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H.R. 1428 — Judicial Redress Act of 2015, (Rep. Sensenbrenner, R-WI)

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FLOOR SCHEDULE:

Scheduled for consideration on October 20, 2015 under suspension of the rules, which requires 2/3 majority for passage

TOPLINE SUMMARY:

[H.R. 1428](#) would extend to citizens of certain U.S. allies, the ability to seek redress from the federal government for violations of the [Privacy Act](#) with regard to law enforcement related information that is shared between the United States and foreign governments. These citizens would receive the same protections, subject to the same terms and conditions, as U.S. citizens and permanent residents under the Privacy Act, allowing them to sue the United States for the intentional or willful disclosure of information that caused harm

COST:

The Congressional Budget Office (CBO) [estimates](#) that an increase in direct spending would be insignificant.

CONSERVATIVE CONCERNS:

There are no substantive concerns regarding the resolution.

- **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. 1428 would provide citizens of select U.S. allied nations with the ability to pursue a civil action with civil remedies in U.S. District Court, for unauthorized disclosure of personal information as would be protected under the Privacy Act. Under current law, the Privacy Act provides American citizens and lawful permanent residents with the ability to bring claims against the U.S. government if their personal information is disclosed in an unlawful manner. This bill would extend those same protections to certain foreign citizens, subject to the same limitations and protections of the Privacy Act, including broad exemptions for national security.

This legislation is tailored to apply to a narrow set of circumstances—specifically, to information covered foreign citizens obtain from their home countries. The United States already enjoys similar protections in Europe. A transnational [EU-US data protection](#) “Umbrella Agreement” that has been negotiated will be signed, contingent on the passage of this legislation.

H.R. 1428 would encourage continued sharing of law enforcement data with America’s foreign allies by allowing citizens of covered countries to correct inaccurate information in their U.S. records, which otherwise could subject the innocent to criminal charges or surveillance. It would give covered individuals limited remedies in American courts if the U.S. government intentionally discloses their personal information. The Attorney General, in agreement with the Secretaries of State, Treasury, and Homeland Security, would designate foreign nations, regional economic integration organizations, or member country of such an organization, as a “covered entity.” The citizens of such an entity could receive protections if the nation or organization has entered into an agreement with the United States which would provide for

privacy protections for information shared with the purpose of preventing, investigating, or prosecuting federal offenses, or if the Attorney General has determined the nation or organization has effectively done so. Noncompliance with these requirements or impeding the transfer of information would be grounds for revocation of “covered entity” status. Under this legislation, the Attorney General would be responsible for determining whether an agency or component thereof qualifies as a “designated Federal agency or component.” The Attorney General would also be required to publish this information in the federal register.

Nothing in this legislation would waive privilege or require disclosure of classified information. This legislation would take effect 90 days after passage.

COMMITTEE ACTION:

The bill was introduced on March 18, 2015 and was referred to the House Committee on the Judiciary. The Committee reported it by voice vote on September 17, 2015.

ADMINISTRATION POSITION:

A White House statement of administration policy is not available.

CONSTITUTIONAL AUTHORITY:

Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, Clause 9.

H.R. 3572 — DHS Headquarters Reform and Improvement Act of 2015, as amended (Rep. McCaul, R-TX)

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

FLOOR SCHEDULE:

Scheduled for consideration on October 20, 2015 under a suspension of the rules, which requires 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 3572](#) would reauthorize the Department of Homeland Security's headquarters and would direct the Department to improve the accountability, transparency, and efficiency of its major acquisition programs.

COST:

The Congressional Budget Office (CBO) [estimates](#) that the reorganization and new administrative procedures as well as additional reviews and reports by GAO and DHS required by H.R. 3572 would cost about \$2 million in 2016 and less than \$500,000 annually thereafter; such spending would be subject to the availability of appropriated funds. CBO estimates that enacting H.R. 3572 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2026.

CONSERVATIVE CONCERNS:

There are no substantive concerns.

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

DETAILED SUMMARY AND ANALYSIS:

H.R. 3572 would not authorize any additional funds to be appropriated.

Title I of the bill authorizes the following offices within the Department of Homeland Security: (1) the Offices of the Secretary and of the Deputy Secretary, (2) the Executive Secretariat; (3) the Management Directorate, including the Office of the Chief Financial Officer; (4) the Office of Policy; (5) the Office of General Counsel; (6) the Office of the Chief Privacy Officer; (7) the Office of Civil Rights and Civil Liberties; (8) the Office of Operations and Coordination and Planning; (9) the Office of Intelligence and Analysis; (10) the Office of Legislative Affairs; and (11) the Office of Public Affairs. The bill further establishes the role and functions of the Secretary to include creating mechanisms to ensure that components of the Department comply with Headquarters policies. The bill abolishes the following offices: (1) the position of Director of Shared Services; and (2) the Office of Counternarcotics Enforcement.

The bill would authorize the Chief Privacy Officer to ensure departmental privacy requirements are carried out and Freedom of Information Act requests are processed effectively. Section 103 of the bill would expand the role of the Chief Privacy Officer to: (1) develop guidance to assist components of the Department in developing privacy policies and practices; (2) establish a mechanism to ensure such components are in compliance with Federal requirements; and (3) work with the Chief Information Officer

of the Department to identify methods for managing and overseeing the Department's records and procedures.

H.R. 3572 takes several actions to consolidate functions within the Department. Specifically, the Assistant Secretary for Office of Intergovernmental Affairs, the Assistant Secretary for Private Sector Office, and the Assistant Secretary for Office of State and Local Law Enforcement, would be restructured under one organization headed by one Assistant Secretary for Partnership and Engagement. The Office of Strategy and Planning would be authorized, but no longer headed by an Assistant Secretary. The bill further combines the Office of Intergovernmental Affairs, the Private Sector Office, and the Office of State and Local Law Enforcement into one under the Office of Partnership and Engagement. Finally, the bill would authorize of an Office of International Affairs, and an Office of Policy Implementation, under the Office of Policy.

The bill would require the Secretary of Department of Homeland to appoint Assistant Secretaries with the advice and consent of the Senate and would elevate the head of the Office of Policy to an Under Secretary level. The bill would further establish a Homeland Security Advisory Council, and would require the Secretary to conduct a Quadrennial Homeland Security Review. The bill would set the functions of the Under Secretary for Management to administer, implement, and direct management integration and transformation across functional disciplines within the Department. Title I of the bill would also set the functions of the Chief Procurement Officer; the Chief Financial Officer, the Chief Information Officer, and the Chief Human Capital Officer, and the Chief Security Officer of the Department.

Title II of the bill would specify procedures for the Department to follow if it fails to meet timelines, cost estimates, or other performance parameters. These procedures include: the ability (1) to approve, halt, modify or cancel major acquisition programs; (2) require that every major acquisition program have an approved Acquisition Program Baseline (APB) document; (3) codify the Acquisition Review Board and requiring the board to validate the documents, including the APB, and review the cost, schedule and performance objectives of major acquisitions; (4) require a Multiyear Acquisition Strategy be included in each Future Years Homeland Security Program; (5) authorize the Chief Procurement Officer to serve as the main liaison to industry and to oversee a certification and training program for DHS's acquisition workforce; (6) compel the Department to submit to Congress major acquisition programs that fail to meet cost, schedule or performance metrics through quarterly status and accountability reports; (7) direct the Department to find ways to streamline the acquisition process and address issues regarding bid protest without creating any new offices or programs; and (8) instruct the Department of Homeland Security to eliminate unnecessary duplication. Title II of the bill is identical to [H.R. 4228](#) (without section 104 describing the role of the Chief Procurement Officer) passed in the 113th Congress by voice vote. The RSC's legislative bulletin for H.R. 4228 can be found [here](#).

COMMITTEE ACTION:

H.R. 3572 was introduced on September 18, 2015 and was referred to the House Committee on Homeland Security. The bill was ordered to be reported (amended) by the committee by voice vote on September 30, 2015.

ADMINISTRATION POSITION:

No statement of administration policy is available.

CONSTITUTIONAL AUTHORITY:

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.

H.R. 3350 — Know the CBRN Terrorism Threats to Transportation Act (Rep. Higgins, D-NY)

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

FLOOR SCHEDULE:

Scheduled for consideration on October 20, 2015 under a suspension of the rules, which requires 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 3350](#) would require the Secretary of Homeland Security to conduct a terrorism threat assessment of the transportation of chemical, biological, nuclear, and radiological materials through United States land borders and within the United States.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 3350 would not significantly affect Department of Homeland Security spending. Because enacting the legislation would not affect direct spending or revenues, pay-as-you-go procedures do not apply.

CONSERVATIVE CONCERNS:

There are no substantive concerns.

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

DETAILED SUMMARY AND ANALYSIS:

The bill would require the Secretary of Homeland Security to conduct a terrorism threat assessment of the transportation of chemical, biological, nuclear, and radiological materials. The Under Secretary for Intelligence and Analysis would additionally be required to consult with the Administrator of the Transportation Security Administration (TSA), the Commissioner of U.S. Customs and Border Protection, and the heads of other federal departments and agencies to ensure that the terrorism threat assessment is informed by current information about homeland security threats.

COMMITTEE ACTION:

H.R. was introduced on July 29, 2015 and was referred to the House Committee on Homeland Security. The bill was ordered to be reported by the committee by voice vote on September 30, 2015.

ADMINISTRATION POSITION:

No statement of administration policy is available.

CONSTITUTIONAL AUTHORITY:

Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 1 and Article I, Section 8, Clause 18.

H.R. 3493 — Securing the Cities Act of 2015, as amended (Rep. Donovan, R-NY)

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

FLOOR SCHEDULE:

Scheduled for consideration on October 20, 2015 under a suspension of the rules which, requires 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 3493](#) would require the Department of Homeland Security (DHS) to formally establish the Securing the Cities initiative, a program to detect illicit nuclear and radiological material in urban areas that has been active since 2006.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 3493 would not significantly affect spending by the Department of Homeland Security. Because enacting the legislation would not affect direct spending or revenues, pay-as-you-go procedures do not apply.

CONSERVATIVE CONCERNS:

There are no substantive concerns.

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

DETAILED SUMMARY AND ANALYSIS:

The Securing the Cities Initiative began in 2006 as a DHS pilot project in New York City. In 2012, the project was expanded Los Angeles and to the Washington, D.C. region in 2014.

H.R. 3493 would require the Director for Domestic Nuclear Detection within DHS to formally establish the “[Securing the Cities](#)” (STC) program to enhance the ability of the United States to detect and prevent terrorist attacks and other high consequence events utilizing nuclear or radiological materials. In carrying out the program, the Director would be required to designate jurisdictions from among high-risk urban areas, and other cities and regions, and to notify Congress not later than three days before the designation of new jurisdictions. The bill would additionally require the Government Accountability Office to conduct an assessment of the STC program and submit it to Congress. The bill would not authorize any funds to be appropriated. The Director for Domestic Nuclear Detection would also be required to report to Congress on the feasibility of the Director developing model exercises to test the preparedness of jurisdictions participating in the Securing the Cities program in meeting the challenges that may be posed by a range of nuclear and radiological threats.

COMMITTEE ACTION:

H.R. 3493 was introduced on September 11, 2015 and was referred to the House Committee on Homeland Security. The bill was ordered to be reported (amended) by the committee by voice vote on September 30, 2015.

ADMINISTRATION POSITION:

No statement of administration policy is available.

CONSTITUTIONAL AUTHORITY:

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.

H.R. 1315 — To require that annual budget submissions of the President to Congress provide an estimate of the cost per taxpayer of the deficit (Rep. Messer, R-IN)

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

FLOOR SCHEDULE:

October 20, 2015 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 1315](#) would require the President's annual budget requests to include an estimate of each taxpayer's share of the budget deficit.

COST:

A Congressional Budget Office (CBO) estimate is not available at this time.

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

CONSERVATIVE CONCERNS:

There are no substantive concerns.

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

DETAILED SUMMARY AND ANALYSIS:

The Budget Act of 1974 requires that the President's budget request include a number of different requirements. H.R. 1315 would require the budget request to also include an estimate of the cost per taxpayer of any projected deficit.

COMMITTEE ACTION:

H.R. 1315 was introduced on March 4, 2015, and referred to the House Budget Committee. The committee took no further action on the bill.

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 1, Section 8, Clause 1, which provides that, "The Congress shall have the 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; but all Duties, Imposts and Excises shall be uniform throughout the United States," and Article 1, Section 9, Clause 7, which provides that, "No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be publish from time to time." Section 1105(a) of Title 31, United States Code, requires

the President to submit to Congress the Administration's annual budget request and stipulates the contents of that submission. It is within the Constitutional Authority of Congress to provide oversight and guidance on these requirements.”

H. Res. 348 — Supporting the right of the people of Ukraine to freely elect their government and determine their future, as amended (Rep. Cicilline, D-RI)

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

FLOOR SCHEDULE:

Scheduled for consideration on October 20, 2015 under a suspension of the rules, which requires 2/3 majority for passage.

TOPLINE SUMMARY:

[H. Res 348](#) would support the right of the Ukrainian people to freely elect their government in light the recent Euromaidan wave of demonstrations in support of European integration at the end of 2013, the fall of the Yanukovich government in 2014, and the Russian annexation of Crimea.

COST:

No Congressional Budget Office (CBO) estimate is available.

CONSERVATIVE CONCERNS:

There are no substantive concerns.

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

DETAILED SUMMARY AND ANALYSIS:

The resolution would: (1) strongly support the right of the people of Ukraine to freely elect their government and determine their future; (2) urge the Administration to expedite assistance to Ukraine to facilitate the political, economic, and social reforms necessary for free and fair elections that meet international standards; and (3) condemn attempts on the part of outside forces, specifically the Russian government, its agents and supporters, to interfere in Ukraine's elections, including through intimidation, violence, or coercion.

According to the findings of the bill, in March of 2014 Russian President Vladimir Putin ordered the forcible and illegal occupation of Crimea, while Russian-led separatists have forcibly seized large areas of Ukraine and continue their attacks on Ukraine's forces. In doing so, the Russian Federation has continued to engage in political, economic, and military aggression to subvert the independence and violate the territorial integrity of Ukraine. Currently, the next local Ukrainian elections are scheduled to take place on October 25, 2015. However, Russian-led separatists in eastern Ukraine continue to refuse to implement Ukrainian law and to permit Ukrainian authorities to conduct elections in the areas they control and have therefore made free and fair elections in those areas impossible. Ukraine's government has therefore been forced to postpone the local elections in the areas controlled by separatists. More information from the Organization for Security and Cooperation in Europe on the local Ukrainian elections can be found [here](#).

COMMITTEE ACTION:

H. Res. 348 was introduced on July 7, 2015 and was referred to the House Committee on Foreign Affairs. The resolution was ordered to be reported in the nature of a substitute (amended) by unanimous consent on October 9, 2015.

ADMINISTRATION POSITION:

No statement of administration policy is available.

CONSTITUTIONAL AUTHORITY:

No Constitutional Authority statement is available.

S. 1362 — To amend title XI of the Social Security Act to clarify waiver authority regarding programs of all-inclusive care for the elderly (PACE programs), (Sen. Carper, D-DE)

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

FLOOR SCHEDULE:

Scheduled for consideration on October 21, 2015 under suspension of the rules, which requires 2/3 majority for passage

TOPLINE SUMMARY:

[S. 1362](#) would allow the Secretary of Health and Human Services the authority to waive certain requirements related to the PACE program in order to conduct demonstration projects to improve the PACE model or expand enrolment.

COST:

The Congressional Budget Office (CBO) [estimates](#) that enacting S. 1362 would result in no significant change to direct spending. Because enacting the bill affect direct spending, pay-as-you-go procedures apply.

CONSERVATIVE CONCERNS:

There are no substantive concerns regarding the resolution.

- **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 PACE program ([42 U.S.C. 1396u-4](#)) provides for integrated care to individuals aged 55 and older who require institutional level of care, such as a nursing home, and who are eligible for both Medicare and Medicaid. PACE programs are set up at the discretion of each state. Under the PACE model, providers receive fixed payments on a regular basis from both Medicaid and Medicare. The model has been shown to allow greater flexibility for providers and resulted in better outcomes for covered individuals, including enabling enrollees to receive care at an adult day health center as opposed to permanent placement in a nursing facility.

Under current law ([42 U.S.C. 1315a](#)), the Secretary of Health and Human services has broad authority to waive requirements for Medicaid and Medicare programs in order to conduct demonstration projects to improve outcomes or reduce costs to the program. However, this authority does not extend to the PACE program. S. 1362 would amend 42 U.S.C. 1315a to allow for PACE requirements to be waived for demonstration projects, such as to expand eligibility or reduce administrative costs. The Secretary would be prohibited from waiving any requirement that enrollees have access to all Medicare and Medicaid benefits to which they are entitled, regardless of enrolment in a PACE program.

COMMITTEE ACTION:

The bill was introduced on May 15, 2015 and was referred to the Senate Committee on Finance. The Committee reported it by voice vote on June 30, 2015 ([S. Rept. 114-108](#)). The bill was referred to the House Energy and Commerce and Ways and Means committees, neither of which acted on the measure.

ADMINISTRATION POSITION:

A White House statement of administration policy is not available.

CONSTITUTIONAL AUTHORITY:

Bills originating in the Senate do not require a Constitutional Authority Statement.

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