



Legislative Bulletin.....September 16, 2014

Contents:

- H.R. 3593, the VA Construction Assistance Act of 2013, as amended**
- H.R. 5404 — Department of Veterans Affairs Expiring Authorities Act of 2014, as amended**
- H.R. 4276, Veterans Traumatic Brain Injury Improvement Act of 2014**
- S. 2258 - Veterans' Compensation Cost-of-Living Adjustment Act of 2014**
- H.R. 24 — Federal Reserve Transparency Act of 2013 (Broun, R-GA)**
- H.R. 5169 - Senior Executive Service Accountability Act, as amended**
- H.R.5170 - Federal Records Accountability Act of 2014, as amended**
- H.R. 5418 — To prohibit officers and employees of the Internal Revenue Service from using personal email accounts to conduct official business (Boustany, R-LA)**
- H.R. 5419 — To amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations (Boustany, R-LA)**
- H.R. 5420 — To amend the Internal Revenue Code of 1986 to permit the release of information regarding the status of certain investigations (Boustany, R-LA)**
- H.R. 3043 — Tribal General Welfare Exclusion Act of 2013 (Nunes, R-CA)**
- H.R. 4137 — Preserving Welfare for Needs Not Weed Act (Reichert, R-WA)**
- H. R. 5462 – To amend title 49, United States Code, to provide for limitations on the fees charged to passengers of air carriers.**

**H.R. 3593, the VA Construction Assistance Act of 2013, as amended —
(Coffman, R-CO)**

Order of Business: H.R. 3593 is scheduled for consideration on September 16, 2014, under a suspension of the rules, which requires a two-thirds majority vote for passage.

Summary: [H.R. 3593](#) institutes reforms to the construction of major VA medical facilities and expresses the sense of Congress that: 1) the management of major medical center construction projects has been an “abysmal failure,” 2) the Secretary of the VA should implement all recommendations from the April 2013 GAO report to improve construction procedures, and 3) management of current construction projects in Denver, Orlando, and New Orleans should be subject to independent oversight by a special project manager from the Army Corps of Engineers. The bill also includes a sense of Congress that estimates the average cost increase of VA construction projects attributed to delays is \$336 million per project.

The bill requires that for each major medical facility project the Secretary shall use a medical equipment planner, develop and use a project management plan to ensure communication among all parties, subject the project to construction peer review, and develop metrics monitor change-orders.

The Secretary of Veterans Affairs is directed to enter into an agreement with the Army Corps of Engineers to appoint no less than one special project manager (who has experience in managing construction projects) to oversee the projects until they are completed. The special manager will conduct oversight of all construction-related operations, advise and assist the VA in any construction-related activity, and conduct independent technical reviews. The special projects manager will submit reports to Congress which detail the plans of their project, an analysis of all advice given to the VA, analysis of all the changes made to the project, analysis of the communication and working relationship between the VA and the contractor, and recommendations on how to complete the project in a timely manner.

No additional funds are authorized to be appropriated to carry out this act.

Additional Background: According to the [GAO](#), the VA Office of Construction and Facilities Management is currently managing the construction of 50 major medical facility projects. These medical centers offer a wide variety of services which range from primary care to more complex issues such as spinal cord injury care, and are, on average, 60 years old.

Four of the largest medical facility construction projects have had cost increases ranging from 59-144 percent over the estimates submitted to Congress. This represents a total cost increase of almost \$1.5 billion with scheduling delays ranging from 14-74 months. Of the remaining 46 major medical facility projects, 26 have been recently completed with over half experiencing cost increases. Of the 24 still under construction, 19 are currently facing delays.

Committee Action: This bill was introduced by Representative Coffman on November 21, 2013, and referred to the House Committee on Veterans' Affairs. On September 10, 2014, the committee held a [mark-up](#) where the bill was ordered to be reported out by voice vote.

Administration Position: No Statement of Administration Policy is available at this time.

Cost to Taxpayers: [CBO](#) expects that implementing this provision would require project managers and support teams at the Colorado and Louisiana sites only, at a cost of \$3 million over the 2015-2019 period, assuming appropriation of the necessary amounts.

Pay-as-you-go procedures do not apply to this legislation because it would not affect direct spending or revenues.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: H.R. 3593 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: No.

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: No.

Constitutional Authority: According to the sponsor, “Article I, Section 8, Clauses 12, 14 and 18 of the Constitution of the United States; the authority raise and support an army, to make rules for the government and regulation of the land and naval forces and to make all laws which shall be necessary and proper for carrying into execution the foregoing powers.” Read the statement [here](#).

RSC Staff Contact: Rebekah Armstrong, Rebekah.Armstrong@mail.house.gov, 202-226-0678

H.R. 5404 — Department of Veterans Affairs Expiring Authorities Act of 2014, as amended (Denham, R- CA)

Order of Business: [H.R. 5404](#) is scheduled for consideration on September 16, 2014, under a suspension of the rules, which requires a two-thirds majority vote for passage.

Summary: This bill extends 25 expiring provisions of law administered by the Secretary of Veterans’ Affairs. These extensions include:

1. Extends through December 31, 2015, the [requirement](#) to provide nursing home care to certain veterans with service-connected disabilities.
2. Extends the authority of a pilot program created under the [Caregivers and Veterans Omnibus Health Services Act of 2010](#) through December 31, 2015. This program evaluates the feasibility and advisability of providing reintegration and readjustment services in group retreat settings to women veterans who are recently separated from service in the Armed Forces after a prolonged deployment. It authorizes \$2,000,000 for FY15 to carry out the pilot program.
3. Extends the authority of a pilot program created under the [Caregivers and Veterans Omnibus Health Services Act of 2010](#) through December 31, 2015. This program assesses the feasibility and advisability of providing assistance to qualified veterans to obtain child care so that such veterans can receive health care services. It authorizes \$1,500,000 for FY15 to carry out the pilot program.
4. Extends a [grant program](#) for veteran service organizations to provide innovative transportation options to veterans in highly rural areas through 2015.
5. Extends a reporting requirement found in the [Wounded Warrior Act](#) to require a report from the director of the inter-agency program office of the Department of Defense and the Department of Veterans Affairs (the Office) through 2015. The report will include a description of the Office and progress made by the Department of Defense and the Department of Veterans Affairs in the full implementation of electronic health record system.
6. Extends the [authority](#) to provide for performance of medical disability examinations of applicants for benefits under laws administered by the Secretary by physicians other than Department of Veterans Affairs employees through December 31, 2015.
7. Extends the [authority](#) to collect copayments for hospital and nursing home care from a veteran through September 30, 2015.

8. Extends the [authority](#) of third parties to recover or collect reasonable charges for care or services which is furnished to a veteran for a non-service-connected disability through October 1, 2015.
9. Amends current law to [increase](#) funding for comprehensive service programs for homeless veterans to \$250,000,000. This amount is equal to FY2014 funding levels.
10. Extends the authorization of appropriations for homeless veterans reintegration programs through FY2015 at a funding level of \$50,000,000.
11. Extends the [authority](#) to provide referral and counseling services with respect to benefits and services available for veterans at risk of homelessness through September 30, 2015.
12. Extends the authority for [general treatment](#) and rehabilitation and [additional services](#) for mentally ill and homeless veterans through September 30, 2015.
13. Extends the [authority](#) of the Secretary to provide housing assistance for homeless veterans through September 30, 2015.
14. Extends the [authority](#) provide financial assistance to eligible entities to provide and coordinate the provision of supportive services very low-income veteran families occupying permanent housing through FY 2015.
15. Extends the [authority](#) for grant programs for homeless veterans with special needs through FY 2015.
16. Extends the [authority](#) for the Veterans' Advisory Committee on Education through December 31, 2015.
17. Extends the [authority](#) for calculating the net value of real property at the time of foreclosure through October 1, 2015.
18. Extends the [authority](#) of the Secretary relating to vendee loans through September 30, 2015.
19. Extend the [authority](#) to transport any person to or from a Department facility or other place in connection with vocational rehabilitation, counseling required by the Secretary for the purpose of examination, treatment, or care through December 31, 2015.
20. Extends the [authority](#) to maintain a VA regional office in the Republic of the Philippines until September 30, 2015.
21. Extends the [requirement](#) to provide reports to Congress regarding equitable relief in the case of administrative error through December 31, 2015.
22. Extends the [authority](#) for an advisory committee on minority veterans through December 31, 2015.
23. Extends the [authority](#) to assist a disabled veteran to acquire suitable housing with special fixtures or movable facilities made necessary by the nature of the veteran's disability through September 30, 2015. In addition, it extends a requirement that the Secretary may not approve more than 30 applications for assistance through FY 2015.
24. Lowers the [reporting fee](#) the Secretary pays to an educational institution. A reporting fee will be used in lieu of any other compensation or reimbursement for reports or certifications which such educational institution or joint apprenticeship training committee is required to submit to the Secretary by law or regulation.
25. Extends the authority for the [National Academy of Sciences](#) to review and evaluate the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides through December 31, 2105.

In addition to the extension of authority for expiring provisions, the bill makes changes to the health professionals education debt reduction program. Finally, the bill amends the Veterans Access, Choice, and Accountability Act of 2014 to make minor updates and clarifications.

Major Changes Since the Last Time This Legislation was Before the House: On December 10, 2013, the House passed ([353 – 0](#)) [H.R. 1402](#), the VA Expiring Authorities Extension Act of 2013, which includes several of the same authorities extended in H.R. 5404.

Committee Action: This bill was introduced on September 8, 2014, by Representative Denham and referred to the Committee on Veterans' Affairs, the Committees on Armed Services, and the Budget Committee. On September 10, 2014, the Veterans' Affairs committee held a mark-up and the bill was ordered to be reported out by voice vote.

Administration Position: No Statement of Administration Policy is available at this time.

Cost to Taxpayers: An updated CBO score is not available at this time.

Does the Bill Expand the Size and Scope of the Federal Government?: This bill extends the authority for programs that were already in existence, yet set to expire.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: H.R. 5404 would impose an intergovernmental and private-sector mandate as defined in the Unfunded Mandates Reform Act (UMRA) by extending the period during which insurers would have to cover certain care provided by the Department of Veterans Affairs (VA) to veterans with conditions related to military service.

CBO estimates that the cost of the mandate would exceed the threshold established in UMRA for private-sector mandates in fiscal year 2015, but that the cost to state and local governments would not exceed the threshold established for intergovernmental mandates in that year. (The thresholds in 2014 are \$76 million for intergovernmental mandates and \$152 million for private-sector mandates; both thresholds are adjusted annually for inflation.)

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: No.

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: No.

Constitutional Authority: According to the sponsor, “Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8 of the United States Constitution.” Read the statement [here](#).

RSC Staff Contact: Rebekah Armstrong, Rebekah.Armstrong@mail.house.gov, 202-226-0678

H.R. 4276, Veterans Traumatic Brain Injury Improvement Act of 2014 — (Cassidy, R-LA)

Order of Business: [H.R. 4276](#) is scheduled for consideration on September 15, 2014, under a suspension of the rules, which requires a two-thirds majority vote for passage.

Summary: [The Veterans Access, Choice, and Accountability Act of 2014](#) included a 3 year extension of a pilot program which assesses the effectiveness of providing assisted living services to eligible veterans to enhance rehabilitation, quality of life, and community integration. This bill enhances the reporting requirements associated with the pilot projects.

The Secretary is to submit quarterly reports to Congress detailing the number of individuals in the program, the number who successfully completed the program, the degree to which the participant and family were satisfied, and any interim findings. At the completion of the pilot program the Secretary is to submit a final report which evaluates the pilot program in light of other independent living programs carried out by the Secretary.

No additional funds are authorized to be appropriated to carry out this Act.

Additional Background: This pilot program originated in the National Defense Authorization Act for Fiscal Year 2008, and was created to assess the effectiveness of providing assisted living services to eligible veterans to enhance rehabilitation, quality of life, and community integration.

Committee Action: This bill was introduced by Representative Cassidy on March 18, 2014, and referred to the House Committee on Veterans' Affairs.

Administration Position: No Statement of Administration Policy is available at this time.

Cost to Taxpayers: [CBO](#) estimates that implementing this bill would cost \$1 million over the 2015-2019 period, assuming the availability of appropriated funds.

Enacting H.R. 4276 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: H.R. 4276 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: No.

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: No.

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:

Constitutional Authority: According to the sponsor, “Congress has the power to enact this legislation pursuant to the following: The Constitutional authority on which this bill rests is the power of Congress as stated in Article 1, Section 8 of the United States Constitution.” Read the statement [here](#).

RSC Staff Contact: Rebekah Armstrong, Rebekah.Armstrong@mail.house.gov, 202-226-0678

S. 2258 - Veterans’ Compensation Cost-of-Living Adjustment Act of 2014 — (Begich, D-AK)

Order of Business: [S. 2258](#) is scheduled for consideration on September 15, 2014, under a suspension of the rules, which requires a two-thirds majority vote for passage.

Summary: This bill directs the Secretary of Veterans’ Affairs to increase the rate of compensation for veterans effective December 1, 2014. The increase in payment is for the payment of wartime disability compensation, additional compensation for dependents, the clothing allowance for certain disabled veterans, and dependency and indemnity compensation for surviving spouses and children.

The amount will be increased by the same percentage that the amounts payable under title II (Old Age, Survivors and Disability Insurance) of the Social Security Act are increased effective December 1, 2014.

This bill follows the traditional practice of setting veterans’ disability compensation COLA by reference to the yet-to-be determined Social Security increase.

Additional Background: [Disability compensation](#) is a tax-free monetary benefit paid to a veteran with disabilities incurred during military service. The benefit received is dependent upon the degree of disability on a scale of 10-100. Veterans with unique clothing needs due to a service related injury or disability may qualify for supplemental compensation in the form of a [clothing allowance](#). Finally, [dependency and indemnity compensation](#) is generally given to a surviving spouse, child, or parent of a Service member who died while on active duty, or a veteran who died due to their service connected disabilities.

Committee Action: This bill was introduced by Senator Begich on April 28, 2014, and referred to the Senate Committee on Veterans’ Affairs where it was discharged by Unanimous Consent. The Senate passed the bill on September 11, 2014, by Unanimous Consent.

Administration Position: No Statement of Administration Policy is available at this time.

Cost to Taxpayers: No CBO score is available at this time.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: No.

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: No.

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: Legislation introduced in the Senate does not require a constitutional authority statement.

RSC Staff Contact: Rebekah Armstrong, Rebekah.Armstrong@mail.house.gov, 202-226-0678

H.R. 24 — Federal Reserve Transparency Act of 2013 (Broun, R-GA)

Order of Business: H.R. 24 is expected to be considered on September 16, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: [H.R. 24](#) would require the Government Accountability Office (GAO) to conduct an audit of the Federal Reserve System within 12 months of enactment of the legislation. After completion of the audit, the GAO would submit a report to Congress. H.R. 24 would also repeal current-law prohibitions that prevent the GAO from auditing the Federal Reserve’s monetary policy and international transactions.

Additional Background: The House passed [similar legislation](#) sponsored by Rep. Ron Paul on July 25, 2012, by a [327 – 98 vote](#).

Committee Action: H.R. 24 was introduced on January 3, 2013, and referred to the House Oversight and Government Reform Committee and the House Financial Services Committee. The Oversight and Government Reform Committee marked up and reported H.R. 24 on [July 24, 2014](#), by voice vote.

Outside Groups: Campaign for Liberty is [encouraging support](#) for H.R. 24.

FreedomWorks is [key voting](#) support for H.R. 24.

Cost to Taxpayers: According to a Congressional Budget Office [cost estimate](#), H.R. 24 “would increase discretionary spending by \$5 million over the 2015-2019 period, assuming

appropriation of the necessary amounts,” and “would increase costs of the Federal Reserve and thus decrease federal revenues by less than \$500,000 in each year of the 2015-2024 period, and by \$3 million in total over that period.”

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: No.

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: No.

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: “Congress has the power to enact this legislation pursuant to the following: This legislation is authorized by Article I, Section 8 of the Constitution: “To coin money, regulate the value thereof, and of foreign coin, and fix the standards of weights and measures” and “To provide for the punishment of counterfeiting the securities and current coin of the United States.”

RSC Staff Contact: Matt Dickerson, matthew.dickerson@mail.house.gov, 6-9718

H.R. 5169 - Senior Executive Service Accountability Act, as amended — (Walberg, R-)

Order of Business: [H.R. 5169](#) is scheduled for consideration on September 15, 2014, under a suspension of the rules, which requires a two-thirds majority vote for passage.

Summary: This bill amends Title 5 (Government Organization and Employees) to enhance accountability and make several changes to the condition of employment within the Senior Executive Service (SES).

First, it requires justification for each new SES to be included in an agency’s written request to the Office of Personnel Management (OPM). For career appointees, the probationary period is increased from one year to two years, and the bill modifies the pay retention for SES members who are removed for under-performance. Finally, the bill modifies the cause and procedures for termination and sets the standard for days an employee can respond against an action and the time in which a written decision must be delivered.

Additional Background: According to [OPM](#), Congress established the SES, through the Civil Service Reform Act of 1978, to provide a Government-wide, mobile corps of managers within Federal agencies that is comprised of mostly career appointees.

Committee Action: This bill was introduced by Representative Walberg on July 23, 2014, and referred to the House Committee on Oversight and Government Reform. On July 24, the committee held a [mark-up](#) and the bill was ordered to be reported out by voice-vote.

Outside Groups Opposition:
[Senior Executive Association](#)

Administration Position: No Statement of Administration Policy is available at this time.

Cost to Taxpayers: [CBO](#) estimates that implementing H.R. 5169 would not have a significant impact on federal spending. Enacting the bill could affect revenues; therefore, pay-as-you-go procedures apply. However, CBO estimates that any such effects would be insignificant over the next ten years.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: H.R. 5169 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: No.

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: No.

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: According to the 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.” Read the statement [here](#).

RSC Staff Contact: Rebekah Armstrong, Rebekah.Armstrong@mail.house.gov, 202-226-0678

H.R.5170 - Federal Records Accountability Act of 2014, as amended — (Meadows, R-NC)

Order of Business: [H.R. 5170](#) is scheduled for consideration on September 16, 2014, under a suspension of the rules, which requires a two-thirds majority vote for passage.

Summary: This bill amends Title 5 (Government Organization and Employees) to improve employee compliance with the Federal and Presidential recordkeeping requirements. In the event the Inspector General (IG) determines a federal employee has willfully and unlawfully concealed or destroyed any record, the head of the agency will be notified. The employee can then be suspended by the head of the agency and will be notified within 15 days of the charges. After an investigation, the head of the agency has the ability to remove the employee if the head determines the employee has willfully and unlawfully concealed or destroyed any record. An employee who is removed has the right to appeal this decision.

In addition, this bill amends the Presidential Records Act to include a new requirement that forbids the President, Vice President, or an employee, as defined by this bill, to create or send a Presidential or Vice Presidential record using a non-official electronic messaging account. An intentional violation of this requirement will be elevated to the IG.

The bill further prohibits any officer or employee of the federal government from creating or sending a record using a non-official electronic messaging account for official business. An intentional violation of this requirement will be elevated to the IG.

In the event of an unlawful removal or destruction of records, the head of the federal agency is to notify the Archivist and publish a general description of the records at risk or those that have been lost. With the assistance of the Archivist, the head of the agency will initiate action through the Attorney General for the recovery of the records.

No later than November 15, 2014, the head of each federal agency will designate a Senior Agency Official for Records Management.

No later than 18 months after enactment, the Archivist will promulgate regulations governing agency preservation of electronic messages that are determined to be records.

The Archivist will annually certify whether the electronic records management controls established by the President meet all requirements and will submit a report to Congress and relevant agencies regarding the status of the certification.

Finally, the bill requires the identification of electronic messaging accounts that should be preserved and includes accounts such as the head of a federal agency, the deputies, assistants the head of each program office, etc.

Additional Background: This bill comes on the heels of news that emails of former IRS official, Lois Lerner, may have been lost forever after her hard drive crashed and was recycled. In addition, the Oversight and Government Reform Committee [uncovered](#) the fact that she “improperly used a non-official email account to conduct official business.” The use of non-official accounts raises concerns that the emails were not properly archived or captured. This bill sets new standards to remedy this problem and prevent it from happening in the future

Committee Action: This bill was introduced by Representative Meadows on July 23, 2014, and referred to the House Committee on Oversight and Government Reform. The Committee held a

[mark-up](#) on July 24, 2014, and the bill was ordered to be reported out, as amended, by voice vote.

Administration Position: No Statement of Administration Policy is available at this time.

Cost to Taxpayers: No CBO score is available at this time.

Does the Bill Expand the Size and Scope of the Federal Government?: This bill enhances and expands record keeping as related to electronic messages.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: No.

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: No.

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:

Constitutional Authority: According to the 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.” Read the statement [here](#).

RSC Staff Contact: Rebekah Armstrong, Rebekah.Armstrong@mail.house.gov, 202-226-0678

H.R. 5418 — To prohibit officers and employees of the Internal Revenue Service from using personal email accounts to conduct official business (Boustany, R-LA)

Order of Business: [H.R. 5418](#) is expected to be considered on September 16, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: The legislation states that “No officer or employee of the Internal Revenue Service may use a personal email account to conduct any official business of the Government.”

Additional Background: Former IRS official Lois Lerner allegedly [used a personal e-mail account](#) to conduct official business. According to the House Committee on Oversight and Government Reform, use of non-official e-mail accounts to conduct official business “creates difficulties in fulfilling the IRS’s obligations under the Freedom of Information Act and other litigation requests”, and “also frustrates congressional oversight obligations.”

Committee Action: H.R. 5418 was introduced on September 9, 2014, and referred to the House Ways and Means Committee. The Committee took no action on the legislation.

Cost to Taxpayers: A CBO report is not available.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: No.

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: No.

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: “Congress has the power to enact this legislation pursuant to the following: Clauses 1 and 18 of Section 8 of Article I of the United States Constitution.”

RSC Staff Contact: Matt Dickerson, matthew.dickerson@mail.house.gov, 6-9718

H.R. 5419 — To amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations (Boustany, R-LA)

Order of Business: H.R. 5419 is expected to be considered on September 16, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: [H.R. 5419](#) would require the Internal Revenue Service (IRS) to establish procedures for an administrative appeal for organizations applying for tax-exempt status in the event of an adverse qualification determination against such an organization.

Committee Action: H.R. 5419 was introduced on September 9, 2014, and referred to the House Ways and Means Committee. The Committee took no action on the legislation.

Cost to Taxpayers: A CBO report is not available.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: No.

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: No.

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: “Congress has the power to enact this legislation pursuant to the following: Clauses 1 and 18 of Section 8 of Article I of the United States Constitution.”

RSC Staff Contact: Matt Dickerson, matthew.dickerson@mail.house.gov, 6-9718

H.R. 5420 — To amend the Internal Revenue Code of 1986 to permit the release of information regarding the status of certain investigations (Boustany, R-LA)

Order of Business: H.R. 5420 is expected to be considered on September 16, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: [H.R. 5420](#) would permit the Internal Revenue Service (IRS) to release information about the investigation of leaked taxpayer information to victims of this crime.

Under current law, victims who have had their confidential tax information leaked are not permitted to receive information regarding an investigation into their case.

Committee Action: H.R. 5420 was introduced on September 9, 2014, and referred to the House Ways and Means Committee. The Committee took no action on the legislation.

Cost to Taxpayers: A CBO report is not available.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: No.

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: No.

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: “Congress has the power to enact this legislation pursuant to the following: Clauses 1 and 18 of Section 8 of Article I of the United States Constitution.”

RSC Staff Contact: Matt Dickerson, matthew.dickerson@mail.house.gov, 6-9718

H.R. 3043 — Tribal General Welfare Exclusion Act of 2013 (Nunes, R-CA)

Order of Business: H.R. 3043 is expected to be considered on September 16, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: [H.R. 3043](#) would exclude from gross income for Federal tax purposes Indian general welfare benefits. Indian general welfare benefits are defined as payments or services provided to members of an Indian tribe by a tribal government for the promotion of general welfare.

The bill's [sponsor believes](#) that the legislation would “rectify the situation by allowing tribes more leeway to administer programs at an effective, local level.”

Committee Action: H.R. 3043 was introduced on August 2, 2013, and referred to the House Ways and Means Committee. The Committee took no action on the legislation.

Outside Groups: The [U.S. Chamber of Commerce](#) supports H.R. 3043, writing that “the time is right for Congress and the Administration to come together in consultation with the Tribes to clearly – and equitably – lay out the rules of the road.”

Cost to Taxpayers: A CBO report is not available.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: No.

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: No.

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: “Congress has the power to enact this legislation pursuant to the following: Clause 3 of Section 2 of Article I of the United States Constitution Clause 3 of Section 8 of Article I of the United States Constitution Section 2 of the XIV Amendment to the United States Constitution.”

RSC Staff Contact: Matt Dickerson, matthew.dickerson@mail.house.gov, 6-9718

H.R. 4137 — Preserving Welfare for Needs Not Weed Act (Reichert, R-WA)

Order of Business: H.R. 4137 is expected to be considered on September 16, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: [H.R. 4137](#) would prohibit welfare recipients from accessing Temporary Assistance for Needy Families (TANF) benefits at ATMs in stores that sell marijuana or using benefit cards to purchase items at these stores.

Additional Background: Under current law, TANF benefits are not accessible in liquor stores, casinos and strip clubs. According to [media reports](#), more than \$5,000 in welfare benefits was accessed at marijuana stores in the first month of Colorado's legalization of the drug.

Committee Action: H.R. 4137 was introduced on March 4, 2014, and referred to the House Ways and Means Committee. The Committee took no action on the legislation.

Cost to Taxpayers: No CBO report is available.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: Yes, H.R. 4137 requires States that administer the TANF program to maintain policies to prevent beneficiaries from accessing benefits at stores that sell marijuana.

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: No.

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: No.

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

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 Defence and general Welfare of the United States.'"

RSC Staff Contact: Matt Dickerson, matthew.dickerson@mail.house.gov, 6-9718

H. R. 5462 – To amend title 49, United States Code, to provide for limitations on the fees charged to passengers of air carriers. (Rep. Hudson, R-NC)

Order of Business: The bill is scheduled to be considered on September 16, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: [H. R. 5462](#) would amend [Title 49](#), United States Code, to provide for limitations on the fees charged to passengers of air carriers. Fees imposed on passengers would be limited to \$5.60 per one-way trip in air transportation or intrastate air transportation that originates at an airport in the United States, and \$11.20 per round trip.

The term “round trip” is defined as a trip on an air travel itinerary that terminates or has a stopover at the origin point (or co-terminal).

The bill shall apply with respect to a trip in air transportation or intrastate air transportation that is purchased on or after the date of the enactment of the Act.

Additional Information: According to the bill’s sponsor, the Transportation Security Administration (TSA) has misinterpreted the Bipartisan Budget Act of 2013 ([Public Law 113-67](#)) language and eliminated caps on fees for round trip travel. As a result, the TSA will collect between approximately \$30 million and \$60 million annually in additional unauthorized fees. Additionally according to the sponsor, taxes and fees, including this one, are 21% of a typical \$300 domestic ticket. A link to the sponsor’s press release on the H. R. 5462 can be found [here](#). A list of cosponsors can be found [here](#). A letter of support from Airlines for America can be found [here](#).

Administration Position: No Statement of Administration Policy is available.

Committee Action: The bill was introduced on September 15, 2014 and was referred to the House Committee on Homeland Security.

Cost to Taxpayers: No Congressional Budget Office cost estimate is available.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No Congressional Budget Office cost estimate is available.

Constitutional Authority: Congress has the power to enact this legislation pursuant to the following: Article One, Section Eight: “The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States ...”

RSC Staff Contact: Nicholas Rodman, nicholas.rodman@mail.house.gov, (202) 226-8576

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.*

###