1. H.R. 4096 – Investor Clarity and Bank Parity Act
2. H.R. 5019 – Fair Access to Investor Research Act of 2016
3. H.R. 2901 – Flood Insurance Market Parity and Modernization Act
4. H.R. 223 – Great Lakes Restoration Initiative Act of 2016
5. House Amendment to S. 1523 – To amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes, as amended
6. H.R. 1684 – Foreign Spill Protection Act of 2016, as amended
7. H.R. 4820 – Combating Terrorist Recruitment Act of 2016, as amended
8. H.R. 4698 – Securing Aviation from Foreign Entry Points and Guarding Airports Through Enhanced Security Act of 2016, as amended
9. H.R. 3583 – PREPARE Act, as amended
10. H.R. 2908 – National Bison Legacy Act
11. H.R. 2615 – Virgin Islands of the United States Centennial Commission Act
12. H.R. 4359 – Administrative Leave Reform Act, as amended
13. H.R. 4360 – Official Personnel File Enhancement Act
14. Senate Amendment to H.R. 1493 – Protect and Preserve International Cultural Property Act

H.R. 4096 — Investor Clarity and Bank Parity Act (Rep. Capuano, D-MA)

CONTACT: Jennifer Weinhart, 202-226-0706

FLOOR SCHEDULE:

Expected to be considered on April 26, 2016 under a suspension of the rules which requires a 2/3 majority vote for passage.

TOPLINE SUMMARY:

H.R. 4096 would amend the Volcker Rule of the Dodd-Frank Wall Street Reform and Consumer Protection Act to allow sponsored affiliates of covered institutions to share a similar name with the sponsor.

COST:

The Congressional Budget Office (CBO) estimates that enacting H.R. 4096 would not increase net direct spending or on-budget deficits in the four consecutive 10-year periods beginning in 2027.

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:

The Volcker Rule prohibits insured depository institutions and covered affiliates from engaging in proprietary trading and from having certain relationships with hedge funds or private equity funds. As part of implementing the law, regulators have found that a sponsored fund or investment advisor could not share a similar name as the parent institution, even if the covered fund does not engage in activity that would otherwise violate the proprietary trading restrictions of the Volker Rule. H.R. 4096 would correct this situation by allowing covered funds to share a similar name as its parent firm, thus allowing consumers to easily identify the existence of such a relationship.

COMMITTEE ACTION:

H.R. 4096 was introduced on November 19, 2015 and was referred to the House Committee on Financial Services, where it was reported by voice vote on March 2, 2016.

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 I, Section 8. A specific enumerating clause was not provided.

H.R. 5019 — Fair Access to Investor Research Act of 2016 (Rep. Hill, R-AR)

CONTACT: Jennifer Weinhart, 202-226-0706

FLOOR SCHEDULE:

Expected to be considered on April 26, 2016 under a suspension of the rules which requires a 2/3 majority vote for passage.

TOPLINE SUMMARY:

H.R. 5019 would direct the Securities Exchange Commission to allow for a safe harbor for research reports that cover Exchange Traded Funds, so that they are not considered offers under the Securities Act of 1933.

COST:

A Congressional Budget Office (CBO) estimate is not 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:

- **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. 5019 directs the Securities and Exchange Commission (SEC) to provide a safe harbor for research reports that cover Exchange Traded Funds (ETFs) so that these reports are not considered `offers' under Section 5 of the Securities Act of 1933. Though investor interest in ETFs has grown exponentially, there are anomalies in the SEC's safe harbor rules that have served to discourage broker-dealers from publishing research reports on ETFs.

Under present law, the SEC prohibits an issuer from offering securities for sale unless a registration statement is filed with the agency. An Exchange Traded Fund (ETF) is an investment company whose shares are traded intraday on stock exchanges at market-determined prices. Investors may buy or sell ETF shares through a broker or in a brokerage account just as they would the shares of any publicly traded company. In the United States, most ETFs are structured as open-end investment companies (open-end funds) or unit investment trusts, but other structures also exist--primarily for ETFs investing in commodities, currencies, and futures Investor interest in ETFs has increased significantly in recent years, with 5.7 million U.S. households holding ETF shares in 2013. Yet despite their growing popularity and increasing importance to retail investors, anomalies in the SEC's safe harbor rules have discouraged most broker-dealers from publishing research regarding ETFs.

The SEC has implemented safe harbors for research issued in support of other asset classes, including listed equities, corporate debt, and closed-end funds. Congress has also provided safe harbors for research covering certain securities offerings. Most recently, in Title I of the Jumpstart Our Business Startups Act, Congress codified a safe harbor for research related to offerings of EGC securities. Despite their similarities to these other asset classes, research that covers open-ended funds and ETFs does not benefit from similar

safe harbors. As such, most broker-dealers do not publish research regarding ETFs, depriving investors of useful information when deciding whether to invest in this product.

This bill would, within 45 days following enactment, require the SEC to propose and adopt revisions to its rules to expand its safe harbor to include covered investment fund research reports, to provide that a covered investment research fund report does not constitute an offer for sale or an offer to sell a security.

To qualify for the safe harbor, a broker or dealer would be required to distribute a research report in the regular course of business, which relates to an Exchange Traded Fund issuer "that: (1) has a class of securities listed on a national securities exchange for at least 12 months prior to the publishing or distribution of the report, (2) has an aggregate market value of at least $75 million; and (3) is either a unit investment or an open-ended company or a trust whose assets consist primarily of interests in commodities, currencies, or derivative instruments referring commodities or currencies. "

In implementing the safe harbor, the SEC would not be able to require the covered investment fund to have been registered as an investment company under the Investment Company Act of 1940 or be subject to reporting requirements under the Securities Exchange Act of 1934, nor would they be able to impose a minimum threshold for the number of traded shares in excess of that in title 17 of the Code of Federal Regulations.

This bill would provide that a self-regulatory organization may not enforce any rule that would prohibit a member's ability (i.e. a broker-dealer) to publish a research report or whether they are also participating in a registered offering or distribution of any securities or condition the ability of a member to participate in a registered offering or securities distribution on whether they have published a research report on such a covered investment report of its securities. A covered research report would not be subject to sections 24(b) or 34(b) of the Investment Company Act.

If the SEC does not revise the rule within 180 days to implement the legislation, this section would provide an interim safe harbor.

A previous version of this legislation was included in the House passed bill, H.R. 1675. RSC's legislative bulletin for this bill can be found here.

COMMITTEE ACTION:

H.R. 5019 was introduced on April 21, 2016 and was referred to the House Committee on Financial Services.

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 I, Section 8, Clause 3.

H.R. 2901 — Flood Insurance Market Parity and Modernization Act (Rep. Ross, R-FL)

CONTACT: Jennifer Weinhart, 202-226-0706

FLOOR SCHEDULE:

Expected to be considered on April 26, 2016 under a suspension of the rules which requires a 2/3 majority vote for passage.

TOPLINE SUMMARY:

H.R. 2901 would amend the Flood Disaster Protection Act of 1973 to clarify that flood insurance that has been obtained through private firms satisfies the requirement that homeowners possess flood insurance for properties in flood zones that are backed by a federal financing guarantee.

COST:

The Congressional Budget Office (CBO) estimates that implementing H.R. 2901 would have a small impact on consumers' decisions relating to NFIP policies, and that any change in collections of NFIP premiums would be offset by changes in direct spending.

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:

Presently, the flood insurance market is highly concentrated, with roughly 5 million property owners relying on the U.S. government's flood insurance program (NFIP), which is roughly $23 billion in debt. Federally guaranteed mortgages for properties in flood zones are required by law to carry flood insurance. Though the current requirement to purchase flood insurance does not stipulate that the policy must be provided by the federal government, mortgage lenders have expressed uncertainty that private flood coverage satisfies federal requirements. This legislation would stipulate that licensed, admitted or state-approved private policies where the property is located would satisfy the federal requirement for flood insurance for flood-zone properties with federal guarantees. Policies issued by non-admitted insurers would also apply.

This legislation would also allow the Federal Emergency Management Agency (FEMA) to consider policy holders that move off a National Flood Insurance Program (NFIP) and later back onto a NFIP as having continuous coverage if they can demonstrate they maintained a private flood insurance policy in the interim period.

COMMITTEE ACTION:

H.R. 2901 was introduced on June 25, 2016, and was referred to the House Committee on Financial Services, where it was ordered favorably reported on March 2, 2016.

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 I, Section 8, Clause 1 and Article 1, Section 8, Clause 3.

H.R. 223 — Great Lakes Restoration Initiative Act of 2016 (Rep. Joyce, R-OH)

CONTACT: Matt Dickerson, 202-226-9718

FLOOR SCHEDULE:

April 26, 2016 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

H.R. 223 would reauthorize the Great Lakes Initiative through 2021.

COST:

The Congressional Budget Office (CBO) estimates that enacting H.R. 223 "would authorize the appropriation of $1.5 billion over the 2017-2021 period for the Environmental Protection Agency (EPA) to support the Great Lakes Restoration Initiative, a program that funds projects targeting invasive aquatic species and nonpoint source pollution. The program received an appropriation of $300 million for fiscal year 2016."

The President's FY 2017 budget requested $250 million for the program.

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:

The Great Lakes Restoration Initiative was established by the Executive Branch in 2010, but was codified within the Environmental Protection Agency (EPA) as a part of the FY 2016 Omnibus.

The bill sets out five focus areas for the Initiative:

(1) Toxic Substances and Areas of Concern,
(2) Invasive Species,
(3) Nearshore Health and Nonpoint Source Pollution,
(4) Habitat and Wildlife Protection and Restoration, and
(5) Accountability, Education, Monitoring, Evaluation, Communication and Partnerships

COMMITTEE ACTION:

H.R. 223 was introduced on January 8, 2015, and referred to the House Transportation and Infrastructure Committee. The Committee marked up the bill on March 2, 2016, and reported it by voice vote.

The Committee also held an oversight hearing titled "The Great Lakes Restoration Initiative: A Review of the Progress and Challenges in Restoring the Great Lakes" on September 30, 2015.

The House passed similar legislation by voice vote in the 113th Congress as H.R. 5764, which included a similar authorization level.

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 3 of the United States Constitution: "To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

House Amendment to S. 1523 — To amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes, as amended (Sen. Whitehouse, D-RI)

CONTACT: Matt Dickerson, 202-226-9718

FLOOR SCHEDULE:

April 26, 2016 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

The House Amendment to S. 1523 would reauthorize the National Estuary Program through FY 2021.

COST:

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

The bill would authorize appropriations of $26.5 million annually over the FY 2017 – 2021 period.

The program was previously authorized at $35 million over the FY 2001 – 2010 period. The FY2016 Omnibus provided for the program in $26.7 million in FY 2016.

CONSERVATIVE CONCERNS:

Some conservatives may be concerned that while the House amendment to S. 1523 would reduce the authorized amount to slightly below the currently appropriated level, it would increase the proposed authorization level above the Senate-passed amount by $500,000 annually.

- **Expand the Size and Scope of the Federal Government?** No, the bill would reduce the authorized amount to slightly below the currently appropriated level.
- **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 House amendment to S. 1523 would reauthorize the National Estuary Program at the Environmental Protection Agency (EPA) for the FY 2017 – 2021 period. The bill would authorize appropriations of $26.6 million annually over that period. The National Estuary Program is a voluntary program in which local stakeholders develop and execute conservation and management plans for estuaries.

COMMITTEE ACTION:

S. 1523 was introduced on June 8, 2015, and referred to the Senate Environment and Public Works Committee. The Committee marked up and reported the bill on August 5, 2015. The Senate passed the bill by unanimous consent on August 5, 2015.

Similar legislation, H.R. 944, was passed by the House on June 1, 2015, by a voice vote.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

Senate bills are not required to have a constitutional authority statement.

The constitutional authority statement for H.R. 944 cited "Article I, Section 8 of the United States Constitution".

H.R. 1684 — Foreign Spill Protection Act of 2016 (Rep. Curbelo, R-FL)

CONTACT: Matt Dickerson, 202-226-9718

FLOOR SCHEDULE:

April 26, 2016 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

H.R. 1684 would make the owners and operators of offshore oil facilities located outside of the United States liable for oil spills that cause damages within the U.S.

COST:

The Congressional Budget Office (CBO) estimates that enacting H.R.1684 would increase recoveries to the Oil Spill Liability Trust Fund (OSLTF) by $7 million over the 2017-2026 period. Those recoveries are recorded as reductions in direct spending. CBO estimates that the bill also would increase revenues from penalty collections by $5 million over that period." In total, the bill would reduce the deficit by $12 million.

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:

Under current law, owners and operators are liable for cleanup costs, damages, and penalties for oil spills that occur at offshore oil facilities located in U.S. waters. The bill would expand that standard to make liable owners and operators of facilities located outside the U.S. but have a spill that causes damage within the U.S.

COMMITTEE ACTION:

H.R. 1684 was introduced on March 26, 2015, and referred to the House Transportation and Infrastructure Committee. The Committee marked up the bill on March 2, 2016, and reported it by 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: Article I, Section 8, Clause 3: Commercial Activity Regulation".

H.R. 4820 — Combating Terrorist Recruitment Act of 2016, as amended (Rep. Fleismann, R-TN)

CONTACT: Nicholas Rodman, 202-226-8576

FLOOR SCHEDULE:

Scheduled for consideration on April 26, 2016 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

H.R. 4820 would require the Secretary of Homeland Security to incorporate the public testimonials of former violent extremists or their associates into Department of Homeland Security efforts to combat terrorist recruitment and communications.

COST:

No Congressional Budget Office (CBO) estimate is 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:

- **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. 4820 would require the Secretary of Homeland Security to use the testimonials of former or estranged violent extremists or their associates in order to counter terrorist recruitment. Those efforts would include: (1) counter-messaging of foreign terrorist organization communications and narratives; and (2) related community engagement and public education efforts. The Secretary of Homeland Security would be directed to coordinate the efforts with the heads of other federal departments and agencies, and engage nongovernmental and international partners in the identification and use of testimonials.

COMMITTEE ACTION:

H.R. 4820 was introduced on March 21, 2016 and was referred to the House Committee on Homeland Security. On March 23, 2016, the bill was ordered reported (amended) by voice vote.

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 the following: Article I, Section 8, Clause 18--To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

H.R. 4698 — Securing Aviation from Foreign Entry Points and Guarding Airports Through Enhanced Security Act of 2016, as amended (Rep. Katko, R-NY)

CONTACT: Nicholas Rodman, 202-226-8576

FLOOR SCHEDULE:

Scheduled for consideration on April 26, 2016 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

H.R. 4698 would direct the Transportation Security Administration (TSA) to a comprehensive security risk assessment of all last point of departure airports with nonstop flights to the United States and would authorize TSA to donate security screening equipment to a foreign last point of departure airport operator.

COST:

The Congressional Budget Office (CBO) estimates that any increased spending TSA and the Government Accountability Office (GAO) to meet the bill's requirements would total less than $500,000 annually; any such spending would be subject to the availability of appropriated funds. Enacting H.R. 4698 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 4698 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

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. 4698 would direct the TSA Administrator to conduct a comprehensive security risk assessment of all last point of departure airports with nonstop flights to the United States. The bill would further direct TSA to submit a plan to Congress and GAO to enhance and bolster security coordination and information sharing relating to securing international-inbound aviation between the United States and domestic and foreign partners. The plan also must include an assessment of TSA's ability to enter into a mutual agreement with a foreign government entity that permits TSA representatives to conduct inspections of foreign airports without prior notice. GAO would be directed to conduct a review of TSA's implementation.

H.R. 4698 would further require TSA to submit to Congress a comprehensive workforce assessment of all TSA personnel within the Office of Global Strategies or whose primary professional duties contribute to the TSA's global efforts to secure transportation security.

The TSA Administrator would be authorized to donate security screening equipment to a foreign last point of departure airport operator if such equipment can be reasonably expected to mitigate a specific vulnerability to the security of the United States or United States citizens. TSA would be required to submit a report to Congress outlining those specific vulnerabilities justifying the donation. TSA would additionally be authorized to evaluate foreign countries' air cargo security programs to determine whether such programs provide a level of security commensurate with the level of security required by United States air cargo security programs. If TSA determines that a foreign country's air cargo security program provides a

level of security commensurate with that required by United States air cargo security programs, the Administrator would be authorized to approve and officially recognize the foreign country's program, allowing inbound cargo from these locations to bypass screening upon arrival in the U.S..

TSA would be allowed to request the Aviation Security Advisory Committee develop recommendations for more efficient and effective passenger screening processes and would be directed to report the committee's recommendations to Congress.

The House report (H. Rept. 114-513) accompanying H.R. 4698 can be found here.

COMMITTEE ACTION:

H.R. 4698 was introduced on March 3, 2016 and was referred to the House Committee on Homeland Security. The bill was then ordered to be reported (amended) by the committee on April 21, 2016.

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 the following: Article I, Section 8, Clause 3--To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes. Article I, Section 8, Clause 18--To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

H.R. 3583 — PREPARE Act, as amended (Rep. McSally, R-AZ)

CONTACT: Nicholas Rodman, 202-226-8576

FLOOR SCHEDULE:

Scheduled for consideration on April 26, 2016 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

H.R. 3583 would authorize or reauthorize a number of existing grant programs, as well as make modifications to the eligibility, management, and performance requirements for several Homeland Security grants programs. The bill would also require the Federal Emergency Management Agency (FEMA) to enter into memoranda of understanding with the heads of a series of homeland security agencies including the U.S. Customs and Border Protection (CBP), the Transportation Security Administration (TSA), the Coast Guard, the Office of Intelligence and Analysis, as well as several other agencies to delineate their responsibilities for awarding grants. Title V of the bill extends the timeline for appeals to two years for any claims for proved and approved losses covered by flood insurance.

COST:

The Congressional Budget Office (CBO) estimates that implementing H.R. 3583 would cost $505 million over the 2016-2020 period. The remaining amounts would be spent in the years after 2020. Pay-as-you-go procedures do not apply to this legislation because it would not affect direct spending or revenues. CBO estimates that enacting H.R. 3583 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2016.

This cost estimate does not include any effects related to Title V of the bill. CBO has separately indicated that Title V would result in an increase in direct spending, but that such spending would likely be less than $500,000 over FY 2016-2025.

CONSERVATIVE CONCERNS:

Some conservatives may be concerned that extending the timeline for appeals in Title V would result in additional expenses from the National Flood Insurance Program (NFIP), which remains over $20 billion in debt with no projected ability to redeem such debt.

- **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. 3583 would require FEMA to enter into memoranda of understanding with the heads of several homeland security agencies including: CBP, TSA, the Coast Guard, the Office of Intelligence and Analysis, the Office of Emergency Communications (OEC), the Office for State and Local Law Enforcement, the Countering Violent Extremism Coordinator, the Office for Civil Rights and Civil Liberties, as well as several other components determined by the Secretary of Homeland Security, to delineate the roles and responsibilities of each component regarding issuing grants under section 1406 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135), and section 70107 of title 46, United States Code. These grants would be awarded to public transportation agencies, high-risk urban areas and state, local, and tribal governments, as well as port authorities, and facility operators. The grant funds would be made available for use by a recipient for at least 36 months.

H.R. 3583 would codify the "Operation Stonegarden" program within the Department of Homeland Security, which make grants to eligible law enforcement agencies, through the State Administrative Agency, to enhance border security. The bill would authorize $55,000,000 for each of fiscal years 2016 through 2020 for this program.

H.R. 3583 would reauthorize $98,000,000 for members of the National Domestic Preparedness Consortium, and $65,000,000 for the Center for Domestic Preparedness, for each of fiscal years 2016 and 2017. DHS is additionally authorized for $5,000,000 to establish a Rural Domestic Preparedness Consortium of universities and nonprofit organizations within the Department. The bill would require FEMA to update every 5 years, the National Response Plan to consolidate and coordinate the federal government's existing emergency response plans, and would require the National Integration Center to review the national incident management system.

H.R. 3583 would further direct FEMA to assess the extent to which grants under sections 2003 and 2004 of the Homeland Security Act of 2002 regarding the Urban Areas Security Initiative and the State Homeland Security Grant Program have closed capability gaps identified in State Preparedness Reports required under the Post-Katrina Emergency Management Reform Act of 2006; and (2) in the threat and hazard identification and risk assessments from each state and high-risk urban area. The bill would mandate that any state or high-risk urban area receiving a grant under section 2003 or 2004 of the Homeland Security Act of 2002 would be required to establish a state planning committee or urban area working group to assist in preparation and revision of the state or local homeland security plan or the threat and hazard identification and risk assessment and to assist in determining effective funding priorities for specified grants. The Department of Homeland Security (DHS) would be prohibited from implementing the National Preparedness Grant Program without congressional authorization. FEMA would be directed to coordinate with DHS's Office of Policy through outreach to relevant stakeholder organizations, and would be required to use grant funds to prepare for terrorism by enhancing medical preparedness, medical surge capacity, and mass prophylaxis capabilities including an initial pharmaceutical stockpile with medical kits and diagnostics to protect first responders and others from a chemical or biological event. In doing so, FEMA would be authorized to cooperate with Department of Energy-owned national laboratories.

H.R. 3583 would prohibit DHS from changing the location or reporting structure of the Office of Emergency Communications (OEC) unless approved by Congress. The bill would further require OEC to administer the Government Emergency Telecommunications Service and the Wireless Priority Service programs, and to report annually to Congress. DHS's Undersecretary of the National Protection and Programs Directorate would be directed to report to Congress information on the Department of Homeland Security's responsibilities related to the development of the nationwide Public Safety Broadband Network.

The bill would additionally require the Department of Homeland Security to coordinate with the Department of Health and Human Services for the purpose of domestic preparedness for and collective response to terrorism, to: (1) establish a 24-month pilot program to provide surplus anthrax vaccines nearing the end of their labeled dates of use from the strategic national stockpile for administration to emergency response providers who are at high risk of exposure to anthrax and who voluntarily consent to such administration; (2) to distribute disclosures regarding associated benefits and risks to end users; and, (3) to conduct outreach to educate emergency response providers about the program. . The bill would further expand the Department of Homeland Security's Chief Medical Officer's role to include: (1) establishing medical and human, animal, and occupational health exposure policy, guidance, strategies, and initiatives; and (2) advising DHS and FEMA on the medical effects of terrorist attacks. The Chief Medical Officer would be authorized to provide medical liaisons to the components of the Department to provide subject matter expertise on medical and public health issues.

DHS would be mandated to establish a medical countermeasures program to facilitate personnel readiness, and protection for working animals, employees, and individuals in the Department's care and custody, in

the event of a chemical, biological, radiological, nuclear, or explosives attack, naturally occurring disease outbreak, or pandemic.

FEMA would be required to designate an individual to serve as the chief management official and principal advisor to the Administrator on matters related to FEMA management, including management integration in support of emergency management operations and programs. Nothing in the bill would be construed as limiting or otherwise affecting the role or responsibility of the FEMA Assistant Administrator for National Continuity with respect to the Mount Weather Emergency Operations Center and associated facilities. FEMA would be required to update its strategic human capital plan for the next five years.

Title V of H.R. 3583 would amend Section 1312 of the National Flood Insurance Act of 1968, by directing FEMA to require that the final engineering report shall be provided to the insured under the policy, in the case of any on-site inspection of a property by an engineer for the purpose of assessing any claim for losses covered by a policy for flood insurance coverage. The final engineering report would be prohibited from including alterations by anyone other than the responsible in charge for such report and would require a certification. By amending section 1341 of the National Flood Insurance Act of 1968 (42 U.S.C. 4072), the bill would further extend the judicial review period to a 2-year period for any claims for proved and approved losses covered by flood insurance.

The House report (H. Rept. 114-455) accompanying H.R. 3583 can be found here.

COMMITTEE ACTION:

H.R. 3583 was introduced on September 22, 2015 and was referred to the House Committee on Homeland Security. On March 16, 2016, the bill was reported (amended) by the committee.

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 the following: Article I, Section 8, Clause 18--To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

H.R. 2908 — National Bison Legacy Act (Rep. Clay, D-MO)

CONTACT: Rebekah Armstrong, 202-226-0678

FLOOR SCHEDULE:

April 26, 2016 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

H.R. 2908 would establish and adopt the North American bison as the national mammal.

COST:

The Congressional Budget Office (CBO) estimates that implementing the legislation would have no effect on the federal budget. CBO estimates that enacting H.R. 2908 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

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 contains 23 findings that highlight the cultural and economic significance of the North American bison to both Indian tribes and American ranchers.

This bill would establish and adopt the North American bison as the national mammal of the United States. The measure includes a rule of construction providing that adoption of the North American bison as the national mammal cannot be used as a reason to alter or affect any policy, regulation or action by the federal government.

COMMITTEE ACTION:

This bill was introduced by Representative Clay on June 25, 2015, and referred to the House Committee on Oversight and Government Reform. The committee held a mark-up and the bill was reported out by unanimous consent. Read the committee report, 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 the following: Article I, Section 8. No specific enumerating clause was included.

H.R. 2615 — Virgin Islands Centennial Commission Act (Rep. Plaskett, D-VI)

CONTACT: Rebekah Armstrong, 202-226-0678

FLOOR SCHEDULE:

April 26, 2016 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

H.R. 2615 would establish the Virgin Islands of the United States Centennial Commission to carry out activities to commemorate the 100th anniversary of the Virgin Islands becoming an unincorporated territory.

COST:

The Congressional Budget Office (CBO) estimates implementing the bill would have no significant net effect on the federal budget. The legislation would affect direct spending because it would authorize the commission to accept and spend monetary gifts. Therefore, pay-as-you-go procedures apply. However, CBO estimates that the net effect on direct spending would be negligible.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** The bill would create a new Federal commission with the power to hold hearings and to solicit, receive, and expend donations.
- **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 establish the Virgin Islands of the United States Centennial Commission to carry out activities to commemorate the 100th anniversary of the Virgin Islands becoming an unincorporated territory. The commission would be composed of eight members who would serve for the life of the commission and would not receive compensation for their service. The commission would have the authority to hold hearings and receive testimony as part of their official duties. In addition, the commission may solicit and accept gifts and services.

The commission would be required to submit annual reports to the president and Congress on its activities, revenues and expenditures. The Inspector General of the Department of the Interior may perform annual audits on the commission and make all reports public.

COMMITTEE ACTION:

This bill was introduced by Representative Plaskett on June 2, 2015, and referred to the House Committee on Oversight and Government Reform. The committee held a mark-up and the bill was reported out by unanimous consent. Read the committee report, 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 the following: Article I, Section 8, Clause 18 (Necessary and Proper Clause) Article IV, Section 3, Clause 2 (Territories Clause).

H.R. 4359 — Administrative Leave Reform Act, as amended (Rep. Chaffetz, R-UT)

CONTACT: Rebekah Armstrong, 202-226-0678

FLOOR SCHEDULE:

April 26, 2016 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

H.R. 4359 would prohibit a federal employee from being placed on administrative leave for longer than 14 days for reasons related to misconduct or performance.

COST:

The Congressional Budget Office (CBO) estimates that that enacting H.R. 4359 would have no significant budgetary effect.

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:

Federal employees placed on administrative leave during an investigation into misconduct continue to receive full pay and benefits. In several cases, employees have been placed on leave for extended periods, continuing to draw pay despite providing no services to taxpayers. This system may incentivize employees to unnecessarily draw out investigations into potential misconduct.

This bill would prohibit a federal employee from being placed on administrative leave for longer than 14 days for reasons related to misconduct or performance. After the 14 day period the employing agency would return the employee to active status as long as the employee is not a threat to safety, agency mission or government property. If the employee is found to be a threat, an agency head may place the employee on extended administrative leave for additional 30 day periods. In the event of subsequent 30 day period administrative leaves, the agency head must submit to Congress information regarding the reason for leave. In the event of an ongoing investigation, an investigative entity, such as the Office of the Inspector General, must certify additional time is needed to conclude an investigation.

COMMITTEE ACTION:

This bill was introduced by Representative Chaffetz on January 11, 2016, and referred to the House Committee on Oversight and Government Reform. The committee held a mark-up and the bill was reported out, as amended, by voice vote.

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 the following: Article I, Section 8, Clause 18. To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

H.R. 4360 — Official Personnel File Enhancement Act (Rep. Chaffetz, R-UT)

CONTACT: Rebekah Armstrong, 202-226-0678

FLOOR SCHEDULE:

April 26, 2016 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

H.R. 4360 would require any adverse findings in the investigation of a federal employee to be added to their official personnel file even if they leave government service prior to the completion of an investigation.

COST:

The Congressional Budget Office (CBO) expects that completing all misconduct investigations and updating personnel files as required under H.R. 4360 would lead to a small increase in administrative costs at federal agencies. Thus, CBO estimates that any additional administrative costs to the federal government to implement H.R. 4360 would not be significant.

Enacting H.R 4360 could affect direct spending by some agencies (such as the Tennessee Valley Authority) because they are authorized to use receipts from the sale of goods, fees, and other collections to cover their operating costs; therefore, pay-as-you-go procedures apply

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 amend Title 5 of United States Code to provide that if a federal employee leaves government service while under a personnel investigation, any adverse findings in the investigation would be included in the employee's official personnel file. Prior to the notation in the file, the employee would be notified and would be given the opportunity to respond to the findings and appeal the decision to the Merit Systems Protection Board.

Prior to rehiring a former federal government, the appointing authority would be directed to consider the information relating to their former period of service in their official personnel file.

COMMITTEE ACTION:

This bill was introduced by Representative Chaffetz on January 11, 2016, and referred to the House Committee on Oversight and Government Reform. The committee held a mark-up and the bill was reported out, as amended, by voice vote. Read the committee report, 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 the following: Article I, Section 8, Clause 18. To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Senate Amendment to H.R. 1493 — Protect and Preserve International Cultural Property Act (Rep. Engel, D-NY)

CONTACT: Nicholas Rodman, 202-226-8576

FLOOR SCHEDULE:

Scheduled for consideration on April 26, 2016 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

The Senate Amendment to H.R. 1493 would direct the president to implement import restrictions on any archaeological or ethnological material unlawfully removed from Syria.

COST:

The Congressional Budget Office (CBO) estimates that the revenue loss from the import restrictions in the bill would be less than $500,000 over the 2016-2026 period. CBO estimates that implementing the reporting requirement in H.R. 1493 would cost less than $500,000 over the 2016-2021 period; such spending would be subject to the availability of appropriated funds.

Because enacting H.R. 1493 would affect revenues, pay-as-you-go procedures apply. Enacting the legislation would not affect direct spending. CBO estimates that enacting H.R. 1493 would not increase net direct spending or on-budget deficits by more than $5 billion in any of the four consecutive 10-year periods beginning in 2027.

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:

The Senate Amendment to H.R. 1493 would direct the president to apply specific import restrictions under section 304 of the Convention on Cultural Property Implementation Act on any archaeological or ethnological material from Syria within 90 days of the bill's enactment, and without regard to whether Syria is a state party to the convention on the means of prohibiting and preventing the illicit import, export, and transfer of ownership of cultural property. H.R. 1493 would additionally state a sense of Congress that the president should establish an interagency coordinating committee to coordinate the efforts of the executive branch to protect and preserve international cultural property at risk from political instability, armed conflict, or natural or other disasters. The House-passed bill would have required the establishment of such committee.

The president would be directed to determine annually if one of certain conditions have been met, in which case the import restrictions would be terminated after 5 years subject to Presidential determination. Those conditions would include if the government of Syria is incapable of fulfilling the requirements to request an agreement pursuant to the Convention on Cultural Property Implementation Act, and if it would be against the U.S. national interest to enter into such an agreement

The president would further have the authority to waive import restrictions on specified archaeological and ethnological material of Syria if the president certifies to Congress that: (1) the owner or lawful

custodian of the specified archaeological or ethnological material of Syria has requested, or as determined by the president in case of no known custodian, that the material be temporarily located in the United States for protection purposes; (2) such material would be returned to the owner or lawful custodian when requested; or if (3) there is no credible evidence that granting a waiver would contribute to illegal trafficking in archaeological or ethnological material of Syria or financing of criminal or terrorist activities. Any archaeological or ethnological material that enters the United States pursuant to a waiver shall have immunity from seizure under P.L. 89-259, which provides immunity from seizure of cultural objects imported for temporary exhibition or display.

The president would additionally be required to submit a report to Congress on the efforts of the executive branch, during the 12-month period preceding the submission of the report, to protect and preserve international cultural property.

The RSC's legislative bulletin for the House-passed version of H.R. 1493 can be found here.

COMMITTEE ACTION:

H.R. 1493 was introduced on March 19, 2015 and was referred to the House Committee on Foreign Affairs and the House Committees on Ways and Means, Armed Services, and the Judiciary. On April 23, 2015, the House Committee on Foreign Affairs ordered the bill reported by unanimous consent. On June 1, 2015, the bill passed the House on the motion to suspend the rules by voice vote. H.R. 1493 was then referred to the Senate Committee on Foreign Relations. On April 13, 2016, the bill passed the Senate with an amendment by unanimous consent.

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 the following: Article I, Section 8, Clause 18 of the Constitution." No enumerating clause was included.

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.*