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S. 2109 — Directing Dollars to Disaster Relief Act of 2015 (Sen. Johnson, R-WI)

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

FLOOR SCHEDULE:

February 23, 2016 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

S. 2109 would require the Federal Emergency Management Agency (FEMA) to develop and implement a plan to control and reduce administrative costs for major disasters.

COST:

The [Congressional Budget Office](#) (CBO) estimates that enacting S. 2109 would “have an insignificant effect on the federal budget over the 2016-2020 period.”

CONSERVATIVE CONCERNS:

There are no substantive conservative concerns.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

S. 2109 would require FEMA to develop and implement a plan to control and reduce administrative costs for major disasters within one year. FEMA would be required to report to Congress on the implementation of the plan.

According to the [Senate Committee on Homeland Security and Governmental Affairs](#), “of the \$95.2 billion spent on disaster relief between FY 2004 and FY 2013, approximately \$12.7 billion was used to cover FEMA’s administrative costs.”

COMMITTEE ACTION:

S. 2109 was introduced by Senator Johnsons on September 30, 2015, and referred to the Senate Committee on Homeland Security and Governmental Affairs. The Committee reported the bill on October 7, 2015. The Senate passed S. 2109 by unanimous consent on February 9, 2016. In the House, the bill was referred to the House Committee on Transportation and Infrastructure, which has taken no further action.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

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

H.R. 3584 — Transportation Security Administration Reform and Improvement Act of 2015 (Rep. Katko, R-NY)

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

FLOOR SCHEDULE:

Scheduled for consideration on February 23, 2016 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 3584](#) would require a series of reforms to the Transportation Security Administration (TSA)'s aviation security programs, including the modification of certain TSA screening procedures at airports, the vetting of airport employees with access to secure areas, and the maintenance of screening equipment.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 3584 would cost \$21 million over the 2016-2020 period, assuming appropriation of the necessary amounts. Enacting H.R. 3584 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CONSERVATIVE CONCERNS:

There are no substantive concerns.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 3584 would require that the TSA Administrator ensure that all screening of passengers would be conducted in a risk-based, intelligence-driven manner, while considering privacy and civil liberty issues, and ensure the operation of a trusted passenger screening program known as "[TSA PreCheck](#)" that provides expedited screening for low-risk passengers.

The bill would additionally require the Administrator to: (1) publish PreCheck application enrollment standards in order to add multiple private sector application capabilities for the program to increase the public's enrollment access; (2) implement a process for approving private sector marketing of the PreCheck program; (3) coordinate with the heads of appropriate components of the Department to leverage Department-held data and technologies to verify the citizenship of individuals enrolling in the PreCheck program; (4) partner with the private sector to use advanced biometrics and standards to facilitate enrollment; (5) ensure that PreCheck screening lanes are open and available during peak and high-volume travel times at airports; and (6) make every practicable effort to provide expedited screening at standard screening lanes during times when PreCheck screening lanes are closed.

The TSA Administrator would be mandated to initiate an assessment of the security vulnerabilities in the vetting process for the PreCheck program that includes an evaluation of whether subjecting PreCheck participants to recurrent fingerprint-based criminal history records checks, in addition to recurrent checks against the terrorist watchlist, could be done in a cost-effective manner. The Administrator would also be required to: (1) conduct a pilot project to establish a secure, automated, biometric-based system at airports

to verify the identity of PreCheck passengers; and (2) establish a secure, automated system at all large hub airports for verifying travel and identity documents of passengers who are not members of PreCheck.

The Administrator would be authorized to direct that access to expedited airport security screening at a security checkpoint be limited to only passengers that voluntarily submits biographic and biometric information for a security risk assessment and who are PreCheck approved; or to passengers who are participants in another registered traveler program of the Department or who have been identified as being of low risk to aviation security, such as members of the armed forces or individuals holding a security clearance.

The TSA Administrator would be required to: (1) develop a process for regularly evaluating the root causes of screening errors at checkpoints across airports; (2) implement corrective measures; (3) develop additional measures to address key performance aspects related to the [Secure Flight](#) program as well as matching errors; (4) provide job-specific privacy refresher training for Secure Flight program staff; and (5) develop a mechanism to comprehensively document and track key Secure Flight program privacy issues. The Administrator would additionally be mandated to identify spending reductions and administrative savings through the streamlining and any necessary restructuring of agency divisions to make TSA more efficient.

The Administrator would be: (1) directed to develop and implement a preventative maintenance validation process for security-related technology deployed at airports both for airport personnel and contractors, and would request additional access to data from the [Terrorist Identities Datamart Environment](#) and other databases; (2) required to consult with the [Aviation Security Advisory Committee](#) regarding any modifications to the prohibited items list prior to issuing a determination; and (3) required to conduct a pilot program to evaluate the use, effectiveness, and integration of privately-operated explosives detection canines teams.

The TSA Administrator would be authorized to donate security screening equipment to a foreign last-point-of-departure airport operator if the equipment can be reasonably expected to mitigate a specific vulnerability to the security of the United States.

Title II of the bill would require the Government Accountability Office (GAO) to conduct a report on the efficiency and effectiveness of TSA's [Surface Transportation Security Inspectors Program](#). The Inspector General of the Department of Homeland Security would be mandated to analyze data and methods used by the TSA Administrator to classify employees within the [Office of Inspection](#). The Administrator would be required to conduct a workforce assessment and subsequent reclassification of employees within the Office of Inspection, in accordance with Office of Personnel Management (OPM) employee classification regulations. The House report (H. Rept. 114-396) accompanying H.R. 3584 can be found [here](#). (Section 112 and 113 were omitted in the final version of the bill).

COMMITTEE ACTION:

H.R. 3584 was introduced on September 22, 2015 and was referred to the House Committee on Homeland Security. On January 12, 2016, the bill was ordered to be reported and amended by the committee.

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." No specific enumerating clause was included.

H.R. 4408 — National Strategy to Combat Terrorist Travel Act of 2016, as amended (Rep. Katko, R-NY)

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

FLOOR SCHEDULE:

Scheduled for consideration on February 23, 2016 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 4408](#) would require the Department of Homeland Security (DHS) to submit to Congress a strategy to disrupt terrorists from travelling domestically and internationally.

COST:

The Congressional Budget Office (CBO) [estimates](#) that the reports and implementation plans required by H.R. 4408 would cost less than \$500,000 annually and would be subject to the availability of appropriated funds. Any costs in subsequent years to carry out those plans for additional equipment or personnel, for example—would be attributable to separate legislation. Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CONSERVATIVE CONCERNS:

There are no substantive concerns.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 4408 would express a sense of Congress that the policy of the United States should be to: (1) continue to regularly assess the evolving terrorist threat; (2) catalogue existing Federal Government efforts to obstruct terrorist and foreign fighter travel; (3) identify such efforts that may benefit from reform or consolidation, or require elimination; (4) identify potential security vulnerabilities in United States defenses against terrorist travel; and (5) prioritize resources to address in a risk-based manner any such security vulnerabilities.

The bill would require the president to submit a strategy to Congress, addressing efforts to intercept terrorists and foreign fighters and constrain their domestic and international travel. The president would be directed to consult with the Secretary of Homeland Security to develop the initial national strategy, as well as implementation plans. The requirements of the bill would be terminated ten years after its enactment. No additional funds would be authorized to be appropriated to carry out the bill.

COMMITTEE ACTION:

H.R. 4408 was introduced on February 1, 2016 and was referred to the House Committee on Homeland Security. On February 2, 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: Article I, Section 8, Clause 18--To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof." No specific enumerating clause was included.

H.R. 4398 — DHS Acquisition Documentation Integrity Act of 2016 (Rep. Watson Coleman, D-NJ)

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

FLOOR SCHEDULE:

Scheduled for consideration on February 23, 2016 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 4398](#) would direct the Department of Homeland Security (DHS) to prepare cost estimates and schedules for its major acquisition programs.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 4398 would cost less than \$500,000 annually; such spending would be subject to the availability of appropriated funds.

CONSERVATIVE CONCERNS:

There are no substantive concerns.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 4398 would direct the Secretary of Homeland Security to require the head of a relevant component or office, for each major acquisition program, to: (1) maintain acquisition documentation that is complete, accurate, and timely; (2) prepare cost estimates and schedules for major acquisition programs in a manner consistent with Government Accountability Office (GAO) best practices; and (3) submit certain acquisition documentation to the Secretary to produce an annual comprehensive report to Congress on the status of departmental acquisitions. The Secretary would be authorized to waive the requirement regarding supplying documentation to the report to Congress if the program has not entered the full rate production phase in the acquisition lifecycle and had a reasonable cost estimate established, or if the program does not meet the definition of capital asset, defined by the Office of Management and Budget (OMB). The bill defines “major acquisition program” as a Department of Homeland Security acquisition program that is estimated by the Secretary to require an eventual total expenditure of at least \$300,000,000 over its lifecycle cost.

COMMITTEE ACTION:

H.R. 4398 was introduced on February 1, 2016 and was referred to the House Committee on Homeland Security. On February 2, 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: Article I, Section 8, Clause 18.” No specific enumerating clause was included.

H.R. 4402 — Foreign Fighter Review Act of 2016, as amended (Rep. Hurd, R-TX)

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

FLOOR SCHEDULE:

Scheduled for consideration on February 23, 2016 suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 4402](#) would require the Department of Homeland Security (DHS) to submit a report to Congress on instances since 2011 in which persons traveled or attempted to travel from the United States to Iraq or Syria to support terrorist organizations.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 4402 would cost less than \$500,000 in 2016 and would be subject to the availability of appropriated funds. Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CONSERVATIVE CONCERNS:

There are no substantive concerns.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 4402 would require the president, acting through the Secretary of Homeland Security, to initiate a review of known instances since 2011 in which a person has traveled or attempted to travel to a conflict zone in Iraq or Syria from the United States to join or provide material support or resources to a terrorist organization. The review would include: (1) relevant unclassified and classified information held by the United States government related to each instance; (2) ascertain which factors, including operational issues, security vulnerabilities, and systemic challenges that may have undermined efforts to prevent the travel of such persons to a conflict zone in Iraq or Syria from the United States; and (3) identify lessons learned and areas for improvement to prevent additional travel to a conflict zone in Iraq or Syria, or other terrorist safe havens abroad, to join or provide material support or resources to a terrorist organization.

The president would be required to direct the heads of relevant federal agencies to provide the appropriate information necessary for the Secretary of Homeland Security to complete the review. The Secretary of Homeland Security would be directed to submit the results of the review to Congress. No additional funds would be authorized to be appropriated to carry out the bill.

COMMITTEE ACTION:

H.R. 4402 was introduced on February 1, 2016 and was referred to the House Committee on Homeland Security. On February 2, 2012, the bill was ordered to be reported and 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." No specific enumerating clause was included.

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