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S. 1172: Edward "Ted" Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015, as amended (Carper, D-DE)

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

FLOOR SCHEDULE:

February 29, 2016 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[S. 1172](#) would expand the Presidential Transitions Improvements Act of 2015 to codify certain processes for transitioning from one presidential administration to the next.

COST:

The [Congressional Budget Office](#) (CBO) estimates that implementing this legislation would cost less than \$500,000 over the next five years. Enacting S. 1172 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CONSERVATIVE CONCERNS:

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

DETAILED SUMMARY AND ANALYSIS:

This bill would require the General Services Administrator (GSA) to designate an employee to serve as the Federal Transition Coordinator with responsibility for coordinating presidential transition planning across all agencies. No later than six months before the date of a presidential election, the president would establish a White House transition council. This council would provide guidance to agencies and the Federal Transitions Coordinator on the presidential transition and succession planning. Membership on the council would include senior employees of the executive branch, the Federal Transitions Coordinator, and transition representatives of each candidate. In addition, the president would establish an agency transition directors' council, which would ensure the federal government has an integrated strategy for transition and turnover of noncareer appointees. Members of this council would include the Federal Transition Coordinator, the Deputy Director for Management of the Office of Management and Budget (OMB), senior employees in the executive branch, senior agency representatives, and a representative from for each eligible candidate.

No later than November 1 of a presidential election year there would be a negotiation of memorandums of understanding between the incumbent administration (acting through the Federal Transition Coordinator) and the transition teams of major candidates. Reports would be submitted to Congress by the Federal Transition Coordinator outlining the activities taken to transfer power to a new president.

This bill would amend the Presidential Records Act to allow the National Archives and Records Administration (NARA) to include estimates of NARA's presidential activities in the president's budget submission for the fiscal year in which an incumbent president's first term would expire.

This bill would require the Office of Personnel Management (OPM) to submit to Congress an annual report regarding requests by agencies to appoint political appointees or former political appointees to cover civil service positions and whether the request was approved or denied.

OPM would be required to submit to Congress a report on regulations promulgated during the last 120 days of the presidential administrations which ended in 2001, 2009 and 2017. Regulations that had an annual effect on the economy of \$100,000,000 or more, or adversely affect the economy or a sector of the economy, materially alter the budgetary impact of entitlements, grants or loan programs, or raise novel or policy issues would be reported on.

Finally, this bill would require the Secretary of Homeland Security to submit to Congress a report analyzing the threats and vulnerabilities facing the United States during a presidential transition. It would identify vulnerabilities related to border security and threats related to terrorism.

COMMITTEE ACTION:

This bill was introduced by Senator Carper on April 30, 2015, and referred to the Committee on Homeland Security and Governmental Affairs where it was reported out favorably. The Senate passed the bill by unanimous consent on July 30, 2015. The bill was received in the House and referred to the Committee on Oversight and Government Reform and the Committee on Homeland Security. The committee held a markup and the bill was reported out, as amended, by unanimous consent.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

Bills originating in the Senate do not require the inclusion of a Constitutional Authority statement.

S.1580: Competitive Service Act of 2015, as amended (Tester, D-MT)

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

FLOOR SCHEDULE:

February 29, 2016 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[S. 1580](#) would allow federal agencies to share their assessments of job applicants to expedite the federal hiring process.

COST:

The [Congressional Budget Office](#) (CBO) estimates that enacting S. 1580 would not increase net direct spending or on-budget deficits by more than \$5 billion in any of the four consecutive 10-year periods beginning in 2026.

CONSERVATIVE CONCERNS:

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

DETAILED SUMMARY AND ANALYSIS:

Currently, agencies operate as separate entities with regard to agency hiring practices. This bill would give additional [appointing authority](#) to agencies hiring individuals for competitive service positions. In addition, it would allow an agency to hire an individual from another agency's certificate of eligible candidates within 240 days of issuance. The position must be the same occupational category and similar grade level. Before a selection is made, the other agency must provide ten business days for its employees to submit applications for the position. If there are no applicants who meet the qualifications, the agency may choose a candidate from the original certificate of eligibles, and would not be required to make an additional job posting.

COMMITTEE ACTION:

This bill was introduced by Senator Tester on June 16, 2015, and referred to the Committee on Homeland Security and Governmental Affairs where it was reported out favorably. The Senate passed the bill by unanimous consent on September 17, 2015. The bill was received in the House and referred to the Committee on Oversight and Government Reform. The committee held a mark-up and the bill was reported out by unanimous consent.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

Bills originating in the Senate do not require the inclusion of a Constitutional Authority statement.

H. Res. 148 — Calling on the government of Iran to fulfill their promises of assistance in this case of Robert Levinson, the longest held United States civilian in our Nation's history (Rep. Deutch, D-FL)

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

FLOOR SCHEDULE:

Scheduled for consideration on February 29, 2016 under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H. Res. 148](#) would call on the Government of Iran to fulfill their promises of assistance in this case of Robert Levinson, the longest held United States civilian in U.S. history.

COST:

No Congressional Budget Office (CBO) estimate is available.

CONSERVATIVE CONCERNS:

There are no substantive concerns.

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

DETAILED SUMMARY AND ANALYSIS:

H. Res 148. would stipulate that the House would: (1) recognize that Robert Levinson is the longest held United States civilian in our Nation's history; (2) note the pledges by current Iranian officials to provide their government's assistance in Robert Levinson's case; (3) urge Iran, as a humanitarian gesture, to intensify its cooperation on the case of Robert Levinson and to immediately share the results of its investigation into the disappearance of Robert Levinson with the United States Government; (4) urge the President and the allies of the United States to continue to raise with Iranian officials Robert Levinson's case at every opportunity, notwithstanding serious disagreements the United States Government has with Iran on a broad array of issues, including human rights, Iran's nuclear program, the Middle East peace process, regional stability, and international terrorism; and (5) express sympathy to the family of Robert Levinson for their anguish and expresses hope that their ordeal can be brought to an end in the near future.

Robert Levinson, a retired agent of the Federal Bureau of Investigation (FBI), disappeared while traveling to Kish Island, Iran on March 9, 2007. In November 2010, the Levinson family received a video of Mr. Levinson in captivity, representing the first proof of life since his disappearance.

COMMITTEE ACTION:

H. Res 148 was introduced on March 10, 2015 and was referred to the House Committee on Foreign Affairs. On February 24, 2016, the resolution was ordered to be reported with an amendment in the nature of a substitute by unanimous consent.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

No Constitutional Authority Statement is available.

H.R. 4401 — Amplifying Local Efforts to Root out Terror Act of 2016, as amended (Rep. Loudermilk, R-GA)

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

FLOOR SCHEDULE:

Scheduled for consideration on February 29, 2016 under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 4401](#) would authorize the Secretary of Homeland Security to provide training for personnel to further the Department's efforts to counter violent extremism, identify and report suspicious activities, and increase awareness of terrorism threats.

COST:

No Congressional Budget Office (CBO) estimate is available.

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

CONSERVATIVE CONCERNS:

There are no substantive concerns.

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

DETAILED SUMMARY AND ANALYSIS:

H.R. 4401 would authorize the Secretary of Homeland Security to provide training for personnel, including Department of Homeland Security (DHS) personnel, state, and local representatives at major urban area fusion centers, and to administer community awareness briefings to further DHS efforts to counter violent extremism.

The bill would require the Secretary of Homeland Security to assess the efforts of the Department to support countering violent extremism at the state, local, tribal, and territorial levels, and submit the assessment to Congress. The Secretary would be required to notify Congress of the number of employees of state, local, tribal, and territorial governments with security clearances sponsored by the Department. No additional funds would be authorized to be appropriated to carry out the bill.

COMMITTEE ACTION:

H.R. 4401 was introduced on February 1, 2016 and was referred to the House Committee on Homeland Security. On February 2, 2016, the bill was ordered to be reported by voice vote.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

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." No specific enumerating clause was included.

H.R. 4444 — EPS Improvement Act of 2016 (Rep. Ellmers, R-NC)

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

FLOOR SCHEDULE:

Scheduled for consideration on February 29, 2016 under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 4444](#) would amend the [Energy Policy and Conservation Act](#), to exclude power supply circuits, drivers, and certain light-emitting diodes from energy conservation standards for external power supplies.

COST:

No Congressional Budget Office (CBO) estimate is available.

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

CONSERVATIVE CONCERNS:

There are no substantive concerns.

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

DETAILED SUMMARY AND ANALYSIS:

H.R. 4444 would modify the definition of “external power supply” under the Energy Policy and Conservation Act, to exclude a power supply circuit, driver, or device that is designed exclusively to be connected to ceiling fans using direct current motors, as well as light-emitting diodes (LED) providing illumination. This exemption would not apply to the LEDs or ceiling fans themselves. The Secretary of Energy may prescribe an energy conservation standard for solid state lighting power supply circuits, drivers, or devices, if such equipment is determined to be covered under the Energy Policy and Conservation Act and if a test procedure has been prescribed at least 1 year prior.

COMMITTEE ACTION:

H.R. 4444 was introduced on February 3, 2016 and was referred to the House Committee on Energy and Commerce.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

According to the bill’s sponsor: “Congress has the power to enact this legislation pursuant to the following: The Commerce Clause--Article 1, Section 8, Clause 3: “To regulate Commerce with foreign nations, and among the several states, and with the Indian tribes”

H.R. 4238 — To amend the Department of Energy Organization Act and the Local Public Works Capital Development and Investment Act of 1976 to modernize terms relating to minorities (Rep. Meng, D-NY)

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

FLOOR SCHEDULE:

Scheduled for consideration on February 29, 2016 under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 4238](#) would revise the definition of "minority" in the Department of Energy Organization Act and in the Local Public Works Capital Development and Investment Act of 1976 to mean any U.S. citizen who is an Asian American, Native Hawaiian, a Pacific Islander, African American, Hispanic, Puerto Rican, Native American, or an Alaska Native.

COST:

No Congressional Budget Office (CBO) estimate is available.

CONSERVATIVE CONCERNS:

There are no substantive concerns.

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

DETAILED SUMMARY AND ANALYSIS:

H.R. 4238 would revise the definition of "minority" in the [Department of Energy Organization Act](#) and in the [Local Public Works Capital Development and Investment Act of 1976](#) to mean any U.S. citizen who is an Asian American, Native Hawaiian, a Pacific Islander, African American, Hispanic, Puerto Rican, Native American, or an Alaska Native. These terms would replace the existing terms, which some consider to be outdated or offensive.

COMMITTEE ACTION:

H.R. 4238 was introduced on December 11, 2015 and was referred to the House Committee on Energy and Commerce.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

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

H.R. 4583 — To promote a 21st century energy and manufacturing workforce (Rep. Rush, D-IL)

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

FLOOR SCHEDULE:

Scheduled for consideration on February 29, 2016 under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 4583](#) would direct the Secretary of Energy to prioritize education and training for energy and manufacturing-related jobs to increase the number of skilled workers in those fields.

COST:

No Congressional Budget Office (CBO) estimate is available.

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

CONSERVATIVE CONCERNS:

There are no substantive concerns.

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

DETAILED SUMMARY AND ANALYSIS:

H.R. 4583 would direct the Secretary of Energy to: (1) encourage the nation's education system to equip students with the skills, mentorships, and training to fill the employment opportunities vital to managing and operating the energy and manufacturing industries; and (2) strengthen and more fully engage Department of Energy programs and labs in carrying out the Department's workforce development initiatives, including the Minorities in Energy Initiative.

The Secretary would also be directed: (1) to make educating and training underrepresented groups for energy and manufacturing-related jobs a national priority; and (2) to establish a clearinghouse to maintain and update information and resources on training and workforce development programs for energy and manufacturing-related jobs.

The Secretary of Energy would be directed to: (1) give special consideration to increasing outreach to minority serving institutions (including historically Black colleges and universities, predominantly Black institutions, Hispanic serving institutions, Native American serving Nontribal Institutions, and tribal institutions); (2) make existing resources available through program cross-cutting to minority serving institutions; (3) encourage industry to improve the opportunities for students of minority serving institutions to participate in industry internships and cooperative work/study programs; and (4) partner with the Department of Energy laboratories to increase underrepresented groups' participation in internships, fellowships, traineeships, and employment at all Department of Energy laboratories.

The Secretary of Energy would additionally be directed to give special consideration to increasing outreach to employers and job trainers preparing displaced and unemployed energy and manufacturing workers.

The bill would further require the Secretary of Energy to submit a report to Congress the outlook for energy and manufacturing sectors nationally. The bill would stipulate that amounts required for carrying out H.R. 4583 would be derived from amounts appropriated under authority provided by previously enacted law.

COMMITTEE ACTION:

H.R. 4583 was introduced on February 23, 2016 and was referred to the House Committee on Energy and Commerce and the House Committee on Education and the Workforce.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

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.

H.R. 1471: FEMA Disaster Assistance Reform Act of 2015 of 2015 (Rep. Barletta, R-PA)

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

FLOOR SCHEDULE:

February 29, 2016, under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 1471](#) would reauthorize the Federal Emergency Management Agency (FEMA) through Fiscal year 2018.

COST:

The Congressional Budget Office (CBO) estimates that enacting “H.R. 1471 would authorize appropriations totaling \$3.1 billion for the Federal Emergency Management Agency (FEMA) over the 2016-2018 period”. The bill would also reduce offsetting receipts by \$25 million over the 2016 – 2018 period, which would be offset by a reduction in direct spending of the same amount, resulting in no net effect on direct spending over the budget window.

CONSERVATIVE CONCERNS:

Some conservatives may be concerned that the special treatment of allowing of FEMA to provide wildfire hazard mitigation assistance to areas whether or not a major disaster has been declared could encourage the idea that wildfire programs should receive special exemptions from discretionary spending caps rather than being treated as a priority within the caps.

- **Expand the Size and Scope of the Federal Government?** This bill would expand the authority to provide assistance to certain areas if the President has not declared a major disaster.
- **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:

FEMA is charged with coordinating the federal government’s response to domestic disasters.

The bill would authorize annual appropriations of \$947 million for FEMA over the FY 2016 – 2018 period. FEMA received funding of \$961 million in the FY 2016 omnibus.

The bill would require a study on the costs of disasters and losses.

The bill would reauthorize the Urban Search and Rescue (USAR) Response System, which coordinates federal, state, and local emergency response teams. The bill would authorize annual appropriations of \$50 million for USAR over the FY 2016 – 2018 period.

The bill would increase the threshold for Public Assistance small projects to \$1 million from \$35,000.

The bill would waive the requirement that recipients must repay improper payments received under the Individuals and Households Program in cases where FEMA was at fault for the improper payment. It would not waive requirement to repay where there was fraud or misrepresentation by the recipient. If the rate of improper payments reaches four percent, then the waiver would expire.

The bill would authorize assistance for areas affected by wildfires, even if the President has not declared a major disaster (under current law, FEMA may only provide these funds if the President has declared a major disaster).

COMMITTEE ACTION:

H.R. 1471 was introduced on March 19, 2015, and referred to the Committee on Transportation and Infrastructure. On April 15, 2015, the Committee [marked up](#) and reported the bill by a voice vote.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

“Congress has the power to enact this legislation pursuant to the following: Article I, Section 8 of the United States Constitution, specifically Clause 1 (relating to providing for the common defense and general welfare of the United States) and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress) and Article I, Section 10, Clause 3 (relating to interstate compacts).”

H.R. 4084 – Nuclear Energy Innovation Capabilities Act (Rep. Weber, R-TX)

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

FLOOR SCHEDULE:

Scheduled for consideration on February 29, under a suspension of the rules which requires 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 4084](#) would amend the [Energy Policy Act of 2005](#) to revise the purposes of the civilian nuclear energy research, development, demonstration, and commercial application programs of the U.S. Department of Energy (DOE).

COST:

The Congressional Budget Office (CBO) [estimates](#) that because the DOE is already pursuing similar activities, implementing this legislation likely would not affect the agencies costs to carry out its nuclear programs. Current funding for Nuclear Energy programs in 2016 rests at \$986 million.

CONSERVATIVE CONCERNS:

Many conservatives have supported appropriations amendments eliminating funding for the various source-specific energy programs at the Department of Energy, including the Nuclear Energy account, from which this bill's activities would be funded in the appropriations process. The most recent such vote from 2015 is available [here](#). However, the bill would shift funding away from late-stage commercialization activities towards more early-stage research, which some members see as a more appropriate role of the federal government.

- **Expand the Size and Scope of the Federal Government?** The bill would potentially expand the scope of nuclear research support activities conducted within the Department of Energy and at the National Labs.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

This legislation would emphasize a necessity for providing research infrastructure to enable academics, staff from National Laboratories, and private sector individuals to make discoveries relevant to nuclear, chemical, and materials science engineering. H.R. 4084 would also amend the Energy Policy Act's objectives to emphasize enabling the private sector and the National Laboratories to work together to demonstrate novel reactor concepts.

This bill would direct the Department of Energy to establish a program to enhance American ability to produce new reactor technologies using high-performance computation modeling and simulation techniques, in coordination with relevant federal agencies through the National Strategic Computing Initiative.

This legislation would also require, by December 16, 2016, the Department of Energy to determine the mission need for and prioritize a versatile reactor-based fast neutron source, which will be established as a national user facility, and to give a plan to Congress in order to establish the facility. This facility would

have to be located at one of 17 Department of Energy National Laboratories, with the likely location of the Idaho National Laboratory.

H.R. 4084 would require the Department of Energy to establish a program that will enable the private sector to construct and operate privately-funded nuclear reactor prototypes, and to leverage the technical expertise of federal agencies and laboratories to minimize the time it will take to enable the operation and construction of experimental reactors funded by private sources at national laboratories or at DOE-owned sites. The reactors would be required to operate to enable physical validation of reactor concepts, resolve technical uncertainty, increase practical knowledge, and generate research and development to improve new and emerging technologies.

Within 12 months of enactment, H.R. 4084 would require the Department of Energy to submit 3 alternate 10-year budget plans for civilian nuclear energy research and development to Congress.

COMMITTEE ACTION:

H.R. 4084 was introduced on November 19, 2015 and was referred to the House Committee on Science, Space and Technology, where it was reported on January 12, 2016.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the sponsor, Congress has the power to enact this legislation pursuant to Article I, Section 8, clause 18 of the United States Constitution, stating “the Congress shall have power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department of Officer thereof.” No specific enumerating clause was included.

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