

**Legislative Bulletin.....July 30, 2013**

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**H.R. 2094 – School Access to Emergency Epinephrine Act  
(Roe, R-TN)**

**Order of Business:** The bill is scheduled to be considered on July 30, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds vote for passage.

**Summary:** H.R. 2094 amends section 280g of the Public Health Service Act (42 U.S.C. 280g(d)) by creating an additional preference category for states that apply for federal grant funding authorized under the Children’s Asthma Treatment Grants Program. Current law authorizes the Secretary of Health and Human Services (HHS) to award federal grants to public or nonprofit entities (including states or their political subdivision) to address asthma-related access to care concerns, asthma educational and training services, and other asthma-related services. Entities that receive grant funding are required to report to the HHS Secretary a description of the health status outcomes assisted under the grant; an assessment of the utilization of asthma-related health care services as a result of activities carried out under the grant; and the collection, analysis, and reporting of asthma data according to guidelines prescribed by the Director of the Centers for Disease Control and Prevention.

Certain states currently receive preference by the HHS Secretary in the awarding of these asthma-related federal grants. For example, states that require each of their public elementary and secondary schools to permit any student to self-administer medication to treat students’ asthma or anaphylaxis<sup>1</sup> and meet the four criteria described below are provided such preference if:

- “a healthcare practitioner prescribed the medication for use by the student during school hours and instructed the student in the correct and responsible use of the medication;

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<sup>1</sup> According to Congressional Findings (P.L. 108-377), “Anaphylaxis, or anaphylactic shock, is a systemic allergic reaction that can kill within minutes. Anaphylaxis occurs in some asthma patients. According to the American Academy of Allergy, Asthma, and Immunology, people who have experienced symptoms of anaphylaxis previously are at risk for subsequent reactions and should carry an epinephrine auto-injector with them at all times, if prescribed.”

- the student has demonstrated to the healthcare practitioner (or such practitioner's designee) and the school nurse (if available) the skill level necessary to use the medication and any device that is necessary to administer such medication as prescribed;
- the healthcare practitioner formulates a written treatment plan for managing asthma or anaphylaxis episodes of the student and for medication use by the student during school hours; and
- the student's parent or guardian has completed and submitted to the school any written documentation required by the school, including the treatment plan...and other documents related to liability.

H.R. 2094 creates an additional grant preference category for states that satisfy two additional requirements. First, a state must certify to the HHS Secretary that its State Attorney General determines its civil liability protections apply to elementary and secondary school trained personnel who may administer epinephrine to students “reasonably believed to be having an anaphylactic reaction.” Secondly, the state’s elementary and secondary schools must permit trained personnel to administer epinephrine to any student “reasonably believed to be having an anaphylactic reaction,” maintain a supply of epinephrine in a secure location easily accessible to trained personnel for administration of the medication, and plan for having at least one trained person on the school premises during all school operating hours.

According to Food Allergy Research and Education (FARE), about [twenty states](#) permit public schools to stock undesignated epinephrine auto-injectors.

**Committee Action:** Representative Phil Roe (R-TN) introduced H.R. 2094 on May 22, 2013. The bill was referred to the House Energy and Commerce Subcommittee on Health, which took no further action on the bill. On July 17, 2013, the full Committee marked up and reported the bill out favorably by voice vote.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** The Congressional Budget Office (CBO) released a [cost estimate](#) for H.R. 2094 stating that the bill would not change the purposes for which the Secretary makes asthma-related grants or the amount of funding available. It estimates that implementing the legislation would not have a significant impact on the federal budget.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No. It creates a new preference category for existing federal grants to states that meet certain grant criteria with regard to epinephrine stocking and training of epinephrine administration by school personnel. *Note*-- The authorization of appropriation for this federal grant program expired in fiscal year 2005.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** According to CBO, H.R. 2904 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:** The Constitutional Authority Statement accompanying the bill upon introductions states: “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 1; Article I, Section 8, Clause 18.”

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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 30, 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 to 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. 2754 - Collectible Coin Protection Act (*Butterfield, D-NC*)**

**Order of Business:** The bill is scheduled to be considered on July 30, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

**Summary:** The legislation expands the Hobby Protection Act (described below) and makes it unlawful to sell a replica coin that is not plainly and permanently marked as a copy.

The Hobby Protection Act applies to manufacturers. This legislation extends the law to those individuals who “provide substantial assistance or support to” the manufacturer, importer, or seller.

The legislation also extends the Hobby Protection Act to cover the unauthorized use of registered trademarks belonging to a collectibles certification service.

**Additional Information:** According to the U.S. Mint, the Hobby Protection Act ([15 U.S.C. §§ 2101–2106](#)) requires that manufacturers of imitation numismatic items mark plainly and permanently with the word “copy.” Failure to comply may constitute an unfair or deceptive practice in accordance with the Federal Trade Commission Act. The Hobby Protection Act is administered by the Federal Trade Commission.<sup>2</sup>

Similar legislation, H.R. 5977, was introduced during the 112<sup>th</sup> Congress.

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<sup>2</sup> <http://www.usmint.gov/consumer/?action=BusReplicas>

**Committee Action:** H.R. 2754 was introduced on July 19, 2013, and was referred to the House Energy and Commerce Committee, which took no action.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** No CBO estimate was available at press time.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes. The legislation expands the provisions of the Hobby Protection Act.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** A statement regarding new state-government, local-government, or private-sector mandates from CBO is unavailable.

**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:** According to the sponsor, “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 3--The United States Congress shall have power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.” Rep. Butterfield’s statement in the Congressional Record can be [viewed here](#).

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