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H.R. 3831 — Securing Fairness in Regulatory Timing Act of 2015 (Rep. Brady, R-TX)

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

FLOOR SCHEDULE:

Scheduled for consideration on December 8, 2015 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 3831](#) would extend the public comment period for the announcement of Medicare Advantage payment rates from 45 days to 60 days.

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:

There are no substantive 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. 3831 would extend the public comment period for the annual announcement of Medicare Advantage payment rates from 45 days to 60 days. The measure would also ensure that Medicare+Choice providers have at least 30 days to comment on methodological changes to how payment rates are set.

COMMITTEE AND SENATE ACTION:

H.R. 3831 was introduced on October 26, 2015 and was referred to the House Committee on Ways and Means, as well as the Committee on Energy and Commerce. Neither committee has acted on the bill.

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: The constitutional authority on which this bill rests is the power of Congress to make rules for the government and regulation of the land and naval forces, as enumerated in Article I, Section 8, Clause 14 of the United States Constitution."

The bill does not appear to address any matters related to the armed forces of the United States.

S. 808 — Surface Transportation Board Reauthorization Act of 2015 (Sen. Thune, R-SD)

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

FLOOR SCHEDULE:

December 10, 2015 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[S. 808](#) would reauthorize and reform the Surface Transportation Board.

COST:

The [Congressional Budget Office](#) (CBO) estimates that enacting S. 808 would authorize \$206 million in appropriations over the FY 2016 – 2020 period. In FY 2016, the STB's authorization would be \$39 million; the authorization would increase to \$42 million in FY 2020. In FY 2015, the STB was appropriated \$31 million.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** This bill would expand the size of the Surface Transportation Board and provide it new authorities.
- **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 [Surface Transportation Board \(STB\)](#) is charged with regulating railroad rate and service disputes. The STB is made up of a three member bipartisan board. It has been unauthorized since 1998, although it has continued to receive appropriations.

The bill would reauthorize the STB through FY 2020.

Under current law, the STB is a component of the Department of Transportation. The bill would establish the STB as an independent agency.

The bill would increase the STB from three to five members.

The bill would allow the STB to hold meetings that are not open to the public, but only if no votes or official actions are taken and the STB discloses the topics and participants of the meeting within two days.

The bill would establish time limits for the STB review of rate cases.

The bill would allow the STB to initiate investigations on its own. Under current law, a complaint must be filed with the STB before an investigation can be commenced.

The bill would establish a voluntary arbitration process to resolve rate disputes as an alternative to litigation.

The bill would require studies on rate case methodologies.

The bill would add a new criterion for the STB to maintain as standards for [establishing adequate revenue levels](#) for rail carriers to include “the infrastructure and investment needed to meet the present and future demand for rail services.”

OUTSIDE GROUP SUPPORT:

[Rail Customer Coalition letter](#), including:

- Agribusiness Council of Indiana
- Agricultural Retailers Association
- Agriculture Transportation Coalition
- Alabama Crop Management Association
- Alliance for Rail Competition
- Alliance of Automobile Manufacturers
- American Chemistry Council
- American Farm Bureau Federation
- American Forest & Paper Association
- American Fuel & Petrochemical Manufacturers Association
- American Iron and Steel Institute
- American Malting Barley Association, Inc.
- American Public Power Association
- American Soybean Association
- Auto Care Association
- Chemical Industry Council of Delaware
- Chemical Industry Council of Illinois
- Chemistry Council of Missouri
- Chemistry Council of New Jersey
- Colorado Association of Wheat Growers
- Connecticut Business & Industry Association
- Corn Refiners Association
- Edison Electric Institute
- The Fertilizer Institute
- Florida Fertilizer & Agrichemical Association
- Foundry Association of Michigan
- Freight Rail Customer Alliance
- Georgia Agribusiness Council
- Georgia Chemistry Council
- Glass Packaging Institute
- Green Coffee Association
- Grocery Manufacturers Association
- Growth Energy
- Idaho Barley Commission
- Idaho Grain Producers Association
- Idaho Wheat Commission
- Illinois Fertilizer & Chemical Association
- Indiana Corn Growers Association
- Indiana Farm Bureau
- Indiana Soybean Alliance
- Institute of Makers of Explosives
- Institute of Scrap Recycling Industries, Inc.
- International Liquid Terminals Association
- International Warehouse Logistics Association
- Louisiana Chemical Association
- Manufacture Alabama
- Manufacturers Association of Florida
- Massachusetts Chemistry & Technology Alliance
- Michigan Agri-Business Association
- Michigan Bean Shippers
- Michigan Chemistry Council
- Minnesota AgriGrowth Council
- Minnesota Crop Production Retailers
- Mississippi Manufacturers Association
- Missouri Agribusiness Association
- Montana Agricultural Business Association
- Montana Farmers Union
- Montana Grain Elevators Association
- Motorcycle Industry Council
- National Association of Chemical Distributors
- National Association of State Departments of Agriculture
- National Association of Wheat Growers
- National Barley Growers Association
- National Corn Growers Association
- National Cotton Council of America
- National Council of Farmer Cooperatives
- National Farmers Union
- The National Industrial Transportation League
- National Onion Association
- National Retail Federation
- National Rural Electric Cooperative Association
- National Shippers Strategic Transportation Council
- National Sunflower Association
- Nebraska Agri-Business Association, Inc.
- Nebraska Wheat Board
- New York State Agribusiness Association
- New York State Chemistry Council
- North Carolina Manufacturers Alliance
- North Dakota Grain Dealers Association

- Ohio Agribusiness Association
- Ohio Chemistry Technology Council
- Oklahoma Agribusiness Retailers Association
- Oklahoma Grain and Feed Association
- Oregon Wheat Growers League
- Outdoor Power Equipment Association, Inc.
- Pennsylvania Chemical Industry Council
- Plastics Pipe and Fittings Association
- Promotional Products Association International
- PVC Pipe Association
- Rail Customer Coalition
- Renewable Fuels Association
- Rocky Mountain Agribusiness Association
- Society of Chemical Manufacturers and Affiliates
- South Carolina Fertilizer and Agrichemicals Association
- South Carolina Manufacturers Alliance
- South Dakota Wheat Inc.
- SPI: The Plastics Industry Trade Association
- Steel Manufacturers Association
- The Sulphur Institute
- Texas Ag Industries Association
- Texas Chemical Council
- Texas Wheat Producers Association
- United States Fashion Industry Association
- US Dry Bean Council
- US Dry Pea & Lentil Council
- Vinyl Building Council
- The Vinyl Institute
- Vinyl Siding Institute, Inc.
- Washington Association of Wheat Growers
- Washington Grain Commission
- West Virginia Manufacturers Association
- Western Fuels Association
- Western Plant Health Association
- Wisconsin Agri-Business Association
- Wyoming Ag Business Association
- Wyoming Wheat Marketing Commission

COMMITTEE ACTION:

S. 808 was introduced by Senator Thune on March 19, 2015, and passed by unanimous consent on June 18, 2015.

In the House, the bill was referred to the House Transportation and Infrastructure Committee. The Subcommittee on Railroads, Pipelines, and Hazardous Materials held a hearing with the STB on May 13, 2015, entitled "[The 35th Anniversary of the Staggers Rail Act: Railroad Deregulation Past, Present, and Future](#)".

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

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

H.R. 4188 — Coast Guard Authorization Act of 2015 (Rep. Hunter, R-CA)

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

FLOOR SCHEDULE:

December 10, 2015 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 4188](#) would reauthorize the Coast Guard through Fiscal Year (FY) 2017.

COST:

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

H.R. 4188 would authorize \$9.1 billion in annual appropriations for the U.S. Coast Guard for FY 2016 and 2017. This authorization is about \$400 million above the current authorization and about \$700 million more than current appropriations.

Rule 28 (a)(1) of [Rules of the House Republican Conference for the 114th Congress](#) states that the Republican Leader shall not schedule, or request to have scheduled, any bill or resolution for consideration under suspension of the Rules which fails to include a cost estimate.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** Yes. The bill would increase the authorization for the Coast Guard, increase responsibilities for the Coast Guard, as well as increase criminalization of certain activities for U.S. citizens on boats.
- **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:

Authorization and Funding: H.R. 4188 would authorize \$9.1 billion in annual appropriations for the U.S. Coast Guard for FY 2016 and 2017. This authorization is about \$400 million above the current authorization and about \$700 million more than current appropriations. The Coast Guard [reauthorization passed by the House earlier this year](#) would have reauthorized \$8.7 billion in annual appropriations.

Personnel: The legislation would authorize an end-of-year strength of 43,000 active duty military personnel in FY 2016 and 2017.

Authorization Request: The bill would require the Coast Guard to submit to Congress an authorization request each year, as the Department of Defense currently does.

Icebreakers: The bill authorizes funding for the pre-acquisition, construction, and design of icebreakers for the Great Lakes and the polar regions.

Senior Leadership: The bill would change the rank of the vice service chief from vice admiral (three star) to admiral (four star). The bill would also reestablish the position of Chief of Staff of the Coast Guard, which

was discontinued in 2011. These changes are meant to align the Coast Guard with the other branches of the armed services.

Major Acquisitions Plan: The bill would require the Coast Guard to provide Congress with a long-term plan for shipbuilding requirements.

Air Facility Closures: The bill would prohibit the Coast Guard from closing any air facility that was in operation on November 30, 2014, or from retiring or transferring an aviation asset from an air facility that was in operation on November 30, 2014. The bill would further place restrictions on the Coast Guard proposing closures of air facilities in the future.

Graduate Education: The bill would authorize the Coast Guard to establish a new graduate education program at a public academic institution for the development of Coast Guard service members and civilians.

Trainings Course on Congress: The bill would require the Coast Guard to establish a training course on how Congress works, including the functions and responsibilities of the House Transportation and Infrastructure Committee and the Senate Commerce, Science, and Transportation Committee. At least 60 percent of the instructors for this course are required to be experts on Congress who are not employed by the Executive Branch.

Combat Related Compensation: The bill would require the Coast Guard to establish criteria for determining if a disabled member of the Coast Guard is eligible for combat related special compensation.

Survival Craft: The bill would require new or renovated passenger vessels operating in cold water to be equipped with survival crafts.

Marine Event Safety Zones: The bill would authorize the Coast Guard to recover the costs of providing safety zones around privately held events (such as fireworks displays).

Recreational Vehicle Engine Weights: The bill would require the Coast guard to update its references for recreational vehicle engine weights for floatation tests. The current references have not been updated for more than 20 years.

Merchant Mariner Medical Certifications: The bill would require the Coast Guard to certify local doctors to make physical fitness determinations for merchant mariners. Under current law, potential merchant mariners must be examined by a doctor who submits a form to the Coast Guard. A Coast Guard employee then certifies the medical fitness of the mariner based solely on the form without actually medically reviewing the mariner.

Certificates of Documentation for Recreational Vessels: The bill would require the Coast Guard to develop a Certificate of Documentation for recreational vessels that is effective for five years (as opposed to the current certificate that is only effective for one year).

Drug Enforcement: The bill would make it against the law on any vessel subject to the jurisdiction of the United States or for any U.S. citizen on any vessel to 1) manufacture, distribute, or possess with intent to distribute a controlled substance, 2) destroy or attempt to destroy property that is subject to forfeiture, or 3) conceal more than \$100,000 in currency.

Federal Maritime Commission: The bill would reauthorize the Federal Maritime Commission for FY 2016 and 2017.

Conveyances: The bill includes several land conveyances in Alaska and California.

COMMITTEE ACTION:

H.R. 4188 was introduced on December 8, 2015, and referred to the House Transportation and Infrastructure Committee.

This is the second Coast Guard reauthorization considered by the House this year. [H.R. 1987](#) was introduced on April 23, 2015, and referred to the House Transportation and Infrastructure Committee. On [April 30, 2015](#), the Committee marked up and reported the bill by voice vote. H.R. 1987 was passed by the House by voice vote on May 18, 2015.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

“Congress has the power to enact this legislation pursuant to the following: Article I, Section 8 of the United States Constitution, specifically Clause 3 (to regulate Commerce with foreign Nations, and among the several States, and with Indian Tribes) and Clause 14 (to make Rules for the Government and Regulation of the land and naval Forces).”

H.R. 3875 — Department of Homeland Security CBRNE Defense Act of 2015, as amended (Rep. McCaul, R-TX)

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

FLOOR SCHEDULE:

Scheduled for consideration on December 8, 2015 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 3875](#) would establish within the Department of Homeland Security, a Chemical, Biological, Radiological, Nuclear, and Explosives (CBRNE) Office, consisting of existing offices within the Department.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 3875 would not significantly affect DHS spending. Based on the cost of similar reports, CBO estimates that it would cost the Government Accountability Office (GAO) less than \$1 million over the 2016-2017 period to prepare the report required by the bill. Such spending would be subject to the availability of appropriated funds.

CONSERVATIVE CONCERNS:

There are no substantive concerns regarding this 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:

H.R. 3875 would establish the Chemical, Biological, Radiological, Nuclear, and Explosives Office in the Department of Homeland Security, headed by the Assistant Secretary for the Chemical, Biological, Radiological, Nuclear, and Explosives Office. The Secretary of Homeland Security would transfer to the CBRNE Office, the functions, personnel, budget authority, and assets of the following: (1) the Office of Health Affairs, including the Chief Medical Officer and the National Biosurveillance Integration Center; (2) the Domestic Nuclear Detection Office; (3) CBRNE threat awareness and risk assessment activities of the Science and Technology Directorate; (4) the CBRNE functions of the Office of Policy and the Office of Operations Coordination; and (5) the Office for Bombing Prevention of the National Protection and Programs Directorate. The Assistant Secretary for CBRNE would be authorized to distribute funds through grants and cooperative agreements and would be required to develop, coordinate, and update periodically terrorism risk assessments of chemical, biological, radiological, and nuclear threats.

The Secretary of Homeland Security, in coordination with the Assistant Secretary, would additionally be required to develop an overarching risk communication strategy for terrorist attacks and other high consequence events utilizing chemical, biological, radiological, or nuclear agents or explosives that pose a high risk to homeland security. The bill would require a series of reports and assessments on the Department's efforts, the organizational structure of the management, and execution of chemical, biological, radiological, nuclear, and explosives research and development activities.

The Government Accountability Office (GAO) would additionally be required to conduct a review of the Department's organizational structure regarding the management and execution of chemical, biological, radiological, nuclear, and explosives research and development activities. The bill would further require the establishment within the CBRNE Office, of separate chemical, biological, nuclear, and explosives divisions.

The House report (H. Rept. 114-334) accompanying H.R. 3875 can be found [here](#).

COMMITTEE ACTION:

H.R. 3875 was introduced on November 2, 2015 and was referred to the House Committee on Homeland Security. The bill was then reported and amended by the committee on November 16, 2015.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: "Congress has the power to enact this legislation pursuant to the following: Article 1, 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 of Officer thereof." No specific enumerating clause was included.

H.R. 3578 — DHS Science and Technology Reform and Improvement Act of 2015 (Rep. Ratcliffe, R-TX)

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

FLOOR SCHEDULE:

Scheduled for consideration on December 8, 2015 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 3578](#) would direct the Department of Homeland Security (DHS) to clarify the Department of Homeland Security's science and technology functions and to establish a program to employ current scientific and engineering students or graduates of postgraduate programs.

COST:

The Congressional Budget Office (CBO) [estimates](#) that H.R. 3578's science and technology reform program would cost about \$1 million annually. Based on the cost of similar reports, CBO also estimates that it would cost GAO less than \$500,000 to prepare the report required by the bill. Such spending would be subject to the availability of appropriated funds.

CONSERVATIVE CONCERNS:

There are no substantive concerns regarding this 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:

H.R. 3578 would clarify that within the Department of Homeland Security, the Directorate of Science and Technology would be the primary research, development, testing, and evaluation arm. The bill would additionally set guidelines and goals for DHS's Under Secretary for Science and Technology. Within the Directorate of Science, a Test, Evaluation, and Standards Division would be established.

The bill would direct the Under Secretary for Science and Technology to establish a process to identify, fund, and task the Directorate of Science and Technology's basic and applied homeland security research and development activities to meet the needs of the Department, and the first responder community. The Under Secretary for Science and Technology would be directed to submit to Congress a strategy to guide the activities of the Directorate of Science and Technology, and to develop, and update at least once every five years, a five-year research and development plan.

DHS would be directed to establish a Homeland Security Science and Technology Fellows Program to facilitate the placement of fellows in relevant scientific or technological fields for up to two years in components and offices of the Department with a need for scientific and technological expertise. The Department would also be directed to create establish integrated product teams to serve as a central mechanism for the Department to identify, coordinate, and align research and development efforts with departmental missions. The Under Secretary for Science and Technology would be directed to establish a Homeland Security Science, Technology, Engineering, and Mathematics (STEM) summer internship program. The bill would further require the Government Accountability Office to conduct a study of to assess the university-based centers for homeland security program and provide recommendations to Congress.

The bill would stipulate that any successor facility to the [Plum Island Animal Disease Center](#), including the National Bio and Agro-Defense Facility (NBAF) under construction as of the bill's enactment, intended to replace the Plum Island Animal Disease Center, would be subject to the bill's requirements in the same manner as the Plum Island Animal Disease Center.

COMMITTEE ACTION:

H.R. 3578 was introduced on September 18, 2015 and was referred to the House Committee on Homeland Security. The bill was then reported and amended by voice vote on September 30, 2015.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

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--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." No specific enumerating clause was included.

H.R. 2795 — FRIENDS Act (Rep. Jackson Lee, D-TX)

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

FLOOR SCHEDULE:

Scheduled for consideration on December 8, 2015 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 2795](#), the First Responder Identification of Emergency Needs in Disaster Situations Act would direct the Department of Homeland Security to submit a report to Congress on state and local programs and policies related to the preparedness and protection of first responders.

COST:

The Congressional Budget Office (CBO) [estimates](#) that the report would cost about \$1 million over the 2016-2017 period; such spending would be subject to the availability of appropriated funds.

CONSERVATIVE CONCERNS:

There are no substantive concerns regarding this 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:

H.R. 2795 would require the Government Accountability Office (GAO) to submit a report to Congress on state and local programs and policies related to the preparedness and protection of first responders. The report would include information on: (1) the degree to which such programs and policies include consideration of the presence of a first responder's family in an area impacted by a terrorist attack; (2) the availability of personal protective equipment for first responders; and (3) the availability of home Medkits for first responders and their families for biological incident response. The bill would additionally require the Secretary of Homeland Security to consider the findings of the report and assess its applicability for federal first responders.

COMMITTEE ACTION:

H.R. 2795 was introduced on June 16, 2015 and was referred to the House Committee on Homeland Security. On November 4, 2015, the bill was ordered to be reported and amended by voice vote.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: "Congress has the power to enact this legislation pursuant to the following: This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 3 of the United States Constitution."

H.R. 3869 — State and Local Cyber Protection Act of 2015 (Rep. Hurd, R-TX)

CONTACT: [Jennifer Weinhart](#), 202-226-0706

FLOOR SCHEDULE:

Scheduled for consideration on under a suspension on December 8, 2015, which requires 2/3 majority for passage

TOPLINE SUMMARY:

[H.R. 3869](#) would amend the [Homeland Security Act of 2002](#) to require the National Cybersecurity and Communications Integration Center (NCCIC) to assist and coordinate with state and local governments on cybersecurity risks and procedures.

COST:

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

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

CONSERVATIVE CONCERNS:

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:

State and local governments face a great deal of challenges in cybersecurity, and are responsible for hosting sensitive data that is vulnerable to cyber-attacks. According to the [committee report](#), in an October 2015 survey, 71% of IT security practitioners in state, local, tribal, and territorial governments believed their cybersecurity practices are not clearly defined, and only 19% rated their ability to prevent cyber-attacks favorably.

The Department of Homeland Security coordinates with state and local governments to protect their information systems. Currently, DHS provides assistance through the [Multi State Information Sharing Analysis Center](#), the [C-Cubed Voluntary Critical Infrastructure Program](#), the [Cyber Resilience Review](#), the [Enhanced Cybersecurity Services Program](#), the [Continuous Diagnostics and Mitigation Program](#), the [National Cyber Awareness System](#), the [Cybersecurity Evaluation Tool \(CSET\)](#) and On-Site Cybersecurity Consulting.

H.R. 3869 would require the NCCIC to offer assistance, tools, and training to state and local governments, in order to assess and address security risks. It would allow the NCCIC to offer assistance, upon request from a state or local government, to secure information systems by identifying cyber risks and providing security tools and technology to diagnose and mitigate cyber threats. It would require the NCCIC to provide a web portal after consultation with the requesting government. This subsection also instructs the NCCIC to

coordinate with nationwide efforts, including through national meetings, like those from the National Governors Association and the National Association of State Chief Information Officers.

Section 2 subsection (a) would also require the NCCIC to provide training to state and local cybersecurity analysts, upon request, including access to the training course at Argonne National Laboratory. It also would require the NCCIC to provide privacy and civil liberties training and operational and technical assistance for implementing tools, technologies, guidelines, and procedures for information security. The NCCIC would be required to compile and analyze data on state and local information security, and perform evaluations for state and local governments. This subsection would also require the NCCIC to help state and local governments coordinate vulnerability disclosures.

Section 2 subsection (b) would require the NCCIC to submit a report to Congress, two years after enactment, detailing their activities relating to state and local coordination and the effectiveness of such coordination. The NCCIC would be required to obtain feedback from state and local governments. This legislation is intended to provide assistance, by encouraging the NCCIC to assist governors and other appointed or elected officials with partnership opportunities. As such, this legislation would provide no new funding.

COMMITTEE ACTION:

H.R. 3689 was introduced on November 2, 2015 and was referred to the House Committee on Homeland Security, where it was reported, as amended, by Voice Vote on November 4, 2015.

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 Article I, Section 8, Clause 18. No specific enumerating clause was included.

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.*