



**CONTENTS:**

1. [H.R. 2131 — Fixing Internal Response to Misconduct](#)
2. [H.R. 1282 — DHS Acquisition Review Board Act, as amended](#)

# H.R. 2131 — Fixing Internal Response to Misconduct (DHS FIRM) Act, as amended (Rep. Higgins, R-LA)

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## FLOOR SCHEDULE:

Scheduled for consideration on June 20, 2017 under suspension of the rules, which requires 2/3 vote for passage.

## TOPLINE SUMMARY:

[H.R. 2131](#) would require the Department of Homeland Security (DHS) to standardize policies for addressing employee misconduct and imposing discipline on employees.

## COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing the bill's provisions would cost less than \$500,000 annually; such spending would be subject to the availability of appropriated funds.

## 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. 2131 would amend [Section 704 the Homeland Security Act of 2002](#) to require the Chief Human Capital Officer of DHS to implement a department-wide policy regarding discipline and adverse employee actions.

The bill would require the human capital officer to provide guidance to department officials, employees, and the public on how to report employee misconduct, as well as guidance to officials and employees on how to implement the department-wide disciplinary policy, including training for personnel on prohibited practices and employee rights.

The bill would also allow the department component heads to develop tables of offenses and penalties, so long as such tables are consistent with the department-wide policy. Any pre-existing tables would be required to be reviewed to ensure consistency and would be modified, if necessary.

The DHS Chief Human Capital Officer would be directed to report to Congress within 60 days regarding implementation of the bill.

Finally, the bill provides that no additional funds are authorized to carry out the requirements of the legislation.

**COMMITTEE ACTION:**

H.R. 3121 was introduced on April 25, 2017 and was referred to the House Committee on Homeland Security. On May 3, 2017, the bill was ordered to be reported by voice vote.

**ADMINISTRATION POSITION:**

A Statement of Administration Policy is not available.

**CONSTITUTIONAL AUTHORITY:**

According to the bill's sponsor: "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, clause 18."

# H.R. 1282 — DHS Acquisition Review Board Act, as amended (Rep. Garrett, R-VA)

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## FLOOR SCHEDULE:

Scheduled for consideration on June 20, 2017 under suspension of the rules, which requires 2/3 vote for passage.

## TOPLINE SUMMARY:

[H.R. 1282](#) would direct the Secretary of Homeland Security to establish an acquisition review board to review major acquisition programs.

## COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 1282 would cost less than \$500,000 annually; such spending would be subject to the availability of appropriated funds.

## 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. 1282 would direct the Secretary of Homeland Security to establish an acquisition review board. The board would be chaired by the DHS Undersecretary for Management and would include at least two component heads or their designees. The board would meet at the secretary's discretion and anytime a major acquisition program (\$300 million or more in life cycle costs) requires approval or is in breach of its approved requirements. The bill would require an annual report to Congress from the under secretary for management on the activities and meetings of the board.

The board would be charged with providing oversight of proposed acquisitions to ensure they are meeting their requirements and have executable plans. The board would also review acquisition documents, including the program baseline, and would be directed to carry out systematic reviews to ensure acquisitions are progressing in compliance with the appropriate approved documents.

The bill would require that, if a program is approved to proceed to the planning phase without a department-approved baseline, the undersecretary for management would create and approve such a baseline. Additionally, the secretary would be required to report to the appropriate Congressional committees on the rationale for such decision within 60 days.

No new funds would be authorized to carry out the bill's requirements.

## COMMITTEE ACTION:

H.R. 1282 was introduced on March 1, 2017 and was referred to the House Committee on Homeland Security. On March 23, 2017, the bill was ordered to be reported, as amended, by voice vote.

**ADMINISTRATION POSITION:**

A Statement of Administration Policy is not available.

**CONSTITUTIONAL AUTHORITY:**

According to the bill's sponsor: "Congress has the power to enact this legislation pursuant to the following: The United States Constitution Article 1, Section 8, Clause 18, that Congress shall have the power 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."

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