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H.R. 4246 — National Guard and Reservists Debt Relief Extension Act of 2015 (Rep. Cohen, D-TN)

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

FLOOR SCHEDULE:

Scheduled for consideration on under a suspension on December 16, 2015, which requires 2/3 majority for passage

TOPLINE SUMMARY:

[H.R.4246](#) would extend for four years a previously enacted exemption to the chapter 7 bankruptcy “means test” presumption of abuse, as it applies to qualifying members of the National Guard and Reserves. Qualifying members include reservists of the Armed Forces and National Guard whom have been called up to active duty or to perform a homeland defense activity following September 11, 2001, for more than 90 days.

COST:

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

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

A CBO [cost estimate](#) for an identical reauthorization in 2011 found that enacting the legislation would at the time have no significant impact on the federal budget.

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:

When called up for active duty, certain military members, including Reservists and members of the National Guard, often receive hazard pay, distorting their actual income and limiting their access to chapter 7 bankruptcy. To correct this, H.R. 4246 would exempt for an additional four years, the application of the “means test” presumption of abuse for Reservists and National Guard members, called to active duty or for homeland defense post-September 11, 2001, for no fewer than 90 days.

According to the [Committee Report for the 2011 reauthorization](#), since 2005, bankruptcy law has provided for a “means test” in order to determine whether individual debtors are financially able to pay a portion of their monthly income to repay creditors. If a debtor does have some ability to repay, a chapter 7 filing amounts to “substantial abuse,” and can be dismissed.

In 2008, Congress passed S. 3197 ([Public Law 110-438](#)) by a vote of [411-0](#), the National Guard and Reservists Debt Relief Act of 2008, to address the financial difficulties, often resulting from the receipt of hazard pay, of returning reservists and National Guard members by providing them with an exemption to the “means test” requirement for chapter 7 bankruptcies until December 19, 2011. On November 29, 2011,

the House voted to extend this measure for four years, by a vote of [407-1](#), passing H.R. 2191, the National Guard and Reservist Debt Relief Extension Act of 2011 ([Public Law 112-64](#)).

According to the 2011 Committee report, hundreds of thousands of military reservists were voluntarily and involuntarily activated between 2001 and 2010. According to a [Government Accountability Report](#) required by the initial legislation, only 8% of eligible servicemembers claimed the “means test” exemption, and the “aggregate amount of debt that servicemembers could potentially have discharged was...32 percent, of the total amount of debt that they reported.”

The RSC Legislative Bulletin for the 2011 reauthorization can be found [here](#).

COMMITTEE ACTION:

H.R. 4246 was introduced on December 15, 2015 and was referred to the House Committee on the Judiciary.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

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

S. 1090 — Emergency Information Improvement Act of 2015 (Sen. Booker, D-NJ)

CONTACT: [Matt Dickerson](#), 202-226-9718

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

S. 1090 would make clear that broadcasters that provide critical services (such as communications services) are eligible for FEMA grants.

COST:

The Congressional Budget Office (CBO) [estimates](#) that enacting S. 1090 “would have no federal cost.”

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 bill would codify an existing policy that would allow a broadcaster to be eligible for Federal Emergency Management Agency (FEMA) disaster grants if it provides “critical services” (the current law definition of critical services already includes communications services).

According to the [Committee Report](#), broadcasters are eligible for grants, but because the law does not specifically list them as eligible, broadcasters have encountered delays in receiving grants.

COMMITTEE ACTION:

S. 1090 was introduced by Senator Booker on April 27, 2015, and passed the Senate by unanimous consent on September 17, 2015. In the House, the bill was referred to the Transportation and Infrastructure Committee, which took no further actions on the bill.

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.J. Res. __ — Making further continuing appropriations for fiscal year 2016 (Sen. McConnell, R-KY)

CONTACT: [Matt Dickerson](#), 202-226-9718

FLOOR SCHEDULE:

H. J. Res. __ is expected to be considered on December 16, 2015, under a suspension of the rules, which requires a 2/3 vote for passage.

TOPLINE SUMMARY:

[H. J. Res. __](#) would continue appropriations at current levels through December 22, 2015.

COST:

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

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.

The Continuing Resolution (CR) provides appropriations at the base Fiscal Year (FY) 2016 spending level, an annual rate of \$1.017 trillion. Annualized base Defense spending would be \$520.4 billion and annualized base Non-Defense spending would be \$496.2 billion.

CONSERVATIVE CONCERNS:

Some conservatives may be concerned that this legislation was made publicly available at 12:20 AM on December 16, 2015, the same day it is expected to be considered.

The [Majority Leader's Floor Protocols](#) state that "Measurers proposed to be considered through a motion to suspend the rules, shall be publicly available in an electronic format for three days prior to their consideration."

- **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, discretionary appropriations will lapse on December 16, 2015. The bill would extend appropriations until December 22, 2015.

COMMITTEE ACTION:

H. J. Res. __ is expected to be introduced on December 16, 2015.

Previous Action on Appropriations Measures:

The House passed six of the 12 appropriations bills for FY 2016:

- H.R. 2578, the [Commerce, Justice, and Science](#) bill passed the House on June 3, 2015, by a [242 – 183](#) vote.
- H.R. 2685, the [Defense](#) bill passed the House on June 9, 2015, by a [278 – 149](#) vote.
- H.R. 2028, the [Energy and Water](#) bill passed the House on May 1, 2015, by a [240 – 177](#) vote.
- H.R. 2250, the [Legislative Branch](#) bill passed the House on May 19, 2015, by a [357 – 67](#) vote.
- H.R. 2029, the [Military Construction and Veterans Affairs](#) bill passed the House on April 30, 2015, by a [255 – 163](#) vote.
- H.R. 2577, the [Transportation, Housing, and Urban Development](#) bill passed the House on June 9, 2015, by a [216 – 210](#) vote.

H.R. 2822, the [Interior and Environment](#) bill was also considered in the House, but a vote on passage was not held.

In contrast, the Senate did not pass a single appropriations bill before the start of the fiscal year. In July, [Senate Democrats vowed to filibuster all appropriations](#) measures in order to push for more spending, a strategy that was ultimately successful.

Appropriations were extended through December 11, 2015, by [H.R. 719, the Continuing Appropriations Act, 2016](#), which passed the House on September 30, 2015, by a [277 – 151](#) vote.

The discretionary spending caps agreed to in 2011 under the Budget Control Act were increased by [H.R. 1314, the Bipartisan Budget Act of 2015](#), which passed the House on October 28, 2015, by a [266 – 167](#) vote.

The Senate was able to pass H.R. 2029, the Military Construction and Veterans Affairs bill on November 11, 2015, by a [93 – 0](#) vote. This was the first appropriations bill passed by the Senate in 5 years.

Appropriations were extended through December 16, 2015, by H.R. 2250, which passed the House on December 11, 2015, by a voice vote.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

“The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: “No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law” In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: “The Congress shall have the Power to pay the Debts and provide for the common Defence and general Welfare of the United States” Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.”

H.R. 4239 — Tracking Foreign Fighters in Terrorist Safe Havens Act (Rep. LoBiondo, R-NJ)

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

FLOOR SCHEDULE:

Scheduled for consideration on under a suspension on December 16, 2015, which requires 2/3 majority for passage

TOPLINE SUMMARY:

[H.R. 4239](#) would require the Director of National Intelligence to submit a report to Congress on foreign fighter flows to and from terrorist safe havens abroad.

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:

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. 4239 would require the Director of National Intelligence, consistent with the protection of intelligence sources and methods, to submit a report to Congress on foreign fighter flows to and from terrorist safe havens abroad. The report would include: (1) the total number of foreign fighters who have traveled or are suspected of having traveled to the terrorist safe haven since 2011, including the countries of origin of such foreign fighters; (2) the total number of United States citizens present in the terrorist safe haven; and (3) the total number of foreign fighters who have left the terrorist safe haven or whose whereabouts are unknown. The reports may be submitted in a classified format.

COMMITTEE ACTION:

H.R. 4239 was introduced on December 11, 2015 and was referred to the House Permanent Select Committee on Intelligence.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the sponsor, Congress has the power to enact this legislation pursuant to: "Article I, section 8 of the Constitution of the United States provides, in pertinent part, that "Congress shall have power to pay the debts and provide for the common defense and general welfare of the United States"; "..... to raise and support armies"; and "To make all laws which shall be necessary and proper for carrying into

Execution the foregoing Powers and all other Powers vested in this Constitution in the Government of the United States, or in any Department or Officer thereof.”

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