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H.R. 2315 — Mobile Workforce State Income Tax Simplification Act of 2015 (Rep. Bishop, R-MI)

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

FLOOR SCHEDULE:

Expected to be considered on September 21, 2016 under a suspension of the rules, which requires 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 2315](#) would prevent states from imposing income tax requirements on nonresidents working in a foreign state for 30 days or fewer per year. This exclusion would not apply to professional athletes, entertainers, or public figures.

COST:

The Congressional Budget Office (CBO) [estimates](#) that “for all states collectively, the bill would reduce revenues on a net basis by between \$50 million and \$100 million per year beginning in 2018, the first full year that the bill’s changes would be in effect.”

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** The bill would preempt states from imposing taxes on income earned within their borders.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

Forty-three [states](#) and the District of Columbia require payment of a personal income tax on wages and partnership income. Presently, state tax laws are responsible for providing the framework to determine if a nonresident worker is required to pay a foreign state income tax and when employer withholding is required, creating a piecemeal framework for income tax.

This legislation would prohibit the wages earned by an employee working in a foreign state from being subject to income tax in a state other than: (1) the state of the employee’s residence; or (2) the state in which the employee works more than 30 days per year.

This legislation would exempt employers from withholding tax and other reporting requirements for individuals not subject to income tax. Employers are permitted to rely on the employees determination for time spent working in a state, absent evidence of fraudulent calculations.

Professional athletes, professional entertainers, and public figures are exempt from the definition of employee under this act.

COMMITTEE ACTION:

H.R. 2315 was introduced on May 14, 2015 and was referred to the House Committee on the Judiciary, where it was reported by the yeas and nays, 23-4, on June 17, 2015.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 3.

H. Con. Res. 122 — PROTECT Patrimony Resolution (Rep. Pearce, R-NM)

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

FLOOR SCHEDULE:

Expected to be considered on September 21, 2016 under a suspension of the rules, which requires 2/3 majority for passage.

TOPLINE SUMMARY:

[H. Con. Res. 122](#) would condemn the theft, sale, illegal possession, or export of tribal cultural items.

COST:

No Congressional Budget Office (CBO) estimate is available.

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:

This legislation recognizes that tribal items have great historical, traditional, and cultural importance to Native American groups and cultures. These items, while vital to cultural survival, are often transported abroad in attempts to evade federal and tribal law. These items are often illegally traded or sold on black markets.

This concurrent resolution would call upon the Departments of State, Interior, Commerce, Homeland Security, and Justice to consult with tribes in taking action to stop these practices and to repatriate items. It would also call on the Government Accountability Office to examine and determine the scope of illegal trafficking of tribal items and to determine steps to put a stop to the trafficking.

COMMITTEE ACTION:

H. Con. Res. 122 was introduced on March 2, 2016 and was referred to the House Committees on Judiciary, Foreign Affairs, and Natural Resources.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

A Constitutional Authority Statement is not required for concurrent resolutions.

H.R. 4712 — Strengthening the Department of Homeland Security Secure Mail Initiative Act (Rep. Speier, D-CA)

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

FLOOR SCHEDULE:

Expected to be considered on September 21, 2016 under a suspension of the rules, which requires 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 4712](#) would require the Department of Homeland Security to provide an option through the [Secure Mail Initiative](#) so that persons receiving certain immigration benefits can have their immigration documents mailed to them with required signature, with a fee corresponding to costs, provided.

COST:

A Congressional Budget Office (CBO) estimate is not yet 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:

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:

The Secure Mail Initiative is a delivery and confirmation system made possible through partnership between the U.S. Citizenship and Immigration Services (UCIS) and the U.S. Postal Service. The program allows the UCIS to confirm the delivery of travel and employment forms and permanent resident cards via mail.

This legislation would also require the Secretary of Homeland Security to submit a report to Congress detailing implementation efforts of the Secure Mail Initiative, fees imposed, and the number of times during the previous year signatures were required.

COMMITTEE ACTION:

H.R. 4712 was introduced on March 3, 2016, and was referred to the House Committee on the Judiciary and the House Committee on Oversight and Government Reform.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

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

H.R. 5094 — Stability and Democracy for Ukraine Act, as amended (Rep. Engel, D-NY)

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

FLOOR SCHEDULE:

Scheduled for consideration on September 21, 2016 under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 5094](#) would codify and impose sanctions originating from several executive orders to deter Russian aggression against Ukraine and impose sanctions on additional foreign persons related to Russia's annexation of Crimea.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing the bill would cost less than \$500,000 a year and a total of \$1 million over the 2017-2021 period; such spending would be subject to the availability of appropriated funds. Because enacting H.R. 5094 would affect direct spending and revenues, pay-as-you-go procedures apply; however, those effects would not be significant over the 2017-2026 period. CBO estimates that enacting the legislation would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

CONSERVATIVE CONCERNS:

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

DETAILED SUMMARY AND ANALYSIS:

H.R. 5094 would state that it is the policy of the United States to further assist Ukraine in restoring its sovereignty and territorial integrity to contain, reverse, and deter Russian aggression in Ukraine. The bill would additionally express that it is the policy of the United States to use its voice, vote, and influence in international fora to encourage others to provide assistance to Ukraine; and to ensure that any relevant sanctions relief for the Russian Federation is contingent on timely, complete, and verifiable implementation of the [Minsk Agreements](#), especially the restoration of Ukraine's control of the entirety of its eastern border with the Russian Federation in the conflict zone.

H.R. 5094, in accordance with the "[Stimson Doctrine](#)" of not recognizing territory seized by force, would prohibit any federal department or agency from taking any action or extending any assistance that recognizes or implies any recognition of the de jure or de facto sovereignty of the Russian Federation over Crimea, its airspace, or its territorial waters. The bill would prohibit the Government Printing Office (GPO) from printing any map, document, record, or other paper of the United States portraying or otherwise indicating Crimea as part of the territory of the Russian Federation.

H.R. 5094 would require the president to submit an assessment to Congress including a review of each person designated pursuant to [Executive Order 13660](#) (relating to blocking property of certain persons contributing to the situation in Ukraine) or [Executive Order 13661](#) and a determination as to whether any such person meets the criteria for designation pursuant to [Executive Order 13685](#) (relating to blocking property of certain persons and prohibiting certain transactions with respect to the Crimea region of

Ukraine). United States sanctions provided for in Executive Order 13685 would remain until the president certifies to Congress that Ukraine's sovereignty over Crimea has been restored.

H.R. 5094 would amend the Support for the Sovereignty, Integrity, Democracy, and Economic Stability of Ukraine Act of 2014 ([Public Law 113-95](#)) by authorizing the president to impose sanctions with respect to a foreign person if the president determines that the foreign person knowingly: (1) has attempted to or materially violated, conspired to violate, or caused a violation of any license, order, regulation, or prohibition contained in, or issued pursuant to any covered Executive order; or (2) has facilitated significant deceptive or structured transactions for or on behalf of any person subject to United States sanctions concerning Russia. The president would be authorized to waive the application of sanctions on a case-by-case basis for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days if the President determines that such a waiver is in the national interests of the United States and submits a notice to Congress justifying the waiver.

The president would be authorized to impose sanctions on a foreign person if the president determines that the foreign person, based on credible information: (1) is responsible for, complicit in, or responsible for ordering, controlling, or otherwise directing, the commission of serious human rights abuses in any territory forcibly occupied or otherwise controlled by the Russian government; (2) has materially assisted, sponsored, or provided support for a foreign person that is responsible for the commission of serious human rights abuses in any territory forcibly occupied or otherwise controlled by Russia; or (3) is owned or controlled by a foreign person, or has acted or purported to act for or on behalf of, a foreign person that is responsible for the commission of serious human rights abuses in any territory forcibly occupied or otherwise controlled by Russia. The president would be granted similar waiver authorities as previously stated in the bill.

The bill would additionally require the Secretary of State and the Secretary of the Treasury to submit a report to Congress on foreign financial institutions: (1) that are in direct control of assets owned or controlled by the Government of Ukraine in a manner determined by the Secretary of State and the Secretary of the Treasury to be in violation of the sovereignty, independence, or territorial integrity of Ukraine; (2) that are directly or indirectly assisting or otherwise aiding the violation of sovereignty, independence, and territorial integrity of Ukraine; and (3) determined by the Secretary of State and the Secretary of the Treasury to be complicit in illicit financial activity, including money laundering, financing of terrorism, transnational organized crime, or misappropriation of state assets, that are organized under Russian laws or owned or controlled by a foreign person whose property have been blocked pursuant to any covered executive order.

H.R. 5094 would express a statement of policy that it is the policy of the United States to oppose the transfer of defense articles and defense services from any country that is a member of the North Atlantic Treaty Organization (NATO) to the Russian Federation, during any period in which Russia forcibly occupies the territory of Ukraine or of a NATO member country. The president would be authorized to use the voice, vote, and influence of the United States in NATO to seek the adoption of a policy by NATO that is consistent with the policy of the United States, and to direct appropriate U.S. agencies to monitor and identify transfers by NATO members of defense articles and services to Russia.

H.R. 5094 would direct the Secretary of State to develop and implement a strategy to respond to Russian-supported dis-information and propaganda efforts directed toward persons in countries bordering Russia. No additional funds would be authorized to carry out the bill, while its requirements would be carried out using amounts otherwise authorized. The bill's provisions would sunset 5 years after the bill's enactment.

COMMITTEE ACTION:

H.R. 5094 was introduced on April 28, 2016 and was referred to the House Committee on Foreign Affairs. On July 14, 2016, the bill was ordered to be reported with an amendment in the nature of a substitute by voice vote.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 18 of the Constitution." No specific enumerating clause was cited.

H.R. 3924 — Global Development Lab Act of 2015, as amended (Rep. Castro, D-TX)

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

FLOOR SCHEDULE:

Scheduled for consideration on September 21, 2016 under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 3924](#) would establish the United States Global Development Lab within the United States Agency for International Development (USAID) to increase the application of science, technology, innovation and partnerships to develop and scale new solutions to end extreme poverty.

COST:

The Congressional Budget Office (CBO) previously [estimated](#) that implementing H.R. 3924 would cost almost \$50 million over the 2017-2021 period (the remainder would be spent after 2021). The bill has been amended since this estimate was released to eliminate agency authority to utilize up to \$15 million in Development Assistance for Global Health purposes. CBO has indicated that this amendment should reduce the cost of the bill to less than \$500,000 over the FY 2017-2021 period.

Because enacting H.R. 3924 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. 3924 would establish the United States Global Development Lab within USAID to: (1) increase the application of science, technology, innovation and partnerships to develop and scale new solutions to end extreme poverty; (2) discover, test, and scale development innovations to increase cost effectiveness and support United States foreign policy and development goals; (3) leverage the expertise, resources, and investment of businesses, nongovernmental organizations, science and research organizations, and universities to increase program impact and sustainability; (4) utilize innovation-driven competitions to expand the number and diversity of solutions to development challenges; and (5) support USAID missions and bureaus in applying science, technology, innovation, and partnership approaches to decision-making, procurement, and program design.

The USAID Administrator would be authorized to: (1) provide innovation incentive awards; and (2) use funds made available to carry out the provisions of part I of the [Foreign Assistance Act of 1961](#) for each of the fiscal years 2017 through 2021 for the employment of not more than 30 individuals on a limited term basis pursuant to existing federal regulations.

In carrying out the duties of the Lab, the USAID Administrator would be authorized to require a person or entity that receives funding under a grant, contract, or cooperative agreement made by the Lab to return to the Lab any program income that is attributable to funding under such grant. The bill would additionally limit funds and set rules for the treatment of payments relating to the issuance of grants. The administrator

would be required to submit to Congress a detailed accounting of USAID's use of authorities under H.R. 3924, including the sources, amounts, and uses of funding. In providing innovation incentive awards, the administrator would be required to limit the amount of individual awards for fiscal year 2017 to not more than \$100,000; limit the total number of awards for fiscal year 2017 to not more than 10; and notify Congress not later than 15 days after providing each such award awards. The USAID Administrator would be directed to ensure that increases in the number of staff assigned to the Lab are offset by an equivalent reduction in the total number of staff serving elsewhere in USAID.

COMMITTEE ACTION:

H.R. 3924 was introduced on November 4, 2015 and was referred to the House Committee on Foreign Affairs. On February 24, 2016, the bill was ordered to be reported with an amendment in the nature of a substitute by unanimous consent.

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: Constitutional Authority--Necessary and Proper Clause (Art. I, Sec. 8, Clause 18) THE U.S. CONSTITUTION ARTICLE I, SECTION 8: POWERS OF CONGRESS CLAUSE 18 The Congress shall have 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. 5064 — Improving Small Business Cyber Security Act of 2016 (Rep. Hanna, R-NY)

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

FLOOR SCHEDULE:

Expected to be considered on September 21, 2016 under a suspension of the rules, which requires 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 5064](#) would amend the [Small Business Act](#) and the [Homeland Security Act](#) to allow the Department of Homeland Security (DHS) to provide cyber assistance, including assistance in cybersecurity, to [Small Business Development Centers](#) (SBDCs) as they assist small businesses in forming their cybersecurity infrastructure enhancement, threat awareness, and training programs.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 5064 “would cost \$1 million over the 2017-2021 period, mostly to complete the strategy and prepare the report; 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:

This bill would amend the Small Business Act to permit the Small Business Administration (SBA) and the Department of Homeland Security to jointly develop a Small Business Development Center Cyber Strategy. In order to do so, it would require the Government Accountability Office (GAO) to issue a report that reviews federal cybersecurity resources that assist small businesses. The SBDCs would have access to cybersecurity specialists to provide counsel to their small business clients.

It would also amend the Homeland Security Act of 2002 and the Small Business Act to permit DHS and other federal agencies to leverage SBDCs to spread cybersecurity risk information to help small businesses form their cybersecurity infrastructure and threat awareness and training programs.

It would require the GAO to create a cyber resources report that would include:

- (1) An accounting and assessment of federal programs that provide small business assistance; and
- (2) An assessment of duplicative resources and programs available to small businesses.

The SBA and DHS cyber strategy must include:

- (1) Plans for leveraging SBDCs into current federal cyber programs;
- (2) Methods of providing counsel to small businesses on their cybersecurity infrastructure, training programs, and threat awareness;
- (3) An analysis of how SBDCs can establish partnerships with federal, state, and local governments and private entities to help cyber support services to small businesses.

This strategy must be reported to Congress.

A House Homeland Security Committee Report can be found [here](#).

COMMITTEE ACTION:

H.R. 5064 was introduced on April 26, 2016 and was referred to the House Committee on Small Business and the House Committee on Homeland Security. It was reported, amended, by the House Committee on Homeland Security on July 1, 2016.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 3.

H.R. 470 — Chattahoochee-Oconee National Forest Land Adjustment Act, as amended (Rep. Collins, R-GA)

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

FLOOR SCHEDULE:

Scheduled for consideration on September 21, 2016 under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 470](#) would authorize the Department of Agriculture (USDA) to sell or exchange any or all rights of the United States in 30 tracts of National Forest System land in Georgia totaling approximately 3,841 acres, and to maintain and use the proceeds from such sale for the acquisition of additional federal land in Georgia without any further appropriation.

COST:

The Congressional Budget Office (CBO) [estimates](#) that enacting H.R. 470 would increase offsetting receipts, which are treated as reductions in direct spending, from proceeds generated by the sale of the affected lands and associated direct spending; therefore, pay-as-you-go procedures apply. However, CBO estimates that any net effect on direct spending would be negligible. Enacting the bill would not affect revenues. CBO estimates that enacting H.R. 470 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** Yes. The bill would authorize the Secretary of Agriculture to appropriate the proceeds of land sales authorized under the bill for the purpose of additional land acquisition without specific authorization or appropriation.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 470 would authorize the Department of Agriculture to sell or exchange any or all rights, title, and interest of the United States in 30 tracts of National Forest System land in the Oconee and Chattahoochee National Forests in Georgia totaling approximately 3,841 acres. The Department would be authorized to reserve any rights-of-way or other rights or interests in land sold or exchanged under the bill that the Secretary of Agriculture considers necessary for management purposes or to protect the public interest.

The Department of Agriculture would be prohibited from selling or exchanging the land described in the bill for less than market value, as determined by appraisal or through competitive bid. Consideration for a sale of land or equalization of an exchange would be required to be paid in cash. The Department would be authorized to accept a cash equalization payment in excess of 25 percent of the value of any land exchanged.

The Department would be allowed to use proceeds of the sale of land for the acquisition of land for National Forest purposes in the State of Georgia until expended, without further appropriation. Nothing in the bill would be authorize the use of deposited funds to be used to acquire land without the written consent of the landowner.

COMMITTEE ACTION:

H.R. 470 was introduced on January 22, 2015 and was referred to the House 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: The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States." (Article IV, Section III, Clause 2)

H.R. 5883 — Technical and Clarifying Amendments to the Packers and Stockyards Act of 2016 (Rep. Rouzer, R-NC)

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

FLOOR SCHEDULE:

Scheduled for consideration on September 21, 2016 under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 5883](#) would redefine the term “marketing agency” to include any person buying or selling livestock in commerce through online, video, or other electronic methods on a commission or other fee basis when handling or providing a means to handle receivables or proceeds from the sale of that livestock in addition to the current-law definition of those engaged in the business of buying or selling in commerce livestock on a commission basis; furnishing stockyard services..

COST:

The Congressional Budget Office (CBO) [estimates](#) that the cost to implement the provisions of the bill would be insignificant; such spending would be subject to the availability of appropriated funds. Enacting H.R. 5883 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting the legislation would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

CONSERVATIVE CONCERNS:

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

DETAILED SUMMARY AND ANALYSIS:

H.R. 5883 would amend section 301 of the Packers and Stockyards Act, 1921 ([7 U.S.C. 201](#)) and redefine the term “marketing agency” to mean any person engaged in the business of buying or selling in commerce livestock on a commission basis; furnishing stockyard services; or buying or selling livestock in commerce through online, video, or other electronic methods on a commission or other fee basis when handling or providing a means to handle receivables or proceeds from the sale of that livestock.

The bill would authorize funds for purchasing livestock to be transferred to the account of the seller by wire, electronic fund transfer, or any other expeditious method determined appropriate by the Department of Agriculture. Current law specifies only wire transfer as an acceptable method.

COMMITTEE ACTION:

H.R. 5883 was introduced on July 14, 2016 and was referred to the House 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: Consistent with the understanding and interpretation of the Commerce Clause, Congress has the authority to enact this legislation in accordance with Clause 3 of Section 8, Article 1 of the U.S. Constitution."

H.R. 5391 — Gains in Global Nuclear Detection Architecture Act (Rep. Richmond, D-LA)

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

FLOOR SCHEDULE:

Scheduled for consideration on September 21, 2016 under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 5391](#) would direct the [Domestic Nuclear Detection Office](#) in the Department of Homeland Security (DHS) to develop and maintain documentation, such as a technology roadmap and strategy that provides information on how the office's research investments align with gaps in the enhanced global nuclear detection architecture.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 5391 would not significantly affect DHS spending. 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. 5391 would direct the Domestic Nuclear Detection Office in the Department of Homeland Security (DHS) to develop and maintain documentation, such as a technology roadmap and strategy, that provides information on how the office's research investments align with gaps in the enhanced global nuclear detection architecture, and research challenges identified by the director of the office. The bill would direct the Director of the Domestic Nuclear Detection Office to document the rationale for prioritizing and selecting research topics; and develop a systematic approach, which may include annual metrics and periodic qualitative evaluations, for evaluating how the outcomes of the office's individual research projects collectively contribute to addressing the office's research challenges.

The Government Accountability Office [has found](#) that it is not possible to determine if research projects funded by the Defense Nuclear Detection Office meet the goals and objectives of the agency due to lack of documentation on such projects. The House report (H. Rept. 114-652) accompanying H.R. 5391 can be found [here](#).

COMMITTEE ACTION:

H.R. 5391 was introduced on June 7, 2016 and was referred to the House Committee on Homeland Security. On July 1, 2016, the bill was ordered to be reported by the committee.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: "Congress has the power to enact this legislation pursuant to the following: This bill is introduced pursuant to the powers granted to Congress under the General Welfare Clause (Art. 1 Sec. 8 Cl. 1), the Commerce Clause (Art. 1 Sec. 8 Cl. 3), and the Necessary and Proper Clause (Art. 1 Sec. 8 Cl. 18). Further, this statement of constitutional authority is made for the sole purpose of compliance with clause 7 of Rule XII of the Rules of the House of Representatives and shall have no bearing on judicial review of the accompanying bill."

H.R. 5459 — Cyber Preparedness Act of 2016 (Rep. Donovan, R-NY)

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

FLOOR SCHEDULE:

Scheduled for consideration on September 21, 2016 under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 5459](#) would require the Department of Homeland Security (DHS) to provide cybersecurity assistance to, and share cybersecurity risk information with, state, local, and regional fusion centers

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 5459 would have no significant effect on the federal budget over the 2017-2021 period. Enacting H.R. 5459 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CONSERVATIVE CONCERNS:

Some conservatives might be concerned that the bill codifies the sharing of information with fusion centers that could serve a duplicative role, at the expense of FBI Joint Terrorism Task Force offices.

- **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. 5459 would amend the [Homeland Security Act of 2002](#) by requiring the Department of Homeland Security (DHS) to provide cybersecurity assistance to and share cybersecurity risk information with, state, local, and regional fusion centers, in coordination with the national cybersecurity and communications integration center, to assist in accessing timely technical assistance, risk management support, and incident response capabilities with respect to cyber threat indicators, defensive measures, cybersecurity risks, and incidents, which may include attribution, mitigation, and remediation, and the provision of information and recommendations on security and resilience, including implications of cybersecurity risks to equipment and technology related to the electoral process.

H.R. 5459 would amend the [subsection \(a\) of section 2008 of the Homeland Security Act of 2002](#) by authorizing recipients of the Urban Area Initiative or State Homeland Security grants to use those funds to enhance cybersecurity, including to prepare for and respond to cybersecurity risks and incidents and develop state-wide cyber threat information analysis and dissemination activities. The bill would express a sense of Congress that to facilitate the timely dissemination to appropriate state, local, and private sector stakeholders of homeland security information related to cyber threats, the Secretary of Homeland Security should, to the greatest extent practicable, work to share actionable information related to cyber threats in an unclassified form.

COMMITTEE ACTION:

H.R. 5459 was introduced on June 13, 2016 and was referred to the House Committee on Homeland Security. On September 13, 2016, the bill was ordered to be reported (as amended) by voice vote.

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 Constitution of the United States." No specific enumerating clause was cited.

H.R. 5346 — Securing Our Agriculture and Food (Rep. Young, R-IA)

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

FLOOR SCHEDULE:

Scheduled for consideration on September 21, 2016 under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 5346](#) would 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. 5346 would cost less than \$500,000 a year; such spending would be subject to the availability of appropriated funds. Enacting H.R. 5346 would not affect direct spending or revenues; therefore, 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. 5346 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; and (6) coordinate with appropriate federal departments and agencies.

COMMITTEE ACTION:

H.R. 5346 was introduced on May 26, 2016 and was referred to the House Committee on Homeland Security. On September 13, 2016, the bill was ordered to be reported (as amended) by voice vote.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 18 of the United States Constitution."

H.R. 5460 — First Responder Access to Innovative Technologies Act (Rep. Payne, D-NJ)

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

FLOOR SCHEDULE:

Scheduled for consideration on September 21, 2016 under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 5460](#) would establish a Federal Emergency Management Agency (FEMA) uniform process for reviewing applications that contain explanations to use grants provided under the Urban Area Security Initiative or the State Homeland Security Grant Program to purchase equipment or systems that do not meet or exceed any applicable national voluntary consensus standards.

COST:

The Congressional Budget Office (CBO) estimate is not 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. 5460 would amend [subsection \(f\) of section 2008 of the Homeland Security Act of 2002](#) (6 U.S.C. 609) to establish a Federal Emergency Management Agency (FEMA) uniform process for reviewing applications that contain explanations to use grants provided under the Urban Area Security Initiative or the State Homeland Security Grant Program to purchase equipment or systems that do not meet or exceed any applicable national voluntary consensus standards, developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 ([6 U.S.C. 747](#)).

The FEMA Administrator would be directed to consider: (1) current or past use of proposed equipment or systems by federal agencies or the Armed Forces; (2) the absence of a national voluntary consensus standard for such equipment or systems; (3) the existence of an international consensus standard for such equipment or systems, and whether such equipment or systems meets such standard; (4) the nature of the capability gap identified by the applicant and how such equipment or systems will address such gap; (5) the degree to which such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed existing consensus standards; (6) any other factor determined appropriate by the administrator.

The bill would require the Inspector General of the Department of Homeland Security to submit a report to Congress assessing the implementation of the review, including: (1) the number of requests to purchase equipment or systems that do not meet or exceed any applicable consensus standard evaluated under such review process; (2) the capability gaps identified by applicants and the number of such requests granted or denied; (3) the processing time to review requests.

COMMITTEE ACTION:

H.R. 5460 was introduced on June 13, 2016 and was referred to the House Committee on Homeland Security. On September 13, 2016, the bill was ordered to be reported (as amended) by voice vote.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8." No specific enumerating clause was cited.

H.R. 5065 — Bottles and Breastfeeding Equipment Screening Act, as amended (Rep. Herrera-Beutler, R-WA)

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

FLOOR SCHEDULE:

Scheduled for consideration on September 21, 2016 under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 5065](#) would direct the Secretary of Homeland Security to notify air carriers and security screening personnel of the Transportation Security Administration (TSA) on guidelines regarding permitting baby formula, breast milk, and juice on airplanes.

COST:

The Congressional Budget Office (CBO) [estimates](#) that enacting H.R. 5065 would not affect the federal budget. Enacting the legislation would not affect direct spending or revenues; therefore, 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. 5065 would require the TSA Administrator to notify air carriers and TSA security screening personnel and personnel of private security companies providing security screening of guidelines and training procedures regarding permitting baby formula, breast milk, purified deionized water for infants, and juice on airplanes under the administration's guidelines known as the [3-1-1 Liquids Rule Exemption](#).

COMMITTEE ACTION:

H.R. 5065 was introduced on April 26, 2016 and was referred to the House Committee on Homeland Security. On September 13, 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 bill's sponsor: "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8 of the United States Constitution." No specific enumerating clause was cited.

H.R. 5943 — Transit Security Grant Program Flexibility Act (Rep. Donovan, R-NY)

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

FLOOR SCHEDULE:

Scheduled for consideration on September 21, 2016 under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 5943](#) would clarify the use of certain funds under a public transportation security assistance grant program and establish a period of performance for the grant funds to not fewer than 36 months.

COST:

The Congressional Budget Office (CBO) estimates that implementing H.R. 5943 would cost about \$1 million in 2017 and a negligible amount over the remainder of the 5-year period. Any such spending would be subject to the availability of appropriated funds. CBO estimates that enacting H.R. 5943 would not increase net direct spending or on-budget deficits by more than \$5 billion in any of the four consecutive 10-year periods beginning in 2027.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** The bill would expand the allowable use of federal public transportation security grant funds.
- **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. 5943 would amend [section 1406\(b\)\(2\) of the Implementing Recommendations of the 9/11 Commission Act of 2007](#) by clarifying the allowable use of funds under a public transportation security assistance grant program to include for security training and associated backfill. The bill would allow funds to remain available for a grant recipient for not fewer than 36 months and would allow the funds to be available for longer (not fewer than 55 months) under two exceptions: security improvements for public transportation systems and infrastructure.

The bill would further require the Government Accountability Office (GAO) conduct a review of the transit security grant program under [section 1406 of the Implementing Recommendations of the 9/11 Commission Act of 2007](#), to include assessments of: (1) the type of projects funded under the transit security grant program; (2) the manner in which such projects address threats to transportation infrastructure; (3) the impact, if any, of the bill on types of projects funded under the transit security grant program; (4) the management and administration of transit security grant program funds by grantees. The review would additionally include recommendations to improve the manner in which transit security grant program funds address vulnerabilities in transportation infrastructure, and to improve the management and administration of the transit security grant program. The GAO would be required to submit the review to Congress.

COMMITTEE ACTION:

H.R. 5943 was introduced on September 7, 2016 and was referred to the House Committee on Homeland Security. On September 13, 2016, the bill was ordered to be reported (as amended) by voice vote.

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 Constitution of the United States." No specific enumerating clause was included.

H.R. 6004 — MGT Act (Rep. Hurd, R-TX)

CONTACT: [Rebekah Armstrong](#), 202-226-0678

FLOOR SCHEDULE:

Scheduled for consideration September 21, 2016 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 6004](#) would establish within each agency an information technology modernization working capital fund and a government-wide information technology modernization fund at Treasury. Funds deposited into these accounts, either via discretionary appropriation or agency reprogramming, would be available at the discretion of agency heads for the purpose of introducing or developing new IT systems.

COST:

A Congressional Budget Office (CBO) cost 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?** Yes, this bill would create a new fund within each agency and the Treasury to fund information technology projects within the federal government.
- **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:

This bill would establish an information technology system modernization and working capital fund for necessary expenses for the agency. These funds could be deposited into the fund through the reprogramming of available funds for the operation and maintenance of legacy systems or amounts made available through discretionary appropriations. The fund could be used to improve or retire existing systems, transition to a cloud-based platform, or support efforts to provide information technology capabilities that address security threats. The chief information officer (CIO) would evaluate the use of funds based on technical design, and procurement strategy.

This bill would also establish at the Treasury an Information Technology Modernization Fund for technology related activities and to enhance cybersecurity across the federal government. The Technology Modernization Fund would be used to transfer amounts, to remain available until expended, to the head of an agency to improve, retire, or replace existing information technology systems. In addition to any appropriated funds, the Technology Modernization Fund would be credited with all reimbursements, advancements, or refunds relating to information technology or services provided through the Fund. An Information Technology Board would be established to evaluate proposals for used of funding in the Technology Modernization Fund. The Board would provide input on the development of processes for agencies to submit modernization proposals and establish criteria to evaluate the proposals, and monitor the funding and execution of approved projects.

COMMITTEE ACTION:

This bill was introduced by Representative Hurd and referred to the House Committee on Oversight and Government Reform. It was marked-up on September 15, 2016, and ordered to be reported, as amended, by voice vote.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

According to the sponsor, “Congress has the power to enact this legislation pursuant to the following: Article I, Section IX, clause VII, of the United States Constitution.”

Clause 7 of Section 9 prohibits the withdrawal of funds from the Treasury without an appropriation in law; however, the section does not empower Congress to make such appropriations for any purpose. Such enumerated power would more likely be found in Article 1, Section 8.

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