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# H.R. 5312 — Networking and Information Technology Research and Development Modernization Act of 2016 (Rep. LaHood, R-IL)

CONTACT: [Jennifer Weinhart](#), 202-226-0706

## FLOOR SCHEDULE:

Expected to be considered on June 13 under a suspension of the rules which requires 2/3 majority for passage.

## TOPLINE SUMMARY:

[H.R. 5312](#) would amend the [High Performance Computing Act of 1991](#) to rename the National High-Performance Computing Program as the Networking and Information Technology Research Development (NITRD) Program, would arrange for new research and development requirements, would require “grand challenge” project support programs, and would create a strategic five year plan for the Program.

## COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing the bill would not have a significant effect on the federal budget (In 2015, agency budgets for those activities totaled about \$4.3 billion.) Enacting H.R. 5312 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 5312 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. 5312 would also require the NITRD program to conduct or provide for research and development on the interactions between humans and computers, visualization, big-data and cyber security. It would create a research framework to allow cyber-physical systems and high performing communication networks, and large scale data analytics to integrate city-scale information technology and physical infrastructures.

It would require participating federal agencies, through the National Science Technology Council, to create and update a strategic plan for the program every five years. This legislation would also replace the National Research and Education Network with a National Coordination Office to provide for technical and administrative support to participating federal agencies. It would require agencies to undertake interdisciplinary research and development activities in networking and information technologies in areas that contribute to economic growth and competitiveness, and would allow for the Office of Science and Technology Policy to conduct workshops on areas of emerging importance. It would also require the Office of Science and Technology Policy to set goals and priorities for Federal information technology education.

Finally, it would also require the National Science Foundation, NASA, the Department of Energy, the EPA, the Department of Education, and the National Institute of Standards and Technology to participate in research and development activities with the NITRD program, and would make specifications for the NITRD program annual report.

**COMMITTEE ACTION:**

H.R. 5312 was introduced on May 24, 2016 and was referred to the House Committee on Science, Space and Technology.

**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 18. No enumerating clause was included.

# S. 337 — FOIA Improvement Act of 2016 (Sen. Cornyn, R-TX)

CONTACT: [Rebekah Armstrong](#), 202-226-0678

## FLOOR SCHEDULE:

June 13, 2016 under a suspension of the rules, which requires a 2/3 majority for passage.

### TOPLINE SUMMARY:

[S. 337](#) would amend the Freedom of Information Act (FOIA) to modernize the law and provide easier access to requested government documents.

### COST:

The [Congressional Budget Office](#) (CBO) estimates that implementing S. 337 would cost \$20 million over the 2015-2020 period, assuming appropriation of the necessary amounts. Enacting S. 337 could affect direct spending by agencies not funded through annual appropriations (such as the Tennessee Valley Authority). Therefore, pay-as-you-go procedures apply. CBO estimates, however, that any net changes direct spending by those agencies would not be significant. Enacting the bill would not affect revenues.

### 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 update statute to align with [FOIA policies](#) instituted under President Obama to increase agency openness by stating an agency can only withhold information if: (1) the agency foresee disclosure would harm a protected interest such as trade secrets, personnel and medical files, or records or information compiled for law enforcement purposes, or; (2) the disclosure is prohibited by law. The bill would modernize final published FOIA opinions by requiring them to be available to the public in electronic format. It would update the standards for “frequently requested” records by clarifying that any record requested three or more times, or records that due to the subject matter, would be likely be requested frequently, would be made available to the public. This bill would prohibit an agency from assessing search fees if an agency fails to comply with statutory time limits. According to the [committee report](#), this is prohibited under [current law](#); however, the current ambiguous language allows agencies to charge fees when they have not met the notice requirements.

If an agency cannot comply with a FIOA request, it must notify the requestor of the reason for denial and their right to appeal to the head of the agency and the right to seek dispute resolution services from the FIOA Pubic Liaison of the agency or of the Office of Government Information Services.

The Government Accountability Office (GAO) would be required to catalog and report on the statutory exemptions related to FOIA and the uses of the exemptions. The Office of Government Information Services would offer medication services to resolve disputes between those making requests and administrative agencies as a nonexclusive alternative to litigation. Each agency would designate a Chief FOIA Officer who would have agency-wide responsibility for monitoring agency compliance and implantation of changes included in this bill and facilitating public understanding of the purposes of statutory exemptions. In

addition, a Chief FOIA Officers Council would be established to develop recommendations for increasing compliance and efficiency, and create initiatives to increase transparency.

Each agency would be required to review and issue regulations on the procedures for the disclosure of records in addition to procedures for dispute resolution.

No additional funds are authorized to carry out the requirements of this bill.

**COMMITTEE ACTION:**

This bill was introduced by Senator Cornyn and passed the Senate by unanimous consent on March 15, 2016. The bill was then received in the House and held at the desk.

**ADMINISTRATION POSITION:**

No Statement of Administration Policy is available at this time.

**CONSTITUTIONAL AUTHORITY:**

Bills originating in the Senate do not require the inclusion of a Constitutional Authority Statement.

# H.R. 3636 — Oversee Visa Integrity with Stakeholder Advisories (O-Visa) Act (Rep. Walters, R-CA)

CONTACT: [Jennifer Weinhart](#), 202-226-0706

## FLOOR SCHEDULE:

Expected to be considered on June 13, 2016 under a suspension of the rules which requires 2/3 majority for passage.

## TOPLINE SUMMARY:

[H.R. 3636](#) would allow labor and management organizations to receive the results of petitions for nonimmigrant O- visas for immigrants working in a motion picture or television production.

## COST:

The Congressional Budget Office (CBO) [estimates](#) that “enacting H.R. 3636 would have no significant cost to the federal government.”

## 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. 3636 would amend the [Immigration and Nationality Act](#) to require the Department of Homeland Security to give labor unions and management organizations previous copies of decisions pertaining to nonimmigrant O-Visas, in which they consulted, for aliens admitted to work on a motion picture or television production. The DHS would be required to submit in its annual report to Congress regarding O Visas: (1) the number of petitions filed; (2) the number of petitions recommended denial, but were approved; and (3) the number of petitions that recommended approval and were approved.

## COMMITTEE ACTION:

H.R. 3636 was introduced on September 29, 2016 and was referred to the House Committee on the Judiciary.

## 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 4.

# H.R. 4939 — United States-Caribbean Strategic Engagement Act of 2016 (Rep. Engel, D-NY)

CONTACT: [Nicholas Rodman](#), 202-226-8576

## FLOOR SCHEDULE:

Scheduled for consideration on June 13, 2016 suspension of the rules, which requires 2/3 vote for passage.

### TOPLINE SUMMARY:

[H.R. 4939](#) would require the Secretary of State to develop and submit to Congress a multi-year strategy for United States engagement with the Caribbean region that identifies Department of State and United States Agency for International Development (USAID) efforts, in coordination with other executive branch agencies, to prioritize United States policy towards the Caribbean region.

### COST:

The Congressional Budget Office (CBO) [estimates](#) that there would be no cost to implement most of the bill's requirements because they are already being met. However, CBO estimates that implementing the reporting requirements would cost less than \$500,000 over the 2017-2021 period; such spending would be subject to the availability of appropriated funds.

### 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:

H.R. 4939 would state that it is the policy of the United States to increase engagement with the governments of the Caribbean region, the Caribbean diaspora community in the United States, and the private sector and civil society in both the United States and the Caribbean in a concerted effort to enhance diplomatic and economic relations between the United States and the Caribbean region, as well as to improve energy security by increasing access to diverse, reliable, affordable, and sustainable power.

H.R. 4939 would require the Secretary of State to develop and submit to Congress a multi-year strategy for United States engagement with the Caribbean region that: (1) identifies Department of State and USAID efforts, in coordination with other executive branch agencies, to prioritize United States policy towards the Caribbean region; (2) outlines an approach to broaden Department of State and USAID outreach to the Caribbean diaspora community in the United States to promote their involvement and participation in the economic development and citizen security of the Caribbean region; (3) outlines an approach to partner with the governments of the Caribbean region to improve citizen security, reduce the trafficking of illicit drugs, strengthen the rule of law, and improve the effectiveness and sustainability of the [Caribbean Basin Security Initiative](#) (CBSI); (4) establishes a comprehensive, integrated, multi-year strategy to encourage the efforts of the Caribbean region to implement regional and national strategies that improve energy security; (5) outlines an approach to improve diplomatic engagement with the governments of the Caribbean region, including with respect to key votes on human rights and democracy at the United Nations and the Organization of American States; (6) develops an approach to assisting Caribbean countries in the diversification of their economies, the reduction of legal, technical, and administrative barriers that prevent the free flow of foreign direct investment and trade to and from each country and within the Caribbean region.

The bill would require the Secretary of State to brief Congress annually on the implementation of the strategy for United States engagement with the Caribbean region and would require a progress report on the strategy. H.R. 4939 would further require a Government Accountability Study (GAO) evaluation of the CBSI and the extent to which the CBSI has met Department of State and USAID benchmarks, and an evaluation of United States diplomatic outreach from the United States embassy in Barbados to the countries of Antigua and Barbuda, Dominica, St. Kitts and Nevis, St. Lucia and St. Vincent, and the Grenadines.

**COMMITTEE ACTION:**

H.R. 4939 was introduced on April 14, 2016 and was referred to the House Committee on Foreign Affairs. On April 20, 2016, the bill was ordered to be reported 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 of the U.S. Constitution." No enumerating clause was listed.



# H.R. 3694 — Strategy To Oppose Predatory (STOP) Organ Trafficking Act (Rep. Trott, R-MI)

CONTACT: [Nicholas Rodman](#), 202-226-8576

## FLOOR SCHEDULE:

Scheduled for consideration on June 13, 2016 suspension of the rules, which requires 2/3 vote for passage.

### TOPLINE SUMMARY:

[H.R. 3694](#) would authorize the Secretary of State to refuse to issue a passport or revoke a passport from any individual who has been convicted of trafficking human organs who used a passport to cross an international border in committing the crime.

### COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing the bill would have discretionary costs of \$7 million over the 2017-2021 period; such spending would be subject to the availability of appropriated funds. Pay-as-you-go procedures apply because H.R. 3694 would affect direct spending and revenues; however, CBO estimates that those effects would not be significant. CBO estimates that enacting H.R. 3694 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

### 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:

H.R. 3694 would authorize the Secretary of State to refuse to issue a passport or revoke a passport from any individual who has been convicted of trafficking human organs who used a passport to cross an international border in committing the crime. The bill would also add trafficking a person, either living or deceased, for the purposes of removing the individual's organs without his or her consent as a form of human trafficking under U.S. law (22 USC 7102).

The bill would direct the [Interagency Task Force to Monitor and Combat Trafficking](#) to collect and organize of data from human rights officers at United States embassies on host country's laws against trafficking of persons for the removal of their organs and any instances of violations. The bill would direct the Secretary of State to submit a report to Congress that includes: (1) a description of the sources, practices, methods, facilitators, and recipients of trafficking of persons for the removal of their organs during the period covered by each such report; (2) a description of activities undertaken by the Department of State, either unilaterally or in cooperation with other countries, to address and prevent trafficking of persons for the removal of their organs; and (3) a description of activities undertaken by countries to address and prevent trafficking of persons for the removal of their organs.

No additional funds would be authorized to be appropriated to carry out H.R. 3694.

H.R. 3694 would express a sense of Congress that: (1) the kidnapping or coercion of individuals for the purpose of extracting their organs for profit is in contradiction of the ideals and standards for ethical behavior upon which the United States has based its laws; (2) the illegal harvesting of organs from children

is a violation of the human rights of the child and is a breach of internationally accepted medical ethical standards; (3) the illegal harvesting and trafficking of organs violates the [Universal Declaration of Human Rights](#); (4) establishing efficient voluntary organ donation systems with strong enforcement mechanisms is the most effective way to combat trafficking of persons for the removal of their organs.

The bill would further express a statement of policy of the United States to: (1) combat the international trafficking of persons for the removal of their organs; (2) promote the establishment of voluntary organ donation systems with effective enforcement mechanisms in bilateral diplomatic meetings, as well as in international health forums; and (3) promote the dignity and security of human life in accordance with the Universal Declaration of Human Rights.

**COMMITTEE ACTION:**

H.R. 3694 was introduced on October 6, 2015 and was referred to the House Committee on Foreign Affairs. On April 20, 2016, the bill was ordered to be reported in the nature of a substitute (amended) 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 1, Section 8." No enumerating clause was listed.

# H. Res. 343 — Expressing concern regarding persistent and credible reports of systematic, state-sanctioned organ harvesting from non-consenting prisoners of conscience in the People's Republic of China, including from large numbers of Falun Gong practitioners and members of other religious and ethnic minority groups (Rep. Ros-Lehtinen, R-FL)

CONTACT: [Nicholas Rodman](#), 202-226-8576

## FLOOR SCHEDULE:

Scheduled for consideration on June 13, 2016 suspension of the rules, which requires 2/3 vote for passage.

### TOPLINE SUMMARY:

[H. Res. 343](#) would express a sense of Congress concerning persistent and credible reports of systematic, state-sanctioned organ harvesting from non-consenting prisoners of conscience in the People's Republic of China.

### COST:

No Congressional Budget Office (CBO) estimate is available.

### 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. Res. 343 would express a sense of the House: (1) condemning the practice of state-sanctioned forced organ harvesting in the People's Republic of China; (2) calling on the Government of the People's Republic of China and Communist Party of China to immediately end the practice of organ harvesting from all prisoners of conscience; (3) demanding an immediate end to the 16-year persecution of the Falun Gong spiritual practice by the government of the People's Republic of China and the Communist Party of China, and the immediate release of all Falun Gong practitioners and other prisoners of conscience; (4) encouraging the United States medical community to help raise awareness of unethical organ transplant practices in China; (5) calling on the People's Republic of China to allow a credible, transparent, and independent investigation into organ transplant abuses; and (6) calling on the United States Department of State to conduct a more detailed analysis on state-sanctioned organ harvesting from non-consenting prisoners of conscience in the annual Human Rights Report, and report annually to Congress on the implementation of [section 1182f of title 8, United States Code](#), barring visas to Chinese and other nationals engaged in coerced organ or bodily tissue transplantation.

## COMMITTEE ACTION:

H. Res. 343 was introduced on June 25, 2015 and was referred to the House Committee on Foreign Affairs. On March 16, 2016, the bill was ordered to be reported in the nature of a substitute (amended) by unanimous consent.

**ADMINISTRATION POSITION:**

A Statement of Administration Policy is not available.

**CONSTITUTIONAL AUTHORITY:**

No Constitutional Authority Statement is available.

# H.R. 5049 — NSF Major Research Facility Reform Act of 2016 (Rep. Loudermilk, R-GA)

CONTACT: [Jennifer Weinhart](#), 202-226-0706

## FLOOR SCHEDULE:

Expected to be considered on June 13, 2016 under a suspension of the rules which requires 2/3 majority for passage.

### TOPLINE SUMMARY:

[H.R. 5049](#) would require the National Science Foundation (NSF) to maintain a Large Facilities Office in support of its research directorates in the creation, implementation, and assessment of major multi-user research facilities.

### COST:

The Congressional Budget Office (CBO) [estimates](#) “that conducting the audits required by the legislation would cost about \$2 million annually and \$10 million over the 2017-2021 period.”

### CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** Yes.
- **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 require the Large Facilities Office to be maintained by the Director of the NSF, with oversight by an appointed senior agency official.

The bill would allow NSF to provide management fees for projects if the awardee has demonstrated that there are no other financial resources available to cover gran management expenses. Management fees would originate from a portion of an NSF award that would cover legitimate business expenses that would not otherwise be allowed under the Cost Principles Uniform Guidance. These fees would not be permitted to be used for costs allowable under the Cost Principles Uniform Guidance, alcoholic beverages, vacations, charitable contributions, and other listed purposes. The bill would require the foundation to review the usage of management fees on an annual basis, and the Director to submit a report to Congress within 12 months of enactment.

The legislation would require a cost proposal audit for projects over \$100 million.

This legislation would also require whistleblower education and training for Foundation managers and staff, and to provide the information to awardees and their employees and contractors.

## COMMITTEE ACTION:

H.R. 5049 was introduced on April 26, 2016 and was referred to the House Committee on Science, Space and Technology, where it was reported amended on April 27, 2016, by voice vote.

## 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 18. No enumerating clause was included.

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