

LIBERTY. OPPORTUNITY. SECURITY.  
MARK WALKER, CHAIRMAN



**THE REPUBLICAN  
STUDY COMMITTEE**

1. [H.R. 6753 - Strengthening the Health Care Fraud Prevention Task Force Act of 2018, as amended](#)
2. [Concurring in the Senate Amendment to H.R. 2422 - Action for Dental Health Act of 2018](#)
3. [H.R. 6032 - State of Modern Application, Research, and Trends of IoT Act](#)
4. [H.R. 7164 - To add Ireland to the E-3 nonimmigrant visa program, as amended](#)

# H.R. 6753 – Strengthening the Health Care Fraud Prevention Task Force Act of 2018 (Walden, R-OR)

## FLOOR SCHEDULE:

Scheduled for consideration on November 28, 2018, under a suspension of the rules which requires a 2/3 majority for final passage.

**TOPLINE SUMMARY:** [H.R. 6753](#) would codify the Healthcare Fraud Prevention Partnership. This partnership would be a voluntary public-private partnership between the federal government, state agencies, law enforcement, private health insurance plans, and health care anti-fraud associations.

**COST:** A Congressional Budget Office score is not 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?** This legislation codifies an existing Federal partnership.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** This legislation would authorize the Secretary to perform such duties as the Secretary determines appropriate in carrying out this legislation.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

## DETAILED SUMMARY AND ANALYSIS:

[H.R. 6753](#) would codify the [Healthcare Fraud Prevention Partnership](#). This partnership would be a voluntary public-private partnership between the federal government, state agencies, law enforcement, private health insurance plans, and health care anti-fraud associations.

This legislation would state that in carrying out the partnership, the Secretary of Health and Human Services would enter into a contract with a trusted third party in order to carry out the duties of the partnership.

The duties of the partnership would be to: 1) provide technical and operational support to facilitate data sharing between partners in the partnership; 2) analyze data shared to identify fraudulent and aberrant billing patterns; 3) conduct aggregate analyses of health care data so shared across Federal, State, and private health plans for purposes of detecting fraud, waste, and abuse schemes; 4) identify outlier trends and potential vulnerabilities of partners in the partnership with respect to such schemes; 5) refer specific cases of potential criminal conduct to appropriate law enforcement entities; 6) convene, not less than annually, meetings with partners in the partnership for purposes

of providing updates on the partnership's work and facilitating information sharing between the partners; 7) enter into data sharing and data use agreements with partners in the partnership in such a manner so as to ensure the partnership has access to data necessary to identify waste, fraud, and abuse while maintaining the confidentiality and integrity of such data; 8) provide partners in the partnership with plan-specific, confidential feedback on any aberrant billing patterns or potential fraud identified by the partnership with respect to such partner; 9) establish a process by which entities may enter the partnership and requirements such entities must meet to enter the partnership; 10) provide appropriate training, outreach, and education to partners based on the results of data analyses; and 11) perform such other duties as the Secretary determines appropriate.

This legislation would require that not later than two years after the date of the enactment of this legislation, the trusted third party would be required to perform an analysis of aberrant or fraudulent billing patterns and trends with respect to providers and suppliers of substance use disorder treatments from data shared with the partnership.

This legislation would specify the Executive Board membership requirements, including who must be represented and the frequency of meetings.

This legislation would require that periodic reports be sent to the Congress by the Secretary which shall contain a review of the partnership, including: 1) Savings; 2) outcomes from the program; and 3) additional strategic plans.

This legislation would specify that the partnership described shall be funded by amounts otherwise made available to the Secretary for carrying out this partnership.

This legislation would state that not later than two years after the date of enactment, the Secretary of Health and Human Services shall conduct a study on the feasibility of the partnership and submit such a report to the Congress. The report would be required to include the estimated cost and any potential barriers to the partnership.

**COMMITTEE ACTION:** This legislation was introduced on September 7, 2018, and was referred to the House Committee on Ways and Means, as well as the House Committee on Energy and Commerce. The Energy and Commerce Committee marked up and reported the bill on [September 13, 2018](#), by voice vote.

**ADMINISTRATION POSITION:** No Statement of Administration Policy is available at this time.

**CONSTITUTIONAL AUTHORITY:** According to the sponsor of this legislation: "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8" No specific enumerating clause was cited.

# Senate Amendment to H.R. 2422 – Action for Dental Health Act of 2018 (Kelly, D-IL)

## FLOOR SCHEDULE:

Expected to be considered on November 28, 2018, under suspension of the rules, which requires a 2/3 majority for passage.

## TOPLINE SUMMARY:

[The Senate Amendment to H.R. 2422](#) would establish a new “Action for Dental Health” program to improve oral health education and literacy, and reduce barriers to dental service provision, as well as reauthorize numerous long-expired Centers for Disease Control and Prevention (CDC) and Health Resources and Services Administration (HRSA) programs that support access to oral health care. Congress has continued to provide annual appropriations for these programs despite their expiration.

## COST:

The [Congressional Budget Office \(CBO\)](#) estimates that implementing H.R. 2422 as reported by the House Energy and Commerce Committee would cost \$133 million over the 2018-2022 period, assuming appropriation of the specified amounts. Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

This score by the Congressional Budget Office does not reflect any changes made by the Senate.

## CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** The bill would create the new “Action for Dental Health program.”
- **Encroach into State or Local Authority?** Some conservatives may believe that such activities would be most appropriately funded by state and local governments, or by civil society.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

## DETAILED SUMMARY AND ANALYSIS:

H.R. 2422 would authorize \$18 million for each of FY 2018-2022 for certain programs at CDC which provide grants to state and local governments to promote disease prevention and reduce disparities in oral health care, including through community water fluoridation and school-based dental sealant programs. It would also establish the Action for Dental Health Program, through which the HHS Secretary would provide eligible entities with grants to develop initiatives to improve oral health education, enhance dental disease prevention, increase oral health literacy, and reduce geographic, language, and cultural barriers to the provision of dental services. CBO estimates implementing those provisions would cost \$75 million over the 2018-2022 period; the rest would be spent in years after 2022.

The bill would also authorize \$13.309 million for each of FY 2018-2022 for the Grants to States to Support Oral Health Workforce Activities program operated by HRSA, which provide grants to states for dentistry and dental hygiene programs in rural and underserved communities. The bill would also expand eligible program activities to include providing dental care to residents of nursing homes, establishing dental homes for children and adults, and establishing initiatives to reduce

emergency department use. CBO estimates that implementing these provisions would cost \$49 million over the FY 2018-2022 period; the remaining amount would be spent in years after 2022.

**COMMITTEE ACTION:**

This bill was introduced on May 5, 2017, and passed the House on February 26, 2018 by a [vote](#) of 387-13. The legislation was subsequently received by the Senate where it passed with an amendment on October 11, 2018, by voice vote.

**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 1 of the United States Constitution.

# H.R. 6032 – SMART IoT Act (Rep. Latta, R-OH)

## FLOOR SCHEDULE:

Scheduled for consideration on November 28, 2018, under a suspension of the rules which requires a 2/3 majority for final passage.

## TOPLINE SUMMARY:

[H.R. 6032 would](#) require the Secretary of Commerce to conduct a study on the internet-connected devices industry and submit a report to congress that includes recommendations for growing the American economy through the secure advancement of internet-connected devices.

## COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 6032 would cost \$2 million, subject to appropriation.

The bill does not authorize additional funds to carry out the provisions.

## 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. 6032 would require the Secretary of Commerce to conduct a study on the internet-connected devices industry and submit a report to Congress that includes recommendations for growing the American economy through the secure advancement of internet-connected devices. The bill does not authorize additional funds to carry out the provisions.

The report accompanying H.R. 6032 (H. Rept. 115-1003) can be found [here](#).

## COMMITTEE ACTION:

H.R. 6032 was introduced on June 7, 2018, and referred to the House Committee on Energy and Commerce. The bill was marked-up on July 12, 2018, and reported by voice vote.

## 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: Congress shall have the Power . . ." to regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes."

# H.R. 7164 – To Add Ireland to the E-3 Nonimmigrant Visa Program (Rep. Sensenbrenner, R-WI)

## **FLOOR SCHEDULE:**

Scheduled for consideration on November 28, 2018, under a suspension of the rules which requires a 2/3 majority for final passage.

## **TOPLINE SUMMARY:**

[H.R. 7164 would allow Irish citizens to use the unused visas from the E-3 nonimmigrant visa program, which currently is only open to citizens of Australia.](#)

## **COST:**

A Congressional Budget Office (CBO) is not 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:**

Conservatives may be concerned that this legislation expands access to a special visa category rather than shifting toward a more general merit-based immigration system for all applicants. This legislation would provide special consideration for certain Irish nationals while other nations with highly skilled immigrants are subject to per-country caps for other employment-based visas.

Moreover, some conservatives may be concerned that valuable time and resources are being used to provide access to a special visa category to Ireland when the United States is currently grappling with several pressing immigration issues that we have been unable to address, including surges of migrants arriving at the southern border, needed reform of U.S. asylum laws, and a fix to the Flores Settlement Agreement. This legislation may seem to some conservatives as untimely and out of step with the current immigration problems dominating public attention that need a swift resolution. When conservatives fought to vote on broader immigration bills, namely Goodlatte I and Goodlatte II, they also fought to limit special immigration categories in favor of a more merit-based approach.

Conservatives may also be concerned that this legislation continues to exempt spouses and children from the 10,500 person cap. Under the program, spouses are eligible to freely work in the United States without limitation.

Similar legislation, which would have allotted 10,500 E-3 visas for citizens of Ireland was criticized for providing preferential treatment through a carve out for Irish nationals, with some outlets referring to it as a [pork barrel visa](#) bill.

- **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 legislation would allow Irish citizens to use the unused visas from the Australian E-3 visa program. The program is capped at 10,500 visas. The unused visas would be rolled over to the next fiscal year, as the number of unused visas would not be clear until the close of the year – though the cap would remain in place. Employers using the E-3 Visa program would be required to be in good standing with E-Verify, using it across the board for all visas. Employers would have to undergo all necessary requirements regarding employment visas, including petitioning, obtaining labor certifications, and applying on behalf of the individual. Spouses and children would continue to not count against the cap, and spouses would be able to work freely limitation. E-3 visas are valid for two years and are indefinitely renewable. Ireland would be required to provide a similar reciprocal program

The E-3 Certain Specialty Occupation Professionals from Australia visa program was established in 2005 for Australians as part of the Australia-US Free Trade Agreement. To be [eligible](#), an applicant must currently be a national of Australia, have a U.S. offer of employment, have the necessary credentials to perform services in a specialty occupation, and will be taking a job that qualifies as a specialty occupation. Many believe the program was established as a sort of [thank you](#) to Australia for being supportive of America during the War on Terror.

Under this legislation Australians would continue to be eligible for the entirety of the allotted visas – however, any visas that go unused by Australians could then go to Irish nationals. In FY 2017 Australian nationals used just under 5,700 of the allotted visas.

### **COMMITTEE ACTION:**

H.R. 7164 was introduced on November 20, 2018, and was referred to the House Committee on the Judiciary.

### **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 4.

---

**NOTE:** *RSC Legislative Bulletins are for informational purposes only and should not be taken as statements of support or opposition from the Republican Study Committee.*

###