



## Suspensions – June 20, 2017

**CONTACT:** [Matt Dickerson](#), 202-226-9718; [Brittan Specht](#), 202-226-9143; [Jennifer Weinhart](#), 202-226-0706

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## H.R. 2847 - Improving Services for Older Youth in Foster Care Act (Rep. Faso, R-NY)

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

### FLOOR SCHEDULE:

June 20, 2017 under a suspension of the rules, which requires a 2/3 majority for passage.

### TOPLINE SUMMARY:

[H.R. 2847](#) would amend the Chafee Foster Care Independence Program (CFCIP) to allow states to provide assistance services to older individuals and to allow for reallocation of unspent funds between states.

### COST:

A Congressional Budget Office (CBO) estimate for H.R. 2847 is not available.

According to the Ways and Means Committee, the bill would have no cost.

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 115th 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.

### CONSERVATIVE CONCERNS:

Some conservatives may believe that instead of allowing HHS to redistribute unspent fund that instead states could be allowed to return them to the Treasury for deficit reduction. Such a proposal was included in the [FY17 RSC Budget](#).

- **Expand the Size and Scope of the Federal Government?** The bill would expand the population of individuals eligible to receive services under the federal grant.
- **Encroach into State or Local Authority?** Some conservatives may believe that the issues addressed by this bill would be more appropriately handled by state or local governments and civil society.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

## DETAILED SUMMARY AND ANALYSIS:

The [Chafee Foster Care Independence Program](#) (CFCIP) provides grants to states to provide assistance to current and former foster care youths. The bill would make several amendments to the CFCIP to generally expand the program.

The bill would allow states to use funds to provide assistance for youth who have aged-out of foster care through age 23 (up from age 21 in current law).

The bill would allow the Secretary of Health and Human Services to redistribute unspent CFCIP grant funds to other states that apply for the funds.

The bill would modify the eligibility for CFCIP education and training programs to include youth who have experienced foster care at age 14 or older (from “who are likely to remain in foster care until 18 years of age”). The bill would allow a beneficiary to receive vouchers through age 26 (up from 23) if they are participating in a postsecondary education program, but would limit the receipt of a voucher to no more than five years.

The bill would require a report to Congress on the National Youth in Transition Database.

The bill would require states to provide documentation necessary to prove that a child was previously in foster care.

## COMMITTEE ACTION:

H.R. 2847 was introduced on June 8, 2017, and referred to the House Ways and Means Committee.

Similar provisions were considered in the 114<sup>th</sup> Congress as a part of [H.R. 5456](#), the Family First Prevention Services Act of 2016.

## ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

## CONSTITUTIONAL AUTHORITY:

“Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8 of the United States Constitution.” No specific enumerating clause was cited.

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## H.R. 2866 - Reducing Barriers for Relative Foster Parents Act, as amended (Rep. Smucker, R-NE)

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

### FLOOR SCHEDULE:

June 20, 2017 under a suspension of the rules, which requires a 2/3 majority for passage.

#### TOPLINE SUMMARY:

[H.R. 2866](#) would require the Secretary of Health and Human Services to identify model licensing standards for foster family homes and would require new reporting by states on their foster family home licensing standards.

#### COST:

A Congressional Budget Office (CBO) estimate for H.R. 2847 is not available.

According to the Ways and Means Committee, the bill would have no cost.

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 115th 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.

#### CONSERVATIVE CONCERNS:

Some conservatives may be concerned that the bill would impose new reporting requirements on states and would allow the HHS to promote a standard model for licensing foster family homes. The bill would not mandate a standard, however.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** Some conservatives may believe that the issues addressed by this bill would be more appropriately handled by state or local governments and civil society.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

## **DETAILED SUMMARY AND ANALYSIS:**

The bill would require the Secretary of Health and Human Services (HHS) to identify reputable model licensing standards for foster family homes by October 1, 2018.

Each state would then be required to report to HHS by April 1, 2019, whether its own foster family home licensing standards are in accord with the model standards and justify why any deviations are appropriate for the state.

The bill would also require states to report to HHS if it has elected to use its current-law authority to waive non-safety standards for relative foster family homes, a description of the standards it most commonly waives, and the reason it elects to not waive the standards (if it does not waive them).

The bill would further require states to report to HHS on how caseworkers are trained to use waiver authority and steps the state is taking to improve caseworker training.

## **COMMITTEE ACTION:**

H.R. 2866 was introduced on June 8, 2017, and referred to the House Ways and Means Committee.

Similar provisions were considered in the 114<sup>th</sup> Congress as a part of [H.R. 5456](#), the Family First Prevention Services Act of 2016.

## **ADMINISTRATION POSITION:**

No Statement of Administration Policy is available at this time.

## **CONSTITUTIONAL AUTHORITY:**

“Congress has the power to enact this legislation pursuant to the following: Clause 3 of Section 8 of Article 1 of the Constitution”

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## H.R. 1551 – To amend the Internal Revenue Code of 1986 to modify the credit for production from advanced nuclear power facilities (Rep. Rice, R-SC)

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

### FLOOR SCHEDULE:

June 20, 2017, under a suspension of the rules, which requires a 2/3 majority for passage.

### TOPLINE SUMMARY:

[H.R. 1551](#) would modify the Advanced Nuclear Power Production Tax Credit by 1) providing for re-allocation of unutilized credits, including by expanding eligibility to nuclear plants placed in service after the current-law deadline of January 1, 2021; and 2) allowing for certain public entities to transfer the credit to eligible project partners.

### COST:

The [Joint Committee on Taxation](#) (JCT) estimates that enacting H.R. 1551 would reduce revenues by \$16 million over the FY 2018 – 2027 period.

### CONSERVATIVE CONCERNS:

Many conservatives may be concerned that the underlying Advanced Nuclear Power Production Tax Credit provides taxpayer support for a single, politically preferred, market segment, that some may describe as corporate welfare. Source-specific energy subsidies distort the market, driving up costs for consumers and taxpayers.

As the [Heritage Foundation](#) has written, “When politics are removed from the equation, American businesses and families are free to make the energy choices that best suit their needs. Congress should eliminate all targeted tax credits for all energy sources, including hydrocarbons and nuclear, and enable free enterprise to drive energy investments.”

The text of the [Energy Policy Act of 2005](#) as well as the [guidance](#) implementing the credit state that in order to qualify for the credit, an advanced nuclear power facility must be placed into service before January 1, 2021. If planned or in-progress projects fail to qualify under the law, many conservatives may believe that Congress should not change the rules in order to provide more taxpayer subsidies than would otherwise be permitted under current law.



Some conservatives may be concerned that the continuation or expansion of specific narrow tax benefits is contrary to the broader goal of tax reform. The [Speaker's Better Way Blueprint for Tax Reform Report](#) states that one of the chief failures of the tax code is that "The Current Code Delivers Special Interest Subsidies and Crony Capitalism: The tax code is littered with hundreds of preferences and subsidies that pick winners and losers and create complexity. Instead of free-market competition that rewards success, our tax code directs resources to politically favored interests, creating a drag on economic growth and job creation."

- **Expand the Size and Scope of the Federal Government?** The bill would potentially expand the availability of federal tax subsidy for different projects than the projects currently scheduled to receive it, or for projects which may not be placed in service in time to qualify.
- **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 of the Nuclear Energy Industry:

In the United States, there are currently 60 operating nuclear power plants with 99 different reactors. Operators of nuclear plants face [significant financial challenges](#). At the federal level, nuclear power plants are subject to significant regulatory burdens and licensing delays, as well as significant delays in completing the [Yucca Mountain](#) nuclear waste repository. Six reactors have permanently shut down in recent years, with several more at risk of closure.

According to [CRS](#), rising natural gas prices in the early 2000's gave hope to the economic prospects of nuclear power. This hope, combined with new federal subsidies, spurred several applications for new construction. "However, gas prices fell sharply after 2009 and have remained low, primarily because of strong production of domestic shale gas... the current economic situation has clouded the outlook for new U.S. reactors." The Nuclear Regulatory Commission (NRC) [has issued](#) combined construction permits and operating licenses for ten new reactors at 6 locations, including to the Southern Nuclear Operating Company for two new reactors at the Vogtle site in Georgia and to South Carolina Electric & Gas for two new reactors at the V.C. Summer site in South Carolina. Construction of the reactors at both the Summer and Vogtle sites began in March 2013. "Except for the four units in Georgia and South Carolina that are now under construction, [no commitments](#) have been made to build any others".

The four reactors were [originally planned](#) to be completed between 2016 – 2018, but "schedule delays and rising costs occurred at both plants soon after major construction began". Projected completion dates now range from 2019 to 2020. However, further significant delays are expected due to the recent bankruptcy of Westinghouse, the reactor construction contractor for both projects. "If completion is delayed beyond 2020, the reactors would miss the deadline under current law to receive nuclear production tax credits."

Despite the troubled prospects for the nuclear industry, it remains [heavily subsidized](#) by the taxpayers. Subsidies include the Advanced Nuclear Production Tax Credit, loan guarantees, standby support that provides insurance against regulatory delays, liability limitation, and research and

development funding. According to [CRS](#), nuclear energy received 48.5 percent of all inflation-adjusted Department of Energy research and development funding over the FY 1948 – 2015 period.

### **Current Law Advanced Nuclear Power Production Tax Credit:**

The [Advanced Nuclear Power Production Tax Credit](#) was established Energy Policy Act of 2005.

The credit generally would provide a credit of 1.8 cents per kilowatt-hour produced by an advanced nuclear power facility for eight years after the plant is placed into service, but there are limitations on the amount of the credit that is available to any one taxpayer as well as in the aggregate total amount available.

An advanced nuclear power facility is defined as a facility with a reactor design approved by the Nuclear Regulatory Commission (NRC) after 1993 and is not a substantially similar design that had been previously approved before 1993.

To qualify for the credit, the advanced nuclear power facility must be placed in service before January 1, 2021.

The credit is limited nationwide to a total of 6,000 megawatts of electricity production for which the credit may be claimed. This limitation is referred to as the “national megawatt capacity limitation”.

The Secretary of the Treasury was required to “allocate the national megawatt capacity limitation in such manner as the Secretary may prescribe.” On November 12, 2013, the [Internal Revenue Service \(IRS\) issued guidance](#) (which superseded [interim guidance](#) issued in 2006) regarding the application and allocation process. According to the guidance, applications for an allocation must have been filed before February 1, 2014, and construction on the facility must have begun before January 1, 2014.

Also according to the guidance, if the total [nameplate capacity](#) (the maximum rated capacity of the generator) of all qualifying facilities for which applications are submitted exceeds the national capacity limitation (6,000 megawatts), then the national megawatt capacity limitation will be allocated among the facilities in proportion to their nameplate capacities. If the total nameplate capacity of the qualified applications does not exceed 6,000 megawatts, then each facility will be allocated an amount of national megawatt capacity limitation equal to its nameplate capacity.

The amount of the credit each taxpayer may claim per kilowatt hour of electricity produced by a qualified facility is equal to the ratio of its allocation of the national megawatt capacity limitation provided by the secretary to the nameplate capacity of the facility.

$$\text{Credit that may be claimed by the taxpayer per kilowatt hour of electricity produced by the qualifying facility} = \left( \frac{\text{allocation of the national megawatt capacity limitation provided by the Secretary}}{\text{nameplate capacity of the facility}} \right) 1.8 \text{ cents}$$

There is also a limit to the value of the credit for each taxpayer to no more than \$125 million per 1,000 megawatts of allocated capacity in any year.



According to the [Nuclear Energy Institute](#), the total maximum value of the credit would be \$6 billion if it is fully utilized. There is uncertainty over whether all projects currently underway are likely to be placed in service in time to qualify and it is possible that no projects would qualify under current law.

### **Changes Proposed by H.R. 1551:**

H.R. 1551 would make two changes to the Advanced Nuclear Power Production Tax Credit.

### **Possible Extension of Credit to Nuclear Plants Placed in Service After January 1, 2021:**

The first change would make unutilized credits available to facilities, first to facilities placed in service prior to 2021 but that did not receive an allocation up to its full nameplate capacity, with any remaining credits allocated to other facilities in the order in which they are placed into service, including potentially facilities placed in service after the current-law deadline of January 1, 2021.

According to the [Committee Report](#) for a similar bill from the 114<sup>th</sup> Congress, the Ways and Means Committee “is concerned about ambiguity in the event some advanced nuclear power production credits that have been allocated to taxpayers may go unused.” However, [Current law](#) requires an advanced nuclear power facility to be placed into service before January 1, 2021 to qualify for the credit. The statute does not set forth a method of reallocating unused credits, but the IRS guidance implementing the law ([Section 6 of IRS Notice 2013-68](#)) provides that “If an amount of national megawatt capacity limitation is allocated to a facility and the facility is not placed in service before January 1, 2021, or the DOE informs the Service that the DOE certification for the facility has been withdrawn, the amount of the national megawatt capacity limitation allocated to that facility will be withdrawn and the national megawatt capacity limitation will be reallocated under the rules of Section 4.04 of this Notice among the remaining qualifying facilities.”

The ultimate effect of the legislation would potentially be to allow for the utilization of credits by facilities that would otherwise be ineligible under existing law.

Extending or eliminating the 2021 deadline has been a longstanding goal of the nuclear industry. According to [CRS](#), the Nuclear Energy Institute proposed pushing the deadline back to 2025 as early as 2009.

### **Transfer of Credit by Public Entities to Project Partners:**

The second change would allow for certain public entities to transfer the credit to eligible project partners. Public entities that may transfer the credit include: a Federal, State, or local government of any political subdivision, agency, or instrumentality thereof; a mutual or cooperative electric company; or a not-for-profit electric utility which has or had received a loan or loan guarantee under the Rural Electrification Act of 1936.

This provision [would allow](#) tax-exempt entities that receive allocations for the credit to transfer them to for-profit partners who would instead be allowed to claim the credit. The nuclear power plants currently under construction each [have both](#) for-profit and non-profit partners. The [Southern States Energy Board](#) has advocated for this change.

## **OUTSIDE GROUPS:**

[Outside support letter provided courtesy of the Committee on Ways and Means](#) signed by:

- The Edison Electric Institute
- The Nuclear Energy Institute
- The National Rural Electric Cooperative Association
- The American Public Power Association
- The Large Public Power Council

Heritage Foundation: [Subsidizing Nuclear Is No Strategy for Long-Term Success](#)

## **COMMITTEE ACTION:**

H.R. 1551 was introduced on May 15, 2017, and referred to the House Ways and Means Committee. On [June 15, 2017](#), the Committee marked up and reported the bill by a voice vote.

Substantively similar legislation ([H.R. 5879](#)) was also marked up and reported by the Ways and Means Committee in the 114<sup>th</sup> Congress.

## **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, Clause 1. The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.”

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## H.R. 2742 - Modernizing the Interstate Placement of Children in Foster Care Act (Rep. Walorski, R-IN)

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

### FLOOR SCHEDULE:

June 20, 2017 under a suspension of the rules, which requires a 2/3 majority for passage.

### TOPLINE SUMMARY:

[H.R. 2742](#) would require state foster care and adoption assistance plans to include an electronic interstate case processing system by 2027, establish a new grant program to assist states to develop an electronic case processing system, and reauthorize grants for Promoting Safe and Stable Families.

### COST:

A Congressional Budget Office (CBO) estimate for H.R. 2847 is not available.

The bill would extend the authorization of discretionary appropriations for [Promoting Safe and Stable Families](#) through 2018 at the currently authorized \$200 million annual level. In FY 2017, this program received \$325 million in mandatory funding and \$59.765 million in discretionary appropriations.

The bill would require that, within the discretionary funding provided for this program in FY 2018, \$5 million shall be reserved for the new grant program established and those funds would remain available through Fiscal Year 2022.

According to the Ways and Means Committee, the bill would have no cost relative to current law.

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 115th 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.

### CONSERVATIVE CONCERNS:

Some conservatives may be concerned that this bill would extend the authorization for discretionary funding of the Promoting Safe and Stable Families well above the currently appropriated amount.

- **Expand the Size and Scope of the Federal Government?** Yes, the bill would create a new grant program to assist states in carrying out a new federal requirement.
- **Encroach into State or Local Authority?** Yes, the bill would implement a new requirement that states establish an electronic interstate case processing system for their foster care and adoption assistance plans. According to CBO, “most states are already in the process of implementing electronic systems using existing resources.”
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

## DETAILED SUMMARY AND ANALYSIS:

### Reauthorization of Promoting Safe and Stable Families

The [Promoting Safe and Stable Families](#) program provides funding “to prevent the unnecessary separation of children from their families, improve the quality of care and services to children and their families, and ensure permanency for children by reuniting them with their parents, by adoption or by another permanent living arrangement.” Funds are provided to states to be used to carry out plans for foster care and adoption assistance, which states must establish in order to be eligible for federal funding.

The bill would reauthorize discretionary appropriations for the Promoting Safe and Stable Families program through FY 2018 at the currently authorized \$200 million annual level. In FY 2017, this program received \$325 million in mandatory funding and \$59.765 million in discretionary appropriations.

### Electronic Case Processing

The Interstate Compact on the Placement of Children provides a legal framework for the placement of children across state lines in foster and adoptive homes. Within this framework, a group of states entered into a pilot project (the [National Electronic Interstate Compact Enterprise](#)) that provides a platform to share information needed to place children across state lines electronically, rather than the mail-based paper system currently used in most states. According to the findings in H.R. 2742, the electronic system has improved processing times to place children into foster care by 30 percent and reduced administrative costs for states.

The bill would require state plans for foster care and adoption assistance to include the use of an electronic case-processing system for the interstate placement of foster children by October 1, 2027. The territories and Indian Tribes would be exempt from this requirement.

The bill would establish a new grant program to assist states with connecting to the electronic interstate case processing system. Five million dollars in funding for the new grant would be reserved from the amount appropriated for the Promoting Safe and Stable Families program in FY 2018. The \$5 million would remain available through FY 2022.

## COMMITTEE ACTION:

H.R. 2742 was introduced on May 25, 2017, and referred to the House Ways and Means Committee.

Similar provisions were considered in the 114<sup>th</sup> Congress as [H.R. 4472, the Modernizing the Interstate Placement of Children in Foster Care Act](#).

**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, Clause 1 of the United States Constitution, to ``provide for the common defense and general welfare of the United States.'"

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## H.R. 2834 - Partnership Grants to Strengthen Families Affected by Parental Substance Abuse Act, as amended (Rep. Davis, D-IL)

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

### FLOOR SCHEDULE:

June 20, 2017 under a suspension of the rules, which requires a 2/3 majority for passage.

### TOPLINE SUMMARY:

[H.R. 2834](#) would modify the Regional Partnership Grants program.

### COST:

A Congressional Budget Office (CBO) estimate for H.R. 2847 is not available.

According to the Ways and Means Committee, the bill would have no cost.

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 115th 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.

### CONSERVATIVE CONCERNS:

Some conservatives may be concerned that because this bill modifies, but does not reauthorize, an expired grant program, this program will likely [continue to receive unauthorized appropriations](#). The problem of [unauthorized appropriations](#) has risen in importance for conservatives over recent years. However, because this program is an [appropriated entitlement program](#), the mandatory funding is built into the CBO baseline already.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** Some conservatives may believe that the issues addressed by this bill would be more appropriately handled by state or local governments and civil society.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.



## **DETAILED SUMMARY AND ANALYSIS:**

The Regional Partnership Grant program provides competitive grants to regional partnerships to provide services and activities that are designed to increase the well-being of, improve permanency outcomes for, and enhance the safety of children who are in an out-of-home placement or are at risk of being placed in an out-of-home placement as a result of a parent's or caretaker's substance abuse.

The bill would modify the Regional Partnership Grant program, but does not reauthorize it. The authorization for the program expired at the end of FY 2016.

The bill would allow for the establishment of regional partnerships on an interstate, state, or intrastate basis including state child welfare agencies, state agencies responsible for implementing substance abuse prevention and treatment block grants, and other optional partners.

The bill would reduce the minimum award to a grantee to \$250,000 (from \$500,000). The bill would require grants to be awarded in two phases including a planning phase and an implementation phase.

The bill would require regional partnership grantees to focus on both parents in addition to children.

The bill would expand the eligible use of grants to include “use disorder treatment including medication assisted treatment and in-home substance abuse disorder treatment and recovery”.

The bill would require semiannual (instead of annual) reports from grant recipients.

## **COMMITTEE ACTION:**

H.R. 2866 was introduced on June 8, 2017, and referred to the House Ways and Means Committee.

Similar provisions were considered in the 114<sup>th</sup> Congress as a part of [H.R. 5456](#), the Family First Prevention Services Act of 2016.

## **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 of the Constitution and its subsequent amendments and further clarified and interpreted by the Supreme Court of the United States.” No specific enumerating clause was cited.

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## H.R. 2857 - Supporting Families in Substance Abuse Treatment Act, as amended (Rep. Noem, R-SD)

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

### FLOOR SCHEDULE:

June 20, 2017 under a suspension of the rules, which requires a 2/3 majority for passage.

### TOPLINE SUMMARY:

[H.R. 2857](#) would allow for title IV-E foster care maintenance payments for children placed with parents in residential family-based treatment facilities.

### COST:

A Congressional Budget Office (CBO) estimate for H.R. 2847 is not available.

According to the Ways and Means Committee, the bill would have no cost.

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 115th 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.

### CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** Yes, the bill would expand the eligible recipients of title IV-E foster care maintenance payments.
- **Encroach into State or Local Authority?** Some conservatives may believe that the issues addressed by this bill would be more appropriately handled by state or local governments and civil society.
- **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 allow for up to 12 months of title IV-E foster care maintenance payments for a child that is placed with a parent in a licensed residential family-based treatment facility. Under current law, title IV-E foster care maintenance payments are only permitted for children who are removed from the home of a parent and placed in a licensed foster family home or child care institution.

The eligible treatment facility must provide as a part of the treatment for substance abuse, parenting skills training and counseling.

## **COMMITTEE ACTION:**

H.R. 2866 was introduced on June 8, 2017, and referred to the House Ways and Means Committee.

Similar provisions were considered in the 114<sup>th</sup> Congress as a part of [H.R. 5456](#), the Family First Prevention Services Act of 2016.

## **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 Constitution of the United States.” No specific enumerating clause was cited.

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## H.R. 2484 — Women, Peace, and Security Act of 2017 (Rep. Noem, R-SD)

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

### FLOOR SCHEDULE:

Scheduled for consideration on June 20, 2017 under suspension of the rules, which requires 2/3 vote for passage.

### TOPLINE SUMMARY:

[H.R. 2484](#) would require the president to develop a strategy to promote the meaningful participation of women in all aspects of conflict prevention, management, and resolution, reinforced through diplomatic efforts and programs and provide training to Department of Defense, and Department of State personnel to include the U.S. Agency for International Development (USAID) to accomplish such goals.

### COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing the bill would cost less than \$500,000 over the 2018-2022 period. CBO concluded that many of the bills requirements were already being carried out under Executive Order 13935, and the score reflects potential costs of additional efforts.

### CONSERVATIVE CONCERNS:

Some conservatives may be concerned that the bill would dedicate scarce defense and foreign policy resources to achieving a preferred gender-based result, without regard to the efficacy of such a result to the foreign policy and defense interests of the United States.

- 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. 2484 would declare a sense of Congress that: (1) the meaningful participation of women in conflict prevention and conflict resolution processes helps to promote more inclusive and democratic societies and is critical to the long-term stability of countries and regions; (2) the political participation and leadership of women in fragile environments, particularly during democratic transitions, is critical to sustaining lasting democratic institutions; and (3) the United States should be a global leader in promoting the meaningful participation of women in conflict prevention, management, and resolution, and post-conflict relief and recovery efforts.

The bill would further declare that it shall be the policy of the United States to promote the meaningful participation of women in all aspects of conflict prevention, management, and resolution, and post-conflict relief and recovery efforts, reinforced through diplomatic efforts and programs.

The bill would require the president to submit a strategy to Congress a single government-wide strategy, to be known as the Women, Peace, and Security Strategy, that provides a detailed description of how the United States intends to fulfill certain outlined policy objectives. The strategy would: (1) support and be aligned with plans developed by other countries to improve the meaningful participation of women in peace and security processes, conflict prevention, peace building, transitional processes, and decision-making institutions; and (2) include specific and measurable goals to ensure the accountability and effectiveness of all policies and initiatives. Within each relevant bureau of the Department of State, the Secretary of State would be required to task the current Principal Deputy Assistant Secretary with the responsibility for the implementation of the strategy.

The bill would declare that the president should promote the meaningful participation of women in conflict prevention, in coordination and consultation with international partners, including multilateral organizations, stakeholders, and other relevant international organizations, particularly in situations in which the direct engagement of the United States is not appropriate or advisable.

The Secretary of State, in conjunction with the USAID Administrator would be required to ensure that all appropriate personnel (including special envoys, members of mediation or negotiation teams, relevant members of the civil service or Foreign Service, and contractors) responsible for countries or regions considered to be at risk of violent conflict obtain training to include a focus on women and ensuring meaningful participation by women. The training would include: (1) conflict prevention, mitigation, and resolution; (2) protecting civilians from violence, exploitation, and trafficking in persons; (3) international human rights law and international humanitarian law.

The Secretary of Defense would be required to ensure that relevant personnel receive training in: (1) conflict prevention, peace processes, mitigation, resolution, and security initiatives that specifically addresses the importance of meaningful participation by women; (2) gender considerations and meaningful participation by women; and (3) effective strategies and best practices for ensuring meaningful participation by women.

The Secretary of State and the USAID Administrator would be directed to establish guidelines for overseas United States personnel to consult with stakeholders regarding U.S. efforts to: (1) prevent, mitigate, or resolve violent conflict; and (2) enhance the success of mediation and negotiation processes by ensuring the meaningful participation of women.

The Secretary of State would be encouraged to work with international, regional, national, and local organizations to increase the meaningful participation of women in international peacekeeping operations, and should promote training that provides international peacekeeping personnel with the substantive knowledge and skills needed to ensure effective physical security and meaningful participation of women in conflict prevention and peace building.

A similar bill, H.R. 5332, was passed in the 114<sup>th</sup> Congress by voice vote. The RSC bulletin for H.R. 5332 is available [here](#).

**COMMITTEE ACTION:**

H.R. 2484 was introduced on May 17, 2017 and was referred to the House Committees on Foreign Affairs and on Armed Services. On May 25, 2017, the bill was ordered to be reported by the House Committee on Foreign Affairs by voice vote.

**ADMINISTRATION POSITION:**

A Statement of Administration Policy is not available.

**CONSTITUTIONAL AUTHORITY:**

According to the bill's sponsor: "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8." No enumerating clause was listed.

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## H.R. 2132 — Traveler Redress Improvement Act of 2017 (Rep. Katko, R-NY)

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

### FLOOR SCHEDULE:

Scheduled for consideration on June 20, 2017 under suspension of the rules, which requires 2/3 vote for passage.

### TOPLINE SUMMARY:

[H.R. 2484](#) would require the Transportation Security Administration to ensure that appropriate redress procedures are available for individuals who are inappropriately placed on a watch list.

### COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 2132 would lead to a slight increase in the number of redress proceedings and increase the agency's administrative costs by less than \$100,000 annually; such 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:

H.R. 2132 would require that, within 30 days of enactment, the TSA ensure that appropriate redress procedures are available to U.S. citizens and lawful permanent residents who have filed a an inquiry with the Department of Homeland Security Traveler Redress Inquiry Program after being subject to enhanced screening at an airport more than three times in a 60-day period. The TRIP program is intended to allow individuals who believe they have been wrongly placed on a watch list. The bill would require TSA to use existing resources to ensure the program is functional, and to report to Congress within 180 days of enactment describing its progress.

The bill would also require TSA to conduct a review of intelligence based screening rules 60 days after enactment and every 180 days thereafter, and to inform the appropriate TSA or DHS officials, including civil rights offices, counsels, and the Federal Air Marshals Service, of any changes to, or suspension of, these rules. The GAO would also be required to provide a report to Congress one year after enactment on the effectiveness of intelligence-based screening rules in identifying and mitigating potential threats to aviation security.

**COMMITTEE ACTION:**

H.R. 2132 was introduced on April 25, 2017 and was referred to the House Committee on Homeland Security. On May 3, 2017, 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 bill's sponsor: "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 18--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."

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## H.R. 625 — Reporting Efficiently to Proper Officials in Response to Terrorism (REPORT) Act, as amended (Rep. Aguilar, D-CA)

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

### FLOOR SCHEDULE:

Scheduled for consideration on June 20, 2017 under suspension of the rules, which requires 2/3 vote for passage.

### TOPLINE SUMMARY:

[H.R. 625](#) would impose a duty on the Secretary of Homeland Security, Attorney General, Director of the Federal Bureau of Investigation, and, as appropriate, the head of the National Counterterrorism Center, to submit an unclassified investigation report to Congress within one year of any act of terrorism in the United States.

### COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 625 would cost less than \$500,000 annually; such 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:

H.R. 625 would require an investigation report to be submitted to Congress by the relevant federal agencies within one year of any act of terrorism in the U.S. The report would be required to be in unclassified form, but could include a classified annex, and would be required to include: (1) a statement of facts concerning the act of terrorism; (2) identification of any gaps in national security that could be addressed to prevent future attacks; and, (3) any recommendations for additional measures that could be taken to improve homeland security.

The report would not be required if the Secretary of DHS, Director of the FBI, the Attorney General, or the head of the National Counterterrorism Center determine that reporting the information required would jeopardize an ongoing investigation or prosecution. In the event of such a

determination, the Secretary of DHS shall notify Congress prior to the one-year anniversary of the completion of the investigation in question.

**COMMITTEE ACTION:**

H.R. 625 was introduced on January 24, 2017 and was referred to the House Committee on Homeland Security. On June 15, 2017, 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 bill's sponsor: "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, clause 18 of the United States Constitution."

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###



## H.R. 2131 — Fixing Internal Response to Misconduct (DHS FIRM) Act, as amended (Rep. Higgins, R-LA)

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

### FLOOR SCHEDULE:

Scheduled for consideration on June 20, 2017 under suspension of the rules, which requires 2/3 vote for passage.

### TOPLINE SUMMARY:

[H.R. 2131](#) would require the Department of Homeland Security (DHS) to standardize policies for addressing employee misconduct and imposing discipline on employees.

### COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing the bill's provisions would cost less than \$500,000 annually; such 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:

H.R. 2131 would amend [Section 704 the Homeland Security Act of 2002](#) to require the Chief Human Capital Officer of DHS to implement a department-wide policy regarding discipline and adverse employee actions.

The bill would require the human capital officer to provide guidance to department officials, employees, and the public on how to report employee misconduct, as well as guidance to officials and employees on how to implement the department-wide disciplinary policy, including training for personnel on prohibited practices and employee rights.

The bill would also allow the department component heads to develop tables of offenses and penalties, so long as such tables are consistent with the department-wide policy. Any pre-existing tables would be required to be reviewed to ensure consistency and would be modified, if necessary.

The DHS Chief Human Capital Officer would be directed to report to Congress within 60 days regarding implementation of the bill.

Finally, the bill provides that no additional funds are authorized to carry out the requirements of the legislation.

**COMMITTEE ACTION:**

H.R. 3121 was introduced on April 25, 2017 and was referred to the House Committee on Homeland Security. On May 3, 2017, the bill was ordered to be reported by voice vote.

**ADMINISTRATION POSITION:**

A Statement of Administration Policy is not available.

**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 18."

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###





## H.R. 2283 — Department of Homeland Security Morale, Recognition, Learning and Engagement (DHS MORALE) Act, as amended (Rep. Thompson, D-MS)

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

### FLOOR SCHEDULE:

Scheduled for consideration on June 20, 2017 under suspension of the rules, which requires 2/3 vote for passage.

### TOPLINE SUMMARY:

[H.R. 2283](#) would require the Department of Homeland Security to take steps to improve employee engagement and morale, and authorize the Secretary of Homeland Security to establish an award to recognize significant employee contributions.

### COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing the bill's provisions would cost about \$1 million in fiscal year 2018; such 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:

H.R. 2283 would expand the responsibilities of the DHS Chief Human Capital Officer to ensure that department employees are aware of and able to utilize educational and professional development opportunities, including interagency development and rotation programs. The office be charged with maintaining a catalogue of such programs. The officer would also be directed to ensure that employee disciplinary procedures comply with federal law and regulation.

The bill would allow the chief human capital officer to designate a Chief Learning and Engagement Officer to assist in carrying out the bills requirements.

The bill would direct the Secretary of Homeland Security to, within 120 days of enactment, establish a steering committee composed of department supervisors, employees, and labor organizations that would: (1) identify factors that have a negative impact on employee engagement and morale; (2) Identify initiatives and best practices to improve employee engagement and morale; (3) monitor efforts of DHS components to address morale problems; (4) advise the secretary on efforts to improve morale; ad, (5) report quarterly on efforts to improve employee engagement and morale. The chief human capital officer and each component head would be required to issue an engagement action plan based on the input of the steering committee. These plans would also be submitted to Congress.

The bill would authorize the secretary to establish and publicize an award program honoring employees or groups of employees for significant contributions. The secretary would be authorized to establish an internal review board to make recommendations for such awards.

Finally, the bill would require the Government Accountability Office to conduct a review of whether the department has a disciplinary process in which discipline and adverse employee actions are administered in a consistent and equitable manner for both supervisory and non-supervisory employees.

No new funding would be authorized to carry out the requirements of the legislation.

**COMMITTEE ACTION:**

H.R. 2283 was introduced on May 2, 2017 and was referred to the House Committee on Homeland Security. On May 3, 2017, 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 bill's sponsor: "Congress has the power to enact this legislation pursuant to the following: The United States Constitution Article 1, Section 8, Clause 18, that Congress shall have the power to make all laws which shall be necessary and proper."

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###



## H.R. 1282 — DHS Acquisition Review Board Act, as amended (Rep. Garrett, R-VA)

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

### FLOOR SCHEDULE:

Scheduled for consideration on June 20, 2017 under suspension of the rules, which requires 2/3 vote for passage.

### TOPLINE SUMMARY:

[H.R. 1282](#) would direct the Secretary of Homeland Security to establish an acquisition review board to review major acquisition programs.

### COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 1282 would cost less than \$500,000 annually; such 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:

H.R. 1282 would direct the Secretary of Homeland Security to establish an acquisition review board. The board would be chaired by the DHS Undersecretary for Management and would include at least two component heads or their designees. The board would meet at the secretary's discretion and anytime a major acquisition program (\$300 million or more in life cycle costs) requires approval or is in breach of its approved requirements. The bill would require an annual report to Congress from the under secretary for management on the activities and meetings of the board.

The board would be charged with providing oversight of proposed acquisitions to ensure they are meeting their requirements and have executable plans. The board would also review acquisition documents, including the program baseline, and would be directed to carry out systematic reviews to ensure acquisitions are progressing in compliance with the appropriate approved documents.

The bill would require that, if a program is approved to proceed to the planning phase without a department-approved baseline, the undersecretary for management would create and approve such a baseline. Additionally, the secretary would be required to report to the appropriate Congressional committees on the rationale for such decision within 60 days.

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

**COMMITTEE ACTION:**

H.R. 1282 was introduced on March 1, 2017 and was referred to the House Committee on Homeland Security. On March 23, 2017, 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 bill's sponsor: "Congress has the power to enact this legislation pursuant to the following: The United States Constitution Article 1, Section 8, Clause 18, that Congress shall have the power 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."

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###



## H.R. 2190 — Streamlining DHS Overhead Act, as amended (Rep. Rutherford, R-NJ)

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

### FLOOR SCHEDULE:

Scheduled for consideration on June 20, 2017 under suspension of the rules, which requires 2/3 vote for passage.

### TOPLINE SUMMARY:

[H.R. 2190](#) would direct the Under Secretary for Management of the Department of Homeland Security to develop a 5-year real property management strategy, as well as a strategy for the second five years after enactment. The bill would also create a new senior executive service position of Chief Facilities and Logistics Officer for DHS.

### COST:

A Congressional Budget Office (CBO) 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?** The bill would create a new senior executive service position at DHS.
- **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. 2190 Would direct the DHS Under Secretary for Management to develop a five-year regional real property strategy. The strategy would be required to identify opportunities to consolidate DHS real property, increase efficiency in use of space, and decrease overhead costs through co-location with other federal entities. The strategy must also prioritize actions to be taken to improve the operations and management of the department's real property inventory, as well as establish a square-footage-based definition for a major real property acquisition. The under secretary would be required, in the fourth year of the first strategy, to develop an additional strategy covering the next five-year period.

The undersecretary would be required to develop implementing policies for the strategies within 90 days of development, and would be required to certify that department component heads have complied with the policies prior to any new major real property acquisition. The implementing policies would require component heads to annually report on underutilized space that may be made available for other uses, with the exception of space that, if otherwise used, would reduce component readiness.

All strategies developed would be submitted to Congress, and the DHS Inspector General would be required to review the effectiveness of the implementation strategies within 120 days of the end of the fifth year of a strategy.

**COMMITTEE ACTION:**

H.R. 2190 was introduced on April 27, 2017 and was referred to the House Committee on Homeland Security. On May 3, 2017, 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 bill's sponsor: "Congress has the power to enact this legislation pursuant to the following: The United States Constitution Article 1, Section 8 of the United States Constitution." No enumerating clause was identified.

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## H.R. 1393 – Mobile Workforce State Income Tax Simplification Act of 2017 (Rep. Bishop, R-MI)

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

### FLOOR SCHEDULE:

Expected to be considered on June 20, 2017 under a suspension of the rules, which require a 2/3 majority for passage.

### TOPLINE SUMMARY:

[H.R. 1393](#) would prevent states from imposing income tax requirements on nonresidents working in a foreign state for 30 days or fewer per year. This exclusion would not apply to professional athletes, entertainers, or public figures.

### COST:

The Congressional Budget Office (CBO) [estimates](#) that “enacting H.R. 1393 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.”

### CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** The bill would preempt states from imposing taxes on income earned within their borders.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

### DETAILED SUMMARY AND ANALYSIS:

Forty-three [states](#) and the District of Columbia require payment of a personal income tax on wages and partnership income. Presently, state tax laws are responsible for providing the framework to determine if a nonresident worker is required to pay a foreign state income tax and when employer withholding is required, creating a piecemeal framework for income tax.

This legislation would prohibit the wages earned by an employee working in a foreign state from being subject to income tax in a state other than: (1) the state of the employee’s residence; or, (2) the state in which the employee works more than 30 days per year.

This legislation would exempt employers from withholding tax and other reporting requirements for individuals not subject to income tax. Employers are permitted to rely on the employees determination for time spent working in a state, absent evidence of fraudulent calculations. Professional athletes, professional entertainers, qualified production employees, and public figures are exempt from the definition of employee under this act.

[Similar](#) legislation passed last Congress by voice vote on September 21, 2016. The past legislative bulletin can be found [here](#).

**COMMITTEE ACTION:**

H.R. 1393 was introduced on March 7, 2017 and was referred the House Committee on the Judiciary, which ordered the bill to be reported, 19-2, on March 22, 2017.

**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.

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