consent.

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

Cost to Taxpayers: The Congressional Budget Office estimates that “implementing the legislation would have no significant impact on the federal budget.” The full report is [here](#).

Constitutional Authority: No constitutional authority statement was available.

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H.R. 4002 - To revoke the charter of incorporation of the Miami Tribe of Oklahoma at the request of that tribe (Mullin, R-OK)

Order of Business: [H.R. 4002](#) is scheduled to be considered on June 23, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: This bill, at the request of the Miami Tribe of Oklahoma, revokes the charter of incorporation for the Miami Tribe of Oklahoma.

Additional Background:

The [Miami Tribe of Oklahoma](#) is a federally recognized tribe. The Department of the Interior recognized the Tribe’s charter in 1940. However, the Tribe no longer operates under the charter and believes that it is outdated. The only way a tribal charter may be revoked is through an Act of Congress.

Committee Action: The bill was introduced in the House on February 5, 2014. It was reported out of the Committee on Natural Resources (H. Rept. [113-420](#)) on April 28, 2014, and subsequently placed on the Union Calendar, Calendar No. 310.

Cost to Taxpayers: According to the Congressional Budget Office, “Based on information provided by the Bureau of Indian Affairs, CBO estimates that implementing the legislation would have no effect on the federal budget. The full report is [here](#).”

Constitutional Authority: According to the sponsor, “Congress has the power to enact this legislation pursuant to the following: This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3: The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.” Please read the full statement [here](#).

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H.R. 412 – Nashua River Wild and Scenic River Study Act — (Tsongas, D-MA)

Order of Business: [H.R. 412](#) is scheduled to be considered on June 23, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: This bill will amend the Wild and Scenic Rivers Act to designate parts of the mainstream and the tributaries of the Nashua River, located in the Commonwealth of Massachusetts, for study for potential addition to the National Wild and Scenic Rivers System.

Additional Background: The [National Wild and Scenic Rivers System](#) are waterways designated by Congress or the Department of Interior that are administered by the federal government and are meant to be preserved in their current state. The [CRS](#) has additional background on the System.

Committee Action: The bill was introduced on January 23, 2014. On July 22, 2014, it was reported by the Committee on Natural Resources (H. Rept. [113-116](#)), and placed on the Union Calendar, Calendar No. 120.

Cost to Taxpayers: According to the Congressional Budget Office, “H.R. 412 would require the National Park Service (NPS) to study segments of the Nashua River in Massachusetts and New Hampshire for potential addition to the Wild and Scenic Rivers System. Based on information provided by the NPS, CBO estimates that implementing the legislation would cost about \$350,000 over the next three years, assuming the availability of appropriated funds.” The full report is [here](#).

Constitutional Authority: According to the bill’s sponsor, “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, 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).” Please read the full statement [here](#).

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