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H.R. 3715: Final Farewell Act of 2016, as amended (Brown, D-FL)

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

FLOOR SCHEDULE:

May 23, 2016 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

H.R. 3715 would authorize interments, funerals, memorial services, and ceremonies for deceased veterans at national and state cemeteries during certain weekends if requested for religious reasons.

COST:

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

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:

[According to the VA](#), national cemeteries do not normally conduct burials on weekends. This bill would authorize the secretary to permit the interment or funeral, memorial service, or ceremony of a deceased veteran at a national cemetery during weekends, other than federal holiday weekends, upon the request of the next-of-kin. This would also apply to state cemeteries that are recipients of VA grants.

COMMITTEE ACTION:

This bill was introduced by Representative Brown and referred to the House Committee on Veterans' Affairs. On May 18, 2016, a mark-up was held 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: Art I, section 8, clause 18 of the Constitution of the United States--The Congress shall have Power To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof."

Clause 18, the Necessary and Proper Clause, has long been held by conservatives to not enumerate any specific powers of Congress, but rather as a tool to be used in combination with the preceding enumerating clauses. The sponsor could have identified such enumerated authority in Article 8, Clause 14, which grants Congress the power to make rules for the government and regulation of the land and naval forces, or in Clause 17, which provides for federal enclave jurisdiction over military installations.

H.R. 2460: To amend title 38, United States Code, to improve the provision of adult day health care services for veterans (Zeldin, R-NY)

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

FLOOR SCHEDULE:

May 23, 2016 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

H.R. 2460 would direct the Secretary of Veterans' Affairs to enter into agreements with [state veterans homes](#) to provide adult day health for eligible veterans.

COST:

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

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?** Yes, this bill would allow the secretary to enter into new agreements to provide day health care services for veterans.
- **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:

State veterans' homes are owned by state governments and provide nursing home, domiciliary or adult day care. This bill would direct the Secretary of Veterans' Affairs to enter into agreements with state veterans' homes to provide adult day health care for eligible veterans. [Adult day health care](#) is a program veterans can go to during the day for social activities, peer support, companionship, and recreation. Services provided include help dressing, fixing meals or taking medicine. This bill would authorize payment to the state homes for veterans who are eligible, but do not currently receive nursing home care. Payment for these services would be made at a rate that is equal to 65 percent of the payment made for nursing home care.

COMMITTEE ACTION:

This bill was introduced by Representative Zeldin and referred to the House Committee on Veterans' Affairs. On May 18, 2016, a mark-up was held and the bill was reported out 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 1, Section 8 of the United States Constitution. No specific enumerating clause was included.

H.R. 3989: Support Our Military Caregivers Act (Stefanik, R-NY)

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

FLOOR SCHEDULE:

May 23, 2016 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 3989](#) would improve the process for determining the eligibility of caregivers of veterans to certain benefits administered by the Veterans' Administration (VA).

COST:

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

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:

Under current law, the caregivers of disabled veterans are eligible for compensation for their time and for their own disabilities in certain circumstances. The VA is currently experiencing backlogs among both initial applications for such benefits and appeals of denials of benefits.

This bill would amend the assistance and support given to a [veteran's caregiver](#) by allowing a caregiver to elect to use an independent contractor to perform an external clinical review. An independent contractor could be used if an individual's application is denied to be a caregiver for the program of [comprehensive assistance](#), or if an application is accepted, but the caregiver requests a reconsideration of the level or amount of personal care services that a veteran requires. Eligible independent contractors would be awarded a contract by the secretary, has no financial relationship with non-VA service providers, and has training and expertise in health, educational and vocational training. Each clinical review conducted would be based on medical, technical and scientific evidence, supporting data from the caregiver and the veteran, and include a review of the initial clinical review made by the secretary. This bill would require each external review conducted by an independent contractor to be completed no later than 120 days after the date on which the individual makes the election. The secretary would then have 30 days to make a final decision which would include an explanation of the recommended decision.

This bill would direct the secretary to issue directives regarding the policies, procedures, and operational requirements for the Family Caregiver Program, including the determination of eligibility of an individual to participate in the program.

Finally, this bill would limit awards and bonuses paid to employees of the VA. For fiscal years 2017-2021, the aggregate amount of awards and bonuses paid could not exceed \$230,000,000. With respect to fiscal years 2022-2024, this amount could not exceed \$360,000,000.

COMMITTEE ACTION:

This bill was introduced by Representative Stefanik and referred to the House Committee on Veterans' Affairs. On May 18, 2016, a mark-up was held 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: Clause 18 of section 8 of article 1 of the Constitution. No specific enumerating clause was included.

H.R. 5229: Improving Transition Programs for All Veterans Act, as amended (Takano, D-CA)

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

FLOOR SCHEDULE:

May 23, 2016 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 5229](#) would direct the Secretary of Veterans Affairs to conduct a study on the effectiveness of programs for veterans transitioning to civilian life.

COST:

The [Congressional Budget Office](#) (CBO) estimates that implementing this bill would cost \$2 million over the 2017-2021 period; that spending would be subject to the availability of appropriated funds.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

This bill would direct the Secretary of Veterans Affairs to conduct a study on the effectiveness of programs for veterans transitioning to civilian life. This study would specifically evaluate unique challenges faced by veterans who are women, minorities, residents of territories, and those part of indigenous populations. The secretary would include the challenges these veterans face when pursuing higher education, re-entering the civilian workforce, and the challenges faced by families of these veterans.

No additional funds are authorized to carry out this bill.

COMMITTEE ACTION:

This bill was introduced by Representative Takano and referred to the House Committee on Veterans' Affairs. On May 18, 2016, a mark-up was held 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: Section 8 of Article 1 of the United States Constitution. No specific enumerating clause was included.

H.R. 3956: VA Health Center Management Stability and Improvement Act, as amended (Bost, R-IL)

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

FLOOR SCHEDULE:

May 23, 2016 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 3965](#) would direct the Secretary of Veterans Affairs to develop and implement a plan to hire directors of the VA medical centers.

COST:

The [Congressional Budget Office](#) (CBO) estimates that on net implementing H.R. 3956 would cost less than \$500,000 over the 2017-2021 period; that spending would be subject to availability of appropriated funds.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

According to the VA, several medical centers are managed by acting or temporary directors, and due to the inability of the VA to recruit permanent candidates, frequent turnover is common which impedes the ability of system management to engage in long-term planning. This bill would require the secretary to develop and implement a plan to hire highly qualified directors for each VA medical center that lacks a permanent director. The plan must include a deadline to hire the directors and identify impediments to such hiring. The secretary must submit this report to Congress no more than 120 days after enactment of this legislation.

This bill would also require the director of each medical facility to annually certify that the medical facility is in full compliance with all provisions of law and regulations related to scheduling appointments. If a director does not certify the facility is in full compliance, the director, the chief of staff, the associate director, the associate director for patient care and the deputy chief of staff would be ineligible to receive any awards or bonuses.

COMMITTEE ACTION:

This bill was introduced by Representative Bost and referred to the House Committee on Veterans' Affairs. On May 18, 2016, a mark-up was held 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 1, Section 8 of the Constitution of the United States. No specific enumerating clause was included.

H.R.2121—SAFE Transitional Licensing Act of 2015 (Rep. Stivers, R-OH)

CONTACT: [Brittan Specht](#), 202-226-9143

FLOOR SCHEDULE:

To be considered on May 23, 2016 under suspension of the rules, which requires 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 2121](#) would amend the S.A.F.E. Mortgage Licensing Act of 2008 to provide a temporary license for 120 days for registered loan originators that are: (1) moving from a financial institution to a state-licensed non-bank originator; or, (2) are moving interstate to a state-licensed loan originator in a different state.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 2121 would have no significant net effect on 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:

Under current law, various states are allowed to promulgate their own registration requirements for loan originators that are not operating out of a federally-insured depository institution. However, when originators move from one type of institution to another, or from one state to another, they are often not automatically covered by the relevant licensing. H.R. 2121 would provide for temporary automatic licensing for 120 days for loan originators.

This legislation would also include a technical change to the S.A.F.E. Mortgage Act that would update the existing civil liability protections so that the protections continue to apply in instances where state regulators use the National Mortgage Licensing System as a licensing system for financial services providers that are not loan originators.

Any person that is registering a registered loan originator with the Nationwide Mortgage Licensing System and Registry would be subject to this legislation as well as applicable state law, just as is a registered loan originator was licensed and registered as a state-licensed loan originator.

COMMITTEE ACTION:

H.R. 2121 was introduced on April 29, 2015 and was referred to the House Committee on Financial Services, where it was reported by the yeas and nays, 56-0, on March 2, 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.

H.R.4139—Fostering Innovation Act of 2015 (Rep. Sinema, D-AZ)

CONTACT: [Brittan Specht](#), 202-226-9143

FLOOR SCHEDULE:

To be considered on May 23, 2016 under suspension of the rules, which requires 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 4139](#) would extend the exemption for emerging growth companies from Section 404(b) of the [Sarbanes-Oxley \(SOX\) Act](#) that would otherwise lose their exempt status at the end of the five-year emerging growth company (EGC) period under current law.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing in H.R. 4139 “the net effect on discretionary spending would be negligible, assuming appropriation actions consistent with that authority.”

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 Sarbanes-Oxley Act requires that those that manage public companies must assess the effectiveness of the internal control of securities issuers for the purposes of financial reporting. SOX 404(b) requires that the auditors of a publicly-held company attest to, and report on, the assessment of internal controls. SOX 404(b) compliance costs disproportionately encumber small business and startups that do not have the revenue stream to support such activities.

Under current law, EGCs are exempt from the 404(b) requirements for five years from when they first issue securities to the public. This legislation would extend the SOX 404(b) exemption for audit reports prepared for an issuer until the earlier of: ten years following the company going public, the end of the fiscal year during which the EGC achieves average gross revenues of more than \$50 million, or when the EGC becomes a large accelerated filer, with at least \$700 million public float, with the SEC.

COMMITTEE ACTION:

H.R. 4139 was introduced on December 1, 2015 and was referred to the House Committee on Financial Services, where it was reported by the yeas and nays, 42-15, on March 2, 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; Article I, Section 8, Clause 18

H.R. 5286: VA Construction and Lease Authorization, Health, and Benefits Enhancement Act, as amended (Miller, R-FL)

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

FLOOR SCHEDULE:

May 23, 2016 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 5286](#) would make changes to the Department of Veterans Affairs (VA) health care programs. In addition, this bill would modify disability compensation for veterans and authorize the VA to enter into major medical facility leases and conduct construction on current properties.

COST:

The [Congressional Budget Office](#) (CBO) estimates that enacting H.R. 5286 would reduce net direct spending by \$846 million over the 2017-2026 period. Because enacting the bill would affect direct spending, pay-as-you-go procedures apply. Enacting the bill would not affect revenues.

In total, CBO estimates that implementing H.R. 5286 would require \$291 million in discretionary spending over the 2017-2026 period, subject to appropriation of the necessary amounts.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** Yes, this bill would allow the VA to contract with non-department physicians to furnish care for eligible veterans. In addition, the bill would create a new lump-sum special compensation award for certain disabled veterans.
- **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:

Title I

Health Care Matters

This bill would allow the secretary to enter into Veterans Care Agreements with eligible providers to furnish hospital care, medical services, and extended care to veterans for whom care at a VA facility is impracticable or inadvisable due to the medical condition, travel required or nature of care required. This is in addition to [current law](#), which allows the VA to contract with non-department facilities when a VA facility is not capable for providing the care or services needed for a veteran. The secretary would be required to report to Congress a list of all Veterans Care Agreements. Veterans Care Agreements would sunset after September 30, 2017.

Recent [reports](#) have shown the VA has failed to pay millions of dollars to health care providers outside of the VA system. These unpaid claims are for services provided to veterans as part of the [Choice Card](#) program. This bill would require the secretary to pay any fees or penalties associated for not being in compliance with the [Prompt Payment Act](#) from the Medical Services account at the VA. The secretary would be required to submit quarterly reports to Congress identifying each fee or penalty paid due to not being in full compliance.

Patient Advocacy

The secretary would be required to ensure that each medical facility and community-based outpatient clinic host community meetings open to the public on improving health care furnished by the VA. Each medical facility would also be required to prominently display the purpose of the [Patient Advocacy Program](#), as well as the rights and responsibilities of patients and their family members at each facility.

Complementary and Integrative Health

This bill would establish a three-year pilot program to assess the feasibility and advisability of using wellness-based programs to complement the provision of pain management and related health services. Veterans eligible for this program would include those with a mental health condition, or those who experience chronic pain.

Fitness of Health Care Providers

This bill would strengthen the quality of health care providers hired by the VA by requiring information on any violation of the requirements of the medical license in the preceding 20 years and any settlement agreements for disciplinary charges related to the practice of medicine.

The secretary must submit a report to Congress on VA compliance with the policy to conduct a review of each health care provider who the VA transfers to another medical facility, retires, or is terminated to determine whether there are any complaints or allegations of violations relating to their practice of medicine.

Other Matters

This bill would require the VA to enter into a contract with a nongovernmental entity to conduct an audit of programs within the Veterans Health Administration.

Title II

Construction and Facilities Matters

This section would authorize the secretary to carry out the following major medical facility projects:

- Seismic corrections in San Francisco, CA in amount to not exceed \$175,880,000;
- Seismic corrections at the medical center in west Los Angeles, CA in an amount to not exceed \$100,250,00;
- Seismic corrections in Long Beach, CA in an amount to not exceed \$282,100,000;
- Construction of an outpatient clinic, administrative space, cemetery, and columbarium in Alameda, CA in an amount not to exceed \$83,782, 000;
- Realignment of medical facilities in Livermore, CA in an amount not to exceed \$188,650,00;
- Construction of a replacement community living center in Perry Point, MD in an amount not to exceed \$92,700,000, and;
- Seismic corrections in American Lake, WA in an amount not to exceed \$13,830,000.

In total, \$937,192,000 would be authorized to be appropriated for construction and major projects account. For each authorized project, the secretary must submit to Congress a line item accounting of expenditures related to construction management and the future amounts that are budgeted to obligated for construction.

In addition, the secretary would be authorized to carry out major medical facility leases at the following locations:

- Ann Arbor, MI;
- Two in Birmingham, AL;
- Boston, MA;
- Charleston, SC;

- Daytona Beach, FL;
- Denver, CO;
- Gainesville, FL;
- Hampton Roads, VA;
- Mission Bay, CA;
- Missoula, MT;
- Northern Colorado, CO;
- Ocala, FL;
- Oxnard, CA;
- Pike County, GA;
- Portland, ME;
- Raleigh, NC, and;
- Santa Rosa, VA

The secretary would be authorized to sell [Pershing Hall](#) at fair market value and transfer and convey all right, title, and interest of the United States to such property. All personal property within Pershing Hall, such as memorabilia related to General Pershing, would be returned to the entity from which the United States purchased Pershing Hall. The funds received from the purchase would be deposited in the 'Construction, Major Projects' account.

The secretary would be authorized to carry out leases at the VA West Los Angeles Campus in California. These leases could include uses for providing supportive housing or that principally benefit veterans and their families through the promotion of health and wellness, education, or vocational training. In addition, this lease would include a lease of real property for no more than ten year to the regents of the University of California on behalf of its University of California, Los Angeles (UCLA) campus. Any revenue from the leases at the West Los Angeles Campus would be credited to the applicable VA medical facilities account and would be available for the renovation and maintenance of the land and facilities at the campus.

Title III

The bill would direct the secretary to select a VA medical center to serve as the national center for research on the diagnosis and treatment of health conditions of descendants of individuals exposed to toxic substances while serving in the armed forces. The national center would study descendants of individuals who served in the armed forces and were exposed to toxic substances and suffer from a health condition related to the exposure or individuals directly exposed to toxic substance and are afflicted with a health condition. A thirteen member advisory board would oversee and assess the national center and advise the secretary on its work.

The Secretary of Defense would conduct a declassification review to determine what information could be made publically available relating to any known incident in which at least 100 members of the armed services were exposed to a toxic substance that resulted in at least one case of a disability.

The secretary would conduct a national outreach and education campaign to communicate information on incidents of exposure of members of the armed forces of toxic substances and health conditions resulting from such exposure.

Title IV

This section would direct the secretary to pay a covered veteran two lump-sum special compensation payments each in the amount of \$10,000 for the loss, or loss of use of, creative organs. Creative organs can include ovaries, the uterus or testicles.

Finally this bill would extend the cost-of-living adjustments for disability compensation for fiscal year 2017 through 2027. This bill would extend the practice of rounding payments down to the next lower dollar.

COMMITTEE ACTION:

This bill was introduced by Representative Miller and referred to the Committee on Veterans' Affairs and the Committee on Armed Forces. The Committee has not acted on the bill.

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. 4167 — Kari's Law Act of 2015, as amended (Rep. Gohmert, R-TX)

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

FLOOR SCHEDULE:

Scheduled for consideration on May 23, 2016 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 4167](#) would require multi-line telephone systems to have a default configuration that permits users to directly initiate a call to 9–1–1 without dialing any additional digit, code, prefix, or post-fix.

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. 4167 would amend the [Communications Act of 1934](#) prohibit multi-line telephone systems from being sold and manufactured in the United States unless they are pre-configured such that, when properly installed, a user may directly initiate a call to 9-1-1 from any station equipped with dialing facilities, without dialing any additional digit, code, prefix, or post-fix, including any trunk-access code such as the digit '9', regardless of whether the user is required to dial such a digit, code, prefix, or post-fix for other calls. The bill would prohibit businesses from installing systems unless they are configured such that a user may directly initiate a call to 9-1-1. Businesses would be required to configure the system to provide a notification to a central location at the facility where the system is installed or to another person or organization regardless of location, if the system is able to be configured to provide the notification without an improvement to its hardware or software.

H.R. 4167 would clarify that nothing in it would be intended to alter the authority of state commissions or other state or local agencies with jurisdiction over emergency communications, if the exercise of such authority is not inconsistent with the bill. The bill would not apply to a multi-line telephone system that was installed before 2 years after its enactment if multi-line telephone system is not able to be configured to meet the specified requirements.

The corresponding Senate version of the bill (S. 2553) can be found [here](#).

COMMITTEE ACTION:

H.R. 4167 was introduced on December 3, 2015 and was referred to the House Committee on Energy and Commerce. On April 28, 2016, the bill was ordered to be reported (as 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: Under Article I, Section 8 of the U.S. Constitution, “The Congress shall have Power . . . to regulate Commerce . . . among the several States.” Telecommunication devices, such as a multi-line telephone system (MLTS), enable the interstate transmission of voice telephony communication. Additionally, MLTS devices enter the stream of commerce as part of an economic enterprise and affect interstate commerce in that they are bought, sold and transported across state lines, and under Article I, Section 8 Congress has the authority to regulate products in interstate Commerce. See also, U.S. v. Lopez, 514 U.S. 549 (1995). In addition to Congress’s power under the Commerce Clause, “Congress shall [also] have Power . . . To make all Laws which shall be necessary and proper for carrying into Execution” its power to regulate Commerce among the several States. U.S. Constitution Article I, Sec. 8, clause 18.”

H.R. 3998 — Securing Access to Networks in Disasters Act (Rep. Pallone, D-NJ)

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

FLOOR SCHEDULE:

Scheduled for consideration on May 23, 2016 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 3998](#) would require the Federal Communications Commission (FCC) to publish and submit a study to Congress on the public safety benefits and technical feasibility and cost of making telecommunications service provider-owned WiFi access points, and other communications technologies operating on unlicensed spectrum, available to the general public for access to 9-1-1 services, without requiring any login credentials, during times of emergency when mobile service is unavailable.

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. 3998 would require the FCC to publish and submit a study to Congress on the public safety benefits and technical feasibility and cost of: (1) making telecommunications service provider-owned WiFi access points, and other communications technologies operating on unlicensed spectrum, available to the general public for access to 9-1-1 services, without requiring any login credentials, during times of emergency when mobile service is unavailable; (2) the provision by non-telecommunications service provider-owned WiFi access points of public access to 9-1-1 services during times of emergency when mobile service is unavailable; and (3) other alternative means of providing the public with access to 9-1-1 services during times of emergency when mobile service is unavailable.

The bill would amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act ([42 U.S.C. 5189e\(a\)\(1\)\(A\)](#)) to include all categories of communications service providers (wireline or mobile telephone service, Internet access service, radio or television broadcasting, cable service, or direct broadcast satellite service) among the essential service providers that may access a disaster site to restore and repair essential services in an emergency without being denied or impeded by a federal agency. Under current law, only telecommunications service providers are authorized.

COMMITTEE ACTION:

H.R. 3998 was introduced on November 16, 2015 and was referred to the House Committee on Energy and Commerce. On April 28, 2016, the bill was ordered to be reported (as 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 1, Section 8, clause 3 of the U.S. Constitution. That provision gives Congress the power "to regulate commerce with foreign nations, and among the several states, and with the Indian tribes."

H.R. 2589 — To amend the Communications Act of 1934 to require the Federal Communications Commission to publish on its Internet website changes to the rules of the Commission not later than 24 hours after adoption (Rep. Ellmers, R-NC)

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

FLOOR SCHEDULE:

Scheduled for consideration on May 23, 2016 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 2589](#) would require the Federal Communications Commission (FCC) to publish on its website, the text of a provision it is adopting, amending or repealing within 24 hours.

COST:

The Congressional Budget Office (CBO) [estimates](#) that complying with the requirements in H.R. 2589 would have no significant effect on the agency's workload or costs. Moreover, under current law, the FCC is authorized to collect fees sufficient to offset the cost of its regulatory activities each year. Therefore, CBO estimates that the net cost to implement H.R. 2589 would be negligible, assuming annual appropriation actions consistent with the agency's authorities. Because enacting H.R. 2589 would not affect direct spending or revenues, pay-as-you-go procedures do not 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:

H.R. 2589 would require the FCC to publish on its Internet website, the text of a provision it is adopting, repealing, or amending, not later than 24 hours after the Secretary of the Commission has received dissenting statements from all Commissioners wishing to submit a statement on amending or changing the provision.

COMMITTEE ACTION:

H.R. 2589 was introduced on June 1, 2015 and was referred to the House Committee on Energy and Commerce. On April 28, 2016, the bill was ordered to be reported (as 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: The authority to enact this bill is derived from, but may not be limited to, Clause 3 of Section 8 of Article I of the United States Constitution. "To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

H.R. 496 — Alabama Hills National Scenic Area Establishment Act (Rep. Cook, R-CA)

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

FLOOR SCHEDULE:

Scheduled for consideration on May 23, 2016 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 496](#) would establish a new Alabama Hills National Scenic Area in eastern California and would authorize the Bureau of Land Management (BLM) to award grants to public and private entities to conduct research, provide visitor services, carry out restoration projects in the scenic area, and take federal land into trust for the benefit of an Indian tribe.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing the legislation would cost \$4 million over the 2017-2021 period; such spending would be subject to the availability of appropriated funds. Enacting H.R. 496 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting the legislation 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. 496 would establish the Alabama Hills National Scenic Area in Inyo County, California, comprised of approximately 18,610 acres. The bill would require the Secretary of the Interior to file a map and a legal description of the National Scenic Area to Congress. The Secretary of the Interior would manage the National Scenic Area as a component of the National Landscape Conservation System, in order to not impact the future continuing operations and maintenance of any activities associated with valid, existing rights, including water rights. The Secretary would also be directed to allow existing recreational uses of the National Scenic Area to continue, including hiking, mountain biking, rock climbing, sightseeing, horseback riding, hunting, fishing, and appropriate authorized motorized vehicle use. The bill clarifies that nothing in the bill would create a protective perimeter or buffer zone around the National Scenic Area. The Secretary would continue to provide private landowners adequate access to inholdings in the National Scenic Area. H.R. 496 further would clarify that nothing in the bill would affect the jurisdiction or responsibilities of the state with respect to fish and wildlife.

The Secretary of the Interior would be authorized to make grants to, or enter into cooperative agreements with, state, tribal, and local governmental entities and private entities to conduct research, interpretation, or public education or to carry out any other initiative relating to the restoration, conservation, or management of the National Scenic Area. H.R. 496 would clarify that nothing in the bill would modify any standard governing air or water quality outside of the boundaries of the National Scenic Area. The bill would direct the Secretary to develop a comprehensive plan for the long-term management of the National Scenic Area.

The Secretary would also be directed to take approximately 132 acres of federal land into trust for the benefit of the Lone Pine Paiute-Shoshone tribe, described as the Lone Pine Paiute-Shoshone Reservation Addition. The land would be subject to all easements, covenants, conditions, restrictions, withdrawals, and other matters of record. Gaming on the land would be prohibited.

Administrative jurisdiction of the approximately 56 acres of federal land would be transferred from the Forest Service under the Secretary of Agriculture to the Bureau of Land Management. The bill would further clarify that nothing in H.R. 496 would be construed to limit commercial services for existing and historic recreation uses as authorized by the Bureau of Land Management's permit process.

No additional funds would be authorized to carry out the bill's requirements.

The House report (H. Rept. 114-575) accompanying H.R. 496 can be found [here](#).

COMMITTEE ACTION:

H.R. 496 was introduced on January 22, 2015 and was referred to the House Committee on Natural Resources. On May 19, 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." No enumerating clause was listed.

S. 184 — Native American Children's Safety Act (Sen. Hoeven, R-ND)

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

FLOOR SCHEDULE:

Scheduled for consideration on May 23, 2016 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[S. 184](#) would expand background check requirements for tribal social services before foster care placements are ordered in tribal court proceedings.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing the legislation would have no significant effect on the federal budget. CBO estimates that promulgating the procedural guidance required by the legislation would cost less than \$500,000 over the 2015-2020 period, and would be subject to the availability of appropriated funds. Enacting S. 184 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not 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:

S. 184 would amend the [Indian Child Protection and Family Violence Prevention Act](#) to prohibit foster care placement for an Indian child would be finally approved and no foster care license would be issued until the tribal social services agency completes a criminal records check of each covered individual who resides in the household or is employed at the institution in which the foster care placement will be made; and concludes that each covered individual who has legal custody of an Indian child under tribal law or custom or under state law, meets standards established by the Indian tribe.

Each tribal social services agency would be required to perform criminal records checks, including fingerprint-based checks of national crime information databases, to check any abuse registries maintained by the Indian tribe; and check any child abuse and neglect registry maintained by the state for information on the covered individual, and request any other state in which the covered individual resided in the preceding 5 years. The bill would prohibit a foster care placement from being ordered if the investigation or background check reveals that a covered individual has been found guilty by a federal, state, or tribal court of a felony involving child abuse, neglect, and other crimes. The bill would direct each Indian tribe shall establish procedures to recertify homes or institutions in which foster care placements are made.

The Senate report (S. Rept. 114-37) accompanying S. 184 can be found [here](#). The corresponding House version of the bill (H.R. 1168) can be found [here](#).

COMMITTEE ACTION:

S. 184 was introduced on January 16, 2015 and was referred to the Senate Committee on Indian Affairs. On June 1, 2015, the bill passed the Senate without amendment by unanimous consent.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

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

H.R. 4889 — Kelsey Smith Act of 2016 (Rep. Yoder, R-KS)

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

FLOOR SCHEDULE:

Scheduled for consideration on May 23, 2016 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 4889](#) would require telecommunications providers, upon request, to share data about the location of a call placed from a mobile phone or through an Internet voice service to an investigative or law enforcement officer in an emergency situation involving risk of death or serious physical injury or in order to respond to the user's call for emergency services.

COST:

The Congressional Budget Office (CBO) [estimates](#) that the regulatory activities necessary to implement H.R. 4889 would have no significant effect on the agency's workload or costs. Moreover, under current law, the FCC is authorized to collect fees sufficient to offset the cost of its regulatory activities each year.

Therefore, CBO estimates that the net cost to implement H.R. 4889 would be negligible, assuming annual appropriation actions consistent with the agency's authorities. Because enacting H.R. 4889 would not affect direct spending or revenues, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 4889 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

CONSERVATIVE CONCERNS:

Some conservative groups have expressed concern over the bill because they believe it would enable law enforcement to compel cell carriers to disclose user-location information without a prior court order when they believe there is an "emergency" situation, without receiving a probable-cause arrant from a judge. Other conservatives would argue that the legislation would guarantee privacy protections and not infringe upon the 4th amendment while promoting the safety of an individual during an emergency in a time-sensitive manner.

- **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. 4889 would amend [section 222 of the Communications Act of 1934](#) by authorizing telecommunications providers and other providers of a specified covered service to disclose to law enforcement the call location information of a telecommunications device that was used to place a 9-1-1 call requesting emergency assistance; or reasonably believed to be in the possession of an individual that the law enforcement officer reasonably believes is in an emergency situation involving the risk of death or serious physical harm to the individual.

The bill would indemnify any telecommunications provider against liability for providing in good faith call location information or other information, facilities, or assistance to law enforcement under the specified conditions stipulated in the bill.

OUTSIDE GROUPS IN OPPOSITION:

- [R Street Institute](#)

COMMITTEE ACTION:

H.R.4889 was introduced on March 23, 2016 and was referred to the House Committee on Energy and Commerce. On April 28, 2016, the bill was ordered to be 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: Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, Clauses 1 and 3, The Congress shall have power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common defence and the general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States; To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

H.R. 5077 — The Intelligence Authorization Act for Fiscal Year 2017 (Rep. Nunes, R-CA)

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

FLOOR SCHEDULE:

Scheduled for consideration on May 23, 2016 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 5077](#) would authorize funding for the U.S. intelligence community for Fiscal Year (FY) 2017, including for the intelligence activities of the Central Intelligence Agency (CIA), the Office of the Director of National Intelligence (ODNI), the National Security Agency (NSA), the National Geospatial Intelligence Agency (NGA), and the National Reconnaissance Office (NRO) among others.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing the unclassified provisions of the bill would cost \$521 million over the 2017-2021 period, subject to appropriation of the specified amounts. In addition, enacting the bill also would affect direct spending and revenues by allowing the Inspector General of the Central Intelligence Agency (CIA) to designate certain employees as law enforcement officers; therefore, pay-as-you procedures apply. However, CBO estimates that those effects would not be significant over the 2017-2026 period. CBO estimates that enacting H.R. 5077 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 legislation is mainly contained in a classified annex. This information is available on a Members-only basis in HVC-301 of the Capitol.

The committee's section by section guide can be found [here](#) and press release can be found [here](#). The committee report (H. Rept. 114-573) accompanying H.R. 5077 can be found [here](#). The RSC's legislative bulletin for H.R. 2596, the Intelligence Authorization for fiscal year 2016 can be found [here](#).

Title I of H.R. 5077 would authorize funding for the following intelligence and intelligence-related entities: (1) the Office of the Director of National Intelligence, (2) the Central Intelligence Agency, (3) the Department of Defense, (4) the Defense Intelligence Agency, (5) the National Security Agency, (6) the Department of the Army, the Department of the Navy, and the Department of the Air Force, (7) the Coast Guard, (8) the Department of State, (9) the Department of the Treasury, (10) the Department of Energy, (11) the Department of Justice, (12) the Federal Bureau of Investigation, (13) the Drug Enforcement Administration, (14) the National Reconnaissance Office, (15) the National Geospatial Intelligence Agency, and (16) the Department of Homeland Security.

Title I would also provide that the details of the authorized amounts for intelligence and intelligence-related activities and the applicable personnel levels by program contained in the classified Schedule of Authorizations made available to Congress and to the president. Title I would also authorize the Director of

National Intelligence employ of civilian personnel in excess of the number authorized if the director determines that such action is necessary to the performance of important intelligence functions. However, the number of personnel employed in excess of the authorized number may not exceed three percent of the total number of authorized civilian personnel. The Director of National Intelligence would be directed to establish guidelines that govern, for each element of the intelligence community: the treatment under authorized personnel levels of employment or assignment in a student program, trainee program, or similar program; a reserve corps or as a reemployed annuitant; or details, joint duty, or long-term, full-time training.

Section 104 of Title I would authorize \$518,596,000 for the Intelligence Community Management Account of the Director of National Intelligence for FY2017. The bill would also authorize 787 full-time equivalent positions within the Intelligence Community Management Account of the Director of National Intelligence as of September 30, 2017.

Title II would authorize \$514,000,000 for the Central Intelligence Agency Retirement and Disability Fund for FY 2017.

Title III would allow for authorized appropriations for salary, pay, retirement, and other benefits for federal employees to be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits. This provision allows for the specific authorizations in the classified annex to be covered by any general pay increases or changes enacted on a government-wide basis.

Section 302 would clarify that the authorization of appropriations by H.R. 5077 would not be deemed to constitute authority for the conduct of any intelligence activity that is not otherwise authorized by the Constitution or laws of the United States.

Section 303 would allow funds for the Privacy and Civil Liberties Oversight Board to be obligated or expended to carry out activities only if the funds were specifically authorized by Congress. H.R. 5077 would authorize \$10,081,000 for the Privacy and Civil Liberties Oversight Board for fiscal year 2017. Section 304 would require whistleblower complaints containing classified information to be directly transmitted to Congress by the intelligence community inspector generals. Section 307 would require the Privacy and Civil Liberties Oversight Board to ensure that Congress is kept fully and currently informed of its activities, including any significant anticipated activities. Section 310 would prohibit the head of an element of the intelligence community from charging reproduction fees for a mandatory declassification review in excess of reproduction fees that the head would charge for a request for information under the Freedom of Information Act (FOIA), and would permit intelligence agency heads to waive processing fees for declassification reviews in the same manner as for FOIA.

Section 305 would require milestone decision authorities to report to Congress on major defense intelligence acquisition programs at each milestone approval through initial operating capability or full operating capability.

Section 401 would require the Director of National Intelligence to submit a threat analysis to Congress previously provided to the [Committee on Foreign Investment in the United States](#) (CFIUS) after the completion of a review or an investigation of a covered transaction. Not later than 60 days after the completion of a review or an investigation of a covered transaction, the Director of National Intelligence would determine whether the covered transaction would have an operational impact on the intelligence community, and, if so, would be directed to submit a report on such impact to Congress. Section 403 would require the Director of National Intelligence to publish on a publicly available Internet website a list of all logos, symbols, insignia, and other markings commonly associated with, or adopted by, an organization designated by the Secretary of State as a foreign terrorist organization. Section 413 would restore

authority, direction, and control over the Information Assurance Directorate of the National Security Agency to the Under Secretary of Defense for Intelligence.

Section 501 would direct the Director of National Intelligence to complete a declassification review of intelligence reports prepared by the National Counterterrorism Center prior to Periodic Review Board sessions or detainee transfers on the past terrorist activities of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, who were transferred or released from United States Naval Station, Guantanamo Bay, Cuba, after the signing of [Executive Order 13492](#) (relating to the closure of the detention facility at United States Naval Station, Guantanamo Bay, Cuba); and make available to the public any information declassified as a result of the declassification review.

Title VI of H.R. 5077 would require a series of reports to Congress on: intelligence community employees detailed to National Security Council; foreign fighter flows to and from terrorist safe havens abroad; intelligence community information collection on certain academic programs; cybersecurity threats to seaports of the United States and maritime shipping; counter-messaging activities of the Department of Homeland Security with respect to the Islamic State and other extremist groups; and on known or suspected reprisals made against employees of contractors of elements of the intelligence community.

COMMITTEE ACTION:

H.R. 5077 was introduced on April 27, 2016 and was referred to the House Permanent Select Committee on Intelligence. On May 18, 2016, the bill was ordered to be reported 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: The intelligence and intelligence-related activities of the United States Government, including those under Title 50, are carried out to support the national security interests of the United States, to enable the armed forces of the United States, and to support the President in executing the foreign policy of the United States. Article I, section 8 of the Constitution of the United States provides, in pertinent part, that “Congress shall have power . . . to . . . provide for the common Defense and general Welfare of the United States”; “. . . to raise and support armies . . .”; to “make Rules concerning Captures on Land and Water”; 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.”

H.R. 4465: Federal Assets Sale and Transfer Act of 2016 (Rep. Denham, R-CA)

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

FLOOR SCHEDULE:

May 23, 2016 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 4465](#) would establish a process to dispose of excess federal property.

COST:

The [Congressional Budget Office](#) (CBO) estimates that enacting H.R. 4465 would “cost \$8 million in 2017 and about \$40 million over the 2017-2021 period”, assuming appropriation of the specified amounts. CBO also notes that “If the board’s recommendations lead to the sale of facilities, the legislation also would result in additional receipts. However, CBO has no basis to estimate whether the board’s recommendations would result in the sale of any properties that would not otherwise be sold under current law.”

This score does not include the mandated sales of property located at 12th and Independence Ave. SW, Washington, DC., as well as the property known as the “Cotton Annex” in Southwest Washington, D.C. Such sales would result in lower total cost for the measure as proceeds would offset costs described above.

Some conservatives may be concerned that the mandated sales of property located at 12th and Independence SW in Washington, DC, as well as the property known as the “Cotton Annex” in Southwest Washington, D.C., which is included in order to offset the costs of implementing this bill, are also included as an offset to H.R. 4487. Because updated CBO scores are not available for either bill, it is uncertain as to what net effect of enacted both H.R. 4487 and H.R. 4465 would have on the federal budget.

CONSERVATIVE SUPPORT:

H.R. 4495 would reduce the size of the federal government’s [holdings of underutilized buildings](#), accomplishing a policy goal contained in the [RSC’s Budget](#).

- **Expand the Size and Scope of the Federal Government?** No, the bill would reduce the size of the federal real property portfolio.
- **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 establish a Public Buildings Reform Board.

The Board would “identify opportunities for the Government to reduce significantly its inventory of civilian real property and reduce costs to the government.” It would identify at least 5 properties that have a fair market value between \$500 million and \$750 million. The General Services Administration would be required to initiate the sale of properties identified by the Board.

The bill would require each federal agency to annually submit to the GSA and the Office of Management and Budget (OMB) an inventory of real property owned or leased as well as recommendations for which properties could be sold or disposed of. The GSA and OMB would jointly develop and submit recommendations to the Board.

The Board would also perform an independent analysis of the recommendations received. Within two years, the Board shall submit its first report of recommendations for the consolidation, exchange, or sale of properties with a total value of transactions to not exceed \$2.5 billion. The Board would submit a second report with a total value of transactions to not exceed \$4.75 billion not earlier than one year after the first report.

The Director of the OMB would review the recommendations and either approve or disapprove them. If the recommendations are approved, then the Board shall submit revised recommendations within 30 days.

If the recommendations are approved, federal agencies shall immediately begin preparations to carry them out. Agencies would have six years to complete all the recommended actions.

Proceeds of the sale of property would be deposited into property accounts of the agency that had custody of the property. The proceeds could only be expended as provided in appropriations acts, and if they are not obligated within 3 years, they shall be designated for deficit reduction.

The bill would authorize appropriations of \$2 million for expenses of the Board and \$40 million for activities to carry out the Board's recommendations.

The bill would require the sale of the federal property located at 12th and Independence Ave, S.W. in Washington, D.C., as well as the property known as the "Cotton Annex" in Southwest Washington, D.C.

COMMITTEE ACTION:

H.R. 4495 was introduced on February 4, 2016, and referred to the Transportation and Infrastructure and Oversight and Government Reform Committees. On [March 2, 2016](#), the Committee on Transportation and Infrastructure marked up and reported the bill by voice vote. On [April 14, 2016](#), the Committee on Oversight and Government Reform marked up and reported the bill 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 I, Section 8 of the United States Constitution, specifically Clause 1 (relating to providing for the general welfare of the United States) and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress) and clause 17 (relating to authority over district as the seat of government), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States)."

H.R. 4487: Public Buildings Reform and Savings Act of 2016 (Rep. Barletta, R-PA)

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

FLOOR SCHEDULE:

May 23, 2016 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 4487](#) would modify certain General Services Administration (GSA) authorities regarding federal buildings.

COST:

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

CONSERVATIVE CONCERNS:

Some conservatives may be concerned that a CBO estimate is not available for the bill in violation of the GOP Conference Rules. Rule 28 (a)(1) of [Rules of the House Republican Conference for the 114th Congress](#) states that the Republican Leader shall not schedule, or request to have scheduled, any bill or resolution for consideration under suspension of the Rules which fails to include a cost estimate. Rule 28 may be waived by a vote of the elected leadership.

Some conservatives may also be concerned that the mandated sales of property located at 12th and Independence SW in Washington, DC, as well as the property known as the “Cotton Annex” in Southwest Washington, D.C., which is included in order to offset the costs of implementing this bill, are also included as an offset to H.R. 4465. Because updated CBO scores are not available for either bill, it is uncertain as to what net effect of enacted both H.R. 4487 and H.R. 4465 would have on the federal budget.

- **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 General Services Administration (GSA) is charged with acquiring and managing properties on behalf of the federal government. According to the [Transportation and Infrastructure Committee](#), the GSA currently leases 193 million square feet of workspace. Over the next five years, more than half of the GSA's commercially leases will expire.

The bill would establish a pilot program for the GSA to enter into long-term leases of 10 years or longer under a simplified process.

The bill would modify the authorities of the Federal Protective Service to employ contract personnel who may carry firearms and detain individuals without a warrant if there are reasonable grounds to believe the individual has committed a felony. The bill would require the establishment of minimum training standards for officers. The bill would also require a study of Federal Protective Service personnel needs.

The bill would require the GSA to justify any new or replacement space.

The bill would require the GSA to notify Congress of any increase of more than 5 percent of an expected maximum cost of a project.

The bill would set a five-year expiration on Congressional authorizations of large GSA projects.

The bill would require the GSA to sell a portion of the Forrestal Complex to generate funds necessary to construct a new Department of Energy headquarters.

The bill would require that, to the extent practicable and when cost effective, the GSA shall consider the direct purchase of energy and other utilities in bulk.

The bill would require a report on the use of 3 lease rental caps in the National Capital Region.

The bill would require lactation rooms in public buildings.

The bill would require the sale of the federal property located at 12th and Independence Ave, S.W. in Washington, D.C., as well as the property known as the “Cotton Annex” in Southwest Washington, D.C.

COMMITTEE ACTION:

H.R. 4487 was introduced on February 8, 2016, and referred to the Transportation and Infrastructure and Financial Services Committees. On [March 2, 2016](#), the Committee on Transportation and Infrastructure marked up and reported the bill 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 of the United States Constitution, specifically Clause 1 (relating to providing for the general welfare of the United States) and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress) and clause 17 (relating to authority over the district as the seat of government), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).”

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.*

###