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SENATE

{ REPORT
115-300

21ST CENTURY RESPECT ACT

JULY 12, 2018.—Ordered to be printed

Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 995]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (H.R. 995) to direct the Secretary of Agriculture and the Secretary of the Interior to modernize terms in certain regulations, having considered the same, reports favorably thereon with amendments and an amendment to the title and recommends that the bill, as amended, do pass.

AMENDMENTS

The amendments are as follows:

On page 2, strike lines 14 through 16 and insert the following:

(b) ADMINISTRATOR OF GENERAL SERVICES.—The Administrator of General Services shall amend section 906.2 of title 36, Code of Federal Regulations, for purposes of—

On page 2, lines 20 and 21, strike “a person” and insert “an individual”.

On page 3, line 7, strike “Secretary of the Interior” and insert “Administrator of General Services”.

Amend the title so as to read: “An Act to direct the Secretary of Agriculture and the Administrator of General Services to modernize terms in certain regulations.”

PURPOSE

The purpose of H.R. 995 is to direct the Secretary of Agriculture and the Administrator of General Services to modernize terms in certain regulations.

BACKGROUND AND NEED

H.R. 995 directs the Secretary of Agriculture and the Administrator of General Services to amend certain sections of the Code of Federal Regulations.

Some decades-old statutes and regulations contain terms that are now considered inappropriate or even offensive. Public Law 114–157 removed inappropriate ethnic terms related to minorities found in the Office of Minority Economic Impact of the Department of Energy (42 U.S.C. 7141) and section 106 of the Local Public Works Capital Development and Investment Act of 1976 (Minority Business Enterprises, 42 U.S.C. 6705).

H.R. 995 would make similar changes to terms found in certain regulations of the Department of Agriculture and the General Services Administration, in order to update the terminology to reflect modern day language.

LEGISLATIVE HISTORY

H.R. 995 was introduced in the House of Representatives by Rep. Jeffries on February 9, 2017, and referred to the Committees on Natural Resources and Agriculture. The Natural Resources Committee favorably reported H.R. 995, as amended (H. Rept. 115–427, Part I), on November 28, 2017, and the Agriculture Committee discharged H.R. 995 on the same day. On November 28, 2017, H.R. 995 passed the House of Representatives by voice vote.

The Senate Subcommittee on Public Lands, Forests, and Mining conducted a hearing on H.R. 995 on February 7, 2018.

The Committee on Energy and Natural Resources met in open business session on May 17, 2018, and ordered H.R. 995 favorably reported as amended.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on May 17, 2018, by majority voice vote of a quorum present recommends that the Senate pass H.R. 995, if amended as described herein.

COMMITTEE AMENDMENTS

During its consideration of H.R. 995, the Committee adopted an amendment to task the Administrator of General Services, instead of the Secretary of the Interior, with amending the regulations of the former Pennsylvania Avenue Development Corporation. The amendment is needed to reflect the fact that Congress vested responsibility for amending the Pennsylvania Avenue Development Corporation regulations in the Administrator, rather than the Secretary, when it terminated the Corporation in 1996 (Public Law 104–99). In addition, the Committee adopted an amendment to strike the term ‘a person’ and replace with an ‘individual’ in the definition of the term ‘Black or African American’ in the Corporation’s regulation in order to conform to the usage in the other definitions of minority groups in the regulation.

The Committee also adopted an amendment to the title to reflect the amendments to the text of the bill adopted by the Committee.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides the short title.

Section 2. Amendments to regulations required

Subsection (a) directs the Secretary of Agriculture to amend the regulations of the Farmers Home Administration (now USDA Rural Development) relating to nondiscrimination by recipients of financial assistance, which are codified in section 1901.202 of title 7, Code of Federal Regulations (7 CFR 1901.202), to update terminology used to describe the racial background or place of origin of certain individuals.

Subsection (b) directs the Administrator of General Services to amend the regulations of the Pennsylvania Avenue Development Corporation defining terms relating to minority groups, as codified in section 906.2 of title 36, Code of Federal Regulations (36 CFR 906.2), to update terminology used to describe the racial background or place of origin of certain individuals.

Section 3. Rule of construction

Section 3 clarifies that nothing in this Act shall be construed to affect Federal law, except with respect to the use of terms by the Secretary of Agriculture and the Administrator of General Services, respectively, to the regulations affected by this Act.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the costs of this measure has been provided by the Congressional Budget Office:

H.R. 995 would amend the Code of Federal Regulations to modernize terms that refer to certain minority and ethnic groups. CBO estimates that implementing the proposed changes would not significantly affect federal spending.

H.R. 995 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 995 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

H.R. 995 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

On November 21, 2017, CBO transmitted a cost estimate for H.R. 995, the 21st Century Respect Act, as ordered reported by the House Committee on Natural Resources on November 8, 2017. The two versions of the legislation are similar, and CBO's estimates of their budgetary effects are the same.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 995. The bill is not a regulatory measure in the sense of im-

posing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 995 as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

H.R. 995, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the Department of Agriculture at the February 7, 2018, hearing on H.R. 995 follows:

STATEMENT OF GLENN CASAMASSA ASSOCIATE DEPUTY CHIEF, NATIONAL FOREST SYSTEM U.S. FOREST SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE

Chairman Lee, Ranking Member Wyden, members of the Subcommittee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA) regarding H.R. 995, the 21st Century Respect Act. I am Glenn Casamassa, Associate Deputy Chief for the National Forest System (NFS), USDA Forest Service.

H.R. 995 affects USDA's Rural Development agency. It would, in part, direct the Secretary of Agriculture to amend section 1901.202 of title 7, Code of Federal Regulations to change the terminology used to describe the racial background or place of origin of people in regulations concerning USDA programs for financing and insuring loans for properties in rural areas managed by USDA's Rural Development agency.

USDA supports H.R. 995. USDA strives to ensure that each and every employee and customer feels valued and respected and that everyone enjoys a positive experience whether working for or with USDA. These changes align with this effort, and our first strategic goal, to "ensure USDA programs are delivered efficiently, effectively, and with integrity and a focus on customer service".

We defer to Department of Interior for their views on pertinent sections of H.R. 995.

Thank you again for the opportunity to testify on this bill.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the H.R. 995 as ordered reported.