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H.R. 1670 — National POW/MIA Remembrance Act of 2015 (Rep. Lynch, D-MA)

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

FLOOR SCHEDULE:

March 21, 2016 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 1670](#) would direct the Architect of the Capitol to place a chair honoring American Prisoners of War/ Missing in Action in the Capitol.

COST:

The [Congressional Budget Office](#) (CBO) estimates that enacting H.R. 1670 would not increase net direct spending or on-budget deficits 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:

This bill would direct the Architect of the Capitol to enter into an agreement to obtain a chair featuring the logo of the National League of POW/MIA Families and place the chair in a permanent location in the capitol. In addition, the bill specifies all costs incurred would be paid for by private donation made by tax-exempt nonprofit organizations.

COMMITTEE ACTION:

This bill was introduced by Representative Lynch on March 26, 2015, and referred to the House Committee on House Administration. The committee held a mark-up and the bill was reported out by a voice vote on December 2, 2015.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

According to the sponsor, Congress has the power to enact this legislation pursuant to the following: Article 1 section 8 Clause 18 of the United States Constitution.

House Amendment to S. 192 — Older Americans Act Reauthorization Act of 2016, as amended (Sen. Alexander, R-TN)

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

FLOOR SCHEDULE:

March 21, 2016 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

The [House amendment to S. 192](#) would amend and reauthorize through 2019 the Older Americans Act (OAA) which provides funding for elderly services such as nutrition and caregiver support, community service employment and programs to prevent elder abuse.

COST:

The [Congressional Budget Office](#) (CBO) estimates the bill would authorize appropriations totaling \$5.8 billion for fiscal years 2016-2018. Assuming appropriation of the estimated amounts, CBO estimates that implementing S. 192 would increase outlays by \$5.8 billion over the 2016-2020 period.

FY2015 Consolidated and Further Continuing Appropriations Act ([P.L. 113-235](#)) funded OAA programs at \$1.878 billion, which was \$6.5 million (0.3%) more than FY2014 funding.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** The bill would also expand the services covered and the eligibility requirements for certain grants.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

First enacted in 1965, the Elder Abuse Act provides an array of services for the elderly and their caregivers. Funding for most OAA programs is provided in annual HHS appropriations; OAA Title V is part of annual DOL appropriations. These programs include nutrition services, family caregiver support, community service employment, and elder abuse prevention. The last OAA authorization occurred in 2006 and extended most programs through 2011. Although this bill failed to be reauthorized, the programs were annually funded through the appropriations process. This bill would reauthorize these services through 2019.

Administration on Aging

This section would direct the Director of the Office of Long-Term Care Ombudsman Program to collect best practices relating to responding to and preventing elder abuse and neglect in long-term care facilities. In addition, the federal government would be directed to coordinate with state adult protective service programs and the director of the Office of Long-Term Care Ombudsman Program to develop objectives and priorities for elder abuse prevention and services. This bill would expand the duties and functions of the administration by: (1) providing technical assistance to states and area agencies on aging to provide efficient, person-centered transportation services; (2) identify model programs to support the modernization of multipurpose senior centers; and, (3) provide technical assistance to states on how to collaborate and coordinate services with health care entities, such as federally-qualified health centers (FQHC) in order to provide care coordination for those with chronic conditions. This bill would allow state

aging and disability resource centers to provide information and referrals for home and community-based services for individuals who are at risk for or currently reside in an institutional setting. This would promote the opportunity for individuals to have the choice to return or remain in the community. For this section, this bill would authorize for appropriation \$40,063,000 for each of fiscal years 2017, 2018 and 2019. Current law allowed such sums as necessary to be used to carry out this section.

State and Community Programs on Aging

This section would strike all authorization levels for such sums as necessary and set authorization levels for FY17-19. Currently, states receive an allotment of funds for each fiscal year in an amount that bears the same ratio as the population of older individuals in such states bears to the population of older individuals in other states. For each of FY 2017-2019 no state would be allotted an amount that is less than 99 percent of the amount allotted to the state for the previous fiscal year. For FY 2020 and beyond no state would be allotted an amount that is less and 100 percent of the amount allotted to the state for FY 2019.

This bill would add services designed to screen for elder abuse, neglect, and exploitation to the list of services eligible for supportive service grants.

This bill would modernize the Nutritional Services Program by requiring states to utilize the expertise of a dietitian when providing meals to older Americans, and encourage the use of locally grown foods in meal programs.

Activities for Health, Independence, and Longevity

This section would make grants available to entities that support Medicare program integrity initiatives that train senior volunteers to prevent and identify health care fraud and abuse.

In addition, this section repeals the [computer training program](#), the [multidisciplinary centers and systems program](#), and the [ombudsman and advocacy demonstration projects](#).

Vulnerable Elder Rights Protection Activities

This section would require the ombudsman at the Office of the State Long-Term Care Ombudsman to be responsible for the management of the office including all fiscal matters. In addition, it would clarify the ombudsman's responsibility for providing timely, private and unimpeded services to residents even to those who are unable to communicate their wishes. The ombudsman would be given additional responsibility to investigate and resolve complaints made by or on behalf of residents with limited decision making capabilities. This section would classify the ombudsman as a [health oversight agency](#) for the purposes of the Health Insurance Portability and Accountability Act (HIPAA). This would ensure the release of a resident's individually identifiable health information to the ombudsman is not prevented in certain circumstances where the ombudsman has permission from the resident or the resident is unable to consent and has no legal representative. Finally, this section would ensure there is no conflict of interest between an individuals or their family involved in the designation of the ombudsman or with an ombudsman and a long-term care facility or long-term care service.

Guidance on Serving Holocaust Survivors

This section highlights the urgent needs of Holocaust survivors to age in place and directs the Assistant Secretary for Aging to issue guidance to the states for this specific population. This guidance would address nutrition services including needs based on religious or cultural requirements and how state long-term care ombudsmen may address the needs of residents for long-term care for whom institutional settings could induce retraumatization.

COMMITTEE ACTION:

This bill was introduced by Senator Alexander on January 20, 2015, and passed the Senate by voice vote on July 16, 2015. The bill was then received in the House and referred to the House Committee on Education and the Workforce where it awaits further action.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

Bills originating in the Senate are not required to have a Constitutional Authority Statement.

H.R. 4314 — Counterterrorism Screening and Assistance Act of 2016 (Rep. Zeldin, R-NY)

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

FLOOR SCHEDULE:

Scheduled for consideration on March 21, 2016 under a suspension of the rules, which requires 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 4314](#) would require the Department of State and the Department of Homeland Security to develop a foreign partner engagement plan, would accelerate the transfer of systems to foreign partners to monitor travel by terrorists and foreign fighters, and would authorize the Secretary of State to suspend some foreign aid to nations failing to meet certain security standards.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing the bill would cost \$14 million over the 2016-2021 period, assuming appropriation of the estimated amounts. Enacting H.R. 4314 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 4314 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2026.

CONSERVATIVE CONCERNS:

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. 4314 would require the Secretary of State to submit to Congress a foreign partner engagement plan which would catalogue existing capacity-building initiatives abroad to limit terrorists and foreign fighters from traveling. The Secretary of State would be required to coordinate with other departments within the government to devise such a plan.

Additionally, the Secretary of State and the Secretary of Homeland would be required to accelerate the transfer of systems to foreign governments, including the U.S. Customs and Border Protection's Automated Global Targeting System and the Department of State's Personal Identification Secure Comparison and Evaluation System. Both departments would be required to prioritize the transfer of systems to countries determined to be high-risk and medium-risk in the foreign partner engagement plan.

The Secretary of Homeland Security, in consultation with the Secretary of State, would be authorized to provide, with or without reimbursement, excess nonlethal equipment and supplies owned by the Department of Homeland Security to a foreign government, if it furthered the homeland security interests of the United States; or enhanced the recipient government's capacity to mitigate the risk or threat of terrorism, infectious disease, or natural disaster. However, the Secretary of Homeland Security would not be authorized to provide any equipment or supplies that are designated as items on the [United States Munitions List](#), nor any vessels or aircraft. Additionally, the Secretary of Homeland Security would be

authorized to collect payment from the recipient government for the provision of training, shipping costs, supporting materials, maintenance, and supplies.

Any amount collected would be credited as offsetting collections to the account that finances the activities and services for which the payment is received. The bill would require both departments to notify Congress not later than 15 days before providing any systems, equipment, or supplies.

H.R. 4314 would require the Secretary of State to report to Congress annually through 2021 regarding the efforts of foreign governments to combat terrorist and foreign fighter travel. The Secretary of State would be authorized to suspend nonhumanitarian, nontrade-related foreign assistance to any government of a foreign country if the country does not meet minimum standards of cooperation.

COMMITTEE ACTION:

H.R. 4314 was introduced on January 5, 2016 and was referred to the House Committee on Foreign Affairs, the House Committee on Homeland Security and the House Judiciary Committee. The bill was then reported (amended) by the House Foreign Affairs Committee on January 7, 2016 by unanimous consent.

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 of the United States Constitution." No specific enumerating clause was listed.

S. 2393 — Foreclosure Relief and Extension for Servicemembers Act of 2015 (Sen. Whitehouse, D-RI)

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

FLOOR SCHEDULE:

March 21, 2016 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[S. 2393](#) would extend through December 31, 2017, the period of time that banks would be prohibited from foreclosing or evicting service members due to late payment on a mortgaged property without a court order or waiver agreement signed by the service member.

COST:

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

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

CONSERVATIVE CONCERNS:

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

DETAILED SUMMARY AND ANALYSIS:

[The Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012](#) extended the period of time banks would be prohibited from selling, foreclosing, or seizing the property of a service member after military service due to late payment from nine months to twelve months. A similar extension expired on December 31, 2015. This bill would extend through 2017 these requirements. In addition, it stipulates effective January 2, 2018 the original nine-month period would be restored.

COMMITTEE ACTION:

This bill was introduced by Senator Whitehouse on December 10, 2015, and passed by unanimous consent without amendment on the same day. The bill was sent to the House where it is currently being held at the desk.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

Bills originating in the Senate are not required to have a Constitutional Authority Statement.

Senate Amendment to H.R. 4721 — Airport and Airway Extension Act of 2016 (Rep. Shuster, R-PA)

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

FLOOR SCHEDULE:

March 21, 2016 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

The [Senate Amendment to H.R. 4721](#) would extend the authorization for the Federal Aviation Administration (FAA) as well as the taxes and expenditure authority for the Airport and Airways Trust Fund through July 15, 2016.

COST:

A Congressional Budget Office (CBO) estimate is not available at this time. The bill continues funding for aviation programs at current levels.

CONSERVATIVE CONCERNS:

Some conservatives may be concerned that the Senate Amendment moves up the tax provisions expiration compared to the House-passed bill, which would have the effect of setting up a “cliff” where the authorization for the FAA and the related tax provisions would expire immediately before the Congress adjourns for the July party conventions and August district work period.

In contrast, the original House-passed version of H.R. 4721 would have extended the tax provisions into 2017.

If the House and Senate are unable to agree on a long-term FAA reauthorization by July 15, it is possible that some will attempt to push a further short-term FAA extension into the lame duck period to provide a revenue vehicle for non-germane taxing and spending policies.

Senator Ron Wyden, the Ranking Democrat on the Senate Finance Committee, is [already on record](#) as wanting to use the tax component of an FAA extension as a vehicle to renew green energy tax subsidies set to expire at the end of this year under the [permanent tax extenders bill](#) signed into law last December.

Some conservatives may be concerned that H.R. 4721 extends the Essential Air Service (EAS) program. This program heavily subsidizes flights to and from rural areas—often at a cost of several hundred dollars per passenger. The [House Republican Budget](#) recommended phasing out the EAS.

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

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

DETAILED SUMMARY AND ANALYSIS:

The authorization for the FAA and other aviation programs is currently set to expire on March 31, 2016.

The Senate amendment to H.R. 4721 would extend the authorization through July 15, 2016, for:

- The Airport Improvement Program;
- Federal Aviation Administration Operations;
- Air Navigation Facilities and Equipment;
- Research, Engineering, and Development;
- The Essential Air Service;
- Revenue sources for the Airport and Airway Trust Fund, including ticket and fuel taxes; and
- Expenditure authority from the Airport and Airway Trust Fund.

COMMITTEE ACTION:

H.R. 4721 was introduced on March 10, 2016, and referred to the House Transportation and Infrastructure and Ways and Means Committees. The committees took no further action on the bill.

The House passed H.R. 4721 on March 14, 2016, by a voice vote. As passed by the House, H.R. 4721 would extend the authorization for the Federal Aviation Administration (FAA) through July 15, 2016, and also extend the taxes and expenditure authority for the Airport and Airways Trust Fund through March 31, 2017.

On March 17, 2016, the Senate passed H.R. 4721 with an amendment by unanimous consent.

In the 114th Congress, the Transportation and Infrastructure Committee has [held a number of hearings](#) and other events regarding the FAA reauthorization. In June 2015, the Committee [laid out principles](#) for reauthorization that would partially privatize the air traffic control system.

In February 2016, the House Transportation and Infrastructure Committee marked up and reported [H.R. 4441, the Aviation Innovation, Reform, and Reauthorization Act of 2016](#), which would extend aviation programs through 2022 and make major changes to the FAA's air traffic control operations by transitioning those services to a new federally chartered ATC Corporation.

The Senate Commerce, Science and Transportation Committee recently introduced [S. 2658, the Federal Aviation Administration \(FAA\) Reauthorization Act of 2016](#), which would reauthorize aviation programs in their current structure through 2017.

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, Clause 3, and Clause 18."

S. 1180 — Integrated Public Alert and Warning System Modernization Act of 2015 (Sen. Johnson, R-WI)

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

FLOOR SCHEDULE:

March 21, 2016 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[S. 1180](#) would require FEMA to modernize the Integrated Public Alert and Warning System.

COST:

The [Congressional Budget Office](#) (CBO) estimates that enacting S. 1180 “would cost \$37 million over the next five years, assuming appropriation of the necessary amounts over the 2016-2018 period.”

According to CBO, “in recent years, \$12 million has been allocated annually for IPAWS ... continuing the current operation and implementing the additional requirements under the bill would cost \$13 million per year over the next three years.”

CONSERVATIVE CONCERNS:

Some conservatives may be concerned this violates the [Majority Leader’s protocols](#) against scheduling a bill that provides an authorization for “such sums as may be necessary” instead of a specified dollar amount.

- **Expand the Size and Scope of the Federal Government?** Yes, implementing the bill would increase the annual costs for the program by about \$1 million, or 8.3%, above the currently appropriated levels.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

The Federal Emergency Management Agency (FEMA) established the Integrated Public Alert and Warning System (IPAWS) pursuant to an executive order from President Bush in 2006. IPAWS sends alerts to state, local, and tribal governments during emergencies, as well as national level alerts in the event of a national catastrophic emergency through “radio and television via the Emergency Alert System (EAS), cellular phones via Wireless Emergency Alerts (WEA), the National Oceanic and Atmospheric Administration (NOAA) All Hazards Weather Radio via the IPAWS–NOAA gateway, and Internet applications and websites via the IPAWS Public Feed”.

A 2013 [GAO report](#) found that additional guidance from FEMA was needed to help integrate IPAWS with state and local government alert systems.

S. 1180 would require the FEMA Administrator to “modernize” IPAWS “to help ensure that under all conditions the President and ... Federal agencies and State, tribal, and local governments can alert and warn the civilian population in areas endangered by natural disasters, acts of terrorism, and other man-made disasters or threats to public safety.”

The bill would give discretion to FEMA to determine common alert protocols and standards, include the capability to provide alerts to individuals with limited English proficiency, and to establish performance goals of the system.

The bill would require that alerts for IPAWS only relate to a natural disaster, act of terrorism, or other man-made disaster or threat to public safety, or for testing.

The bill would require FEMA to establish an Integrated Public Alert and Warning System Subcommittee to the National Advisory Council made up of Homeland Security officials and representatives of industry that carry alerts.

The bill would authorize “such sums as may be necessary” over the FY 2016 – 2018 period.

COMMITTEE ACTION:

S. 1180 was introduced on May 4, 2015, and referred to the Senate Committee on Homeland Security and Governmental Affairs. The Committee marked up and reported the bill by a voice vote on May 6, 2015. The Senate passed S. 1180 on July 9, 2015, by unanimous consent.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

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

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