



1. [Concur in the Senate Amendment to H.R. 4318 – Miscellaneous Tariff Bill Act of 2018](#)
2. [H.R. 6439 – Biometric Identification Transnational Migration Alert Program Authorization Act of 2018](#)
3. [H.R. 6459 – TSA OPEN for Business Act](#)
4. [H.R. 6430 – Securing the Homeland Security Supply Chain Act](#)
5. [H.R. 6443 – Advancing Cybersecurity Diagnostics and Mitigation Act](#)
6. [H.R. 5869 – Maritime Border Security Review Act](#)
7. [H.R. 6374 – Fitness Information Transparency \(FIT\) Act of 2018](#)
8. [H.R. 6438 – DHS Countering Unmanned Aircraft Systems Coordinator Act](#)
9. [H.R. 6447 – Department of Homeland Security Chief Data Officer Authorization Act](#)
10. [H.R. 6265 – PreCheck is PreCheck Act of 2018](#)
11. [H.R. 6461 – TSA National Deployment Force Act](#)
12. [H.R. 6400 – United States Ports of Entry Threat and Operational Review Act](#)

Concur in the Senate Amendment to H.R. 4318 — Miscellaneous Tariff Bill Act of 2018 (Rep. Brady, R-TX)

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

FLOOR SCHEDULE:

Scheduled for consideration on September 4, 2018, under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[The Senate Amendment to H.R. 4318](#) would reauthorize the Miscellaneous Tariff Bill (MTB) which would suspend or lower import tariffs on specific commodities or goods imported into the United States.

COST:

A Congressional Budget Office (CBO) estimate for the Senate Amendment to H.R. 4318 is not available at this time.

The CBO report for House-passed version of H.R. 4318 can be found [here](#). According to CBO, H.R. 4318 as passed by the House would have reduced revenues by \$823 million, reduced outlays by \$896 million, for a net reduction in the deficit of \$73 million over the FY 2018 – 2027 period.

Compared the House-passed bill, the Senate amendment to H.R. 4318 would strike a number of tariff reductions and would modify the extension of customs user fees (the outlay reduction offset).

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No, the bill would reduce or suspend government-imposed import tariffs that increase the costs of goods for American families, workers, and businesses.
- **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, the bill was developed under the process established to comply with the earmark ban where the International Trade Commission reviewed petitions for tariff reduction and made recommendations to Congress.

DETAILED SUMMARY AND ANALYSIS:

The Senate Amendment to H.R. 4318 would concur with the House-passed bill with several amendments.

H.R. 4318 would amend the [Harmonized Tariff Schedule](#) of the United States by reducing or suspending tariffs on various goods being imported into the United States. Based off of the [American Manufacturing Competitiveness Act of 2016](#) passed in the 114th Congress, which established a process for U.S. businesses to submit petitions for consideration to suspend or reduce duties directly to the U.S. International Trade Commission (ITC); the ITC then submitted [recommendations](#) to

Congress from those petitions. H.R. 4318 would include tariff reductions or suspensions on various goods including: agricultural goods, consumer products, certain chemicals, and other various electronic devices. Information from the Ways and Means Committee hearing on the Miscellaneous Tariff Bill can be found [here](#) and [here](#).

The Senate Amendment would strike sections related to certain chemicals including propargyl butyrcarbamate, esfenvalerate, collapsible insulated food and beverage bags, rotary cutting hand tools, full tang knives, electric commercial vehicles, as well as cabs and bodies for electric commercial vehicles. The bill would make several technical definition changes related to sections on men's shoes and ski boots. The bill would extend the authorized collection of Customs User Fees from July 21, 2027, to October 13, 2027.

The RSC's Legislative Bulletin on H.R. 4318 can be found [here](#).

COMMITTEE ACTION:

H.R. 4318 was introduced on November 9, 2017, and was referred to the House Committee on Ways and Means. The bill passed the House on January 16, 2018 as amended agreed to by the yeas and nays: (2/3 required): [402-0](#). On July 26, 2018, the bill passed the Senate with amendments 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: U.S. Constitution Article I, Section 8, Clause 1 and 3 "The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States...;" and "To regulate commerce with foreign nations, and among the several states, and with the Indian tribes..."

H.R. 6439 — Biometric Identification Transnational Migration Alert Program Authorization Act of 2018 (Rep. McCaul, R-TX)

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

FLOOR SCHEDULE:

Scheduled for consideration on September 4, 2018, under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 6439](#) would establish the Biometric Identification Transnational Migration Alert Program within the Department of Homeland Security.

COST:

The Congressional Budget Office (CBO) [estimates](#) that enacting the bill would not significantly affect spending by DHS. Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates 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 2029.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** The bill would establish the Biometric Identification Transnational Migration Alert Program (BITMAP) within the Department of Homeland Security.
- **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. 6439 would amend the [Homeland Security Act of 2002](#) to establish the Biometric Identification Transnational Migration Alert Program (BITMAP) within the Department of Homeland Security to address and reduce national security, border security, and terrorist threats before such threats reach the international border of the United States.

In carrying out BITMAP operations, the Secretary of Homeland Security, acting through the Director of U.S. Immigration and Customs Enforcement, would coordinate, in consultation with the Secretary of State, appropriate representatives of foreign governments, and the heads of other Federal agencies, as appropriate, to facilitate the voluntary sharing of biometric and biographic information collected from foreign nationals for the purpose of identifying and screening such nationals to identify those nationals who may pose a terrorist threat or a threat to national security or border security; provide capabilities, including training and equipment, to partner countries to voluntarily collect biometric and biographic identification data from individuals to identify, prevent, detect, and interdict high risk individuals identified as national security, border security, or terrorist threats who may attempt to enter the United States utilizing illicit pathways; provide capabilities, including training and equipment, to partner countries to compare foreign data against appropriate United

States national security, border security, terrorist, immigration, and counter-terrorism data, including the Federal Bureau of Investigation's Terrorist Screening Database, or successor database; as well as other duties.

Before carrying out BITMAP operations in a foreign country that was not a partner country, the Secretary, in consultation with the Secretary of State, shall enter into agreement or arrangement with the government of such country that outlines operations in such country. The bill would further require a notification and report to Congress on the program.

The House report (H. Rept. 115-909) accompanying H.R. 6439 can be found [here](#).

COMMITTEE ACTION:

H.R. 6439 was introduced on July 19, 2018, and was referred to the House Committee on Homeland Security. The bill was ordered to be reported (amended) by unanimous consent on [July 24, 2018](#).

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 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. 6459 — TSA OPEN for Business Act (Rep. Thompson, D-MS)

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

FLOOR SCHEDULE:

Scheduled for consideration on September 4, 2018, under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 6459](#) would require the Transportation Security Administration (TSA) to submit a strategy to Congress to diversify the technology stakeholder market place that the TSA Administrator relies upon to acquire security screening technologies, including by increased participation of small business innovators.

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. 6459 would require TSA to submit a strategy to Congress to diversify the technology stakeholder market place that the TSA Administrator relies upon to acquire security screening technologies, including by increased participation of small business innovators.

The strategy would include: information on how TSA solicitation, testing, evaluation, piloting, acquisition, and procurement processes impact the Administrator's ability to acquire from a technology stakeholder, including a small business innovator, that has not previously provided technology to the Administration, an innovative technology or capability with the potential to enhance transportation security; specific actions that the Administrator will take to foster diversification within the technology stakeholder marketplace, together with information on projected timelines for such actions; plans for how the Administrator may, to the extent practicable, assist a small business innovator at certain points in such processes, including when such an innovator lacks adequate resources to participate in such processes, to help ensure that an advanced technology or capability can be developed and acquired by the Administrator; feasibility assessment of partnering with a 501(c)(3) organization to help provide venture capital to businesses, particularly small business innovators, for commercialization of innovative homeland security

technologies that are expected to be ready for commercialization in the near term and within 36 months.

The bill would further require a Government Accountability Office (GAO) to submit a review to Congress of the extent to which such strategy addresses the requirements of such section, has resulted in increased participation of small business innovators in the technology stakeholder marketplace, and has resulted in a diversification of the marketplace.

COMMITTEE ACTION:

H.R. 6459 was introduced on July 19, 2018, and was referred to the House Committee on Homeland Security. The bill was ordered to be reported by unanimous consent on [July 24, 2018](#).

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 United States Constitution Article 1, Section 8, Clause 18, that Congress shall have the power to make all laws which shall be necessary and proper."

H.R. 6430 — Securing the Homeland Security Supply Chain Act (Rep. King, R-NY)

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

FLOOR SCHEDULE:

Scheduled for consideration on September 4, 2018, under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 6430](#) would authorize the Secretary of Homeland Security to implement specified requirements to improve the security of information and telecommunications systems acquired by the Department.

COST:

The Congressional Budget Office (CBO) [estimates](#) that enacting the bill would not significantly affect spending by the Department of Homeland Security (DHS) in any fiscal year because the department could implement each bill with minimal additional personnel. Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates 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 2029.

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. 6430 would amend the [Homeland Security Act of 2002](#) to authorize the Secretary of Homeland Security to carry out a covered procurement action certain relating to supply chain risk; limit the disclosure of information, including classified information, relating to the basis for carrying out such an action; and exclude a source carried out in the course of such an action applicable to a covered procurement of the Department.

The Secretary would only be authorized to do so only after obtaining a joint recommendation, in unclassified or classified form, from the Chief Acquisition Officer and the Chief Information Officer of Department.

In any case in which the Secretary determines that national security interests require the immediate exercise of the specified authorities, the Secretary may, to the extent necessary to address any such national security interest, may temporarily delay such notification, or make a determination; and would be directed to take actions necessary to comply with all requirements as soon as practicable after addressing the urgent national security interest. The Secretary would also be mandated to annually review all determinations related to such procurement.

The House report (H. Rept. 115-907) accompanying H.R. 6430 can be found [here](#).

COMMITTEE ACTION:

H.R. 6430 was introduced on July 18, 2018, and was referred to the House Committee on Homeland Security. The bill was ordered to be reported on [July 24, 2018](#).

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 8: 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. 6443 — Advancing Cybersecurity Diagnostics and Mitigation Act (Rep. Ratcliffe, R-TX)

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

FLOOR SCHEDULE:

Scheduled for consideration on September 4, 2018, under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 6443](#) would authorize the Secretary of Homeland Security to establish a continuous cybersecurity diagnostics and mitigation program at the Department of Homeland Security.

COST:

The Congressional Budget Office (CBO) [estimates](#) that preparing the strategy and report required by the bill would cost less than \$500,000 over the 2019-2023 period; such spending would be subject to the availability of appropriated amounts. Enacting H.R. 6443 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 6443 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** The bill would authorize the Secretary of Homeland Security to establish a continuous cybersecurity diagnostics and mitigation program.
- **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. 6443 would amend the [Homeland Security Act of 2002](#) to authorize the Secretary of Homeland Security to establish a continuous cybersecurity diagnostics and mitigation program at the Department of Homeland Security.

The Secretary would develop and provide the capability to collect, analyze, and visualize information relating to security data and cybersecurity risks; make program capabilities available for use, with or without reimbursement; employ shared services, collective purchasing, blanket purchase agreements and any other economic or procurement models the Secretary determines appropriate to maximize the costs savings associated with implementing an information system; assist entities in setting information security priorities and managing cybersecurity risks; and develop policies and procedures for reporting systemic cybersecurity risks and potential incidents based upon data collected under such program.

The Secretary of Homeland Security would also be required to develop a comprehensive continuous diagnostics and mitigation strategy to carry out the continuous diagnostics and mitigation program,

and submit a report to Congress on cybersecurity risk posture based on the data collected through the continuous diagnostics and mitigation program.

The House report (H. Rept. 115-910) accompanying H.R. 6443 can be found [here](#).

COMMITTEE ACTION:

H.R. 6443 was introduced on July 19, 2018, and was referred to the House Committee on Homeland Security. The bill was ordered to be reported (amended) by unanimous consent on [July 24, 2018](#).

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 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. 5869 — Maritime Border Security Review Act (Rep. González-Colón, R-PR)

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

FLOOR SCHEDULE:

Scheduled for consideration on September 4, 2018, under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 5869](#) would the Secretary of Homeland Security to conduct a maritime border threat analysis.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing the bill would cost less than \$500,000; such spending would be subject to the availability of appropriations. Enacting H.R. 5869 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 5869 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

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. 5869 would require the Secretary of Homeland Security to conduct a maritime border threat analysis that includes an identification and description: current and potential terrorism and criminal threats posed by individuals and groups seeking to enter the United States through the maritime border; or exploit border vulnerabilities on the maritime border, improvements needed at United States seaports to prevent terrorists and instruments of terror from entering the United States; and reduce criminal activity, as measured by the total flow of illegal goods and illicit drugs, related to the maritime border, improvements needed with respect to the maritime border to prevent terrorists and instruments of terror from entering the United States; and reduce criminal activity related to the maritime border, vulnerabilities in law, policy, cooperation between State, territorial, and local law enforcement, or international agreements that hinder effective and efficient border security, counterterrorism, anti-human trafficking efforts, and the flow of legitimate trade with respect to the maritime border, metrics and performance parameters used by the Department of Homeland Security to evaluate maritime security effectiveness.

The Secretary may submit a portion of the threat analysis in classified form if the Secretary determines that such form is appropriate for such portion.

COMMITTEE ACTION:

H.R. 5869 was introduced on May 17, 2018, and was referred to the House Committee on Homeland Security. The bill was ordered to be reported (amended) by unanimous consent on [July 24, 2018](#).

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 1 of the U.S. Constitution "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." Article I, Section 8, Clause 18 of the U.S. Constitution Congress shall have the power . . . "To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

H.R. 6374 — Fitness Information Transparency (FIT) Act of 2018 (Rep. Perry R-PA)

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

FLOOR SCHEDULE:

Scheduled for consideration on September 4, 2018, under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 6374](#) would require the Department of Homeland Security to streamline Federal contractor fitness determinations.

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. 6374 would direct the Secretary of Homeland Security, acting through the Chief Security Officer of the Department of Homeland Security, to coordinate with the heads of components of the Department to review and consolidate all Federal contractor fitness standards used by the Department and its components in order to issue a uniform set of fitness standards that reflect public trust concerns which correspond to each position risk level require the Department and the heads of its components to use such uniform fitness standards that correspond to the relevant position risk level as the basis for fitness determinations for a contractor employee; and publish uniform fitness standards that correspond to each such position risk level on the public website of the Department and cause the same to be printed in the Federal Register.

The Department of Homeland Security may authorize the Department or a component of the Department to deviate from the uniform fitness standards issued on a position-by-position basis under specified conditions.

The Chief Security Officer of the Department of Homeland Security would implement a process to ensure fitness determinations made by the Department are uniformly accepted throughout the Department and its components. The bill would also implement an adjudication and certification process.

No authority or policy created by or issued pursuant to the bill would apply to employees or contractors of an air carrier, foreign air carrier, or airport operator subject to employment investigations.

The Chief Security Officer of the Department of Homeland Security may conduct an immediate review of a contractor employee's fitness determination when a contractor employee has engaged in violent acts against individuals, property, or public spaces based on the contractor employee's association with persons or organizations that advocate, threaten, or use force or violence, or any other illegal or unconstitutional means, in an effort to prevent others from exercising their rights under the Constitution or laws of the United States or of any State, based on factors including, at a minimum, race, religion, national origin, or disability. No additional funds are authorized to be appropriated to carry out the bill.

COMMITTEE ACTION:

H.R. 6374 was introduced on July 13, 2018, and was referred to the House Committee on Homeland Security. The bill was ordered to be reported (amended) by unanimous consent on [July 24, 2018](#).

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 of the United States Constitution authorizes the Congress to enact laws providing for the common defense and general welfare of the United States. This legislation implements uniform fitness standards to ensure contract employees hired by the Department of Homeland Security possess the requisite character and qualifications to defend the country."

H.R. 6438 — DHS Countering Unmanned Aircraft Systems Coordinator Act (Rep. Perry, R-PA)

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

FLOOR SCHEDULE:

Scheduled for consideration on September 4, 2018, under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 6438](#) would establish an Unmanned Aircraft Systems Coordinator within the Department of Homeland Security.

COST:

The Congressional Budget Office (CBO) [estimates](#) that enacting the bill would not significantly affect spending by the Department of Homeland Security (DHS) in any fiscal year because the department could implement each bill with minimal additional personnel. Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates 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 2029.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** The bill would require the Secretary of Homeland Security to create an official of the Department as the Countering Unmanned Aircraft Systems (UAS) Coordinator.
- **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. 6438 would require the Secretary of Homeland Security to create an official of the Department as the Countering Unmanned Aircraft Systems (UAS) Coordinator to coordinate with relevant Department offices and components on the development of policies and plans to counter threats associated with UAS, including countering UAS that may be used in a terrorist attack; promoting research and development of counter UAS technologies; ensuring the dissemination of information and guidance related to countering UAS threats; serving as the Department point of contact for Federal, State, local, and tribal law enforcement entities and the private sector regarding the Department's activities related to countering UAS; and carrying out other related UAS activities, as directed by the Secretary.

The Coordinator would coordinate with relevant Department components and offices to ensure testing, evaluation, or deployment of a system used to identify, assess, or defeat a UAS is carried out in accordance with applicable Federal laws.

The House report (H. Rept. 115-908) accompanying H.R. 6438 can be found [here](#).

COMMITTEE ACTION:

H.R. 6438 was introduced on July 19, 2018, and was referred to the House Committee on Homeland Security. The bill was ordered to be reported by unanimous consent on [July 24, 2018](#).

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 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. 6447 — Department of Homeland Security Chief Data Officer Authorization Act (Rep. Carter, R-TX)

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

FLOOR SCHEDULE:

Scheduled for consideration on September 4, 2018, under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 6447](#) would establish the position of Chief Data Officer within the Department of Homeland 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. 6447 would amend the [Homeland Security Act of 2002](#) to authorize the Secretary of Homeland Security, in consultation with the Chief Information Officer, to designate a career Senior Executive Service appointee of the Department as the Chief Data Officer of the Department. The Chief Data Officer shall possess demonstrated training and experience in the management, governance, generation, collection, protection, analysis, use, and sharing of data, including the protection and de-identification of personally identifiable information.

The Chief Data Officer would be responsible for: ensuring that the Department conforms with data management best practices recognized across industry and the Federal Government; coordinating the organization and integration of data across the Department for improved interoperability, analysis, and decision-making; reviewing the impact of the infrastructure of the Department regarding data integrity and interoperability; coordinating the release of data for public use following appropriate privacy reviews within the Department, as coordinated with the Chief Privacy Officer; promoting the use of modern data systems to improve Department operations; coordinating the storage of Department records in accordance with the National Archives and Records Administration's General Records Schedules; as well as other duties.

The heads of each operational component of the Department, in consultation with the Chief Data Officer of the Department and the Chief Information Officer of such component, shall designate a career appointee from each such component of the Department as the Chief Data Officer of their respective component.

COMMITTEE ACTION:

H.R. 6447 was introduced on July 19, 2017, and was referred to the House Committee on Homeland Security. The bill was ordered to be reported (amended) by unanimous consent on [July 24, 2018](#).

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 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. 6265 — PreCheck is PreCheck Act of 2018 (Rep. Katko, R-NY)

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

FLOOR SCHEDULE:

Scheduled for consideration on September 4, 2018, under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 6265](#) would require the Transportation Security Administration (TSA) to ensure that only travelers who are members of a specified trusted traveler program are permitted to use [TSA PreCheck](#) security screening lanes at Transportation Security Administration checkpoints.

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. 6265 would require the Transportation Security Administration (TSA) to ensure that only travelers who are members of a specified trusted traveler program are permitted to use TSA PreCheck security screening lanes at Transportation Security Administration checkpoints.

Any traveler who is 12 or under or 75 or over who is not a member of a trusted traveler program would be permitted to utilize TSA PreCheck security screening lanes at Transportation Security Administration checkpoints when traveling on the same itinerary as a member of such a program.

TSA would commence a pilot program regarding a risk modified screening protocol for lanes other than designated TSA PreCheck security screening lanes at TSA checkpoints, in airports of varying categories, to further segment passengers based on risk. The bill would require a report to Congress on the pilot program. Only low-risk passengers shall be eligible to undergo risk modified screening at Transportation Security Administration checkpoints. The bill would further require a briefing to Congress on a quarterly basis which would sunset after the TSA certifies to Congress that only travelers who are members of a trusted traveler program are permitted to use TSA PreCheck security screening lanes.

The Inspector General of the Department of Homeland Security would be directed, beginning in the first calendar year after such certification and in each of the next three subsequent calendar years, conduct an assessment to determine if there has been a systematic pattern of violations of TSA PreCheck security screening lanes during the previous calendar year.

TSA would be directed to develop and begin the implementation of a long-term strategy to increase enrollment in the TSA PreCheck Program and expand the total population of members of trusted traveler programs. In carrying out the long-term strategy, TSA would seek to partner with air carriers to incorporate PreCheck Program promotion opportunities in the reservation process seek to include in the PreCheck Program individuals who hold a Secret, Top Secret, or Top Secret/Sensitive Compartmented Information clearance, unless such an individual has had his or her clearance revoked or did not pass a periodic reinvestigation; or are current, full-time Federal law enforcement officers; increase PreCheck Program enrollment flexibility by offering a secure mobile enrollment platform that facilitates in-person identity verification and application data collection, such as biometrics; develop initiatives to minimize the amount of travel to PreCheck Program enrollment centers for applicants; assess the feasibility of providing financial or other incentives for PreCheck Program enrollment for children between the ages of 12 and 18; families of five or more individuals; private sector entities, including small businesses, that establish PreCheck Program enrollment centers in their respective facilities; and private sector entities, including small business concerns that reimburse employees for the cost of the PreCheck Program application; and explore the possibility of combining the PreCheck Program with other trusted traveler programs.

COMMITTEE ACTION:

H.R. 6265 was introduced on June 28, 2018, and was referred to the House Committee on Homeland Security. The bill was ordered to be reported (amended) by unanimous consent on [July 24, 2018](#).

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 18--To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof."

H.R. 6461 — TSA National Deployment Force Act (Rep. Watson Coleman, D-NJ)

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

FLOOR SCHEDULE:

Scheduled for consideration on September 4, 2018, under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 6461](#) would establish a National Deployment Office within the Transportation Security Administration (TSA).

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?** The bill would establish a National Deployment Office within TSA.
- **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. 6461 would establish a National Deployment Office within TSA to be headed by an individual with supervisory experience, designated by the Administrator of the Transportation Security Administration.

The head of the National Deployment Office would be responsible for: Maintaining a National Deployment Force within the Transportation Security Administration that is comprised of transportation security officers, including supervisory transportation security officers and lead transportation security officers, to provide the Administration with rapid and efficient response capabilities and augment the Department of Homeland Security's homeland security operations to mitigate and reduce risk, including for: airports temporarily requiring additional security personnel due to an emergency, seasonal demands, hiring shortfalls, severe weather conditions, passenger volume mitigation, equipment support, or other reasons; special events requiring enhanced security including National Special Security Events; response in the aftermath of any manmade disaster, including any terrorist attack' educating transportation security officers regarding how to participate in the TSA Administration's National Deployment Force, recruiting officers to serve on the National Deployment Force, in accordance with a staffing model to be developed by the Administrator; approving one-year appointments for officers to serve on the National Deployment Force, with an

option to extend upon officer request and with the approval of the appropriate Federal Security Director; training officers to serve on the National Deployment Force.

The TSA Administrator may consider service in the National Deployment Force as a positive factor when evaluating applicants for promotion opportunities within TSA. The bill would require an annual report to Congress.

COMMITTEE ACTION:

H.R. 6461 was introduced on July 19, 2018, and was referred to the House Committee on Homeland Security. The bill was ordered to be reported by unanimous consent on [July 24, 2018](#).

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."

H.R. 6400 — United States Ports of Entry Threat and Operational Review Act (Rep. Lesko, R-AZ)

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

FLOOR SCHEDULE:

Scheduled for consideration on September 4, 2018, under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 6400](#) would require the Secretary of Homeland Security to conduct a threat and operational analysis of ports of entry.

COST:

The Congressional Budget Office (CBO) [estimates](#) that enacting the bill would not significantly affect spending by the Department of Homeland Security (DHS) in any fiscal year because the department could implement each bill with minimal additional personnel. Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates 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 2029.

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. 6400 would require the Secretary of Homeland Security, acting through the Commissioner of U.S. Customs and Border Protection to submit a threat and operational analysis of ports of entry, to include an assessment of current and potential threats posed by individuals and organized groups seeking to exploit security vulnerabilities at ports of entry; or to unlawfully enter the United States through such ports of entry; methods and pathways used to exploit security vulnerabilities at ports of entry; improvements needed at ports of entry to prevent the unlawful movement of people, illicit drugs, and other contraband across the borders of the United States; as well as other measures.

The bill would require a ports of entry strategy and implementation plan, including a consideration of the ports of entry threat and operational analysis, with an emphasis on efforts to mitigate threats and challenges identified in such analysis.

COMMITTEE ACTION:

H.R. 6400 was introduced on July 17, 2018, and was referred to the House Committee on Ways and Means and the House Committee on Homeland Security. The bill was ordered to be reported by voice vote on 2018. The bill was ordered to be reported by the House Committee on Homeland Security (amended) by unanimous consent on [July 24, 2018](#).

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 18--To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof."

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