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H.R. 2052 – Protecting the Rights of Individuals Against Technological Exploitation (PRIVATE) Act (McSally, R-AZ)

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

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.R. 2052](#) would amend the Uniform Code of Military Justice to prohibit the wrongful distribution or broadcast of intimate visual images.

COST:

No Congressional Budget Office (CBO) estimate is available.

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

CONSERVATIVE CONCERNS:

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

DETAILED SUMMARY AND ANALYSIS:

In March 2017, it was disclosed that an online group known as “Marines United” was wrongfully hosting and distributing intimate photographs of U.S. Marines. While the Marine Corps and Navy have the authority to discipline Marines and Sailors, and the Navy [recently issued](#) regulations prohibiting the nonconsensual distribution of intimate images there is no existing statutory authority for the discipline of individuals engaged in the prohibited conduct.

H.R. 2052 would amend the Uniform Code of Military Justice to make the wrongful distribution of intimate visual images punishable by court-martial. Individuals subject to the prohibition would be those who knowingly and wrongfully broadcast or distributes an intimate image of an identifiable individual without consent and who knew, or reasonably should have known, that image was made under circumstances in which the person depicted had a reasonable expectation of privacy.

COMMITTEE ACTION:

This bill was introduced on April 6, 2017 and referred to the House Committee on Armed Services.

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 14: "To make Rules for the Government and Regulation of the land and naval forces."

H.R. 467 – VA Scheduling Accountability Act (Walorski, R-IN)

CONTACT: [Amanda Lincoln](#), 202-226-2076

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.R. 467](#) would require each VA medical facility to annually certify that it is in full compliance with all provisions of law and regulation related to scheduling medical appointments, and prohibit the VA from awarding bonuses to senior staff in facilities unable to certify compliance. The bill would also require VA to ensure that policies are implemented in a standardized fashion across the department.

COST:

The [Congressional Budget Office \(CBO\)](#) estimates that enacting this bill would cost less than \$500,000 over the 2018-2022 period, subject to the availability of appropriated funds. Enacting this bill would not affect direct spending or revenues.

CONSERVATIVE CONCERNS:

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

DETAILED SUMMARY AND ANALYSIS:

H.R. 467 would direct the Secretary of Veterans Affairs (VA) to ensure that the director of each VA medical facility annually certify that the medical facility is fully compliant with all statutory and regulatory requirements related to scheduling medical appoints for veterans. This requirement would codify current VA practice, specified under [VHA Directive 1230](#). If the certification cannot be made, the VA medical facility director must report to the secretary explaining the reason and what actions will be taken to ensure full compliance with pertinent laws and regulations.

The VA is further prohibited from awarding bonus payments to senior staff – including the Director, Chief of Staff, Associate Director, Associate Director for Patient Care, and Deputy Chief of Staff – if compliance cannot be certified in any given year. The secretary must annually report to Congress a list of each medical facility making a certification and a list of each medical facility that did not make a certification, including a copy of any explanatory report submitted to the secretary.

Additionally, the bill requires the Secretary of Veterans Affairs to ensure that VA directives and policies are consistently applied to and implemented by each office and facility, and requires the secretary to notify Congress of any non-standard application or implementation of VA directive and policies, including an explanation if necessary.

COMMITTEE ACTION:

This bill was introduced by Representative Walorski (R-IN) on January 12, 2017 and referred to the House Committee on Veterans Affairs. A subcommittee hearing was held on March 29, and the subcommittee reported the bill by voice vote on April 6. The committee reported the bill by voice vote on May 17.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

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

H.R. 1293 — To amend title 5, United States Code, to require that the Office of Personnel Management submit an annual report to Congress relating to the use of official time by Federal employees (Ross, R-FL)

CONTACT: [Noelani Bonifacio](#), 202-226-9719

FLOOR SCHEDULE:

Scheduled for consideration on May 22, 2017 under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 1293](#) would require the Office of Personnel Management to submit a report detailing the amount of official time being used by federal employees for union activities.

COST:

The Congressional Budget Office (CBO) [estimates](#) that enacting H.R. 1293 would cost less than \$500,000 annually, subject to appropriation. The bill could affect direct spending, so pay-as-you-go procedures would apply. However CBO estimates the net increase in spending to be negligible. The bill would not affect revenues or increase net direct spending or on-budget deficits in the 4 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?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

Current law allows federal employees to conduct certain union related activities during working hours. This is known as “official time”. According to the [committee report](#), under current law agencies are not required to report the amount of official time federal employees use. A report on fiscal year 2014 showed that employees expended \$162 million in salary and benefits related to official time, which subsidizes union organizing activity at the expense of the federal taxpayer.

H.R. 1293 would amend [5 U.S.C. 7131](#) and require the Office of Personal Management (OPM) with the Office of Management and Budget (OMB) to submit a report to Congress. The report would detail: (1) the amount of official time given to employees; (2) the average amount of time used by bargaining unit employees; (3) the type of work the employee was paid for how those employees impacted the agency; (4) the number of employees granted official time; (5) the amount of compensation granted related to official time; (6) the amount of official time used by individuals representing employees who are not members of a union; and, (7) descriptions of the rooms where official time activities are conducted.

The report must be submitted by December 31 of each calendar year, with the first report being submitted no earlier than 6 months after enactment.

The House report (H115-118) accompanying H.R. 1293 can be found [here](#).

COMMITTEE ACTION:

H.R. 1293 was introduced on March 1, 2017 where it was referred to the Committee on Oversight and Government Reform. A mark-up session was held and the bill was 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 of the Constitution of the United States".

H.R. 624 — Social Security Fraud Prevention Act of 2017, as amended (Valadao, R-CA)

CONTACT: [Noelani Bonifacio](#), 202-226-9719

FLOOR SCHEDULE:

Scheduled for consideration on May 22, 2017 under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 624](#) would prohibit the inclusion of social security numbers on any document sent by the federal government through the mail, unless determined to be necessary by the head of the agency sending the correspondence.

COST:

The Congressional Budget Office (CBO) [estimates](#) that enacting H.R. 624 would have no significant cost to the federal government.

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 prohibit the inclusion of social security numbers on any document sent by the federal government through the mail, except when deemed necessary by an agency head. No later than one year after enactment, the head of each department and agency would be required to issue regulations outlining circumstances in which it may be necessary to include a social security number on a mailed document, and steps taken to conceal or redact the account number.

H.R. 624 contains identical language to H.R. 3779, which passed the House in the 114th Congress by voice-vote on September 26, 2016. The RSC's legislative bulletin for H.R. 3779 can be found [here](#).

COMMITTEE ACTION:

H.R. 624 was introduced on January 24, 2017 where it was referred to the Committee on Oversight and Government Reform. A mark-up session was held and the bill was 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 of the Constitution of the United States".

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