Table of Contents

H.R. 1624 — Providing Affordable Coverage for Employees Act, as amended (Guthrie, R-KY)

CONTACT: Brittan Specht, 202-226-9143

FLOOR SCHEDULE:

Scheduled for consideration on September 28, 2015, under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

H.R. 1624 would revise the definition of small employer for the purposes of the Patient Protection and Affordable Care Act (PL 111-148) to allow states to treat employers with 51 to 100 employees as large employers. Such revision would eliminate the need for covered employers to meet the small employer health insurance standards required under the PPACA after 2016.

COST:

As introduced, the Congressional Budget Office (CBO) and Joint Committee on Taxation (JCT) estimate that enacting H.R. 1624 would result in $400 million increase in revenue over the 2016-2025 period, with $280 million occurring on-budget. The increased revenue results from expected lower tax-deductible premiums paid pay firms for health insurance resulting in increased taxable revenue for those firms, thereby raising total tax liability.

As amended and scheduled for floor consideration the week of September 28, H.R. 1614 would direct the on-budget revenues generated by the bill to the Medicare Improvement Fund (42 USC 1395iii). After accounting for budgetary interactions, $205 million would be redirected to the fund by making that amount available to the Secretary of Health and Human Services beginning in 2020.

After accounting for the amendment, the total on-budget budgetary effect of H.R. 1624 should be zero.

CONSERVATIVE CONCERNS:

Some conservatives may be concerned that the increased revenues generated by the bill are not directed to the Treasury for deficit reduction, and may be available either to fund future spending increases or to be spent at the discretion of the Secretary of HHS.

In the past, the Medicare Improvement Fund has been used to temporarily locate savings achieved by legislation in order to use these savings to offset other new spending at a later date. For example, the fund was used to locate $2.3 billion savings from legislation freezing Member salaries and extending the mandatory sequester for one additional year, 2024 (PL 113-82, 128 STAT 1009-1010). These saving were then used to offset the Sustainable Growth Rate adjustment ("Doc Fix") enacted in April, 2014 (PL 113-93, 128 STAT 1040 et seq.).

- **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 PPACA, insurance plans in the individual and small-group markets must meet certain minimum requirements. Most notably, these plans must cover the Essential Health Benefits and are not allowed to vary premiums based on health status and only to a limited extent based on age.

The PPACA defines small employer as any firm with fewer than 101 employees as a small employer. However, through 2016 states were allowed the option to treat firms with 51 to 100 employees as large employers, thus allowing these firms to offer insurance plans that do not comply with the small-group market requirements. H.R. 1624 would allow states to continue to treat these firms as large employers, while not prohibiting a state from choosing to maintain the current-law definition. By allowing firms with 51 to 100 employees to continue providing non-compliant insurance plans, the bill is expected to prevent significant premium increases and moderate the market impact that would result from the current-law requirement.

Because this would result in these firms paying lower tax-deductible health insurance premiums for their employees than under current law, it is expected that total taxable income and, commensurately, tax liability for these firms will rise, resulting in increased revenue for the federal government. Sec. 2(c) of the bill, as amended, would direct the on-budget revenue increase to the Medicare Improvement fund, which could be used to fund future increases in spending (as noted above, has been done in the past), or would become available to the Secretary of Health and Human Services to spend to improve the traditional fee for service Medicare program at her discretion beginning in 2020.

COMMITTEE ACTION:

H.R. 1625 was introduced on March 25, 2015 and was referred to the House Energy and Commerce Committee. The Subcommittee on Health held a legislative hearing on the bill on September 9, 2015.

ADMINISTRATION POSITION:

No statement of administration policy is available.

CONSTITUTIONAL AUTHORITY:

According to the Sponsor, Congress has the power to enact this legislation pursuant to the following: Article I, Section 8 of the Constitution of the United States.

No clause citing a specific enumerated power of Congress was included.

S. 136 – Gold Star Fathers Act of 2015 (Sen. Wyden, D-OR)

CONTACT: Nicholas Rodman, 202-226-8576

FLOOR SCHEDULE:

Scheduled for consideration on September 28, 2015 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

S. 136 would expand preferred eligibility for federal jobs to fathers of certain permanently disabled or deceased veterans, granting them the same status as Gold Star mothers regarding eligibility for the civil service.

COST:

The Congressional Budget Office (CBO) estimates that implementing S. 136 would not have a significant effect on the federal budget. Enacting S. 136 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:

The bill would expand the preferential eligibility for federal employment to fathers, in addition to mothers, of an individual who either: lost his or her life under honorable conditions while serving in the armed forces; is a service-connected permanently and totally disabled veteran; if the spouse of that parent is totally and permanently disabled; or whose parentis unmarried or, if married, legally separated from his or her spouse or widowed.

The House (H. Rept. 114-263) and Senate (S. Rept. 114-35) reports accompanying S. 136 can be found here and here respectively.

COMMITTEE ACTION:

The bill was introduced on January 8, 2015 and was referred to the Senate Committee on Homeland Security and Governmental Affairs. On May 11, 2015, the bill was passed in the Senate by unanimous consent and was referred to the House Committee on Oversight and Government Reform.

ADMINISTRATION POSITION:

No statement of administration position is available at this time.

CONSTITUTIONAL AUTHORITY:

Senate rules do not require the inclusion of a constitutional authority statement.

H.R. 313 - Wounded Warriors Federal Leave Act of 2015 (Rep. Lynch, D-MA)

CONTACT: Nicholas Rodman, 202-226-8576

FLOOR SCHEDULE:

Scheduled for consideration on September 28, 2015 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

H.R. 313 would provide leave to any new federal employee who is a veteran with a service-connected disability rated at 30 percent or more for the purposes of undergoing medical treatment.

COST:

The Congressional Budget Office (CBO) estimates that implementing H.R. 313 would cost $55 million over the next five years, subject to appropriation of the necessary funds. That cost represents the value of the additional sick leave that CBO estimates would be provided to newly hired veterans.

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. 313 would provide leave without loss or reduction in pay, for any employee who is a veteran with a service-connected disability rated at 30 percent or more for the purposes of undergoing medical treatment. The leave could not exceed 104 hours, must be used within the first 12 months of employment, and may not be carried forward.

To verify that the credited leave would be used for treating a service-connected disability, the employee would be required to submit to the head of the employing agency certification under Officer of Personnel Management (OPM) guidelines that the employee used the leave for the purposes of being furnished treatment for the disability by a health care provider. The House report (H. Rept. 114-180) accompanying H.R. 313 can be found here.

COMMITTEE ACTION:

The bill was introduced on January 13, 2015 and was referred to the House Committee on Oversight and Government Reform.

ADMINISTRATION POSITION:

No statement of administration position is available at this time.

CONSTITUTIONAL AUTHORITY:

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

S. 565 — Federal Vehicle Repair Cost Savings Act (Peters, D-MI)

CONTACT: Jennifer Weinhart, 202-226-0706

FLOOR SCHEDULE:

Scheduled for consideration on September 28, 2015, under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

S. 565 would seek to reduce the operation and maintenance costs of the Federal fleet by requiring the head of an agency to encourage the use of remanufactured parts, when doing so would not cause delay in use or impair performance

COST:

The Congressional Budget Office (CBO) estimates that this legislation would have no significant budgetary effect.

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:

Agencies allow vehicle operators and fleet managers to perform vehicle maintenance and make repair decisions. In March 2013, the Government Accountability Office (GAO) issued a report, "Use of Remanufactured Parts in the Federal Vehicle's Fleet is Based on a Variety of Factors," which reviewed the repair process for the Federal Fleet. Studying 14 agencies, the GAO found the agencies were able to use, and often did use, remanufactured parts. The study also noted that the use of remanufactured parts resulted in a much lower incurred cost. A 2012 Motor and Equipment Manufacturers Association (MEMA) study found that remanufacturing saves 85 percent of the energy and material used to manufacture compared to their equivalent in new parts. Moreover, remanufactured parts cost from 20-50 percent less than their equivalent in new product, while providing the same level of performance.

This legislation would require an agency head to encourage the usage of remanufactured parts when making repairs, if doing so would result in the same level of performance and expediency as would new parts. S. 565 would provide an exception in cases where remanufactured products do not produce lower costs, comparable vehicle performance, or where doing so would cause delay.

Identical legislation, H.R. 1613 was introduced by Representative Huizenga (R-MI), and was reported out of the House Committee on Oversight and Government reform by voice vote. A House Committee Report can be found here. The Senate Committee Report can be found here.

COMMITTEE ACTION:

S. 565 was introduced on February 25, 2015 and was referred to the Senate Committee on Homeland Security and Government Affairs. It passed in the Senate by Unanimous Consent on June 15, 2015.

ADMINISTRATION POSITION:

No statement of administration policy is available.

CONSTITUTIONAL AUTHORITY:

Senate bills do not require a Constitutional Authority Statement.

H.R. 3089 — Grants Oversight and New Efficiency (GONE) Act, (Walberg, R-MI)

CONTACT: Jennifer Weinhart, 202-226-0706

FLOOR SCHEDULE:

Scheduled for consideration on September 28, 2015, under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

H.R. 3089 would make the federal grant cycle operate more efficiently by requiring agencies to identify expired grant accounts for closure.

COST:

The Congressional Budget Office (CBO) estimates that enacting H.R. 3089 would result in increased administrative costs that would total $8 million over the 2016-2020 period. This spending would be subject to the availability of appropriated funds.

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:

According to the Committee Report, in FY2014, the federal government's outlays for state and local grants totaled $529.9 billion. Further, a 2012 study by the Government Accountability Office found that more than $794 million in undisbursed balances for over 10,584 expired grant accounts, remained in the Health and Human Services Payment Management System (PMS).

These expired accounts cost a great deal of money. Some support centers, including the Program Support Center, which operates the PMS, charge fees. According to the Committee Report, in FY2011, PSC charged agencies $173,000 per month in fees, covering more than 28,000 expired grant accounts. This would result in annual charges of roughly $2 million.

This legislation would require agencies to coordinate with the Secretary of Health and Human Services (HHS) to provide Congress with a report not later than 180 days after passage, that: (1) lists each covered grant by the agency; (2) identifies grants for closure; and, (3) details why the grants have not yet been closed. H.R. 3089 would require that one year following submission of the report, HHS would report to Congress the status of the grant accounts marked for closure. The goal of this legislation would be greater agency accountability.

This legislation would require HHS to coordinate with agency heads to submit reports. HHS was chosen as the coordinating agency because of its volume of grants and its efforts to improve the grant closure process.

COMMITTEE ACTION:

H.R. 3089 was introduced on July 16, 2015 and was referred to the House Committee on Oversight and Government Reform. It was reported amended by voice vote on September 18, 2015.

ADMINISTRATION POSITION:

No statement of administration policy is available.

CONSTITUTIONAL AUTHORITY:

According to the Sponsor, Congress has the power to enact this legislation pursuant to the following: Article I, Section 9, Clause 7 of the Constitution of the United States; ``No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.'' The purpose of the bill is to require the Office of Management and Budget to provide a more extensive account of the receipts and expenditures of all current grant programs to determine which programs should be closed.

H.R. 3614 – Airport and Airway Extension Act of 2015 (Rep. Shuster, R-PA)

CONTACT: Matt Dickerson, 202-226-9718

FLOOR SCHEDULE:

September 28, 2015 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

H.R. 3614 would extend the authorization for the Federal Aviation Administration (FAA) and the airport and airways programs through March 31, 2015.

COST:

A Congressional Budget Office (CBO) estimate is not available at this time. The bill continues funding for aviation programs at current levels.

CONSERVATIVE CONCERNS:

Some conservatives may be concerned that H.R. 3614 extends the Essential Air Service (EAS) program. This program heavily subsidizes flights to and from rural areas—often at a cost of several hundred dollars per passenger. The House Republican Budget recommended phasing out the EAS.

Some conservatives may be concerned that a CBO estimate is not available for S. 139 in violation of the GOP Conference Rules. 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.

- **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 authorization for the FAA and other aviation programs is set to expire on September 30, 2015.

H.R. 3614 would extend the authorization through March 31, 2016, for:

- The Airport Improvement Program;
- Federal Aviation Administration Operations;
- Air Navigation Facilities and Equipment;
- Research, Engineering, and Development;
- The Essential Air Service;
- Revenue sources for the Airport and Airway Trust Fund, including ticket and fuel taxes.

COMMITTEE ACTION:

H.R. 3614 was introduced on September 25, 2015, and referred to the House Transportation and Infrastructure, Ways and Means, and Science Space and technology Committees. The committees took no further action on the bill. In the 114th Congress, the Transportation and Infrastructure Committee has held a number of hearings and other events regarding the FAA reauthorization. In June, the Committee laid out principles for reauthorization that would partially privatize the air traffic control system.

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 I, Section 8, of the United States Constitution, specifically Clause 1, Clause 3, and Clause 18."

H.R. 2061 – Equitable Access to Care and Health (EACH) Act (Rep. Davis, R-IL)

CONTACT: Matt Dickerson, 202-226-9718

FLOOR SCHEDULE:

September 28, 2015 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

H.R. 2061 would expand the religious conscience exemption from Obamacare's individual mandate to exempt those whose religious beliefs are inconsistent with the acceptance of medical services.

COST:

The Congressional Budget Office (CBO) and the Joint Committee on Taxation (JCT) estimate that enacting H.R. 2061 would reduce revenues by $1.855 billion and reduce outlays by $615 million over the 2016–2025 period. The bill would increase the deficit by $1.235 billion on net over the budget window.

CONSERVATIVE CONCERNS:

There are no substantive concerns.

- **Expand the Size and Scope of the Federal Government?** No, the bill would protect the religious liberty of certain individuals and allow them to be exempt from Obamacare's individual mandate.
- **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 Obamacare, individuals are generally required to obtain health insurance coverage or else face a tax penalty known as the individual mandate. There is a limited religious conscience exemption under current law, but it only exempts those for whom accepting insurance would be inconsistent with their religious beliefs. According to Chairman Ryan, this applies to the Amish and the Old Order of the Mennonites.

H.R. 2061 would expand the religious conscience exemption to include any individual "who relies solely on a religious method of healing, and for whom the acceptance of medical health services would be inconsistent with the religious beliefs of the individual." This would primarily apply to members of the Christian Scientist religion. CBO estimates that 200,000 people would qualify for an exemption from the individual mandate under the bill.

COMMITTEE ACTION:

H.R. 2061 was introduced on April 28, 2015, and referred to the House Ways and Means Committee. The bill was marked up and reported by the Committee on September 17, 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 the following: The constitutional authority on which this bill rests is the power of Congress as stated in Article I, Section 8, Clause 1 of the United States Constitution."

S. 139 – Ensuring Access to Clinical Trials Act of 2015 (Sen. Wyden, D-OR)

CONTACT: Matt Dickerson, 202-226-9718

FLOOR SCHEDULE:

September 28, 2015 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

S. 139 would make permanent the $2,000 exclusion of compensation received from participating in clinical trials for rare diseases for the purpose of calculating income for eligibility for Medicaid and Supplemental Security Income (SSI).

COST:

A Congressional Budget Office (CBO) estimate is not available for S. 139.

CONSERVATIVE CONCERNS:

Some conservatives may be concerned that a CBO estimate is not available for S. 139 in violation of the GOP Conference Rules. 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.

Some conservatives may be concerned that S. 139 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?** S. 139 would make permanent a law that could make additional beneficiaries eligible for the Medicaid and SSI programs.
- **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:

S. 139 would make permanent the $2,000 exclusion of compensation received from participating in clinical trials for rare diseases for the purpose of calculating income for eligibility for Medicaid and Supplemental Security Income (SSI). This exclusion was established by the Improving Access to Clinical Trials Act of 2009. According to the GAO, this exclusion has benefited 36 SSI recipients since 2011.

COMMITTEE ACTION:

S. 139 was introduced by Senator Wyden on January 8, 2015, and passed by unanimous consent on July 16, 2015. The bill was sent to the House and referred to the Committee on Ways and Means, and the Committee on Energy and Commerce. On September 18, 2015, the Energy and Commerce Health Subcommittee held a legislative hearing on Improving the Medicaid Program for Beneficiaries, which included the House companion to the Ensuring Access to Clinical Trials Act (H.R. 209).

ADMINISTRATION POSITION:

No statement of administration policy is available at this time.

CONSTITUTIONAL AUTHORITY:

Bills that originate in the Senate do not require a constitutional authority statement.

H.R. 3594 — Higher Education Extension Act, as amended (Bishop, R-MI)

CONTACT: Brittan Specht, 202-226-9143

FLOOR SCHEDULE:

Scheduled for consideration on September 28, 2015, under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

H.R. 3594 would extend for one year the authorization for institutions to make Perkins loans and delay the return of funds to the federal government from Perkins revolving funds for the same period. The bill would also extend the authorization for the National Advisory Committee on Institutional Integrity for one year.

COST:

A Congressional Budget Office (CBO) budgetary estimate has not been made available.

However, according to the Committee on Education and the Workforce, the bill would result in a net savings of about $3 million over the period FY2016-2025.

CONSERVATIVE CONCERNS:

There are no substantive conservative concerns.

- **Expand the Size and Scope of the Federal Government?** No. However, the measure extends existing federal student loan programs that would otherwise expire.
- **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:

Perkins loans are available to all undergraduate and graduate students, with priority given to students demonstrating the greatest financial need. The loans carry a fixed interest rate of 5%, as opposed to other major federal loan programs, which carry a floating rate (currently 4.29% for undergraduates and 5.84% for graduate students.) The loans are funded through a revolving fund that was initially capitalized by federal and state funding, with state funding equaling at least one-third of the federal contribution. As students repay loans, their payments accrue back to the revolving fund, which is then used to make new loans. Under current law, authority for loans to be made to new students expires September 30, 2015 and states are required to close out the revolving funds and distribute the fund's assets back to the federal government in equal proportion to the original funding contribution. Students who had received a Perkins loan prior to October 1, 2015 would be eligible to continue receiving new loans through FY2020.

H.R. 3495 would extend the authority for revolving funds to make loans to new students through September 30, 2016, and would delay the distribution of fund assets for one year. In order to control costs and encourage Congress to address a full reauthorization of the Higher Education Act, the bill would eliminate the ability of students currently receiving Perkins loans to continue receiving new loans through FY2020, instead allowing this grandfathered status to extend only through March 31, 2018. Further, after September 30, 2016, students would only be eligible to receive new Perkins loans if they have already been awarded all Federal Direct Stafford loans for which they are eligible.

Finally, H.R. 3495 would extend the authorization of the National Advisory Committee on Institutional Integrity and the Advisory Committee on Student Financial Assistance through September 30, 2016. The National Advisory Committee on Institutional Integrity recommends which organizations the federal government should recognize to accredit higher education programs. The Advisory Committee on Student Financial Assistance reviews student loan and grant programs and makes recommendations for reform and improvement to Congress.

COMMITTEE ACTION:

H.R. 3594 was introduced on September 24, 2015 and was referred to the House Committee on Education and the Workforce. No committee hearings have been held.

ADMINISTRATION POSITION:

No statement of administration policy is available.

CONSTITUTIONAL AUTHORITY:

According to the Sponsor, Congress has the power to enact this legislation pursuant to the following: Article I, Section 8 of the Constitution of the United States.

No clause citing a specific enumerated power of Congress was included.

H.R. 2617 — To amend the Fair Wage Act of 2007 to postpone a scheduled increase in the minimum wage applicable to American Samoa, as amended (Radewagen, R-A.S.)

CONTACT: Brittan Specht, 202-226-9143

FLOOR SCHEDULE:

Scheduled for consideration on September 28, 2015, under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

H.R. 2617 would postpone the 50-cent increase in the minimum wage scheduled for September 30, 2016 for American Samoa for one year. Instead, the minimum wage would be rescheduled to increase 50 cents every third year thereafter until it reaches parity with the federal minimum wage.

COST:

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

CONSERVATIVE CONCERNS:

There are no substantive 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:

In 2007, Congress enacted the Fair Minimum Wage Act (PL 110-28), which set a schedule of minimum wage increases for American Samoa in order to reach eventual parity with the federal minimum wage on the U.S. mainland. However, as the wage floor has risen, many industries in American Samoa have laid off workers or deferred new hiring due to the increasing labor costs.

In order to prevent further labor cost pressure increases, H.R. 2617 would delay the additional increase in the minimum wage scheduled for September 30, 2015 and reschedule eventual future increases to September 30, 2016 and every third year thereafter. The measure would also require the Government Accountability Office to submit a report to Congress on alternative methods for increasing the minimum wage in American Samoa to reach parity with the U.S. mainland.

COMMITTEE ACTION:

H.R. 3594 was introduced on June 2, 2015 and was referred to the House Committee on Education and the Workforce. No committee hearings have been held.

ADMINISTRATION POSITION:

No statement of administration policy is available.

CONSTITUTIONAL AUTHORITY:

According to the Sponsor, Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 3 of the Constitution of the United States – Congress shall have the power…to regulate commerce with foreign Nations, and among the several States, and with the Indian tribes.

H.R. 2786 – Cross-Border Rail Security Act of 2015 (Rep. Vela, D-TX)

CONTACT: Nicholas Rodman, 202-226-8576

FLOOR SCHEDULE:

Scheduled for consideration on September 28, 2015 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

H.R. 2786 would require the Commissioner of U.S. Customs and Border Protection (CBP) to submit a report to Congress on cross-border rail security.

COST:

The Congressional Budget Office (CBO) estimates that implementing H.R. 2786 would cost about $1 million in 2016 and less than $500,000 annually thereafter, assuming appropriation of the necessary funds. Enacting the legislation 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. 2786 would require the Commissioner to submit a report to Congress on: (1) the number of shipments entering the United States by rail annually that are determined to be high-risk by the Commissioner; (2) specific details on the status of radiation detection units at each rail crossing on the northern and southern land borders; (3) an assessment of whether additional radiation detection equipment is necessary to ensure that all such high-risk cross-border rail shipments are examined with appropriate equipment; and (4) a plan for ensuring that all relevant CBP personnel receive adequate training and guidance on the proper use of CBP's Automated Targeting System for such high-risk cross-border rail shipments. The bill would additionally require the Government Accountability Office (GAO) to periodically audit U.S. Customs and Border Protection operations at rail crossings on the northern and southern international borders. The House report (H. Rept. 114-233) accompanying H.R. 2786 can be found here.

COMMITTEE ACTION:

The bill was introduced on June 15, 2015 and was referred to the House Committee on Homeland Security.

ADMINISTRATION POSITION:

No statement of administration position is available at this time.

CONSTITUTIONAL AUTHORITY:

Congress has the power to enact this legislation pursuant to the following: the U.S. Constitution including Article 1, Section 8.

No clause citing a specific enumerated power of Congress was included.

H.R. 2835 - Border Jobs for Veterans Act of 2015, as amended (Rep. McSally, R-AZ)

CONTACT: Nicholas Rodman, 202-226-8576

FLOOR SCHEDULE:

Scheduled for consideration on September 28, 2015 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

H.R. 2835 would direct the Department of Homeland Security, in conjunction with the Department of Defense, to create a recruitment program for members of the Armed Forces separating from the military to serve as U.S. Customs and Border Patrol (CBP) officers.

COST:

No Congressional Budget Office (CBO) estimate is available.

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. 2835 would require the Secretary of Homeland Security to consider the expedited hiring of qualified candidates eligible for a veterans recruitment appointment, who have the ability to perform the essential functions of a CBP officer position.

The Secretary of Homeland Security, in conjunction with the Secretary of Defense, would be required to enhance efforts to recruit members of the Armed Forces separating from military service to serve as CPB officers. These efforts would: (1) include Customs and Border Protection officer opportunities in relevant job assistance efforts under the Transition Assistance Program; (2) place U.S. Customs and Border Protection officials at recruiting events and jobs fairs involving members of the Armed Forces separating from military service; (3) provide opportunities for local U.S. Customs and Border Protection field offices to partner with military bases in the region; (4) include outreach efforts to educate members of the Armed Forces with military occupational specialties that are transferable to existing CBP openings; (5) identify shared activities and opportunities for reciprocity related to hiring CBP officers; (6) ensure the streamlined interagency transfer of relevant background investigations and security clearances; and (7) include elements that may be necessary to ensure that members of the Armed Forces separating from military service are aware of opportunities to fill vacant CBP positions. The bill would additionally require a report to Congress assessing the Department of Homeland Security's efforts to hire members of the Armed Forces separating from military service as CBP officers.

COMMITTEE ACTION:

The bill was introduced on June 18, 2015 and was referred to the House Committee on Homeland Security.

ADMINISTRATION POSITION:

No statement of administration position is available at this time.

CONSTITUTIONAL AUTHORITY:

Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, Clause 12: to raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years; Article 1, Section 8, Clause 13: To provide and maintain a Navy; Article 1, Section 8, Clause 14: To make Rules for the Government and Regulation of the land and naval Forces.

Concur in the Senate Amendment to H.R. 2051 – Agriculture Reauthorizations Act of 2015 (Rep. Conaway, R-TX)

CONTACT: Nicholas Rodman, 202-226-8576

FLOOR SCHEDULE:

Scheduled for consideration on September 28, 2015 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

The Senate amendment to H.R. 2051 would reauthorize U.S. Department of Agriculture (USDA) data reporting on cattle, swine, lambs, and other livestock prices through September 30, 2020. The bill would further reauthorize the National Forest Foundation Act, and would reauthorize and amend the United States Grain Standards Act through September 30, 2020 by authorizing annual appropriations for the Grain Inspection, Packers, and Stockyards Administration (GIPSA) under the U.S. Department of Agriculture.

COST:

The Congressional Budget Office (CBO) estimates that implementing H.R. 2051 would cost $151 million over the 2016-2020 period, assuming appropriation of the necessary amounts. Enacting the bill would affect direct spending; therefore, pay-as-you-go procedures apply. However, CBO estimates that such effects would not be significant in any year. Enacting the bill 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:

The Senate amendment to H.R. 2051 combines and amends three pieces of the legislation (H.R. 2051; H.R. 2394, and H.R. 2088) passed by the House on June 9, 2015 by voice vote.

Title I of the bill (House-passed H.R. 2051) would mandate the U.S. Department of Agriculture to continue reporting and publishing the required daily reporting information during a shutdown or emergency furlough as a result of a lapse in appropriations. The bill would amend swine reporting requirements to include the total number and weighted average price of barrows and gilts purchased through negotiated purchases and negotiated formula purchases' to the list of information the Secretary of Agriculture is required to publish in a prior day report. Title I would also mandate that the Secretary of Agriculture to revise the pertinent parts of the lamb reporting regulations, not later than 180 days after the bill's enactment, to modify the definition of the term "importer." The modification would require that the Secretary include only importers that imported an average of 1,000 metric tons of lamb during the immediately preceding 4 calendar years.

Title II (House-passed H.R. 2394) would authorize the appropriation of $3 million a year through 2018 to support the National Forest Foundation, a nonprofit corporation established by federal law that awards grants to maintain and restore recreational resources, such as trails, watersheds, wildlife habitats, national forests, and

grasslands. The authorization for $3 million annually is an increase from the previous authorization level of $1 million annually.

Title III (House-passed H.R. 2088) of the bill would extend GIPSA's authority to collect and spend fees for certain grain inspection and weighing services. The bill would also remove the Secretary of Agriculture's discretionary waiver authority in emergency situations and provides that transfers of grain into an export elevator by any mode of transportation are not required to be officially weighed. If a disruption occurs during an official inspection process or weighing process, the Department of Agriculture would be required to take immediate action to resume inspections and report on it to Congress. Title III would additionally cease the permanent delegation to state agencies to carry out export inspection and weighing services. Every 5 years, the Secretary of Agriculture would have to certify that each state agency with a delegation of authority is meeting specified required criteria. If a state agency that has been delegated authority intends to temporarily discontinue official inspection or weighing services for any reason, except in the case of a major disaster, the state agency would be required to notify the Secretary of Agriculture in writing of the intention of the state agency to do so at least 72 hours in advance of the discontinuation date. Title III would extend the limitation on total administrative and supervisory costs, the authorization of appropriations, and the authorization of the advisory committee through fiscal year 2020.

The bill would additionally require a report on the specific factors that led to disruption in Federal inspection of grain exports at the Port of Vancouver in the summer of 2014 and any factors that contributed to the disruption that were unique to the port. Section 303 would require a report to Congress on policy barriers to United States grain producers in countries that do not offer official grading for United States grain or provide only the lowest designation for United States grain and any actions the Executive Branch is taking to remedy the policy barriers.

The House report (H. Rept. 114-132) accompanying H.R. 2051 can be found here. The RSC's legislative bulletin for the House passed H.R. 2051 as well as H.R. 2088 and H.R. 2394 can be found here.

COMMITTEE ACTION:

The H.R. 2051 was introduced on April 28, 2015 and was referred to the House Committee on Agriculture. The bill passed the House by voice vote on June 9, 2015. On September 21, 2015, the bill passed the Senate with an amendment by unanimous consent.

ADMINISTRATION POSITION:

No statement of administration position is available at this time.

CONSTITUTIONAL AUTHORITY:

Congress has the power to enact this legislation pursuant to the following: the ability to regulate interstate commerce and with foreign Nations pursuant to Article 1, Section 8, Clause 3 includes the power to collect and report livestock market prices.

###