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S. 2755 — Fallen Heroes Flag Act of 2016, as amended (Sen. Blunt, R-MO)

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

FLOOR SCHEDULE:

May 10, 2016 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[S. 2755](#) would provide Capitol-flown flags to the immediate family of firefighters, law enforcement officers, members of rescue squads or ambulance crews and public safety officers who are killed in the line of duty.

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:

This bill would allow, at the request of an immediate family member of a firefighter, law enforcement officer, member of a rescue squad or ambulance crew, or public safety officer who died in the line of duty, a Capitol-flown flag provided by the representative or senator to be provided to the family at no cost.

The Architect of the Capitol would be directed to issue regulations to establish procedures for requesting a Capitol-flown flag.

This bill would authorize \$40,000 for fiscal years 2017 through 2022.

COMMITTEE ACTION:

This bill was introduced by Senator Blunt and referred to the Committee on Rules and Administration, where it was discharged by unanimous consent. It then passed the Senate by unanimous consent on April 19, 2016. It was received by the House on April 20, 2016 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. 4063 — Jason Simcakoski PROMISE Act (Rep. Bilirakis, R-FL)

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

FLOOR SCHEDULE:

May 10, 2016 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 4063](#) would require the Department of Veterans Affairs (VA) to improve its safety measures for use of opioids in treating veterans and update clinical practice guidelines for the management of chronic pain.

COST: A primary cost estimate by [CBO](#) estimated that implementing the bill would cost \$138 million over the 2017-2021 period, subject to appropriation of the necessary amounts. However, changes were made to the bill prior to putting it on the suspension calendar.

According to the Majority Leader's office, as amended and scheduled for consideration, the bill includes offsetting provisions limiting bonus compensation for VA employees that, when considered along with the other provisions of the bill, would result in a net savings of \$12 million from FY2017-2021.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** Yes, this bill would expand substance abuse programs within the VA.
- **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:

First, this bill would expand and improve opioid safety measures at the VA. The secretary would be directed to expand the [Opioid Safety Initiative](#) to all VA medical facilities and require health care providers to use the [Opioid Therapy Risk Report tool](#) prior to initiating opioid therapy to treat a patient. In carrying this out, the secretary would ensure access by health care providers to VA information on controlled substances prescribed to veterans outside of the VA through the [prescription drug monitoring program](#).

VA providers who prescribe opioids would be required to receive training and education on pain management and safe prescribing practices. This would include the use of evidence-based pain management therapies and screening and identifying patients with substance use disorders. Each medical facility would also have a pain management team to prevent the prescription of analgesics by a provider without expertise in the drug or who has not completed the required education and training. The computerized patient record system at the VA would be modified to ensure that any health care provider that accesses a veteran's record will be immediately notified if there is a history of substance abuse or a risk of becoming an opioid abuser.

This bill would equip each VA pharmacy with opioid receptor antagonists approved by the Food and Drug Administration (FDA) to be dispensed to outpatients as needed, and expand the [Overdose Education and Naloxone Distribution](#) program to ensure all veterans who are at risk for an overdose can access opioid receptor antagonists. Receptor antagonists work to reduce the effects of an opioid overdose.

Next, the Pain Management Working Group of the Health Executive Committee of the Department of Veterans Affairs-Department of Defense (DoD) Joint Executive Committee would focus on the opioid

prescribing practices of health care providers at each department and the ability to manage pain and coordination in coverage and constant access to medications prescribed for patients transitioning from receiving care from the Department of Defense to the VA. The secretary of the VA and the secretary of the Defense would be instructed to update the [Clinical Practice Guidelines for Management of Opioid Therapy for Chronic Pain](#).

The comptroller general is directed to submit to Congress a report on the Opioid Safety Initiative of the VA and the opioid prescribing practices of health care providers at the VA. In addition, the secretary would submit to Congress a report on the opioids prescribed by health care providers at the each VA health care facility.

Finally, this bill would require the secretary to disclose information about a veteran or the dependent of a veteran to a state controlled substance monitoring program if necessary to prevent the misuse and diversion of prescription medications. States implement and maintain drug monitoring program databases on controlled substances prescribed and filled with their borders. The VA had the [authority](#), but was not required, to disclose information on veterans and their dependents about prescriptions of controlled substances.

This bill would limit the awards and bonuses paid to VA employees for fiscal years 2017 through 2021 to ensure the aggregate amount does not exceed \$230,000,000 as opposed to [current law](#), which limits total bonuses to \$360,000,000. However, for fiscal years 2022-2024 the amount would increase to \$360,000,000. This provision is not included in the CBO score for the bill, but is expected to reduce the net budgetary impact of the bill to result in a net savings of roughly \$12 million through FY2021.

COMMITTEE ACTION:

This bill was introduced by Representative Bilirakis and referred to the Committee on Veterans' Affairs, and the Committee on Armed Services. 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: This bill is enacted pursuant to Article I, Section 8, Clause 1 of the Constitution of the United States and Article I, Section 8, Clause 7 of the Constitution of the United States. Article I, section 8 of the United State Constitution, which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; and provide for organizing, arming, and disciplining the militia.

H.R. 4957 — To designate the Federal building located at 99 New York Avenue, N.E., in the District of Columbia as the "Ariel Rios Federal Building" (Rep. Carson, D-IN)

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

FLOOR SCHEDULE:

May 10, 2016 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 4957](#) would name the current headquarters building of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) after Ariel Rios, an agent who was killed in the line of duty and for whom the ATF's previous headquarters building was named in honor.

COST:

The [Congressional Budget Office](#) (CBO) estimates that enacting H.R. 4957 would "have no significant impact on the federal budget and would not affect direct spending or 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:

[Ariel Rios](#) was an undercover agent for the ATF who was killed in the line of duty in 1982.

In 1985, the Congress named the then-headquarters building for the ATF at 1200 Pennsylvania Ave. N.W. in honor of Ariel Rios. The ATF moved from that location to its current location at 99 New York Avenue, N.E. in 2007, but the name of the headquarters building did not transfer. The Environmental Protection Agency (EPA) then took over the 1200 Pennsylvania Ave. building, which was subsequently named after President Bill Clinton.

H.R. 4957 would name the current ATF headquarters building at 99 New York Avenue, N.E. as the "Ariel Rios Federal Building".

OUTSIDE GROUP SUPPORT:

- [ATF Association](#),
- [Federal Law Enforcement Officers Association](#),
- [Association of Former Custom Service Agents](#),
- [Association of Former Agents of the U.S. Secret Service](#)

COMMITTEE ACTION:

H.R. 4957 was introduced on March 15, 2016, and referred to the House Transportation and Infrastructure Committee. The Committee marked up and reported the bill on [April 20, 2016](#), 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: Clause 1 of section 8 of Article I of the Constitution.”

H.R. 4985 — Kingpin Designation Improvement Act of 2016 (Rep. Katko, R-NY)

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

FLOOR SCHEDULE:

Expected to be considered on May 10, 2016 under a suspension of the rules which requires a 2/3 majority vote for passage.

TOPLINE SUMMARY:

[H.R. 4985](#) would allow classified information to be submitted to a reviewing court *ex parte* or *in camera* in any judicial review of a designation of a foreign person as a kingpin who is subject to sanctions as a significant foreign narcotics trafficker.

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. 4985 would amend [section 804 of the Foreign Narcotics Kingpin Designation Act](#) (21 U.S.C. 1903) to allow classified information to be submitted to a reviewing court *ex parte* (without the defendant or counsel present) or *in camera* (in a judge's chambers or other off-the-record hearing), in any judicial review of a Presidential determination based on classified information, if a foreign person is subject to sanctions as a significant foreign narcotics trafficker. The bill would clarify that it would not confer or imply any right to judicial review.

COMMITTEE ACTION:

H.R. 4985 was introduced on April 18, 2016 and was referred to the House Judiciary House Committee on Foreign Affairs, where it was ordered reported by voice vote on April 20, 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 of the United States Constitution."

S. 32—Transnational Drug Trafficking Act of 2015 (Sen. Feinstein, D-CA)

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

FLOOR SCHEDULE:

Expected to be considered on May 10 under a suspension of the rules which requires 2/3 majority for passage.

TOPLINE SUMMARY:

[S. 32](#) would give the Department of Justice legal tools to ensure that international drug traffickers can face prosecution, if there is reasonable cause to believe they will traffic drugs to the United States. It would also impose penalties on individuals that produce or distribute drug precursor chemicals, like pseudoephedrine, if they know they will be used in creating drugs that will be trafficked in the United States.

COST:

The Congressional Budget Office (CBO) [estimates](#) that enacting S. 32 would result in 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:

The United States presently has several legal barriers hindering extradition cases for international drug dealers from nations like Colombia and Peru, as they often use Mexican trafficking organizations as middlemen for the illegal distribution of narcotics in the United States. Many [feel](#) the United States needs to have the ability to seek out drug traffickers and pursue them in their home countries.

S. 32 would make it illegal for an individual to manufacture or distribute a schedule I or II controlled substance, if they have reasonable knowledge that it would be illegally imported into the United States. This legislation would also make it illegal for an individual to manufacture or distribute precursor chemical, if they are aware or have reasonable knowledge that it will be used to manufacture a controlled substance and that the controlled substance will be unlawfully imported into the United States.

This legislation would also amend the federal criminal code regarding the prohibition against, and penalties for, intentionally trafficking a counterfeit drug. The prohibition and penalties would apply to both the international trafficking as well as knowingly using counterfeit marks in connection with or on a drug.

COMMITTEE ACTION:

S. 32 was introduced on January 6, 2016, and was referred to the Senate Committee on Finance. It passed the Senate by Unanimous Consent on October 7, 2015.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

Constitutional Authority Statements are not required for Senate bills.

H.R. 5048 — Good Samaritan Assessment Act of 2016 (Rep. Guinta, R-NH)

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

FLOOR SCHEDULE:

Expected to be considered on May 10 under a suspension of the rules which requires 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 5048](#) would direct the Government Accountability Office (GAO) to issue a report to Congress on how the National Drug Control Policy (ONDCP) has reviewed Good Samaritan laws, efforts to encourage the usage of Good Samaritan laws, and which states, territories, or districts have Good Samaritan laws in effect.

COST:

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

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

CONSERVATIVE CONCERNS:

- **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:

Accidental overdoses represent a leading cause of death amongst Americans, though many of these deaths may be preventable if emergency medical assistance is provided in a timely manner. Many individuals who would otherwise be able to summon help do not call 911, as they fear arrest or legal action stemming from their own drug or alcohol use. Good Samaritan laws allow for an exemption from arrest for minor drug or alcohol offenses in such circumstances. [Thirty five states](#) plus the District of Columbia have such laws in effect. These laws do not prevent arrest for other criminal offenses, including selling drugs or driving while intoxicated.

This legislation would require the GAO to submit a comprehensive study to Congress on Good Samaritan laws, and the extent to which they have been reviewed, the efforts the Director of National Drug Control Policy has undertaken to encourage their adoption, and a compilation of Good Samaritan laws in effect.

The Committee Report can be found [here](#).

COMMITTEE ACTION:

H.R. 5048 was introduced on April 26 and was referred to the House Committee on the Judiciary, where it was ordered reported by voice vote on April 27, 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 18.

H.R. 5052 — Opioid Program Evaluation (OPEN) Act (McCarthy, R-CA)

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

FLOOR SCHEDULE:

Expected to be considered on May 10 under a suspension of the rules which requires 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 5052](#) would require the Attorney General and the Secretary of Health and Human Services to work with the National Academy of Sciences to evaluate the effectiveness of programs that provide grants aimed at addressing problems pertaining to opioid abuse.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 5052 would cost about \$4 million over the 2016-2021 period. This amount would be offset for cut-go purposes.

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:

America is currently experiencing an epidemic of opioid and heroin use, with [over](#) 47,000 Americans dying from a drug overdose in 2014. [Roughly](#) 21.5 million Americans ages 12 and older suffered from a substance abuse problem in 2014, of which 1.9 million individuals had a substance use disorder involving prescription pain medicine, and 586,000 had a disorder involving the abuse of heroin.

This legislation would require the Attorney General and the Secretary of Health and Human Services to work with the National Academy of Sciences to identify goal outcomes for programs funded by Congress to address opioid abuse, to produce metrics in order to evaluate the performance of opioid abuse programs, create an evaluation examining and assessing the extent of opioid abuse and illegal distribution in America, and evaluate the effectiveness of opioid abuse reduction programs. This legislation would also require those receiving grants to collect data on activities undertaken by these programs, and to report the data to Congress.

A Committee Report can be found [here](#).

COMMITTEE ACTION:

H.R. 5052 was introduced on April 26, 2016 and was referred to the House Committees on the Judiciary and on Energy and Commerce, where it was reported by voice vote on April 27, 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 1."

S.125 — Bulletproof Vest Partnership Grant Program Reauthorization Act of 2015 (Sen. Leahy, D-VT)

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

FLOOR SCHEDULE:

Expected to be considered on May 10 under a suspension of the rules which requires 2/3 majority for passage.

TOPLINE SUMMARY:

[S. 125](#) would amend the [Omnibus Crime Control and Safe Streets Act of 1968](#) to extend the authorization for appropriations of \$25,000,000 each year, for the Bullet Proof Vest Partnership Grant Program through FY2020.

COST:

The Congressional Budget Office (CBO) [estimates](#) that enacting S. 125 would cost \$100 million over the 2016-2020 period.

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:

S. 125 would reauthorize the appropriation of funds for the Bullet Proof Vest Partnership Program at \$25 million annually, which is \$25 million below the [previous](#) authorization through 2012, and \$3 million above the FY2016 appropriated level. Additionally, this legislation would require the transfer to the treasury by January 31, 2023, of all appropriated program funds for FY2016-2020 that were not obligated by December 31, 2022. It would also prohibit state, local, or tribal governments from using funds from other grant programs to pay or defer the cost of the matching fund requirement. It would require a grantee that uses program funds to purchase body armor to comply with program requirements, to have a written policy requiring officers to wear body armor, and to use funds to purchase vests that meet the standards of the Bureau of Justice Assistance. This legislation would give preferential consideration in awarding grants to jurisdictions that provide uniquely fitted armor vests to officers, including individual female officers.

COMMITTEE ACTION:

S. 125 was introduced on January 8, 2015 and was referred to the Senate committee on the Judiciary. The Senate passed S. 125, with amendment, by voice vote on May 6, 2015.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

Constitutional Authority Statements are not required for Senate bills.

H.R. 2137 — Federal Law Enforcement Self-Defense and Protection Act of 2015 (Rep. Collins, R-GA)

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

FLOOR SCHEDULE:

Expected to be considered on May 10 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 2137](#) would grant covered law enforcement officers the right to carry a government-issued firearm when they are on covered furlough, just as they could before such furlough was in effect.

COST:

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

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

CONSERVATIVE CONCERNS:

- **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:

Additionally, this legislation would define a covered law enforcement officer as any agency employee that has the authority to make arrests, apprehensions, or prosecute violations of federal law on the day prior to a covered furlough. Covered furlough would be defined as any planned event at which employees are involuntarily furloughed due to factors including downsizing, lack of funding, reduced work, budgetary constraints, or a lapse in appropriations.

COMMITTEE ACTION:

H.R. 2137 was introduced on April 30, 2015 and was referred to the House committee on the Judiciary, where it was reported by voice vote on April 27, 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. 3209 — Recovering Missing Children Act (Rep. Paulsen, R-N)

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

FLOOR SCHEDULE:

May 10, 2016 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 3209](#) would allow federal law enforcement agencies to seek a court order requiring the Internal Revenue Service (IRS) to disclose taxpayer information in cases dealing with missing and exploited children.

COST:

The [Joint Committee on Taxation](#) (JCT) estimates that enacting H.R. 3209 would “no revenue effect on Federal fiscal year budget receipts for the period 2016-2026.”

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, the IRS is generally prohibited from disclosing confidential taxpayer information. In certain instances, federal law enforcement agencies that are enforcing a non-tax criminal law may be granted a temporary court order by a judge to receive taxpayer information from the IRS.

H.R. 3209 would permit federal law enforcement officials to seek a temporary court order for the disclosure of taxpayer information by the IRS in cases of missing or exploited children.

OUTSIDE GROUP SUPPORT:

- [Fraternal Order of Police](#),
- [Major County Sheriff's Association \(MCSA\)](#),
- [National Association of Police Officers \(NAPO\)](#),
- [Sergeants Benevolent Association](#)

COMMITTEE ACTION:

H.R. 3209 was introduced on July 23, 2011, and referred to the House Way and Means Committee. The Committee marked up and reported the bill on [April 28, 2016](#), 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: Article 1, Section 8, Clauses 1 and 18 of the United States.”

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