

21ST CENTURY RESPECT ACT

NOVEMBER 28, 2017.—Referred to the House Calendar and ordered to be printed

Mr. BISHOP of Utah, from the Committee on 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 Natural Resources, to whom was referred the bill (H.R. 995) to direct the Secretary of Agriculture and the Secretary of the Interior to amend regulations for racial appropriateness, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “21st Century Respect Act”.

SEC. 2. AMENDMENTS TO REGULATIONS REQUIRED.

(a) SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall amend section 1901.202 of title 7, Code of Federal Regulations, for purposes of—

(1) replacing the reference to the term “Negro or Black” with “Black or African American”;

(2) replacing the reference to the term “Spanish Surname” with “Hispanic”; and

(3) replacing the reference to the term “Oriental” with “Asian American or Pacific Islander”.

(b) SECRETARY OF THE INTERIOR.—The Secretary of the Interior shall amend section 906.2 of title 36, Code of Federal Regulations, for purposes of—

(1) replacing the references to the term “Negro” with “Black or African American”;

(2) replacing the definition of “Negro” with the definition of “Black or African American” as “a person having origins in any of the Black racial groups of Africa”;

(3) replacing the references to the term “Oriental” with “Asian American or Pacific Islander”; and

(4) replacing the references to the terms “Eskimo” and “Aleut” with “Alaska Native”.

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act, or the amendments required by this Act, shall be construed to affect Federal law, except with respect to the use of terms by the Secretary of

Agriculture and the Secretary of the Interior, respectively, to the regulations affected by this Act.

Amend the title so as to read:

A bill to direct the Secretary of Agriculture and the Secretary of the Interior to modernize terms in certain regulations.

PURPOSE OF THE BILL

The purpose of H.R. 995, as ordered reported, is to direct the Secretary of Agriculture and the Secretary of the Interior to modernize terms in certain regulations.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 995 would require the Secretary of Agriculture and the Secretary of the Interior to amend certain sections of the Code of Federal Regulations for racial appropriateness.

Today the United States is 241 years old. In that time, the country has seen an immense amount of change and growth. Over the course of history, laws and policies have been updated to reflect this growth. However, some decades-old statutes and regulations contain antiquated terms. Enacted in 2016, Public Law 114–157 modernized antiquated 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) for racial appropriateness. H.R. 995 would make similar changes to terms found in certain regulations of the Department of Agriculture and the Department of the Interior.

SECTION-BY-SECTION ANALYSIS, AS ORDERED REPORTED

Section 1. Short title

This section provides the short title for the bill, the 21st Century Respect Act.

Section 2. Amendments to regulations

Subsection(a) directs the Secretary of Agriculture to amend section 1901.202 of title 7 of the Code of Federal Regulations. These regulations implement Title VI of the Civil Rights Act of 1964, Title III of the Civil Rights Act of 1968, Executive Order 11246, and the Equal Credit Opportunity Act of 1974 as they relate to the Farmers Home Administration. Specifically, the Secretary is directed to: (1) replace references to the term “Negro or Black” with “Black or African American”; (2) replace the references to the term “Spanish Surname” with “Hispanic”; and (3) replace the references to the term “Oriental” with “Asian American or Pacific Islander”. Subsection (b) directs the Secretary of the Interior to amend section 906.2 of title 36 of the Code of Federal Regulations. These regulations govern affirmative action procedures for the Pennsylvania Avenue Development Corporation under Public Law 92–578. Specifically, the Secretary is directed to: (1) replace the references to the term “Negro” with “Black or African American”; (2) replace the definition of “Negro” with the definition of “Black or African American” as “a person having origins in any of the Black racial groups of Africa”; (3) replace the references to the term “Oriental” with

“Asian American or Pacific Islander”; and (4) replace the references to the terms “Eskimo” and “Aleut” with “Alaska Native”.

Section 3. Rule of construction

This section clarifies that nothing in this Act or the amendments required by the Act shall be construed to affect Federal law except in the use of certain terms in the regulations affected by the Act.

COMMITTEE ACTION

H.R. 995 was introduced on February 9, 2017, by Congressman Hakeem S. Jefferies (D–NY). The bill was referred to the Committee on Natural Resources and additionally to the Committee on Agriculture. Within the Committee on Natural Resources, the bill was referred to the Subcommittee on Indian, Insular and Alaska Native Affairs. On November 7, 2017, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Congressman Don Young (R–AK) offered an amendment designated #1; it was adopted by unanimous consent. Congressman Don Young (R–AK) offered an amendment designated #2; it was also adopted by unanimous consent. No further amendments were offered and the bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent on November 8, 2017.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. Cost of Legislation and the Congressional Budget Act. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 21, 2017.

Hon. ROB BISHOP,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 995, the 21st Century Respect Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jeff LaFave.

Sincerely,

KEITH HALL,
Director.

Enclosure.

H.R. 995—21st Century Respect Act

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 2028.

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

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

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill, as ordered reported, is to direct the Secretary of Agriculture and the Secretary of the Interior to modernize terms in certain regulations.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. Section 2 of the bill directs the Secretary of Agriculture to amend section 1901.202 of title 7, Code of Federal Regulations, to update certain terms. Section 2 also directs the Secretary of the Interior to amend section 906.2 of title 36, Code of Federal Regulations, to update certain terms.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes to existing law.

COMMITTEE CORRESPONDENCE

U.S. House of Representatives
Committee on Agriculture
 Room 1301, Longworth House Office Building
 Washington, DC 20515-0001

(202) 225-2171

November 20, 2017

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The Honorable Rob Bishop
 Chairman
 Committee on Natural Resources
 1324 Longworth HOB
 Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for the opportunity to review H.R. 995, 21st Century Respect Act. As you are aware, the bill was primarily referred to the Committee on Natural Resources, while the Agriculture Committee received an additional referral.

I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I agree to discharge H.R. 995 from further consideration by the Committee on Agriculture. I do so with the understanding that by discharging the bill, the Committee on Agriculture does not waive any future jurisdictional claim on this or similar matters. Further, the Committee on Agriculture reserves the right to seek the appointment of conferees, if it should become necessary.

I ask that you insert a copy of our exchange of letters into the *Congressional Record* during consideration of this measure on the House floor.

Thank you for your courtesy in this matter and I look forward to continued cooperation between our respective committees.

Sincerely,


 K. Michael Conaway
 Chairman

cc: The Honorable Paul D. Ryan, Speaker
 The Honorable Collin C. Peterson
 The Honorable Raul Grijalva
 The Honorable Thomas J. Wickham, Parliamentarian

ROB BISHOP OF UTAH
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DEMOCRATIC STAFF DIRECTOR

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

November 20, 2017

The Honorable K. Michael Conaway
Chairman
Committee on Agriculture
1301 Longworth HOB
Washington, DC 20515

Dear Mr. Chairman:

We thank you for agreeing to discharge the Committee on Agriculture from further consideration of H.R. 995, the 21st Century Respect Act, that the Committee on Natural Resources ordered favorably reported, as amended, on November 8, 2017.

This concession in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Agriculture represented on the conference committee. Finally, I would be pleased to include this letter and your response in the bill report and in the Congressional Record.

Thank you for your consideration of my request and for the extraordinary cooperation shown by you and your staff over matters of shared jurisdiction. I look forward to further opportunities to work with you this Congress.

Sincerely,



Rob Bishop
Chairman
Committee on Natural Resources

cc: The Honorable Paul D. Ryan, Speaker
The Honorable Kevin McCarthy, Majority Leader
The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources
The Honorable Thomas J. Wickham, Jr., Parliamentarian

<http://naturalresources.house.gov>

