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H.R. 3586 — Border and Maritime Coordination Improvement Act (Rep. Miller, R-MI)

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

FLOOR SCHEDULE:

Scheduled for consideration on April 13, 2016 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 3586](#) would establish an Immigration Cooperation Program, departmental Joint Task Forces, an Office of Biometric Identity Management, as well as other programs within the Department of Homeland Security to improve border security.

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:

- **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. 3586 would establish the Immigration Cooperation Program within U.S. Customs and Border Protection (CBP) which would authorize CBP agents to cooperate with authorities of a foreign country to identify persons who may be inadmissible to the United States or otherwise pose a risk to border security. A CBP agent would be authorized to be stationed at airports in the foreign country to conduct risk assessments. Agents would further be authorized to: (1) assist foreign authorities, air carriers, and security employees with document examination and traveler security assessments; (2) provide relevant training to air carriers, and their security staff; (3) exchange information with, and provide technical assistance, to local authorities to facilitate traveler risk assessments; and (4) make recommendations to air carriers to deny boarding to potentially inadmissible travelers bound for the United States. The bill would additionally establish a CBP collection program of advance electronic information from air carriers and other persons and governments within the supply chain regarding cargo being transported to the United States by air.

H.R. 3586 would require that any new asset deployment by CBP's Office of Air and Marine Operations occur in accordance with a risk-based assessment that considers mission needs identified by the CBP Commissioner. The Inspector General of the Department of Homeland Security would also be required to biennially audit the deployment of new assets by the Office of Air and Marine Operations. The Secretary of Homeland Security would be required to establish an Integrated Border Enforcement Team program to strengthen security between designated ports of entry between the United States and Canada.

The bill would authorize the Department of Homeland Security to establish and operate departmental Joint Task Forces to conduct joint operations using Department components and office personnel and capabilities. The task forces would be divided geographically and would create and execute a strategic plan

to secure United States land and maritime borders. The Department would be authorized to create additional Joint Task Forces for: (1) coordinating operations along the northern border, (2) preventing and responding to homeland security crises, (3) establishing other regionally based operations, or (4) cybersecurity. The Secretary of Homeland Security would be prohibited from establishing a joint task force for any major disaster or emergency under the [Robert T. Stafford Disaster Relief and Emergency Assistance Act](#) or an incident for which the Federal Emergency Management Agency (FEMA) has primary responsibility, unless the responsibilities of the Joint Task Force do not include operational functions related to incident management.

The bill would require the Secretary of Homeland Security to submit a maritime operations coordination plan to Congress. The plan would serve to coordinate the cooperation of maritime operations undertaken by components and offices of the Department responsible for maritime security missions.

The CBP Commissioner would be authorized to enter into a Public-Private Partnership and enter into a fee agreement with an entity under which CBP would provide services at a United States port of entry. The entity would then be required to remit to CBP a fee equal to the full costs incurred in providing such services. The collected funds would be deposited as offsetting collections, would remain available until expended without fiscal year limitations, and would be credited to the applicable appropriation, account, or fund for the amount paid out of such appropriation for any expenses incurred by CBP in services. Nothing in the bill would be construed as imposing in any manner on U.S. Customs and Border Protection any responsibilities, duties, or authorities relating to real property. The CBP Commissioner would additionally be authorized to enter into an agreement with any entity to accept a donation of personal property, money, or nonpersonal services under certain specified conditions.

H.R. 3586 would establish the Office of Biometric Identity Management within the Department of Homeland Security. The office would lead the Department's biometric identity services to support anti-terrorism, counter-terrorism, border security, credentialing, national security, and public safety as well as to enable operational missions by matching, storing, sharing, and analyzing biometric data.

The Commissioner of CBP would be required to submit to Congress a three year strategic plan for deployment of CBP including a risk-based method for determining expansion of CBP international programs to new locations, given resource constraints, as well as an assessment of the security threats posed by United States-bound international mail. The bill would require the Government Accountability Office to report to Congress on the state of the Coast Guard's Deployable Specialized Forces.

The bill would include exporters in addition to importers among the entities that are eligible to apply to voluntarily enter into partnerships with the Department under the [Customs-Trade Partnership Against Terrorism](#) (C-TPAT). Not later than 30 days before signing an arrangement between the United States and a foreign government providing for mutual recognition of supply chain security practices, the Department would be mandated to notify Congress, and determine, in consultation with CBP, that such foreign government's supply chain security program provides comparable security as that provided by C-TPAT.

The Secretary of Homeland Security, through the Transportation Security Administration would be mandated to strengthen the integrity of transportation security cards issued against improper access by an individual who is not lawfully present in the United States. The bill would additionally repeal several provisions in the [Security and Accountability for Every Port Act of 2006](#) including provisions establishing pilot programs on empty container security and a study to identify redundant background records checks.

COMMITTEE ACTION:

H.R. 3586 was introduced on September 22, 2015 and was referred to the House Committee on Homeland Security. On September 30, 2015 the bill was ordered to be reported (amended) by voice vote.

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 the following: Article I, Section 8, Clause 1; and Article I, Section 8, Clause 18 of the Constitution of the United States."

H.R. 4482 — Southwest Border Security Threat Assessment Act of 2016 (Rep. McSally, R-AZ)

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

FLOOR SCHEDULE:

Scheduled for consideration on April 13, 2016 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 4482](#) would require the Secretary of Homeland Security to submit to Congress a southwest border threat analysis.

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:

- **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. 4482 would require the Secretary of Homeland Security to submit to Congress a southwest border threat analysis that includes an assessment of: (1) current and potential terrorism and criminal threats posed by individuals and organized groups seeking to unlawfully enter the United States through the southwest border, or exploit security vulnerabilities along the southwest border; (2) improvements needed at and between ports of entry along the southwest border to prevent terrorists and instruments of terror from entering the United States; (3) gaps in law, policy, and coordination between state, and local law enforcement, international agreements that hinder effective and efficient border security, counterterrorism, and anti-human smuggling and trafficking efforts; (4) the flow of legitimate trade along the southwest border; (5) the current percentage of situational awareness achieved by the Department of Homeland Security along the southwest border; (6) the current percentage of operational control achieved by the Department of Homeland Security of the southwest; (7) impact of trusted traveler programs on border wait times and border security; and, (8) traveler crossing times and any potential security vulnerability associated with prolonged wait times.

The bill would require the Secretary of Homeland Security, acting through the Chief of the Border Patrol to issue a Border Patrol Strategic Plan, by March 1, 2017, and every five years thereafter. The plan must include: (1) the southwest border threat analysis required under H.R. 4482, with an emphasis on efforts to mitigate threats identified in such threat analysis; (2) efforts to analyze and disseminate border security and border threat information between Department of Homeland Security border security components and with other appropriate federal departments and agencies with missions associated with the border; (3) efforts to increase situational awareness; (4) efforts to detect and prevent terrorists and instruments of terrorism from entering the United States; (5) efforts to detect, interdict, and disrupt aliens and illicit drugs at the earliest possible point as well as other initiatives.

COMMITTEE ACTION:

H.R. 4482 was introduced on February 4, 2016 and was referred to the House Committee on Homeland Security. On March 23, 2016, the bill was ordered to be reported (amended) by voice vote.

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 the following: Article 1, Section 8, Clause 1--The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States. Article 1, Section 8, Clause 18--To make 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. 4509 — State and High-Risk Urban Area Working Group Act (Rep. Payne, D-NJ)

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

FLOOR SCHEDULE:

Scheduled for consideration on April 13, 2016 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 4509](#) would require any state or high-risk urban area receiving a grant under the State Homeland Security Grant Program or the Urban Area Security Initiative to establish a state planning committee or urban area working group to assist in preparation of a homeland security plan.

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:

Some conservatives might be concerned that the state planning committees would include a representative from area homeland security fusion centers which have been characterized as [redundant](#) and [ineffective](#) at collecting intelligence.

- **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. 4509 would require any state or high-risk urban area receiving a grant under the State Homeland Security Grant Program or the Urban Area Security Initiative to establish a state planning committee or urban area working group to assist in the preparation and revision of a state or local homeland security plan in addition to the [threat and hazard identification and risk assessment](#).

The state planning committees and urban area working groups would be required to include at least one representative from: (1) local or tribal government officials; (2) emergency response providers; (3) public health officials and other appropriate medical practitioners; (4) individuals representing educational institutions; (5) state and regional interoperable communications coordinators; (6) state and major urban area fusion centers. The bill stipulates that the members of the state planning committee or urban area working group would be a representative group of individuals from the counties, cities, towns, and Indian tribes within the state or high-risk urban area.

COMMITTEE ACTION:

H.R. 4509 was introduced on February 9, 2016 and was referred to the House Committee on Homeland Security. On March 23, 2016, 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 sponsor: "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 listed.

H.R. 4549 — Treating Small Airports with Fairness Act of 2016 (Rep. Walden, R-OR)

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

FLOOR SCHEDULE:

Scheduled for consideration on April 13, 2016 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 4549](#) would require the Transportation Security Administration (TSA) to provide all necessary staff and equipment for security screening at any airport that lost commercial air service on or after January 1, 2013, if requested by the airport, and if there is written confirmation that a commercial air carrier intends to resume commercial air service to the airport.

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:

- **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. 4549 would require the Transportation Security Administration to provide all necessary staff and equipment for security screening at any airport that lost commercial air service on or after January 1, 2013. TSA would be required to do so, if TSA screening is requested by the airport, and if there is written confirmation that a commercial air carrier intends to resume commercial air service to the airport within one year.

TSA would be required to ensure that the process of implementing security screening at the airport is complete by, either 90 days after the operator of the airport submits a request for TSA screening or the date on which the commercial air carrier intends to resume commercial air service. TSA would be required to carry out the legislation in a manner that does not negatively affect operations at airports not described in the bill that are otherwise provided TSA security screening.

COMMITTEE ACTION:

H.R. 4549 was introduced on February 11, 2016 and was referred to the House Committee on Homeland Security. On March 23, 2016, the bill was ordered to be reported (amended) by voice vote.

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 the following: Clause 3 of Section 8 of Article I of the United States Constitution, "To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

H.R. 4403 — Enhancing Overseas Traveler Vetting Act (Rep. Hurd, R-TX)

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FLOOR SCHEDULE:

Scheduled for consideration on April 13, 2016 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 4403](#) would authorize the Secretary of Homeland Security and the Secretary of State to develop open-source software to facilitate the vetting of travelers against terrorist watchlists and law enforcement databases.

COST:

The Congressional Budget Office (CBO) [estimates](#) that it would cost about \$2 million over the 2016-2017 period (mostly for DHS) to develop and share software as required by H.R. 4403; such spending would be subject to the availability of appropriated funds. Because enacting the legislation would not affect direct spending or revenues, pay-as-you-go procedures do 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. 4403 would authorize the Secretary of Homeland Security and the Secretary of State to develop open-source software based on U.S. Customs and Border Protection's global travel targeting and analysis systems and the Department of State's watchlisting, identification, and screening systems in order to facilitate the vetting of travelers against terrorist watchlists and law enforcement databases, enhance border management, and improve targeting and analysis. Both departments would be authorized to make such software and any related technical assistance or training available to foreign governments or multilateral organizations.

The Secretary of Homeland Security and the Secretary of State would be required to submit to Congress a plan to implement such software. Both departments, while consulting with the Director of National Intelligence, would be required to justify and certify to Congress before making such software available to foreign governments or multilateral organizations. No additional funds would be authorized to carry out the bill.

COMMITTEE ACTION:

H.R. 4403 was introduced on February 1, 2016 and was referred to the House Committee on Foreign Affairs. On February 2, 2016, the bill was ordered to be reported (amended) by voice vote.

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 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.”

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