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H.R. 308 — Keep the Promise Act (Rep. Franks, R-AZ)

CONTACT: Nicholas Rodman, 202-226-8576

FLOOR SCHEDULE:

Scheduled for consideration on November 16, 2015 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

H.R. 308 would prohibit gaming activities within Maricopa County and Pinal County, Arizona, on land acquired after April 9, 2013 by the Secretary of the Interior in trust for the benefit of the Tohono O'odham Nation.

COST:

The Congressional Budget Office (CBO) estimates that possible compensation payments from the government could range from nothing to more than $1 billion; however, CBO has no basis for estimating the outcome of the future litigation. Because enacting H.R. 308 could increase direct spending, pay-as-you-go procedures apply. Enacting H.R. 308 would not affect revenues.

Based on information from the Tohono O'odham Nation, CBO expects that if H.R. 308 were enacted, the tribe would pursue litigation against the federal government to recover its financial losses caused by the prohibition on gambling. Whether the tribe would prevail in such litigation and when those proceedings might be concluded are both uncertain. The basis for any judicial determination of the tribe's financial losses is also uncertain. Should the bill pass and the TO tribe ultimately prevail in court, the federal spending would increase by the amount of damages awarded by the court.

CONSERVATIVE:

There are no substantive concerns regarding this bill.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 308 would prohibit gaming activity on land acquired after April 9, 2013 by the Secretary of the Interior held in trust for the benefit of an Indian tribe. The prohibition would expire on January 1, 2027.

The TO tribe acquired the land in question as a result of a settlement after original tribal land was flooded by the construction of a federal dam. Federal Indian gaming law allows for casinos to be operated on land taken into trust as part of a land settlement.

According to the findings of the bill, "in 2002, the voters in the State of Arizona approved Proposition 202, the Indian Gaming Preservation and Self-Reliance Act. To obtain the support of Arizona voters to approve Proposition 202, the Indian tribes within Arizona agreed to limit the number of casinos within the State and in particular within the Phoenix metropolitan area." Opponents of the bill assert that the agreement does not preclude the TO casino.

The House report (H. Rept. 114-95) accompanying H.R. 308 can be found here. A dear colleague from the bill's sponsor can be found here. A Citizens Against Government Waste letter regarding to the CBO's lack of a definitive score can be found here.

COMMITTEE ACTION:

H.R. 308 was introduced on January 13, 2015 and was referred to the House Committee on Natural Resources. The bill was then ordered to be reported, by voice vote on March 25, 2015.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: "Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, Clause 3."

H.R. 1694 — Fairness to Veterans for Infrastructure Investment Act (Rep. Fitzpatrick, R-PA)

CONTACT: Matt Dickerson, 202-226-9718

FLOOR SCHEDULE:

November 16, 2015 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

H.R. 1694 would make veteran owned small businesses eligible for the 10 percent of federally funded transportation contracts set aside for Disadvantaged Business Enterprises.

COST:

A Congressional Budget Office (CBO) estimate is not available.

Rule 28 (a)(1) of Rules of the House Republican Conference for the 114th Congress states that the Republican Leader shall not schedule, or request to have scheduled, any bill or resolution for consideration under suspension of the Rules which fails to include a cost estimate.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** Some conservatives may believe that states and local governments should determine the businesses eligible for contracts for transportation projects.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

Under current law, 10 percent of contracts awarded for federally-funded highway and public transportation are set aside for "Disadvantaged Business Enterprises," such as small businesses owned by African Americans, Hispanics, Native Americans, Asian-Pacific and Subcontinent Asian Americans, and women. The bill would add small businesses owned by veterans to the definition of a Disadvantaged Business Enterprise.

COMMITTEE ACTION:

H.R. 1694 was introduced on March 26, 2015, and referred to the House Transportation and Infrastructure Committee and the House Small Business Committee. Neither committee took further action on the bill.

ADMINISTRATION POSITION:

No statement of administration policy is available at this time.

CONSTITUTIONAL AUTHORITY:

"Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, Clause 18."

H.R. 3114 — To provide funds to the Army Corps of Engineers to hire veterans and members of the Armed Forces to assist the Corps with curation and historic preservation activities, and for other purposes (Rep. Napolitano, D-CA)

CONTACT: Matt Dickerson, 202-226-9718

FLOOR SCHEDULE:

November 16, 2015 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

H.R. 3114 would require the Army Corps of Engineers to carry out the Veterans Curation Program to hire veterans to work on curation and historic preservation activities.

COST:

The Congressional Budget Office (CBO) estimates that enacting H.R. 3114 "would not affect the federal budget." CBO further states that under current policy, "expenditures for the program have increased to about $4.5 million annually and under current law the Corps expects to continue hiring veterans to perform the work."

CONSERVATIVE CONCERNS:

Some conservatives may be concerned that this legislation would codify a program that was originally created using funding from the American Recovery and Reinvestment Act, also known as the stimulus..

Some conservatives may be concerned that H.R. 3114 does not sunset in violation of the GOP Conference Rules and the Leader's Floor Protocols. Rule 28 (a)(4) of the Rules of the House Republican Conference for the 114th Congress state that the Republican Leader shall not schedule, or request to have scheduled, any bill or resolution for consideration under suspension of the Rules which authorizes appropriations without including a sunset provision. The Majority Leader's Floor Protocols state that bills extending or creating any authorization, spending, agency, office, or program should include a provision sunsetting it within 7 years.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No, according to the Committee Report.

DETAILED SUMMARY AND ANALYSIS:

The Army Corps of Engineers is required to comply with a variety of federal laws governing the preservation, storage, and access to the public of historic materials (such as fossils, cultural items, and other artifacts) discovered during work on the Corps' projects.

The Corps established Veterans Curation Program in 2009 using funds from Obama's Stimulus to employ and train veterans to help process these types of artifacts. To date, 241 veterans have participated in the program.

The bill would codify the Veterans Curation Program into law and require the Corps to continue to carry out the program.

COMMITTEE ACTION:

H.R. 3114 was introduced on July 20, 2015, and referred to the House Committee on Transportation and Infrastructure. The Committee marked up and reported the bill on July 23, 2015, by a voice vote.

ADMINISTRATION POSITION:

No statement of administration policy is available at this time.

CONSTITUTIONAL AUTHORITY:

"Congress has the power to enact this legislation pursuant to Article I, Section 8, clause 1 and clause 18 of the Constitution."

H.R. 1073 — Critical Infrastructure Protection Act (Rep. Franks, R-AZ)

CONTACT: Nicholas Rodman, 202-226-8576

FLOOR SCHEDULE:

Scheduled for consideration on November 16, 2015 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

H.R. 1073 would require the Secretary of Homeland Security to include in national planning scenarios the threat of electromagnetic pulse (EMP) events.

COST:

The Congressional Budget Office (CBO) estimates that implementing H.R. 1073 would not significantly affect spending by DHS. Because enacting the legislation would not affect direct spending or revenues, pay-as-you-go procedures do not apply.

CONSERVATIVE CONCERNS:

There are no substantive concerns regarding this bill.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 1073 would amend the Homeland Security Act of 2002 by requiring the Secretary of Homeland Security, or the Secretary's designee to include in national planning scenarios the threat of electromagnetic pulse (EMP) events and conduct outreach to educate owners and operators of critical infrastructure, emergency planners, and emergency responders at all levels of government of the threat of such events.

H.R. 3410 would further direct the Department of Homeland Security's Under Secretary for Science and Technology to conduct research and development to mitigate the consequences of EMP events including: (1) an objective scientific analysis of the risks to critical infrastructures from a range of EMP events; (2) a determination of the critical national security assets and vital civic infrastructure that are at risk from EMP events; (3) an evaluation of emergency planning and response technologies that would address the findings and recommendations of experts; and (4) the restoration and recovery capabilities of critical infrastructure under differing levels of damage and disruption from various EMP events. The bill requires the Secretary of Homeland Security prepare and submit to the recommended strategy to Congress not later than one year after the bill's enactment and to update it every two years thereafter.

The Secretary is also required to submit a report to Congress not later than 180 days after the bill's enactment that would include: (1) EMP threats in national planning scenarios; (2) research and development; (3) Development of the comprehensive plan; and (3) outreach to educate owners and operators of critical infrastructure, emergency planners and emergency responders at all levels of government regarding the threat of EMP events. Nothing in H.R. 1073 would be construed to grant any regulatory authority. The bill would only be carried out by using funds appropriated under the authority of other laws.

The House report (H. Rept. 114-240) accompanying H.R. 1073 can be found here. An identical bill (H.R. 3410) was passed in the House in the 113th Congress by voice vote on December 1, 2014. The RSC's legislative bulletin for H.R. 3410 can be found here.

COMMITTEE ACTION:

H.R. 1073 was introduced on February 25, 2015 and was referred to the House Committee on Homeland Security. The bill was then ordered to be reported, as amended, on August 4, 2015.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: "Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8." A specific and enumerated clause is not provided.

H.R. 3144 — Partners for Aviation Security Act, as amended (Rep. Payne, D-NJ)

CONTACT: Nicholas Rodman, 202-226-8576

FLOOR SCHEDULE:

Scheduled for consideration on November 16, 2015 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

H.R. 3144 would require the Administrator of the Transportation Security Administration (TSA) to consult with the Aviation Security Advisory Committee on any changes to the prohibited item list prior to issuing a determination.

COST:

The Congressional Budget Office (CBO) estimates that meeting the requirements of H.R. 3144 would cost less than $500,000; any such spending would be subject to the availability of appropriated funds. Enacting H.R. 3144 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CONSERVATIVE CONCERNS:

There are no substantive concerns regarding this bill.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 3144 would require the TSA to consult with the Aviation Security Advisory Committee prior to making changes to the list of items passengers are prohibited from bringing on to airplanes. The bill would additionally require the Department of Homeland Security to submit a report to Congress which would include information on how often the Transportation Security Oversight Board has met, its current composition, and its activities. The House report (H. Rept. 114-320) accompanying H.R. 3144 can be found here.

COMMITTEE ACTION:

H.R. 3144 was introduced on July 21, 2015 and was referred to the House Committee on Homeland Security. The bill was then ordered to be reported, as amended, by voice vote on September 30, 2015. On November 2, 2015, the bill was reported and amended by committee.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: "Congress has the power to enact this legislation pursuant to the following: Article 1 Section 8 Clause 14 states Congress shall have the power to make Rules for the Government and Regulation of the land and naval Forces."

H.R. 1338 — Dignified Interment of Our Veterans Act (Rep. Shuster, R-PA)

CONTACT: Brittan Specht, 202-226-9143

FLOOR SCHEDULE:

November 16, 2015 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

H.R. 1338 would require the Secretary of Veterans Affairs to complete a study related to the interment of unclaimed remains of veterans. The measure would also limit to $2 million the amount the VA could pay in bonuses to senior employees for 2016.

COST:

The Congressional Budget Office (CBO) estimates that enacting H.R. 1338 would on net, reduce costs by $1 million over the 2016-2020 period. This reduction is the result of combining $1 million in cost of the study less approximate savings of $2 million from limiting bonuses

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No, according to the Committee Report.

DETAILED SUMMARY AND ANALYSIS:

H.R. 1338 would require the Secretary of Veterans Affairs to conduct a study related to the interment of unclaimed remains of veterans. The study would include assessing the number of unclaimed veterans remains, the effectiveness of VA procedures for handling such remains, the impact of local and state laws on such management, and recommendations for legislative or administrative action to improve VA's procedures.

This legislation would also prohibit the VA from paying our bonuses to Senior Executive Service staff in excess of an aggregate of $2 million for 2016. This would be a reduction from the $3.5 million average observed from 2008-2012.

COMMITTEE ACTION:

H.R. 1338 was introduced on March 6, 2015, and referred to the House Committee on Veterans Affairs. The Committee marked up and reported the bill on September 17, 2015, by a voice vote. The committee report is available here.

ADMINISTRATION POSITION:

No statement of administration policy is available at this time.

CONSTITUTIONAL AUTHORITY:

According to the sponsor, "Congress has the power to enact this legislation pursuant to Article I, Section 8." No specific clause citing an enumerated power of Congress was included.

H.R. 1384 — Honor America's Guard-Reserve Retirees Act (Rep. Walz, D-MN)

CONTACT: Brittan Specht, 202-226-9143

FLOOR SCHEDULE:

November 16, 2015 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

H.R. 1694 would make certain retired reservists eligible for the status of honorary veteran

COST:

The Congressional Budget Office (CBO) estimates that enacting H.R. 1384 would have no budgetary impact.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 1384 would make individuals who served for 20 or more years in the reserves but who were never called to active duty eligible for the status of honorary veteran. These individuals would not qualify for any additional benefits from the Veterans Affairs Administration.

COMMITTEE ACTION:

H.R. 1384 was introduced on March 16, 2015, and referred to the House Committee on Veterans' Affairs. The Subcommittee on Disability Assistance and Memorial Affairs held a mark-up on September 17, 2015 and the full committee reported the bill on October 21, 2015. The committee report is available here.

ADMINISTRATION POSITION:

No statement of administration policy is available at this time.

CONSTITUTIONAL AUTHORITY:

According to the sponsor, "Congress has the power to enact this legislation pursuant to Article I, Section 8." No specific clause citing an enumerated power of Congress was included.

S. 599 — Improving Access to Emergency Psychiatric Care Act (Sen. Cardin, D-MD)

CONTACT: Brittan Specht, 202-226-9143

FLOOR SCHEDULE:

November 16, 2015 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

S. 599 would extend a demonstration project created by the Affordable Care Act, under which Medicaid reimburses private psychiatric care facilities for services provided to beneficiaries between the ages of 21 and 64.

COST:

The Congressional Budget Office (CBO) estimates that enacting S. 599 would increase direct spending by $100,000 over the 2015-2026 period. Because the bill would impact direct pending, pay-as-you-go procedures apply

The measure would also allow for the expenditure of $75 million in mandatory funds from the Affordable Care Act that would otherwise be cancelled.

CONSERVATIVE CONCERNS:

Some conservatives may be concerned that the bill extends a demonstration project and funding created by the Affordable Care Act and that the measure increases mandatory spending.

- **Expand the Size and Scope of the Federal Government?** The measure extends a demonstration project that would otherwise expire, which expands Medicaid.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

The Affordable Care Act, also known as Obamacare, created a demonstration project under which Medicaid would pay for inpatient psychiatric services for beneficiaries aged 21-64. Under current law, Medicaid does not generally cover these services for this age group. H.R. 1338 would extend the demonstration project through September 2016, and allow the Secretary of Health and Human Services to extend the project further to 2019 and to include additional states that are not currently participating if such expansion would not increase net Medicaid spending.

This legislation would also extend the authorization for roughly $75 million in mandatory funding provided for the project in Obamacare that would otherwise be returned to the Treasury.

COMMITTEE ACTION:

S. 599 was introduced on February 26, 2015, and referred to the Senate Committee on Finance, which reported the bill on July 30, 2015. The bill was passed in the Senate on September 28, 2015 by unanimous consent.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

Measures originating in the Senate do not require a Constitutional Authority Statement.

S. 799 — Protecting Our Infants Act (Sen. McConnell, R-KY)

CONTACT: Brittan Specht, 202-226-9143

FLOOR SCHEDULE:

November 16, 2015 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

S. 799 would instruct the director of the Agency for Healthcare Research and Quality to study and develop recommendations for preventing and treating prenatal opioid abuse and neonatal abstinence syndrome (NAS).

COST:

The Congressional Budget Office (CBO) estimates that enacting S. 599 would cost $27 million over the 2016-2020 period, subject to appropriation.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

This bill would instruct the director of the Agency for Healthcare Research and Quality to study and develop recommendations for preventing and treating prenatal opioid abuse and neonatal abstinence syndrome (NAS). Health and Human Services (HHS) would be required to make the report publicly available within 18 months of enactment.

In addition, the director would publish a report with a comprehensive assessment of existing research with respect to NAS, and an evaluation of the causes and risk factors for opioid use disorders among women of reproductive age. The Secretary of HHS would be directed to lead a review of planning and coordination within HHS related to opioid use and NAS with the goal of closing programming gaps. Finally, the director of the Centers for Disease Control and Prevention (CDC) would provide technical assistance to states to improve the availability and quality of data collection and surveillance activities regarding NAS.

COMMITTEE ACTION:

S. 799 was introduced on March 19, 2015, and referred to the Senate Committee on Health, Education, Labor, and Pensions, which reported the bill on October 1, 2015. The bill was passed in the Senate on October 22, 2015 by unanimous consent.

A similar bill, H.R. 1462, passed the House on a voice vote September 8. 2015. The House committee report is available here.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

Measures originating in the Senate do not require a Constitutional Authority Statement.

H.R. 2583 — Federal Communications Commission Process Reform Act of 2015, as amended (Rep. Walden, R-OR)

CONTACT: Nicholas Rodman, 202-226-8576

FLOOR SCHEDULE:

Scheduled for consideration on November 16, 2015 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

H.R. 2583 would require the Federal Communications Commission (FCC) to conduct to establish a new rulemaking process and adopt procedural changes to its rules within one year of the bill's enactment.

COST:

The Congressional Budget Office (CBO) estimates that enacting H.R. 2583 would change the timing of spending from the Universal Service Fund (USF), which would affect direct spending over the 2016-2025 period; therefore, pay-as-you-go procedures apply. We estimate, however, that the timing changes would net to zero over the ten-year period. Enacting H.R. 2583 would not affect revenues.

CONSERVATIVE CONCERNS:

There are no substantive concerns regarding this bill.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 2583 would direct the FCC to complete a rulemaking proceeding and adopt procedural changes to its rules for the purposes of maximizing opportunities for public participation and efficient decision making.

In establishing new policies, the commission would be required to: (1) set minimum comment periods for significant regulatory actions; (2) establish policies concerning the submission and treatment of extensive new information towards the end of the comment period; (3) establish procedures for publishing the status of open rulemaking proceedings and proposed orders on the commission's website; (4) establish deadlines and guidelines for the disposition of petitions submitted to the FCC; (5) establish procedures for the inclusion of the specific language of the proposed rule or the proposed amendment of an existing rule in a notice of proposed rulemaking; and (6) require new program activities to have performance measures for evaluating effectiveness.

The FCC would further be required within one year, to complete an inquiry to seek public comment on whether and how to improve its operations. Specifically the commission should: (1) establish procedures for allowing a bipartisan majority of commissioners to place an order, decision, report, or action on the agenda of an open meeting; (2) establish procedures for informing all commissioners of a reasonable number of options available for resolving a petition, complaint, application, or rulemaking; (3) establish procedures for ensuring that all commissioners have adequate time, prior to being required to decide a petition, complaint, application, or rulemaking to review the proposed FCC decision document; (4) establish deadlines (relative to the date of filing) for the disposition of applications; (5) assign resources needed in order to meet the deadlines including whether the Commission's ability to meet such deadlines

would be enhanced by assessing a fee from applicants for such a license; and (6) publish each order, decision, report, or action not later than 30 days after the date of its adoption.

The bill would require the FCC to develop a performance measure to rely on data already collected by the commission and would require Government Accountability Office (GAO) to audit the cost estimates provided by the commission every not less frequently than every 6 months.

The bill would additionally authorize a bipartisan majority of commissioners to hold a meeting closed to the public to discuss official business if no agency action is taken in the closed session and it is only attended by commissioners and pertinent staff. The FCC would be required to issue a disclosure of the meeting not later than 2 business days after. The Chairman of the FCC would be required to publish on the FCC's website, any policies or procedures established by the Chairman and relate to the functioning of the commission.

H.R. 2583 would require the FCC to create a publicly available, searchable database on its website of information about complaints made by consumers of telecommunications services. The commission would be mandated to take additional steps to inform the public about its performance and efficiency in meeting the disclosure and other requirements the Freedom of Information Act. The bill would additionally require that the commission identify, catalog, and publish an anticipated release schedule for all statistical reports and reports to Congress that are regularly or intermittently released. In compiling its quarterly report with respect to informal consumer inquiries and complaints, the FCC would be prohibited from categorizing an inquiry or complaint as being a wireline inquiry or complaint or a wireless inquiry or complaint unless the party whose conduct is the subject of the inquiry or complaint is a wireline carrier or a wireless carrier, respectively. The bill would exempt the Universal Service Fund (USF) from provisions of the Antideficiency Act through December 31, 2020.

An order, decision, report, or action would be required to be identified and briefly described on the FCC's Internet website 48 hours beforehand, unless the authority to which the delegation is made for good cause finds that such identification and description are likely to lead to a result described in a paragraph of section 552b(c) of title 5, United States Code.

The House report (H. Rept. 114-305) accompanying H.R. 2583 can be found here. A similar bill (H.R. 3675) was introduced in the 113th Congress and passed the House by voice vote on March 11, 2014. The RSC's legislative bulletin for H.R. 2583 can be found here.

COMMITTEE ACTION:

H.R. 2583 was introduced on May 29, 2015 and was referred to the House Committee on Energy and Commerce. The bill was then ordered to be reported, amended, on October 22, 2015.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8 of the U.S. Constitution ("The Congress shall have Power … To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes").

Concur in the Senate Amendment to H.R. 2262 — SPACE Act of 2015 (Rep. McCarthy, R-CA)

CONTACT: Nicholas Rodman, 202-226-8576

FLOOR SCHEDULE:

Scheduled for consideration on November 16, 2015 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

The Senate amendment to H.R. 2262 would require the Department of Transportation (DOT) and the National Aeronautics and Space Administration (NASA) to contract with independent organizations to assess the commercial space industry and current regulations on space traffic and other orbital activities.

COST:

No Congressional Budget Office (CBO) estimate is available for the Senate-passed version. The CBO estimate for the House-passed version can be found here. The CBO estimate for S.1297, the Senate's commercial space legislation can be found here. (The Senate amendment to H.R. 2262 consolidates language from both bills.)

CONSERVATIVE:

There are no substantive concerns regarding this bill.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

The Senate amendment to H.R. 2262 would express a sense of Congress regarding launch liability insurance and the methodology used to calculate the maximum probable loss from claims under section 50914 of title 51, United States Code. Section 103 of the bill would further require the Secretary of Transportation to evaluate the methodology used to calculate the maximum probable loss from claims and to ensure that the federal government is not exposed to greater costs than intended and that launch companies are not required to purchase more insurance coverage than necessary. The section would additionally require the Government Accountability Office to conduct an independent assessment of the Department of Transportation's evaluations.

Section 103 would allow for spaceflight participants and affiliates to be included in indemnification coverage. Presently, the Commercial Space Launch Act distinguishes between individuals that purchase a launch, those that sponsor a spaceflight participant, and the spaceflight participants themselves. The bill broadens coverage to include a licensee or transferee, a contractor, subcontractor, or customer of the licensee or transferee, or a space flight participant. Section 104 would close a statutory loophole created by subsection 2(c) of the Commercial Space Launch Act Amendments of 2004, which invalidates an experimental permit issued once a launch license is issued for the same vehicle design. The section defines a vehicle in this context as a reusable launch vehicle that will be launched into a suborbital trajectory or reentered under that permit.

Section 106 would amend current law requiring all parties involved in a launch to waive claims against each other to include spaceflight participants. The inclusion of spaceflight participants in the cross waiver

requirement encourages consistency and reinforces informed consent requirements. Section 107 would stipulate that a launch or reentry license issued would contain a provision requiring the licensee or transferee to make a reciprocal waiver of claims with the parties involved in launch and reentry services under which each party to the waiver agrees to be responsible for damage or loss sustained by it resulting from an activity carried out under the license.

Section 108 would require the Director of the Office of Science and Technology Policy to assess current, and proposed near-term, commercial non-governmental activities conducted in space, and recommend an authorization and supervision approach that would prioritize safety, utilize existing authorities, minimize burdens to the industry, promote the U.S. commercial space sector, and meet the United States obligations under international treaties. Section 109 would express a sense of Congress and require a study on an assessment of current regulations, best practices, and industry standards that apply to space traffic management and orbital debris mitigation. Section 110 would require the Secretary of Transportation to study the feasibility of processing and releasing safety-related space situational awareness data and information to any entity consistent with national security interests and public safety obligations of the United States.

Section 111 would require the Secretary of Transportation to continue to work with the commercial space sector, including the Commercial Space Transportation Advisory Committee to facilitate the development of voluntary industry consensus standards based on recommended best practices to improve the safety of crew, government astronauts, and space flight participants.

Section 112 would express a sense of Congress that NASA has a need to fly government astronauts within commercial launch vehicles and reentry vehicles. This need was identified by the Secretary of Transportation and the NASA Administrator due to the intended use of commercial launch vehicles and reentry vehicles developed under the Commercial Crew Development Program, authorized in section 402 of the National Aeronautics and Space Administration Authorization Act of 2010. The section defines a government astronaut as someone who is designated by NASA, who is carried within a launch or reentry vehicle in the course of his or her employment, and is an employee of the United States Government or an international partner astronaut.

Section 113 would streamline commercial space launch activities by requiring the Secretary of Transportation to identify all requirements that are imposed to protect the public health and safety, safety of property, national security interests, and foreign policy interests of the United States relevant to any commercial launch or reentry.

Section 114 would express a sense of Congress regarding the International Space Station (ISS). The section would extend the operation and utilization of the ISS through at least 2024 and would direct the NASA Administrator to take all the necessary steps to ensure the ISS remains a viable and productive facility capable of utilization, including its use for scientific research and commercial applications. This section would not authorize appropriations.

Section 115 would express a sense of Congress that state involvement, development, ownership, and operation of launch facilities can enable growth of the Nation's commercial suborbital and orbital space endeavors and support both commercial and government space programs. Section 116 would require GAO to submit a report to Congress on space support vehicles.

Section 117 would update Space Launch System use policies to reflect the decommissioning of the space shuttle program and clarifies that the system would be authorized to be used for: (1) payloads and missions that contribute to extending human presence beyond low-Earth orbit and substantially benefit from the unique capabilities of the Space Launch System; (2) other payloads and missions that substantially benefit from the unique capabilities of the Space Launch System; (3) on a space available

basis, federal government or educational payloads that are consistent with NASA's mission for exploration beyond low-Earth orbit; or (4) compelling circumstances, determined by the NASA Administrator.

Title II of the bill would direct the Department of Commerce to report annually to Congress on: (1) the implementation of its authority to license private entities to operate private remote sensing space systems; (2) all notifications and information provided to Commerce by licensees; and (3) all administrative actions taken to adjust penalties for violations of licensing requirements, issue subpoenas, and seize by warrant material necessary to investigate violations of licensing requirements. This section reflects H.R. 2261, which was introduced on May 12, 2015.

Title III of the bill would rename the Office of Space Commercialization as the Office of Space Commerce and defines its mission to foster the conditions for the economic growth and technological advancement of the United States space commerce industry; to coordinate space commerce policy issues and actions within the Department of Commerce; to represent the Department of Commerce in the development of United States policies and in negotiations with foreign countries to promote United States space commerce; to promote the advancement of United States geospatial technologies related to space commerce, in cooperation with relevant interagency working groups; and to provide support to Federal Government organizations working on Space-Based Positioning Navigation, and Timing policy. This section reflects H.R. 2263, which was introduced on May 12, 2015.

Title IV of the bill would direct the President to facilitate commercial exploration and recovery of space resources by United States citizens; discourage government barriers to the development of such an industry; and promote the right of citizens to engage in commercial exploration and recovery of space resources free from harmful interference. The section stipulates that a citizen engaged in the commercial recovery of an asteroid or space resource would be entitled to the obtained resource, including the possession or ownership of the asteroid or space resource obtained in accordance with applicable law. The section would declare that any asteroid resources obtained in space are the property of the entity that obtained them. This title reflects H.R. 1508, which was introduced on March 19, 2015.

A press release from the bill's sponsor can be found here. The corresponding Senate bill (S. 1297) can be found here. The report (S. Rept. 114-88) accompanying S. 1297 can be found here. The House report (H. Rept. 114-119) accompanying the House-passed H.R. 2262 can be found here. The RSC's legislative bulletin for the House-passed H.R. 2262 can be found here.

COMMITTEE ACTION:

H.R. 2262 was introduced on May 12, 2015 and was referred to the House Committee on Science, Space, and Technology. The bill was then ordered to be reported and amended on May 18, 2015. The bill passed the House by 284 - 133 on May 21, 2015. The bill was then passed in the Senate with an amendment by unanimous consent on November 10, 2015.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time. The Statement of Administration Policy from the House-passed version can be found 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 3: The Congress shall have power to regulate commerce with nations, and among the several states, and with Indian tribes, and Article I, Section 8, Clause 18: Congress shall have power to make all Laws which shall be necessary and proper for carrying into Execution the Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department of Officer thereof."

H.R. 1317 — To amend the Commodity Exchange Act and the Securities Exchange Act of 1934 to specify how clearing requirements apply to certain affiliate transactions, and for other purposes (Rep. Moore, D-WI)

CONTACT: Jennifer Weinhart, 202-226-0706

FLOOR SCHEDULE:

Scheduled for consideration on November 16, 2015 under a suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

H.R. 1317 would exempt certain end-user swap and securities-based swap transactions from clearing requirements under the Commodity Exchange Act and the Securities Exchange Act of 1934 when those transactions are between parties preparing consolidated financial statements and a parent company or with an affiliate.

COST:

The Congressional Budget Office (CBO) estimates that implementing H.R. 1317 would have a net discretionary cost of roughly $1 million.

CONSERVATIVE CONCERNS:

There are no substantive concerns.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

Though during consideration of the Dodd-Frank Act, Congress attempted to exempt end-users from costly clearing requirements such as rules for posting margin and reporting contracts for pricing, the result was incomplete. Margin is a deposit of a portion of the market value of contract that is typically held by a clearinghouse in order to ensure performance by parties to the contract.

Commercial end-users are non-financial firms that use financial derivatives, such as forward contracts and swaps, to mitigate risk in their underlying lines of business. Some end-users are affiliates of parent companies, who offset the risk among their affiliates using centralized treasury units (CTUs). These CTUs reduce risk for corporate groups by reducing the number of external facing transactions and by centralizing risk management in one affiliate. These CTUs are exempt from clearing mandates under Dodd-Frank when managing swaps between their underlying affiliates, but there is currently no exemption provided to CTUs acting as a "principal" for end-user affiliates. CTUs act as principals when they enter into a derivative contract in the open market in order to manage risk at the non-financial affiliate rather than the affiliate entering into the market directly and then transferring management of the instrument to the

CTU. Most end-user CTUs act as a principal, and therefore do not qualify for this exemption, though the financial risk involved is equivalent

H.R. 1317 would remedy this by narrowly expanding the end-user clearing requirement exemption to cover CTU principal transactions for non-financial affiliates. This legislation would not extend exemption from clearing requirements for trades entered into by CTUs for the purposes of hedging the risk of financial affiliates. Similar restrictions regarding financial affiliates would apply for affiliate transaction exemptions. An appropriate credit measure or mechanism must be used if the hedge is addressed by entering into a swap with either a swap dealer or major participant or a security-based swap with a security-based dealer or major security-based participant.

The Committee Report can be found here.

COMMITTEE ACTION:

H.R. 1317 was introduced on March 4, 2015 and was referred to the House Committees on Financial Services and on Agriculture. It was reported by Financial Services on July 29, 2015 and by Agriculture on September 30, 2015.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available

CONSTITUTIONAL AUTHORITY:

Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8. A specific clause citing an enumerated power of Congress was not provided.

H.R. 3032 — Securities and Exchange Commission Reporting Modernization Act of 2015 (Rep. Sinema, D-AZ)

CONTACT: Jennifer Weinhart, 202-226-0706

FLOOR SCHEDULE:

Scheduled for consideration on November 16, 2015 under a suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

H.R. 3032 would amend the Securities Exchange Act of 1934 to repeal the requirement that the Securities and Exchange Commission include a tabulation of the instances in which the agency used its authority to access the a customer's financial records at a given financial institution without the customer's knowledge pursuant to a subpoena.

COST:

The Congressional Budget Office (CBO) estimates that implementing H.R. 3032 would have a negligible effect on discretionary spending.

CONSERVATIVE CONCERNS:

There are no substantive concerns.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

Under the Securities Exchange Act of 1934, the SEC can obtain access to a customer's financial information without their notice through an ex parte showing to a U.S. District Court that the information is sought pursuant to a subpoena (15 U.S.C. 78u(h)(2)). H.R. 3032 would repeal the requirement that the SEC include a tabulation of each instance in which it uses this authority in its annual report to Congress.

COMMITTEE ACTION:

H.R. 3032 was introduced on July 10, 2015 and was referred to the House Committee on Financial Services. It was reported by the yeas and nays, 58-0, on July 29, 2015.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available

CONSTITUTIONAL AUTHORITY:

Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, clause 3 and Article 1, Section 8, clause 18.

S. 2036 — Equity in Government Compensation Act of 2015 (Sen. Vitter, R-LA)

CONTACT: Jennifer Weinhart, 202-226-0706

FLOOR SCHEDULE:

Scheduled for consideration on November 16, 2015 under a suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

S. 2036 would suspend the 2015 compensation packages for the CEOs of Fannie Mae and Freddie Mac (government sponsored enterprises), if the entities remain in conservatorship or receivership under the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, and caps compensation for those CEOs at the level that was in effect on January 1, 2015.

COST:

A Congressional Budget Office (CBO) estimate is not currently available. A CBO score for an identical House bill, H.R. 2243, sponsored by Rep. Royce (R-CA), can be found here.

CONSERVATIVE CONCERNS:

There are no substantive concerns.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

Reports have surfaced that the Federal Housing Finance Agency stipulated that Freddie Mac could not "propose compensation for the CEO that is higher than the 25th percentile of the market, using the agreed-upon comparator group for the FHFA evaluation of Freddie Mac's executive officers," which would put compensation packages at over $7 million annually.

S. 2036 legislation would cap the compensation packages for the CEOs of Fannie Mae and Freddie Mac at the levels observed on January 1, 2015 ($600,000) so long as the firms remain under conservatorships or receiverships under the Federal Housing Enterprises Financial Safety and Soundness Act of 1992.

This legislation would not affect the prohibition of the STOCK Act, preventing bonuses to CEOs of any government sponsored enterprises during periods of conservatorship. S. 2036 will only apply to such a CEO if the GSE is in conservatorship or receivership and is a critically undercapitalized regulated entity pursuant to the Federal Housing Enterprises Financial Safety and Soundness Act of 1992.

This bill would stipulate that any CEO affected by this compensation suspension shall not be considered a federal employee.

COMMITTEE ACTION:

S. 2036 was introduced on September 15, 2015, and was agreed to in the Senate by Unanimous Consent.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

Constitutional Authority statements are not required for Senate legislation.

H.R. 1478 — Policyholder Protection Act of 2015 (Rep. Posey, R-FL)

CONTACT: Jennifer Weinhart, 202-226-0706

FLOOR SCHEDULE:

Scheduled for consideration on November 16, under a suspension of the rules, which requires 2/3 majority for passage.

TOPLINE SUMMARY:

H.R. 1478 would protect state-based insurance providers by safeguarding their ability to wall-off insurance assets from liability within a diverse financial group, regardless of how the insurance company is structured. This bill also allows state insurance regulators to continue to have the authority to protect insurance assets from being used as a "source of strength" to support affiliated institutions in distress. This authority currently exists for bank holding companies, and this legislation guarantees this authority applies to insurers organized as savings and loan holding companies as well.

COST:

A Congressional Budget Office (CBO) estimate is not yet available.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

CONSERVATIVE CONCERNS:

There are no substantive concerns.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

Under current federal law, insurers that are also bank holding companies, or affiliates of bank holding companies, are not required to provide funds or assets to affiliated depository institutions if doing so would have an adverse material effect on the financial stability of the insurance company.

Section 2(a) would protect state insurance regulators' authority to wall-off insurance companies from the contagion of an affiliate. This section extends the same procedural protections under federal law through the Bank Holding Company Act to insurers that are organized as Savings and Loan Holding Companies, in order to allow state regulators to prevent an insurance company's assets from being used to prop up an affiliated bank that is in financial distress. These assets would remain reserved exclusively to pay the insurance claims of consumers.

This legislation would also amend the Federal Deposit Insurance Act to nullify any regulation, order, or action of the Board of Directors of the Federal Reserve that requires a bank holding company to provide funds or assets to a subsidiary depository institution, for entities that are (1) both a savings and loan company and an insurance company; (2) an affiliate of an insured depository institution that is also an

insurance company; or (3) an insurance company that directly or indirectly controls an insured depository institution, if the funds are to be provided by the insurance company, and the state insurance authority regulating the company determines that the provision of funds would have an adverse effect on the financial condition of the insurance company. This provision would prevent the Federal Reserve from seizing insurance assets from an affiliated insurer in order to satisfy obligations of a depository institution if such seizure would imperil the financial stability of the insurer.

Section 2(b)(1) would amend the Dodd-Frank Act to maintain deference to state law receivership. It would maintain state insurance regulatory authority to use the appropriate resolution strategy for the protection of policyholders. This would allow firms to rehabilitate rather than enter the mandatory orderly liquidation contemplated under Dodd-Frank.

Section 2(b)(2) would also require the FDIC, in funding the liquidation of an insurance company or subsidiary, to notify state insurance authorities of its intentions to take a lien on the company's assets.

This legislation would also prohibit the FDIC from taking a lien on a company, of the state insurance authority determines doing so would have a materially adverse effect on the insurance company's policy holders.

COMMITTEE ACTION:

H.R. 1478 was introduced on March 19, 2015 and was referred to the Committee on Financial Services, where it was reported by the yeas and nays, 57-0, on November 4, 2015.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the sponsor, Congress has the power to enact this legislation pursuant to Article I, Section 8, Clause 1 and Clause 18 of the United States Constitution.

Concur in the Senate Amendment to H.R. 208 — RISE After Disaster Act of 2015 (Rep. Velazquez, D-NY)

CONTACT: Jennifer Weinhart, 202-226-0706

FLOOR SCHEDULE:

Scheduled for consideration under a suspension of the rules on November 16, 2015, which requires 2/3 majority for passage.

TOPLINE SUMMARY:

The Senate Amendment to H.R. 208 would make changes to the House-passed bill regarding Superstorm Sandy and would add the text for the Recovery Improvements for Small Entities After Disaster Act of 2015, which would assist small businesses in recovering from major natural disasters.

COST:

The Congressional Budget Office (CBO) estimate is not yet available.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

CONSERVATIVE CONCERNS:

Some conservatives may be concerned that the bill would increase the taxpayers' exposure to federal lending programs and expand the scope of federal disaster loans.

The government already has trillions of dollars in exposure to loans and loan guarantees. The Senate amendment increases that exposure by expanding lending programs, reducing collateral requirements and quality, and reducing guarantee fees intended to offset losses. In addition, there are also concerns that this bill would expand the allowable uses for disaster loans to include the construction of safe rooms. Some may argue that this expansion falls outside of the scope of structure modification for damage reduction.

This concern may be compounded by the lack of a CBO score for the bill as scheduled to be considered.

- **Expand the Size and Scope of the Federal Government?** Yes. This bill would extend the disaster loan program established in the aftermath of Superstorm Sandy.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

Because Superstorm Sandy was authorized as a disaster under the Stafford Act, the SBA was authorized to offer disaster loans to homeowners and businesses affected by the storm. These loans must be applied for within 60 days post-disaster for physical disaster loans and nine months for economic injury disaster loans. Despite changes instituted by Congress following Hurricane Katrina regarding disaster loan administration, the SBA was ill equipped to deal with the 15,745 loan applications it received.

The Senate Amendment would include non-profit entities in the parties able to obtain relief. It would also require an Inspector General review, in order to ensure applicant eligibility. It would place additional requirements on allowed safe rooms, requiring compliance with FEMA standards and would eliminate the requirement for prior paperwork filing before receiving approval for a relief loan. It would strike the original section requiring the SBA to produce a report on the disaggregate data to Congress as well as a report on the progress or rule promulgation for disaster loans.

The Senate amendment would add Division B, which would include the text of the Recovery for Small Entities (RISE) After Disaster Act of 2015.

Title I would provide for improvements to disaster response and loans.

Section 2101 would amend the Small Business Act to authorize the SBA to provide up to two additional years of financial assistance to certain small business development centers (SBDC), SBA women's business centers, Service Corps of Retired Executives, or a consortium of these. Matching funds would not be required. Recipients of this extended assistance would be required to provide counseling or training to small businesses or entrepreneurs who have been impacted by major disasters.

Under this section, the SBA would be required to implement performance metrics and goals, detailing recovery of sales and employment, new business concerns, and business reestablishment. The SBA would be authorized to make a single extension of the grant for up to one year, if need and cause are proven.

Section 2102 would increase the minimum disaster loan amount for which the SBA requires collateral. This amount would increase from $14k to $25k, or any higher amount the SBA determines appropriate, for a three-year period only. Following this period, the loan threshold would return to $14k. The SBA would be required to submit a report to Congress detailing the impacts and benefits of increasing the threshold, and recommendations for permanent increase. Lower collateral thresholds would result in increased exposure to losses for taxpayers.

Section 2103 would allow the SBA to authorize a SBDC to provide advice and information to small businesses outside of their state, if the small businesses are located in a declared major disaster area. It provides for a sense of Congress that the SBDC should be reimbursed for doing so.

Section 2104 would amend the Small Business Act to require consideration of federal and state technology (FAST) partnership program applications for awards from applicants in areas affected by major, catastrophic disasters, and it would waive the matching requirements for awards.

Section 2105 would allow the SBA to transfer federal technology and surplus property to certain small businesses over the 2-year disaster declaration period. This property could not be sold or transferred to a non-federal party during this 2-year period.

Section 2106 would allow the SBA to guarantee up to 85% of an express recovery opportunity loan that does not exceed $150k to a small business concern, if they have demonstrated the capacity to repay. The guarantee fee would be the same as the SBA collects when the guarantee rate is 50%.

Section 2107 would allow the SBA to provide additional assistance in cases of contractor malfeasance, through an increased disaster loan, to cover the cost of repairs or replacements needed to address safety risks created by the contractor malfeasance.

Section 2108 would require federal agencies to establish contracting incentives for small businesses in disaster areas, if they are able to perform the work required in the disaster area. The contract would be doubled if SBA goals for procurement contracts are met.

Section 2109 would prohibit the SBA from requiring a small business to use their primary residence as collateral if other assets are available, when obtaining best available collateral of up to $200k pertaining to damage of property.

Title II would address disaster planning and mitigation.

Section 2201 would amend the Small Business Act to require SBA district offices to propose locations that can be used as SBA recovery centers in the event of a major disaster.

Title III would provide for other provisions.

Section 2301 would require the SBA to increase their oversight of small businesses that have received disaster loans. The SBA would be permitted to make site visits and random loan reviews. This provision would not be provided additional federal funds per the sense of Congress.

Section 2302 would require the Government Accountability Office to evaluate and send a report to Congress on the steps the SBA has taken to comply with the Paper Reduction Act.

Section 2303 would require the SBA to produce a report to Congress on its efforts to create a web portal to track disaster loan applicants.

The legislative bulletin for the House passed bill can be found here.

COMMITTEE ACTION:

H.R. 208 was introduced on January 8, 2015. It passed by voice vote on July 13, 2015. The Senate passed an amended version of H.R. 208 on October 21, 2015.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not currently available.

CONSTITUTIONAL AUTHORITY:

According to the sponsor, Congress has the power to enact this legislation pursuant to Article I, Section 8, Clause 3.

H.R. _____ — Surface Transportation Extension Act of 2015, Part II (Rep. Shuster, R-PA)

CONTACT: Matt Dickerson, 202-226-9718

FLOOR SCHEDULE:

November 16, 2015 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

H.R. ____ would reauthorize the federal highway and local mass transit programs through December 4, 2015.

COST:

A Congressional Budget Office (CBO) estimate is not available.

Rule 28 (a)(1) of Rules of the House Republican Conference for the 114th Congress states that the Republican Leader shall not schedule, or request to have scheduled, any bill or resolution for consideration under suspension of the Rules which fails to include a cost estimate.

CONSERVATIVE CONCERNS:

Many conservatives will be concerned that this legislation was only made publicly available at 10:58 AM on the same day it will be considered on the House floor. This is in violation of the House Republicans' policies requiring legislation to be available for three days before floor consideration.

- **Expand the Size and Scope of the Federal Government?** No, the bill continues currently authorized programs.
- **Encroach into State or Local Authority?** Yes. As stated in the RSC Budget, "Congress should devolve the federal government's control over most highway and transit programs to the state and local governments." Federal transportation spending should be limited to core federal duties, including the interstate highway system and transportation infrastructure on federal land.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

The bill would extend the federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded by the Highway Trust Fund through December 4, 2015.

The transportation programs were most recently reauthorized through November 20, 2015, by H.R. 3819, the Surface Transportation Extension Act of 2015, which passed the House on October 27, 2015, by a voice vote.

The Department of Transportation (DOT) has established a Highway Trust Fund Ticker to show the funding status of the Highway and Transit accounts within the Trust Fund. To continue funding highway and transit programs at current levels past December 18, another general fund bailout would likely be required. In the event of a shortfall, the DOT would delay reimbursements to states.

COMMITTEE ACTION:

H.R. ____ will be introduced on November 16, 2015. The text of the legislation was made available at 10:58 AM on November 16, 2015.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

The Constitutional authority statement is not available, as the bill has yet to even be introduced.

NOTE: *RSC Legislative Bulletins are for informational purposes only and should not be taken as statements of support or opposition from the Republican Study Committee.*

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