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H.R. 1029 — Pesticide Registration Enhancement Act of 2017 (Davis, R-IL)

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

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.R. 1029](#) would reauthorize the Pesticide Registration Improvement Act of 2017, increase associated fees and update time guidelines for agency action on approval and review, and authorize further fee increases in future years.

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.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** This bill allows the EPA to collect an additional \$2.3 million in pesticide maintenance fees, in addition to increasing the Pesticide Registration Application Fees.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** The pesticide maintenance fees would be available to the EPA without further appropriation
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 1029 is the reauthorization of the Pesticide Registration Improvement Act that was originally passed in 2003, and most recently reauthorized through FY2017 in 2012. In order for a pesticide to be used, it must first be approved by the Environmental Protection Agency. Prior to the passage of PRIA, the EPA approval process could take several years. PRIA streamlined the process and established specific timelines for approval along with fee guidelines. While previous reauthorizations were for five years, this reauthorization would last seven years.

Section 2- Pesticide Maintenance Fees

Under current law, the EPA's authority to collect maintenance fees terminates at the end of FY17. H.R. 1029 would extend this fee authority through FY 2023. These fees are available for obligation by the EPA without further congressional appropriation. Some conservatives have expressed concerns over various fee and fine accounts subject to automatic appropriation, which are estimated to account for over \$525 billion in spending in FY2016.

Specifically, H.R. 1029 amends [7 U.S.C. 136a-1\(i\)\(1\)](#), which currently allows the EPA Administrator to collect a maintenance fee from each pesticide registrant. Currently the EPA is allowed to collect a total of \$27.8 million in pesticide maintenance fees. This bill would increase that amount to \$31 million for the FY17 through FY23. The bill also renews and increases the maximum amount of fees per registrant by 12%.

The fees are based upon how many pesticide registrations the registrant holds and whether or not the registrant is a small business.

The bill also extends the prohibition on the EPA collecting any pesticide fees other than those reauthorized by this act and detailed at [7 U.S.C. 136a-1\(i\)\(1\)](#). The prohibition on the collection of tolerance fees for the use of pesticides is also extended under [21 U.S.C. 346\(m\)\(3\)](#).

Section 3- Reregistration and Expedited Processing Fund

H.R. 1029 amends [7 U.S.C. 136a-1\(k\)\(3\)\(A\)](#) to extend the allotment of maintenance fees to evaluate inert ingredients of pesticides.

It also amends [7 U.S.C. 136a-1\(k\)\(4\)](#), which currently requires the administrator to use money from the Reregistration and Expedited Processing Fund to improve the Office of Pesticide Programs' tracking of pesticide registration decisions. H.R. 1029 would instead use these funds, not to exceed \$500,000, to create and implement rules that require products claiming to be effective against bed bugs, fire ants and pests to pets or premises to submit performance data. These regulations must be issued before September 30, 2021.

H.R. 1029 sets aside no more than \$500,000 of the funds available through the Reregistration and Expedited Processing Fund to enhance the good laboratory practices standards compliance monitoring program for each fiscal year from 2017-2023.

Section 4 - Experimental Use Permits

H.R. 1029 would amend [7 U.S.C. 136c\(a\)](#) to ensure that permits for new experimental use for pesticides are processed in accordance with the timetables provided for in PRIA,

Section 5- Pesticide Registration Service Fees

H.R. 1029 extends the collection of fees related to pesticide registration applications under [7 U.S.C. 136-w\(8\)\(b\)\(6\)](#). In addition, the bill states that a registrant may not be granted a fee reduction or waiver under [7 U.S.C. 136-w\(8\)\(b\)\(7\)](#) in connection to a Gold Seal certification request.

Currently [7 U.S.C. 136w-8\(c\)\(3\)\(B\)](#) instructs the administrator to use 1/17 of the Pesticide Registration Fund, and at least \$1M to enhance regulatory and scientific activities related to worker protection. H.R. 1029 would amend the clause to emphasize worker protection specifically for U.S. field-workers.

The bill also amends [7 U.S.C. 136w-8\(e\)](#) to include a streamlining of the pesticide application review process for new uses or new active ingredients and to provide timely feedback through the review of their application.

H.R. 1029 requires the administrator's annual report under [7 U.S.C. 136w-8\(k\)\(2\)\(i\)](#) to include the number of pesticide cases that were cancelled, required risk mitigation measures, removed risk mitigation measures, did not require risk mitigation or where risk mitigation was implemented.

The bill also requires the Administrator's annual report to include 4 new reviews:

1. A review of the progress toward creating and implementing rules that require products claiming to be effective against bed bugs, fire ants and pests to pets or premises to submit performance data;
2. A review of the progress toward priority approval of new pesticides for vector-born public health pests;
3. A review of the progress toward enhancement of good laboratory practices standards compliance monitoring program;
4. A review of the funds collected under the Pesticide Registration Fund and how those funds are being used.

The annual report must also include the number of approvals in connection with the EPA's Design for the Environment program.

Under current law ([7 U.S.C. 136w-8\(m\)](#)), the authority of the EPA Administrator to collect Pesticide Registration Service Fees phases out beginning at the end of FY17, with the fees reduced by 40% in FY18, and by 70% in FY19, with a complete phase out by September 30, 2019. H.R. 1029 extends the authority through 2023 and phases out the fees starting in 2024, with full phase out by September 30, 2025.

Section 6- Pesticide Registration Application Fee Tables

Section 6 of H.R. 1029 amends the pesticide registration application tables under [7 U.S.C. 136w-8\(b\)](#) and includes fee increases. These tables include the registration fees and decision timeline for pesticide registration applications.

COMMITTEE ACTION:

H.R. 1029 was introduced on February 16, 2017. It was referred to the Committee on Agriculture where a mark-up session was held and the bill was reported. The bill was also referred to the Committee on Energy and Commerce.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: "The ability to regulate interstate commerce and with foreign Nations pursuant to Article 1, Section 8, Clause 3. In addition, the Congress has the power to provide for the general Welfare of the United States under Article 1, Section 8, Clause 1."

H.R. 382 — 100 Years of Women in Congress Act (Rep. Meng, D-NY)

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

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.R. 382](#) would designate certain agricultural research and extension grants as Jeannette Rankin Women and Minorities in STEM Fields Program Grants.

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.

CONSERVATIVE CONCERNS:

While this bill does not amend the underlying grant program, some conservatives may be concerned that the program renamed by the bill allocates funding for targeted demographic groups, rather than on a purely competitive basis.

- **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. 382 would designate certain agricultural research and extension grants as Jeannette Rankin Women and Minorities in STEM Fields Program Grants to increase participation by women and underrepresented minorities from rural areas in the fields of science, technology, engineering, and mathematics, with priority given to eligible institutions that carry out continuing programs funded by the Secretary of Agriculture. The bill would make no changes to the underlying program, funding, or eligibility requirements.

Jeannette Rankin was the first woman elected to serve in Congress in November, 1916.

H.R. 382 contains similar language to [H.R. 4570](#) which passed the House in the 114th Congress by a vote of [377-6](#) on April 18, 2016. The RSC's legislative bulletin for H.R. 4570 can be found [here](#).

COMMITTEE ACTION:

H.R. 382 was introduced on January 9, 2017. It was referred to the Committee on Agriculture.

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 1, Section 8 of the U.S. Constitution." 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 20, 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:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 1238 would cost less than \$500,000 a year, subject to the availability of appropriations. In 2016, the department allocated about \$475,000 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 20, 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 20, 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:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 1297 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 20, 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:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 1302 would not affect the federal budget over the 2018-2022 period because the new exercises would be integrated into existing programs.

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 20, 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:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 1309 would not affect federal 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. 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 position's 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 20, 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 20, 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 20, 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 20, 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.*