



Legislative Bulletin.....May 20, 2014

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Conference Report to H.R. 3080 — Water Resources Reform and Development Act (WRRDA) (Shuster, R-PA)

Order of Business: The Conference Report to H.R. 3080 is expected to be considered on May 20, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: H.R. 3080 authorizes waterways infrastructure projects, deauthorizes certain outdated projects, allows greater non-federal involvement in projects, and streamlines the Army Corps of Engineers (the Corps) planning process. The projects are related to flood damage reduction, navigation, shoreline protection, disaster response and recovery hydropower, water supply, dam safety, recreation, and environmental restoration and protection.

Authorizations: The Conference Report authorizes 34 projects that have completed the technical review process by the Corps and have been recommended by the Corps’ Chief of Engineers in a Chief’s Report. A table describing each of the projects authorized by the Conference Report can be found [here](#).

The Conference Report includes 11 additional authorizations to those that were included in the House-passed version of H.R. 3080. The Chief’s Report for each of these projects were submitted after the T&I Committee’s June 5, 2013, [oversight hearing](#) to review the Chief’s Reports to be included in H.R. 3080, and thus were not in the legislation. On April 29, 2014, the Committee held an oversight hearing, [A Review of Recent United States Army Corps of](#)

[Engineers Chief's Reports and Post Authorization Change Reports](#), where the 11 new Chief's Reports were examined.

Project Authorization Reform: The Conference Report establishes a new process for authorizing new projects that protects Congress's role without relying on earmarks. The Corps is required to solicit proposals for water resources projects from non-federal sources each year and prepare a "Report to Congress on Future Water Resources Development," after reviewing the proposals. Only projects included in this report would be eligible for Congressional authorization in future legislation.

Deauthorizations: The Conference Report establishes a process to deauthorize \$18 billion worth of projects that were originally authorized prior to 2007, but which no recent funding has been obligated or construction has taken place. According to the Transportation and Infrastructure, the goal of this process is to deauthorize approximately \$6 billion more than the Conference Report authorizes in new projects.

Specifically, the Corps is charged with developing a list of projects totaling a federal cost to complete of least \$18 billion that were authorized for construction prior to 2007 for which construction has not yet been initiated or construction was begun, but no funds have been obligated for construction in the last six years. The Corps must take public comments into consideration in developing the list and submit it to Congress. Unless the Congress passes a joint resolution of disapproval, those projects will be deauthorized.

The Conference Report specifically deauthorizes several projects, a list of which can be found [here](#).

Additionally, the Conference Report sunsets the authorization for each of the 34 projects in H.R. 3080 after seven years unless construction has begun. The goal of this provision is to help prevent the accumulation of a backlog of unfunded authorizations in the future.

According to the [CRS](#), "the Corps has a 'backlog' of \$62 billion in authorized construction on more than 1,000 projects."

Corps Planning Reform: The Conference Report makes a number of reforms to streamline the Corps' planning process:

- Feasibility studies will be limited to 3 years and \$3 million. Currently, there is no time or dollar limit for feasibility studies and they can take up to 15 years to complete.
- Instead of sequential reviews, the District, Division, and Headquarters reviews of a feasibility study will be required to be conducted concurrently.
- The Corps is required to coordinate with other agencies in accelerating the environmental review process.
- Eliminates duplicative analyses by allowing non-federal sponsors to proceed directly to a feasibility study and expedites the processing of permits.

Increased Participation From Non-Federal Interests: Unlike current law, the Conference Report authorizes non-federal project sponsors to provide funds to the Corps for studies and projects.

Water Infrastructure Public Private Partnership Program: The Conference Report creates a new pilot program to finance projects.

Water Infrastructure Finance Innovations Authority (WIFIA): The Conference Report creates a new [WIFIA](#), based upon Transportation Infrastructure Finance and Innovation Act (TIFIA) program. This new program will provide financial assistance to local drinking water, wastewater, and water resources infrastructure projects.

Harbor Maintenance Trust Fund (HMTF): The Conference Report sets in place increasing target expenditures for the HMTF, so that 100 percent of collected funds go towards port maintenance and dredging purposes by 2025. Ten percent of HMTF expenditures will be allocated to small ports.

Inland Waterways Trust Fund (IWTF): The Conference Report sets the IWTF cost-share for the Olmstead Lock and Dam at 15 percent with the goal of allowing IWTF funding to be allocated to additional priorities. This would increase the funding required from the General Fund of the Treasury from 50% to 85% for this project. The Assistant Secretary of the Army for Civil Works [wrote to the Conferees](#) in opposition to the House and Senate provisions to increase the General Fund's share of this project.

Beach Nourishment: The Conference Report authorizes beach nourishment projects may continue for three years beyond the maximum 50 year authorization period if that authorization is set to expire within the next five years. The Conference Report further allows the Corps to recommend a 15 year extension, subject to Congressional approval. The House-passed bill did not include beach nourishment extensions; the Assistant Secretary of the Army for Civil Works [wrote to the Conferees](#) in opposition to the Senate's beach nourishment provision.

Land Conveyances: The Conference Report allows several land conveyances and exchanges, a list of which can be found [here](#).

Additional Background: A WRDA bill has not been passed by Congress since 2007. Since Congress has not weighed in since 2007, the Administration has been free to operate the Army Corps of Engineers without sufficient Congressional oversight or up-to-date guidance. The House Transportation and Infrastructure Committee has provided a number of additional background and explanatory materials on their [website](#). The Congressional Research Service has compiled a detailed comparison of the House, Senate, and Conference versions of the bill [here](#).

Committee Action: The bill was introduced on September 11, 2013, and referred to the House Committee on Transportation and Infrastructure. On September 19, 2013, the House Committee on Transportation and Infrastructure favorably reported the bill by [voice vote](#). [H.R. 3080](#) was approved by the House on October 23, 2013, by a [417 – 3](#) vote. The Senate passed [S. 601](#), the Water Resources Development Act of 2013, on May 15, 2013 by a [83 – 14](#) vote. The Senate

appointed Conferees on November 4, 2013, and the House appointed Conferees on November 14, 2014. The [Conference Report](#) was filed on May 15, 2014.

Outside Groups:

Support:

America's Cement Manufacturers	City of Sacramento	Natomas Chamber of Commerce
American Association of Port Authorities	Concrete Reinforcing Steel Institute	Natomas Charter School
American Council of Engineering Companies	Everglades Foundation	Natomas Community Association
American Concrete Pavement Association	Everglades Trust	Natomas Unified School District
American Concrete Pipe Association	Friends of the North Natomas Library	Nature Conservancy
American Concrete Pumping Association	Great Lakes Maritime Task Force	North Natomas Little League
American Concrete Pressure Pipe Association	Harbor Maintenance Trust Fund Fairness Coalition	Sacramento Area Flood Control Agency
American Farm Bureau Federation	Heritage Park Owners Association	Santa Clara Valley Water District
American Iron and Steel Institute	Hilton Fort Lauderdale Beach Resort	Sutter Butte Flood Control Agency
American Public Power Association	International Union of Operating Engineers	Texas Department of Transportation
American Public Works Association	International Union of Painters and Allied Trades	Transportation Construction Coalition
American Road and Transportation Builders Association	Lake Carriers Association	Portland Cement Association
American Society of Civil Engineers	National Asphalt Pavement Association	United Association of Plumbers and Pipefitters
	National Association of Clean Water Agencies	U.S. Chamber of Commerce
	National Association of Flood	Valley View Acres

<u>Engineers</u>	<u>& Stormwater Management Agencies</u>	<u>Community Association</u>
<u>American Soybean Association</u>	<u>National Association of Manufacturers</u>	<u>Vinyl Institute</u>
<u>American Waterways Operators</u>	<u>National Committee on Levee Safety</u>	<u>Water Infrastructure Network</u>
<u>Arkansas Waterways Commission</u>	<u>National Precast Concrete Association</u>	<u>Water Resources Coalition</u>
<u>Associated Equipment Distributors</u>	<u>National Ready Mixed Concrete Association</u>	<u>Waterways Council, Inc.</u>
<u>Associated General Contractors of America</u>	<u>National Rural Electric Cooperative Association</u>	<u>Westlake Master Association</u>
<u>Association of California Water Agencies</u>	<u>National Rural Water Association</u>	<u>Witter Ranch Community Alliance</u>
<u>Association of Equipment Manufacturers</u>	<u>National Stone, Sand & Gravel Association</u>	<u>National Governors Association</u>
<u>California State Assembly</u>	<u>National Waterways Conference</u>	
<u>CH2M HILL</u>		
<u>City and Port of Los Angeles</u>		

Neutral (Pro/Con piece):

[Tax Foundation](#)

Oppose:

[Heritage Action is key voting against](#)

Cost to Taxpayers: The [CBO report](#) on the Conference Report states that, assuming appropriation of the necessary amounts, this legislation would cost \$5.4 billion over the 2015 – 2019 period and \$6.9 billion over the 2020 – 2024 period, for a total of \$12.3 billion over the ten year budget window. The CBO further estimates that additional spending will continue for years after 2024, assuming appropriations.

Does the Bill Expand the Size and Scope of the Federal Government?: The Conference Report authorizes 34 new projects and establishes several new programs. However, the

Conference significantly reforms and streamlines the regulatory process surrounding water projects and deauthorizes \$18 billion worth of old, unfunded projects.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: The Transportation and Infrastructure Committee makes the case for the federal role in funding water projects [here](#).

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: Unlike the Senate-passed bill, the Conference Report retains Congress's role in authorizing water projects.

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: According to the [Conference Report](#), "H.R. 3080 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits."

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 I (related to general Welfare of the United States), and Clause 3 (related to regulation of Commerce with foreign Nations, and among the several States, and with Indian tribes)."

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H.R. 3530 - Justice for Victims of Trafficking Act of 2013 (Poe, R-TX)

Order of Business: The bill is scheduled to be considered on May 20, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: [H.R. 3530](#) authorizes an annual appropriation of \$25 million from 2015-2019 for the Department of Justice to provide grants to states designed to assist victims of human trafficking and improve enforcement of laws against human trafficking.

Additional Information: The annual \$25 million authorization from 2015-2019 is divided as follows:

- \$15 million in support of children's advocacy centers;
- \$5 million to provide for programs that train and assist attorneys and others that prosecute child abuse cases in federal and state courts;
- \$5 million to local and state governments to assist the victims of child trafficking and to aid in the investigation and prosecution of child trafficking crimes.

Committee Action: H.R. 3530 was introduced on November 11, 2013, and referred to the House Committee on the Judiciary. On April 30, 2014, the Committee favorably reported the bill by voice vote.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: According to the Congressional Budget Office [cost estimate](#) “implementing the bill would cost \$125 million over the 2015-2023 period.”

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: According to the sponsor, “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8.” Congressman Poe’s statement in the Congressional Record can be viewed [here](#).

RSC Staff Contact: Scott Herndon, Scott.Herndon@mail.house.gov, (202) 226-2076.

H.R. 3610 – Stop Exploitation Through Trafficking Act (Paulsen, R, MN)

Order of Business: The bill is scheduled to be considered on May 20, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: [H.R. 3610](#) makes several changes to laws related to human trafficking:

- Section 2 would allow states that make certain changes to laws to discourage the prosecution of sex trafficking victims to receive preferential treatment when grants are awarded.
- Section 3 requires the Interagency Task Force to Monitor and Combat Trafficking to report additional information regarding the perpetrators of sex trafficking crimes and the amount of restitution paid to victims of these crimes.
- Section 4 requires the Secretary of Health and Human Services to fund a national hotline for sex trafficking victims.
- Section 5 allows victims of sexual trafficking crimes to be eligible for the Job Corps program. More information about the Job Corps can be found [here](#).

- Section 6 clarifies the role of the United States Marshall to assist in locating and recovering missing children, upon the request of state, local, and Federal law enforcement agencies.

Committee Action: The legislation was introduced on November 21, 2013, and referred to the House Committee on Education and the Workforce and the House Committee on the Judiciary. On May 13, 2014, the House Committee on Education and the Workforce discharged the bill. On May 13, 2014, the House Committee on the Judiciary favorably reported the bill.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: According to the Congressional Budget Office [cost estimate](#) “enacting the legislation would have no significant effect on discretionary spending and would not affect direct spending or revenues.”

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: According to the sponsor, “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8.” Congressman Paulsen’s statement in the Congressional Record can be viewed [here](#).

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H.R. 4225 – Stop Advertising Victims of Exploitation (SAVE) Act (Rep. Wagner, R-MO)

Order of Business: The bill is scheduled to be considered on May 20, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: [H.R. 4225](#) seeks to amend title 18, United States Code, to provide a penalty for knowingly selling advertising that offers certain commercial sex acts.

Committee Action: Rep. Wagner introduced the bill on March 13th, 2014. The bill was reported (amended) by the Committee on the Judiciary on April 30, 2014(read H. Rept. 113-451 [here](#)), and placed on the Union Calendar, Calendar No. 333, on May 15th, 2014.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: According to the CBO, “H.R. 4225 would have no significant cost to the federal government. Enacting the bill could affect direct spending and revenues; therefore, pay-as-you-go procedures apply. However, CBO estimates that any effects would be insignificant.” Please read the full report [here](#).

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: According to the sponsor, “Congress has the power to enact this legislation pursuant to the following: This bill is enacted pursuant to the power granted to Congress in Article I, Section 8, Clause 3 of the United States Constitution: “To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.” Additional authority derives from Article I, Section 8, Clause 18 of the United States Constitution: “To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.” See Rep. Wagner’s statement [here](#).

RSC Staff Contact: Andrew Cavazos, Andrew.Cavazos@mail.house.gov, (202) 226-4804.

H.R. 4058 – Preventing Sex Trafficking and Improving Opportunities for Youth in Foster Care Act, as amended

Order of Business: The bill is scheduled to be considered on May 20, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: [H.R. 4058](#) reforms the foster care system of the United States to require states to better address the sex trafficking of children in foster care.

Additional Information: The legislation allows youth in foster care to participate in age and developmentally-appropriate activities such as 4-H, sports, or other social functions. In addition, the legislation requires states to develop plans for identifying and screening youth at risk of sex trafficking, plans to document and report instances of sex trafficking, and plans to locate and respond to children who run away from foster care. It allows foster parents greater freedom to allow foster children to participate in additional activities outside of the home. It also allows foster children fourteen years old or older to help develop their own case plan.

Committee Action: The legislation was introduced on February 14, 2014, and referred to the House Committee on Ways and Means. On April 29, 2014, the Committee favorably reported the bill, as amended, by a vote of 33-0.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: According to a preliminary Congressional Budget Office cost estimate, the bill as amended saves \$4 million from 2015-2019 and \$27 million from 2015-2014. The Congressional Budget Office, conducted a cost estimate of a previous version of the bill, which was included in the Committee Report. However, the bill that is being voted on tomorrow is an amended version of the bill that was reported out of Committee. (Section 204 of the bill was removed during the markup because a pay-for had not been identified to cover the cost of that provision. The amended bill being voted on tomorrow includes section 204, now that a pay-for has been identified and added as section 401 of the bill).

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: The preliminary cost estimate did not address this.

Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: According to the sponsor, "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 1 of the United States Constitution, to `provide for the common Defence and general Welfare of the United States." Congressman Reichert's statement in the Congressional Record can be viewed [here](#).

RSC Staff Contact: Scott Herndon, Scott.Herndon@mail.house.gov, (202) 226-2076.

H.R. 4573 – International Megan’s Law to Prevent Demand for Child Sex Trafficking, as amended (Rep. Chris Smith, R-NJ)

Order of Business: The bill is scheduled to be considered on May 20, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: [H.R. 4573](#) seeks to make international Megan’s law (Public law 104-145). Megan’s law was the legislative response to the abduction, sexual assault, and murder of Megan Nicole Kanka in 1994; the law provides States with the authority and resources to identify sex offenders and monitor their activities to protect children. This law seeks to inform the general public about sex offenders so that they can be aware of their proximity. H.R. 4573 increases the scope of this program. H.R. 4573 requires child-sex offenders “To provide advance notice of intended travel...outside the United States to the government of the country of destination, [and] requesting foreign governments to notify the United States when a known child-sex offender is seeking to enter the United States, and for other purposes.”

H.R. 4573 would establish Angel Watch Center (Center) to carry the burden of enforcing the requirements in sec. (4) of the bill. The Center would be established no later than 90 days after

the date of the enactment of this Act, and the Secretary of Homeland Security shall establish it within the Child Exploitation Investigations Unit of United States Immigration and Customs Enforcement (ICE) of the Department of Homeland Security a Center, to carry out the activities specified.

The Center would have the following responsibilities: (1) receive information on travel by child-sex offenders, (2) transmit notice of impending or current international travel by child-sex offenders to the Secretary of State, accompanied by an advisory regarding whether or not the period of validity of the passport of the child-sex offender should be limited to one year or such period of time as the Secretary of State shall determine appropriate, (3) establish a system to maintain and archive all relevant information, including the response of destination countries to notifications under subsection (e) where available, and decisions not to transmit notification abroad, and (4) establish an annual review process to ensure that the Center is consistent in procedures to provide notification to destination countries or not to provide notification to destination countries, as appropriate.

Additional Information: The commercial sexual exploitation of minors in child sex trafficking and pornography is a global phenomenon. The International Labour Organization has estimated that 1.8 million children worldwide are victims of child sex trafficking and pornography each year.

According to research conducted by The Protection Project of The Johns Hopkins University Paul H. Nitze School of Advanced International Studies, sex tourists from the United States who target children form a significant percentage of child sex tourists in some of the most significant destination countries for child sex tourism.

Committee Action: Rep. Chris Smith introduced the bill on May 6th, 2014. The bill was referred to the Committee on Foreign Affairs and the Committee on the Judiciary. On May 9th, 2014, the House Foreign Affairs Committee considered the bill and held a Mark-up session, where the bill was ordered to be reported in the nature of a substitute (amended) by unanimous consent.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: No Congressional Budget Office (CBO) cost estimate is available.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: There is no CBO estimate available to address this.

Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: According to the bill's sponsor, "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 3 of the United States Constitution, as sex offenders are traveling in foreign commerce." See Rep. Smith's statement [here](#).

RSC Staff Contact: Andrew Cavazos, Andrew.Cavazos@mail.house.gov, (202) 226-4804.

H. Res. 573 – Condemning the abduction of female students by armed militants from the terrorist group known as Boko Haram in northeastern provinces of the Federal Republic of Nigeria.
(Rep. Frederica Wilson, D-FL)

Order of Business: The bill is scheduled to be considered on May 20, 2014, subject to a rule.

Summary: [H. Res. 573](#) condemns the abduction of 276 female students by armed militants from the terrorist group, Boko Haram in the northeastern provinces of the Federal Republic of Nigeria. The resolution also calls for the Government of Nigeria to strengthen efforts to protect children seeking to obtain an education and to hold those who conduct such violent attacks accountable. It encourages the Department of State and the United States Agency for International Development to continue their support for initiatives that promote the human rights of women and girls in Nigeria; and supports offers of United States assistance to the government of Nigeria in the search for these abducted girls and encourages the government of Nigeria to work with the United States and other concerned governments to resolve this situation.

Additional Information: On the night of April 14, 2014, 276 female students, most of them between 15 and 18 years old, were abducted by Boko Haram from the Government Girls

Secondary School, a boarding school located in the town of Chibok, in the province of Borno. While all public secondary schools in Borno state were closed in March 2014 because of increasing Boko Haram attacks in the past year, the young women at the Government Girls Secondary School were recalled to take their final exams. During the attack, Boko Haram burned down several buildings before opening fire on soldiers and police who were guarding the Government Girls Secondary School and forcing the students into trucks. According to local officials in Borno state, 53 students were able to flee their captors, while the rest remain abducted. On May 5, 2014, a video emerged in which Boko Haram leader [Abubakar Shekau](#) claimed responsibility for the kidnappings, and threatened to sell students into arranged marriages.

The group responsible for the kidnapping, [Boko Haram](#), or loosely translated to “Western education is sin” in local Hausa language, has orchestrated a number of bloody attacks against the Nigerian state and the local population. On April 14, 2014, hours before the kidnapping in Chibok, and on May 2, 2014, Boko Haram bombed bus stations in Abuja, Nigeria, killing at least 94 people and wounding over 160, making it the deadliest set of attacks ever in Nigeria's capital. Boko Haram has consistently targeted schools, mosques, churches, villages, and agricultural centers, as well as government facilities, in an armed campaign to create an Islamic state in northern Nigeria, prompting the President of Nigeria to declare a state of emergency in three of the country's northeastern states in May 2013. In November 2013, the Department of State designated Boko Haram as a [Foreign Terrorist Organization](#).

Committee Action: On May 6, 2014, the resolution was introduced by Congresswoman Wilson and was referred to the House Foreign Affairs Committee. On May 9th, the Committee held a Mark-up session and ordered the bill to be reported (amended) by unanimous consent.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: No Congressional Budget Office cost estimate is available.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: House Rules do not require constitutional authority statements for resolutions.

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H.R. 4031 - The Department of Veterans Affairs Management Accountability Act of 2014 — (Miller-FL, R)

Order of Business: [H.R. 4031](#) is scheduled to be considered on May 20, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: This bill allows the Secretary of Veterans Affairs to remove or demote an individual from the Senior Executive Service (SES). The Secretary is also required to submit a notice of removal as well as the reason for removal within 30 days to the Committee on Veterans' Affairs in both the House and Senate.

Additional Background: According to the [Office of Personal Management](#), the SES includes most managerial and policy positions classified above General Schedule (GS) grade 15 or equivalent positions in the Executive Branch of the Federal Government. These positions exclude: positions which require and appointment by the President and confirmation by the Senate, legislative and judicial branch positions and positions in law enforcement and intelligence gathering, or in the Foreign Service.

According to the committee, it is nearly impossible for the Secretary to fire someone. Even with the dozens of preventable deaths that have taken place across the country, in 2012 only one out of 435 VA senior executives was given a negative performance review. It is even more likely these executives received a hefty [bonus](#). In 2011, the VA [awarded](#) about \$3.4 million to 231 SES employees, a category that includes medical center directors.

Committee Action: This bill was introduced on February 11, 2014, by Representative Miller, and was then referred to the Committee on Veterans' Affairs, and Committee on Oversight and Government Reform. On March 25, 2014, the Subcommittee on Economic Opportunity held a hearing

Outside Groups: Letters of Support provided by the Committee:

[Iraq and Afghanistan Veterans of America](#)

[AMVETS \(American Veterans\)](#)

[The American Legion](#)

[Concerned Veterans for America](#)

[Reserve Officers Association](#)

Administration Position: No statement of administrative policy was available at this time.

Cost to Taxpayers: No CBO score was available at this time.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: No.

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: According to the sponsor, "Congress has the power to enact this legislation pursuant to the following: Article I, section 8 of the Constitution of the United States." Read the statement [here](#).

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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.*

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