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H.R. 132 — Arbuckle Project Maintenance Complex and District Office Conveyance Act of 2017 (Cole, R-OK)

CONTACT: [Noelani Bonifacio](#), 202-226-9719

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.R. 132](#) would authorize the Secretary of the Interior to convey certain federal property to the Arbuckle Master Conservancy District, located in Murray County, Oklahoma.

COST:

A Congressional Budget Office (CBO) cost 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.

CBO [estimated](#) that implementing H.R. 1219, passed in the 114th Congress and identical to H.R. 132, would have no significant effect on the federal budget. The properties that would be transferred generate no income for the government and were not expected to be sold in the next several years. Because enacting the legislation would not affect direct spending or revenues, pay-as-you-go procedures did not apply.

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. 132 would authorize the Secretary of the Interior to convey certain federal property to the Arbuckle Master Conservancy District, located in Murray County, Oklahoma, and would convey all U.S. interest in the Maintenance Complex and District Office, Arbuckle Project, Oklahoma, consistent with an agreement between the United States and the Arbuckle Master Conservancy District. The Maintenance Complex and District Office would not be considered to be a part of a federal reclamation project; and such water district would not be eligible to receive any benefits, except benefits that would be available to a similarly situated person. If the Secretary of the Interior has not completed the conveyance within 12 months, the secretary would be directed to submit to Congress a letter with sufficient detail that explains the reasons the conveyance has not been completed and stating the date by which the conveyance will be completed.

H.R. 132 contains identical language to [H.R. 1219](#), which passed the House in the 114th Congress by a vote of [412-1](#) on December 7, 2016. The RSC's legislative bulletin for H.R. 1219 can be found [here](#).

COMMITTEE ACTION:

H.R. 132 was introduced on January 3, 2017. It was referred to the Committee on Natural Resources.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: "This bill is enacted pursuant to the power granted to Congress under Article IV, Section 3, Clause 2 which grants Congress the power to make all needful Rules and Regulations respecting . . . Property belonging to the United States."

H.R. 648 — To authorize the Secretary of the Interior to amend the Definite Plan Report for the Seedskadee Project to enable the use of the active capacity of the Fontenelle Reservoir (Cheney, R-WY)

CONTACT: [Noelani Bonifacio](#), 202-226-9719

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.R. 648](#) would authorize the Bureau of Reclamation (BOR) to allow the use of the Fontenelle Reservoir's active capacity in Wyoming to expand water storage.

COST:

A Congressional Budget Office (CBO) cost 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.

CBO [estimated](#) that implementing H.R. 2273, passed in the 114th Congress and identical to H.R. 648, would have an insignificant effect on the budget. Because implementing H.R. 2273 would affect direct spending, pay-as-you-go procedures apply. CBO also estimated that enacting the bill would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

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. 648 would authorize the Secretary of the Interior, through BOR, to amend the project plan authorized by the Colorado River Storage Project Act ([43 U.S.C. 620](#)) to provide for the study, design, planning, and construction activities that will enable the use of all active storage capacity of [Fontenelle Dam and Reservoir](#). The Secretary of the Interior would be authorized to enter into any contract, grant, cooperative agreement, or other agreement that is necessary to carry out the legislation.

The Secretary of the Interior would be required to enter into a cooperative agreement with the State of Wyoming to work in cooperation and collaboratively for planning, design, and construction of any modification of the Fontenelle Dam. The state of Wyoming would be directed to provide funds to the Department of the Interior for any work carried out under the legislation as a condition for providing additional water storage.

According to CBO, "under current law, the amount of water storage available to the State of Wyoming at the

reservoir is the difference between full capacity and the lowest water level that allows all of the authorized purposes of the Fontenelle project to be performed. Under the bill, the BOR would coordinate with the State of Wyoming to design and construct modifications to the Fontenelle Dam and Reservoir to allow the project to operate at a lower water level, thus expanding the amount of storage available to the state.”

H.R. 648 contains identical language to [H.R. 2273](#), which passed the House in the 114th Congress by voice-vote on July 5, 2016. The RSC’s legislative bulletin for H.R. 2273 can be found [here](#).

COMMITTEE ACTION:

H.R. 132 was introduced on January 24, 2017. It was referred to the Committee on Natural Resources.

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 3.”

H.R. 267 — Martin Luther King, Jr. National Historical Park Act of 2017, as amended (Lewis, D-GA)

CONTACT: [Noelani Bonifacio](#), 202-226-9719

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.R. 267](#) would re-designate the Martin Luther King, Junior, National Historic Site in Atlanta, Georgia as the Martin Luther King, Junior, National Historic Park and expand its existing boundaries to include the original headquarters of the Southern Christian Leadership Conference (SCLC).

COST:

A Congressional Budget Office (CBO) cost 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.

CBO [estimated](#) that implementing H.R. 2880, passed in the 114th Congress and similar to H.R. 267, would not affect direct spending or revenues, therefore pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 2880 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year period beginning in 2027.

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. 267 would re-designate the [Martin Luther King, Junior, National Historic Site](#) as the Martin Luther King, Jr. National Historical Park. The bill would also expand the parks boundaries to include the Prince Hall Masonic Temple, which is the original headquarters of the Southern Christian Leadership Conference, and would modify corresponding maps.

H.R. 267 contains similar language to [H.R. 2880](#), which passed the House in the 114th Congress by voice vote on February 24, 2016. The RSC's legislative bulletin for H.R. 2880 can be found [here](#).

COMMITTEE ACTION:

H.R. 132 was introduced on January 4, 2017. It was referred to the Committee on Natural Resources.

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: This bill is enacted pursuant to the power granted to Congress under Article I of the United States

Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.” No specific enumerating clause was cited.

H.R. 1238 – Securing our Agriculture and Food Act (Rep. Young, R-IA)

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

FLOOR SCHEDULE:

Expected to be considered on March 15, 2017 under a suspension of the rules, which requires 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 1238](#) would amend the [Homeland Security Act of 2002](#) to authorize a program to require the Assistant Secretary of Homeland Security for Health Affairs to coordinate the department's efforts related to defending the food, agriculture, and veterinary systems of the United States against terrorism and other high-consequence events that pose a high risk to homeland security.

COST:

No Congressional Budget Office (CBO) estimate is available. However, CBO [estimated](#) that implementing H.R. 5346, passed in the 114th Congress and identical to H.R. 1238, would cost less than \$500,000 a year, subject to the availability of appropriations. In 2016, the department allocated about \$450,000 for this activity.

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. 1238 would amend the Homeland Security Act of 2002 to require the Assistant Secretary of Homeland Security for Health Affairs to coordinate the Department of Homeland Security's efforts related to defending the food, agriculture, and veterinary systems of the United States against terrorism and other high-consequence events that pose high risk to homeland security. The coordination program would, at a minimum: (1) provide oversight and management of the department's responsibilities pursuant to [Homeland Security Presidential Directive 9 - Defense of United States Agriculture and Food](#); (2) provide oversight and integration of the department's activities related to veterinary public health, food defense, and agricultural security; (3) lead the department's policy initiatives relating to food, animal, and agricultural incidents, and the impact of such incidents on animal and public health; (4) lead the department's policy initiatives relating to overall domestic preparedness for and collective response to agricultural terrorism; (5) coordinate with other department components, including U.S. Customs and Border Protection, as appropriate, on activities related to food and agriculture security and screening procedures for domestic and imported products; (6) coordinate with appropriate federal departments and agencies; and (7) any other activities deemed necessary.

Similar legislation passed in the 114th Congress by voice vote on September 26, 2016, as H.R. 5346. A past legislative bulletin can be found [here](#).

COMMITTEE ACTION:

H.R. 1238 was introduced on February 28, 2017 and was referred to the House Committees on Homeland Security, Energy and Commerce, and Agriculture.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not yet available.

CONSTITUTIONAL AUTHORITY:

Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 18 of the U.S. Constitution.

H.R. 1294 – Reducing DHS Acquisition Cost Growth Act (Rep. Rutherford, R-FL)

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

FLOOR SCHEDULE:

Expected to be considered on March 15, 2017 under a suspension of the rules, which requires 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 1294](#) would amend the [Homeland Security Act of 2002](#) to require the Department of Homeland Security (DHS) to internally report and notify congressional homeland security committees of cost overruns, schedule delays, or program performance shortfalls in major acquisition programs, and to submit remediation plans in cases of such events.

COST:

A Congressional Budget Office (CBO) estimate is not currently available. Information provided courtesy of the Majority Leader's office indicates that preliminary CBO guidance estimates that the bill would not affect direct spending or revenues.

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

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** 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. 1294 would amend the Homeland Security Act of 2002 to require program managers at DHS to notify agency heads within 30 days of any breach in a major acquisition programs, which are programs with total expected expenditures of at least \$300 million. A breach is defined as a failure of a program to meet any cost, schedule, or performance threshold specified in the acquisition program baseline.

In the event of a breach that results in a cost of overrun greater than 15%, schedule delays of greater than 180 days, or failure to meet performance thresholds, notification would be required to the Secretary of Homeland Security and the DHS Inspector General within 5 business days. In these cases, the under secretary for management would be required to include information on such breaches in his quarterly Comprehensive Acquisition Status Report to the House Homeland Security Committee and Senate Homeland Security, Oversight, and Government Reform Committee. In the event of a cost overrun greater than 20% or likely delay of greater than 12 months, the quarterly report would also be required to include a justification for why: the program is essential to accomplishing the department's mission; there are no alternatives to the capability or asset provided by the program; the new acquisition schedule and timeline are reasonable; and, the management structure for the program is adequate.

Further, in the event of a breach in a major acquisition program, the department would be required to develop a remediation plan and root cause analysis to explain the circumstances of the breach, the causes

thereof, and propose corrective action. The under secretary for management would be directed to review the remediation plan and submit a copy of the plan and a statement describing corrective action to Congress.

Similar language was included as part of Subtitle C of H.R. 3572 in the 114th Congress, which passed the House by voice vote. RSC's legislative bulletin on H.R. 3572 is available [here](#).

COMMITTEE ACTION:

H.R. 1294 was introduced on March 1, 2017 and was referred to the House Committee on Homeland Security, which reported the bill by voice vote.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not yet available.

CONSTITUTIONAL AUTHORITY:

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 or Officer thereof.

H.R. 1297 – Quadrennial Homeland Security Review Technical Corrections Act of 2017 (Rep. Watson Coleman, D-NJ)

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

FLOOR SCHEDULE:

Expected to be considered on March 15, 2017 under a suspension of the rules, which requires 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 1297](#) would amend the [Homeland Security Act of 2002](#) to make technical corrections to the requirement that the Secretary of Homeland Security submit quadrennial homeland security reviews to Congress.

COST:

No Congressional Budget Office (CBO) estimate is available. However, CBO [estimated](#) that implementing H.R. 5385, passed in the 114th Congress and identical to H.R. 1238, would have no significant effect on the department's spending.

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. 1297](#) would amend the Homeland Security Act of 2002 to make a series of technical corrections to the requirement that the Secretary of Homeland Security submit quadrennial homeland security reviews to Congress. The bill would require the secretary to conduct the quadrennial reviews in consultation with representatives from appropriate advisory committees including the Homeland Security Advisory Council, the Homeland Security Science and Technology Advisory Committee, and the Aviation Security Advisory Committee. The bill would further require the secretary to retain and, upon request, provide to Congress documentation regarding the quadrennial homeland security review to include: records regarding consultation; all written communications; as well as information regarding the risk assessment required under the quadrennial reviews.

The secretary would be required to submit to Congress information on the degree to which the findings and recommendations developed in the review were integrated into the acquisition strategy and expenditure plans for the department. The bill would apply to reviews required to be submitted after December 31, 2021.

A past House report can be found [here](#). A similar version of this bill was passed as H.R. 5385 in the 114th Congress by voice vote.

COMMITTEE ACTION:

H.R. 1297 was introduced on March 1, 2017 and was referred to the House Committee on Homeland Security.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not yet 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 of the U.S. Constitution.

H.R. 1302 – Terrorist and Foreign Fighter Travel Exercise Act of 2017 (Rep. McSally, R-AZ)

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

FLOOR SCHEDULE:

Expected to be considered on March 15, 2017 under a suspension of the rules, which requires 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 1302](#) would require the Department of Homeland Security to conduct an exercise related to the threat of terrorist and foreign fighters moving in and out of the United States.

COST:

No Congressional Budget Office (CBO) estimate is available; however, CBO [estimated](#) that implementing H.R. 4404 in the 114th Congress, which is similar to H.R. 1302, would not affect the federal budget over the 2017-2021 period because the new exercises would be integrated into existing programs. Because enacting H.R. 4404 would not affect direct spending or revenues, pay-as-you-go procedures do not apply.

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

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** 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. 4404 would require the Department of Homeland Security to conduct an exercise related to the terrorist and foreign fighter threat to include a scenario involving persons traveling from the United States to join or provide material support or resources to a terrorist organization abroad and terrorist infiltration into the United States, including United States citizens and foreign nationals. The bill would require the Secretary of Homeland Security to submit to Congress, an after-action report presenting the initial findings of such exercise, including any identified or potential vulnerabilities in United States defenses and any legislative changes requested in light of the findings.

H.R. 4404 would amend the Post-Katrina Emergency Management Reform Act of 2006 to require the national exercise program to be designed, to the extent practicable, to include emerging terrorist threats, such as scenarios involving United States citizens departing the United States to enlist with or provide material support or resources to terrorist organizations abroad or terrorist infiltration into the United States, including United States citizens and foreign nationals.

No additional funds would be authorized to carry out the legislation.

Similar language was included as H.R. 4404 in the 114th Congress, which passed the House by voice vote. RSC's legislative bulletin on H.R. 3572 is available [here](#).

COMMITTEE ACTION:

H.R. 1302 was introduced on March 2, 2017 and was referred to the House Committee on Homeland Security.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not yet available.

CONSTITUTIONAL AUTHORITY:

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 or Officer thereof." No specific enumerating clause was cited.

H.R. 1309 – TSA Administrator Modernization Act (Rep. Katko, R-NY)

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

FLOOR SCHEDULE:

Expected to be considered on March 15, 2017 under a suspension of the rules, which requires 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 1309](#) would establish the office of the Administrator of the Transportation Security Administration (TSA) as a five-year term position at level IV of the executive schedule and make technical corrections to TSA's authorities.

COST:

A Congressional Budget Office (CBO) estimate is not currently available. Information provided courtesy of the Majority Leader's office indicates that preliminary CBO guidance estimates that the bill would not affect direct spending or revenues.

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

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** 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. 1309](#) would establish the office of the Administrator of the Transportation Security Administration as a five-year term position at level IV of the executive schedule and make technical corrections to TSA's authorities. Specifically, the bill would amend [49 USC 114](#) to replace the position of Under Secretary for Transportation for Security with the Administrator of the Transportation Security Administration. This change would establish the term of the administrator as five years, while maintaining the positions appointment with the advice and consent of the Senate. The bill would also make technical and conforming changes to TSA's authorities and activities under section 114, and would shift the TSA formally from the Department of Transportation to the Department of Homeland Security.

COMMITTEE ACTION:

H.R. 1302 was introduced on March 2, 2017 and was referred to the House Committee on Homeland Security, which reported the bill by voice vote

ADMINISTRATION POSITION:

A Statement of Administration Policy is not yet available.

CONSTITUTIONAL AUTHORITY:

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 or Officer thereof.” No specific enumerating clause was cited.

H.R. 1353 – Transparency in Technological Acquisitions Act (Rep. Rice, D-NY)

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

FLOOR SCHEDULE:

Expected to be considered on March 15, 2017 under a suspension of the rules, which requires 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 1353](#) would require the Department of Homeland Security (DHS) to update its five-year technology investment plan annually, rather than biennially, as well as require notification to appropriate congressional committees with 90 days of any change to the plan.

COST:

A Congressional Budget Office (CBO) estimate is not currently available. Information provided courtesy of the Majority Leader's office indicates that preliminary CBO guidance estimates that the bill would not affect direct spending or revenues.

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

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** 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. 1353 would require the Department of Homeland Security (DHS) to update its five-year technology investment plan annually, rather than biennially, as well as require notification to appropriate congressional committees with 90 days of any change to the plan. These changes would also be required to be communicated to airports and airlines.

The bill would also require the TSA to report to Congress on any equipment that is still in operation beyond its manufacturer's life-cycle estimate or TSA's own useful life estimate.

COMMITTEE ACTION:

H.R. 1353 was introduced on March 2, 2017 and was referred to the House Committee on Homeland Security, which reported the bill by voice vote.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not yet available.

CONSTITUTIONAL AUTHORITY:

Congress has the power to enact this legislation pursuant to the following: "Article 1, Section 8." No specific enumerating clause was cited.

H.R. 1249 – DHS Multiyear Acquisition Strategy Act of 2017, as amended (Rep. Fitzpatrick, R-PA)

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

FLOOR SCHEDULE:

Expected to be considered on March 15, 2017 under a suspension of the rules, which requires 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 1249](#) would require the Department of Homeland Security (DHS) to produce a multiyear procurement strategy and to include updates to such strategy in each Future Years Homeland Security Program report.

COST:

A Congressional Budget Office (CBO) estimate is not currently available. Information provided courtesy of the Majority Leader's office indicates that preliminary CBO guidance estimates that the bill would not affect direct spending or revenues.

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

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** 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. 1249 would require the Department of Homeland Security (DHS) to produce a multiyear procurement strategy to better align department resources to meet future acquisition needs. The department would be required to update the strategy each year as a part of each Future Years Homeland Security Program.

The strategy would include a prioritized list of major acquisition programs, and inventory of department investments and real property, an analysis of how to address gaps between known available resources and requirements to meet the prioritized needs, and an identification of the capabilities needed to support the acquisitions identified in the strategy. It would also be required to focus on a number of goals, including maintaining flexibility, reducing costs and waste, and improving outreach to various groups as part of the procurement process.

The strategy must include a competition plan addressing actions to ensure competition in procurement programs, or to explain why competition is not appropriate for a particular asset or capability. It must also include a workforce plan that identifies workforce accountability and talent management needs and develops options for filling such needs.

Finally, the bill would require a Government Accountability Office review of the strategy, and the report of such review shall be submitted to the appropriate committees in Congress.

Similar language was included as part of Subtitle C of H.R. 3572 in the 114th Congress, which passed the House by voice vote. RSC's legislative bulletin on H.R. 3572 is available [here](#).

COMMITTEE ACTION:

H.R. 1249 was introduced on February 28, 2017 and was referred to the House Committee on Homeland Security, which reported the bill by voice vote.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not yet available.

CONSTITUTIONAL AUTHORITY:

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 or Officer thereof."

H.R. 1252 – DHS Acquisition Authorities Act of 2017, as amended (Rep. Higgins, R-LA)

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

FLOOR SCHEDULE:

Expected to be considered on March 15, 2017 under a suspension of the rules, which requires 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 1252](#) would establish the Under Secretary for Management of the Department of Homeland Security as the department's chief acquisitions officer, and establish authorities for other department officials to interact in acquisitions management.

COST:

A Congressional Budget Office (CBO) estimate is not currently available. Information provided courtesy of the Majority Leader's office indicates that preliminary CBO guidance estimates that the bill would not affect direct spending or revenues.

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

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** 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. 1252 would establish the Under Secretary for Management of the Department of Homeland Security as the department's chief acquisitions officer. The under secretary would be responsible for advising the secretary on acquisition activities, leading the DHS Acquisition Review Board, establishing acquisition policies, and ensuring appropriate oversight of acquisition activities, grants and financial assistance. The bill would allow the under secretary to delegate these responsibilities to the relevant component acquisition executive for non-major acquisitions (life-cycle costs less than \$300 million), and in some cases, for major acquisitions (life-cycle costs exceeding \$300 million, but less than \$1 billion).

The bill also provides for interactions between the under secretary for management and the under secretary for science and technology in areas where the latter has pre-existing acquisition oversight authorities. Finally, the bill details acquisition oversight authorities for the chief financial officer and chief information officer.

Similar language was included as part of H.R. 3572 in the 114th Congress, which passed the House by voice vote. RSC's legislative bulletin on H.R. 3572 is available [here](#).

COMMITTEE ACTION:

H.R. 1252 was introduced on February 28, 2017 and was referred to the House Committee on Homeland Security, which reported the bill by voice vote.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not yet available.

CONSTITUTIONAL AUTHORITY:

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 or Officer thereof.”

H.R. 1365 – Department of Homeland Security Acquisition Innovation Act, as amended (Rep. Correa, D-CA)

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

FLOOR SCHEDULE:

Expected to be considered on March 15, 2017 under a suspension of the rules, which requires 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 1365](#) would allow the Under Secretary for Management of the Department of Homeland Security to take actions to further acquisition innovation efforts and would require a report to Congress on any activities taken in furtherance of such efforts.

COST:

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

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

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** 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. 1365 would allow the Under Secretary for Management of the Department of Homeland Security to designate an individual within the department to manage acquisition innovation efforts, test emerging acquisition best practices and distribute information on such practices, establish metrics to measure innovation efforts, and determine the impacts of acquisition innovation on industry. The bill would require a report to Congress on any activities taken in furtherance of innovation efforts within 90 days of each department budget justification being submitted to Congress during FY 2018-22.

COMMITTEE ACTION:

H.R. 1365 was introduced on March 6, 2017 and was referred to the House Committee on Homeland Security.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not yet available.

CONSTITUTIONAL AUTHORITY:

Congress has the power to enact this legislation pursuant to the following: “The U.S. Constitution including Article 1, Section 8.” No specific enumerating clause was cited.

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.*