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H.R. 5783 — Cooperate with Law Enforcement Agencies and Watch Act (Rep. Hill, R-AR)

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

FLOOR SCHEDULE:

Scheduled for consideration on June 25, 2018, under a suspension of the rules which requires 2/3 vote for final passage.

TOPLINE SUMMARY:

[H.R. 5783](#) would provide a safe harbor for banks that receive “keep open” letters from federal or state law enforcement agencies, safeguarding them from liability for keeping certain customer accounts open.

COST:

The 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:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** This would prevent state departments or agencies from taking action against financial institutions that keep certain customer accounts open.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

At times, banks receive “keep open” letters from state or federal law enforcement agencies, requesting the bank to continue maintaining a customer account. Financial regulations often make it difficult for banks to comply with these requests, hindering the ability of a bank to cooperate with law enforcement.

This legislation would provide a safe harbor for banks that receive “keep open” letters from federal or state law enforcement agencies, safeguarding them from liability for keeping certain customer accounts open. Moreover, state or federal agencies wouldn’t be permitted to take adverse actions against a bank complying with a “keep open” letter.

Banks would still be required to comply with reporting requirements and state and local agencies would still be permitted to verify the validity of a request. Written requests would be required to include a termination date.

COMMITTEE ACTION:

H.R. 5783 was introduced on May 11, 2018, and was referred to the House Committee on Financial Services, where it was ordered reported, amended, by a [vote](#) of 55-0 on June 7, 2018.

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.”

H.R. 435 — Credit Access and Inclusion Act of 2015 (Rep. Ellison, D-MN)

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

FLOOR SCHEDULE:

Scheduled for consideration on June 25, 2018, under a suspension of the rules which requires 2/3 vote for final passage.

TOPLINE SUMMARY:

[H.R. 435](#) would amend the Fair Credit Reporting Act to allow people, companies, or the Department Housing and Urban Development to report information regarding a consumer's performance in making lease, utility, or telecommunications payments, to a consumer credit reporting agency, in order to help them gain access to affordable sources of credit.

COST:

The Congressional Budget Office (CBO) [estimates](#) that "implementing H.R. 435 would cost less than \$500,000 over the 2018-2022 period. Spending by HUD, the Federal Trade Commission, and GAO for implementation and enforcement would be subject to the availability of appropriated funds."

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:

Those lacking credit or with poor credit scores often have difficulty accessing affordable sources of credit. These consumers, however, may be making smart financial choices by making on time lease, utility, and telecommunications payments.

This legislation would amend the Fair Credit Reporting Act to allow people, companies, or the Department Housing and Urban Development to report information regarding a consumer's performance in making lease, utility, or telecommunications payments, to a consumer credit reporting agency, in order to help them gain access to affordable sources of credit.

Energy utilities would not be permitted to report a late balance to a credit reporting agency if the consumer and the utility have entered into a payment plan, and the consumer is meeting the obligations of that plan.

This legislation would also require the GAO to conduct a study within two years of enactment, on the impact of the furnishing of payment information on consumers.

COMMITTEE ACTION:

H.R. 435 was introduced on January 11, 2017, and was referred to the House Committee on Financial Services, where it was ordered reported, amended, by a [vote](#) of 60-0 on December 13, 2017.

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 1”

H.R. 4294 — Prevention of Private Information Dissemination Act of 2017, as amended (Rep. Kustoff, R-TN)

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

FLOOR SCHEDULE:

Scheduled for consideration on June 25, 2018, under a suspension of the rules which requires 2/3 vote for final passage.

TOPLINE SUMMARY:

[H.R. 4294](#) would amend the Financial Stability Act of 2010 to provide for criminal monetary penalties against employees of federal financial regulatory agencies for the unauthorized disclosure of or wrongfully requests or obtains certain identifiable information.

COST:

The Congressional Budget Office (CBO) “[expects](#) that any additional revenues and associated direct spending would not be significant because the bill would probably affect a small number of cases.”

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** The bill would provide for criminal monetary penalties for the unauthorized disclosure of or wrongfully requests or obtains certain identifiable information.
- **Encroach into State or Local Authority?**
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

Under Dodd-Frank, Systemically Important Financial Institutions (SIFIs) and certain designated nonbank financial companies, must annually submit detailed plans to the Federal Reserve and the Federal Deposit Insurance Company (FDIC), which include plans for rapid resolution in the event of financial distress. These institutions have to submit sensitive information in these plans, including trade secrets, that could pose a threat to their livelihood should the information fall into the hands of a competitor. While the Federal Reserve and the FDIC are to safeguard this information, if the institutions are found to not have developed a credible plan for resolution, certain information could be exposed pertaining to living wills and stress tests that has the potential to move markets, which, according to the [Committee Report](#), could lead to things like insider trading.

This legislation would provide for criminal monetary penalties if: 1) an officer or employee of a federal financial regulatory agency willfully makes an unauthorized disclosure of certain sensitive, identifiable information; or 2) a person willfully requests or obtains such sensitive information under false pretenses.

This legislation provides that offenders would be found guilty of a misdemeanor and fined not more than \$5,000.

COMMITTEE ACTION:

H.R. 4294 was introduced on November 8, 2017, and was referred to the House Committee on Financial Services, and the House Committee on the Judiciary. The Committee on Financial Services ordered it reported by a [vote](#) of 60-0 on November 15, 2017.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

“Congress has the power to enact this legislation pursuant to the following: The Constitutional Authority on which this bill rests is the explicit power of Congress to regulate in commerce in and among the states, as enumerated in Article I, Section 8, Clause 3, the Commerce Clause of the United States Constitution. Additionally, Article I, Section 7, Clause 2 of the Constitution allows for every bill passed in the House of Representatives and the Senate and signed by the President to be codified into law; and therefore, implicitly allows Congress to repeal any bill that has been passed by both chambers and signed into law by the President.

H.R. 6069 — FIND Trafficking Act (Rep. Vargas, D-CA)

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

FLOOR SCHEDULE:

Scheduled for consideration on June 25, 2018, under a suspension of the rules which requires 2/3 vote for final passage.

TOPLINE SUMMARY:

[H.R. 6069](#) would require the Government Accountability Office (GAO) to report on virtual currencies and how they are used to facilitate transactions with respect to sex and drug trafficking online marketplaces.

COST:

The Congressional Budget Office (CBO) [estimates](#) that the bill would cost less than \$500,000 over the 2019-2020 period for GAO to complete the study; any spending would be subject to the availability of appropriated funds. Enacting H.R. 6069 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:

According to the Drug Enforcement Agency, drug and sex traffickers are increasingly relying on virtual currencies to facilitate the exchange of goods or services.

This legislation would require the GAO to report on virtual currencies and how they are used to facilitate transactions with respect to sex and drug trafficking online marketplaces.

The study must include consideration of:

- How online marketplaces, including the darkweb, are being used as platforms for transaction in sex or drug trafficking;
- How financial payment methods are being used to facilitate transactions associated with sex or drug trafficking;
- How virtual currencies are being used when an online platform is not otherwise involved;
- How illicit proceeds make their way into the US banking system;
- Which state and non-state actors participate or benefit;
- Preventative measures taken on behalf of state or federal agencies;
- How virtual currencies can be used to detect and deter these illicit activities; and
- To what extent can the traceable nature of virtual currencies contribute to the prosecution of illicit funding.

The GAO would be required to submit a report to Congress on the results of the study within one year following enactment.

COMMITTEE ACTION:

H.R. 6069 was introduced on June 12, 2018, and was referred to the House Committees on Financial Services and on the Judiciary. The Committee on Financial Services reported the legislation, amended, by a [vote](#) of 53-0, on June 14, 2018.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

Congress has the power to enact this legislation pursuant to the following: (1) To regulate commerce with foreign nations, and among the several states, and with the Indian tribes, as enumerated in Article 1, Section 8, Clause 3 of the U.S. Constitution; (2) To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures, as enumerated in Article 1, Section 8, Clause 5 of the U.S. Constitution; and (3) To make all laws necessary and proper for executing powers vested by the Constitution in the Government of the United States, as enumerated in Article I, Section 8, Clause 18 of the United States Constitution.

H.R. 5094 — Enhancing Suspicious Activity Reporting Initiative Act (Rep. King, R-NY)

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

FLOOR SCHEDULE:

Scheduled for consideration on June 25, 2018 under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 5094](#) would require the Department of Homeland Security (DHS) to develop a strategy to improve the operations and activities of the Department of Homeland Security related to training, outreach, and information sharing for suspicious activity reporting to prevent acts of terrorism.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 5094 would not have a significant effect on 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 H.R. 5094 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** The bill would establish a working group on suspicious activity reporting to provide advice to the Secretary of Homeland Security regarding improvements to the operations and activities related to suspicious activity reporting to prevent acts of terrorism.
- **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 require DHS to develop a strategy to improve the operations and activities of the Department of Homeland Security related to training, outreach, and information sharing for suspicious activity reporting to prevent acts of terrorism. The strategy would include: a description and examples of the types of information that would meet the definition of critical information for the purpose of suspicious activity reporting as well as information, including information associated with racial, religious or national origin, that would not meet the definition of critical information; training for appropriate personnel of State and major urban area fusion centers, emergency response providers; methods to improve outreach to appropriate State and major urban area fusion centers, emergency response providers, and the private sector related to suspicious activity reporting to prevent acts of terrorism; a plan to ensure that critical information is shared in a timely manner with State and major urban area fusion centers, emergency response providers, and the private sector, including nationwide trend analysis and other information related to terrorist threats. The bill would require DHS to submit the strategy to Congress.

The bill would establish a working group on suspicious activity reporting to provide advice to the Secretary of Homeland Security regarding improvements to the operations and activities related to

suspicious activity reporting to prevent acts of terrorism. The bill would set the working group's composition and would require a briefing to Congress on DHS activities related to training, outreach, and information sharing for suspicious activity reporting to prevent acts of terrorism. The working group would terminate two years after the bill's enactment. The [Federal Advisory Committee Act](#) (5 U.S.C. App.) would not apply to the working group.

The House report (H. Rept. 115-610) accompanying H.R. 5094 can be found [here](#).

COMMITTEE ACTION:

H.R. 5094 was introduced on February 26, 2018 and was referred to the House Committee on Homeland Security. The Committee marked up and reported the bill on March 7, 2018, by unanimous consent.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

H.R. 5081 — Surface Transportation Security and Technology Accountability Act of 2018 (Rep. Katko, R-NY)

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

FLOOR SCHEDULE:

Scheduled for consideration on June 25, 2018 under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 5081](#) would require the Administrator of the Transportation Security Administration (TSA) to establish a Surface Transportation Security Advisory Committee, to provide stakeholders and the public the opportunity to coordinate with the agency and comment on policy and pending regulations.

COST:

The Congressional Budget Office (CBO) [estimates](#) that any increased costs to establish and support the proposed advisory committee in H.R. 5081 would not exceed \$500,000 annually. Such spending would be subject to appropriation. Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 5081 would not increase net direct spending or onbudget deficits in any of the four consecutive 10-year periods beginning in 2028.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** The bill would require the Administrator of the Transportation Security Administration (TSA) to establish a Surface Transportation Security Advisory Committee.
- **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. 5081 would require the Administrator of the Transportation Security Administration (TSA) to establish a Surface Transportation Security Advisory Committee. The Advisory Committee would advise, consult with, report to, and make recommendations to the TSA on surface transportation security matters, including the development, refinement, and implementation of policies, programs, initiatives, rulemakings, security directives pertaining to surface transportation security, and would consider risk-based security approaches in the performance of its duties. The bill would set the composition, appointment process, terms of office, and meeting procedures for the committee.

The Advisory Committee would be required to periodically submit to TSA reports on matters requested by the Administrator or by a majority of the members of the Advisory Committee. The bill would further require an annual report to Congress that provides information on the activities, findings, and recommendations of the Advisory Committee during the preceding year. TSA would be directed to consider the information, advice, and recommendations of the Advisory Committee in formulating policies, programs, initiatives, rulemakings, and security directives pertaining to surface transportation security efforts and would be directed to provide written feedback to the committee

on such recommendation. TSA would be directed to notify Congress of the feedback, including the agreement or disagreement. The [Federal Advisory Committee Act](#) (5 U.S.C. App.) would not apply to the Advisory Committee.

The House report (H. Rept. 115-611) accompanying H.R. 5081 can be found [here](#).

COMMITTEE ACTION:

H.R. 5081 was introduced on February 23, 2018, and was referred to the House Committee on, 2018, Homeland Security. The Committee marked up and reported the bill on March 7, 2018, by unanimous consent.

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. 5730 — Transportation Security Technology Innovation Reform Act of 2018 (Rep. Katko, R-NY)

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

FLOOR SCHEDULE:

Scheduled for consideration on June 25, 2018, under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 5730](#) would establish a Transportation Security Administration Systems Integration Facility (TSIF) for testing and evaluating advanced transportation security screening technologies related to the mission of 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 establish a Transportation Security Administration Systems Integration Facility.
- **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. 5730 would direct the Transportation Security Administration Systems Integration Facility (TSIF) to evaluate such technologies to enhance the security of transportation systems through screening and threat mitigation and detection; conduct testing of such technologies to support identified mission needs of TSA and to meet requirements for acquisitions and procurement; to the extent practicable, provide original equipment manufacturers with test plans to minimize requirement interpretation disputes and adhere to provided test plans; collaborate with other technical laboratories and facilities for purposes of augmenting TSIF's capabilities; deliver advanced transportation security screening technologies that enhance the overall security of domestic transportation systems; and to provide funding and promote efforts to enable participation by a small business concern that has an advanced technology or capability but does not have adequate resources to participate in testing and evaluation processes.

The bill would set staffing and resource requirements for the TSIF. Advanced transportation security screening technology that fails testing and evaluation by the TSIF may be retested and evaluated. The bill would also require TSA to conduct a review of existing advanced transportation security screening technology development, acquisitions, and procurement practices within the

Administration. TSA would be directed to engage in outreach, coordination, and collaboration with transportation stakeholders to identify and foster innovation of new advanced transportation security screening technologies; streamline the overall technology development, testing, evaluation, acquisitions, procurement, and deployment processes of the Administration; and ensure the effectiveness and efficiency of such processes; as well as conduct an assessment and submit it to Congress.

COMMITTEE ACTION:

H.R. 5730 was introduced on May 9, 2018, and was referred to the House Committee on Homeland Security. On [June 6, 2018](#), the bill was ordered to be reported (amended) by unanimous consent.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: “Congress has the power to enact this legislation pursuant to the following: Article I, section 8, clause 1; and Article I, section 8, clause 18 of the Constitution of the United States.”

H.R. 5766 — Securing Public Areas of Transportation Facilities Act of 2018 (Rep. Payne, D-NJ)

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

FLOOR SCHEDULE:

Scheduled for consideration on June 25, 2018 under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 5766](#) would establish a working group to promote collaborative engagement between the Department of Homeland Security and public and private sector stakeholders to develop non-binding recommendations for enhancing security in public areas of transportation facilities.

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 working group.
- **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. 5766 would establish a working group to promote collaborative engagement between the Department of Homeland Security and public and private sector stakeholders to develop non-binding recommendations for enhancing security in public areas of transportation facilities (including facilities that are surface transportation assets). The bill would require a report to Congress on the working group's organization, participation, activities, findings, and non-binding recommendations for the immediately preceding 12-month period. The Secretary of Homeland Security may publish a public version of such report that describes the working group's activities and such related matters as would be informative to the public.

The Secretary of Homeland Security would be directed to inform owners and operators of surface transportation assets about the availability of technical assistance, including vulnerability assessment tools and cybersecurity guidelines, to help protect and enhance the resilience of public areas of such assets; and subject to the availability of appropriations, provide such technical assistance to requesting owners and operators of surface transportation assets.

The Secretary of Homeland Security would be mandated to publish on the Department of Homeland Security's website and widely disseminate best practices for protecting and enhancing the resilience

of public areas of transportation facilities (including facilities that are surface transportation assets), including associated frameworks or templates for implementation. The bill would require a report to Congress that includes a review of regulations, directives, policies, and procedures issued by the Administrator regarding the transportation of a firearm and ammunition, and information on plans to modify any such regulation, directive, policy, or procedure based on such review.

COMMITTEE ACTION:

H.R. 5766 was introduced on March 10, 2018, and was referred to the House Committee on Homeland Security. On [June 6, 2018](#), the bill was ordered to be reported by unanimous consent.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: "Congress the power to enact this legislation pursuant to the following: Article I Section 8 Clause 3--Congress has the ability to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

H.R. 5733 — DHS Industrial Control Systems Capabilities Enhancement Act of 2018 (Rep. Bacon, R-NE)

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

FLOOR SCHEDULE:

Scheduled for consideration on June 25, 2018, under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 5733](#) would require the [National Cybersecurity and Communications Integration Center](#) to maintain capabilities to identify threats to industrial control systems.

COST:

The Congressional Budget Office (CBO) [estimates](#) that the bill would cost less than \$500,000 over the 2019-2023 period to prepare and deliver the required briefings; such spending would be subject to the availability of appropriated funds. Enacting H.R. 5733 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. 5733 would require the National Cybersecurity and Communications Integration Center to address the security of both information technology and operational technology, including industrial control systems. The Center would lead, in coordination with relevant sector specific agencies, Federal Government efforts to identify and mitigate cybersecurity threats to industrial control systems, including supervisory control and data acquisition systems; maintain cross-sector incident response capabilities to respond to industrial control system cybersecurity incidents; provide cybersecurity technical assistance to industry end-users, product manufacturers, and other industrial control system stakeholders to identify and mitigate vulnerabilities; collect, coordinate, and provide vulnerability information to the industrial control systems community by, as appropriate, working closely with security researchers, industry end-users, product manufacturers, and other industrial control systems stakeholders. The bill would require a report to Congress and a briefing on the center's industrial control systems capabilities.

COMMITTEE ACTION:

H.R. 5733 was introduced on March 9, 2018, and was referred to the House Committee on Homeland Security. On [June 6, 2018](#), the bill was ordered to be reported (amended) by unanimous consent.

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. 5206 — Office of Biometric Identity Management Authorization Act of 2018 (Rep. McSally, R-AZ)

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

FLOOR SCHEDULE:

Scheduled for consideration on June 25, 2018, under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 5206](#) would establish the Office of Biometric Identity Management (OBIM) which manages the Department of Homeland Security (DHS)'s primary biometric repository and provides biometric identity services to DHS components and other Federal agencies in support of anti-terrorism, counterterrorism, border security, credentialing, national security, and public safety effort.

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 the Office of Biometric Identity Management.
- **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. 5206 would establish the Office of Biometric Identity Management (OBIM) to be administered by the Director of the Office of Biometric Identity Management who shall report to the Secretary of Homeland Security. The Director would be required to have significant professional management experience, as well as experience in the field of biometrics and identity management; lead the Department's biometric identity services to support anti-terrorism, counterterrorism, border security, credentialing, national security, and public safety; enable operational missions across the Department by receiving, matching, storing, sharing, and analyzing biometric and associated biographic and encounter data; deliver biometric identity information and analysis capabilities to the Department and its components; as well as other responsibilities.

COMMITTEE ACTION:

H.R. 5206 was introduced on March 7, 2018, and was referred to the House Committee on Homeland Security. The Committee marked up and reported the bill on June 6, 2018, by unanimous consent.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: "Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, Clause 1: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be unifrom throught [*sic*] the United States. 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. 5207 — Immigration Advisory Program Authorization Act of 2018 (Rep. McSally, R-AZ)

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

FLOOR SCHEDULE:

Scheduled for consideration on June 25, 2018, under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 5207](#) would authorize an immigration advisory program within U.S. Customs and Border Protection (CBP) for U.S. Customs and Border Protection officers, pursuant to an agreement with a host country, to assist air carriers and security employees at foreign airports with review of traveler information during the processing of flights bound for the United States.

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. 5207 would authorize an immigration advisory program within CBP for U.S. Customs and Border Protection officers, pursuant to an agreement with a host country, to assist air carriers and security employees at foreign airports with review of traveler information during the processing of flights bound for the United States. U.S. Customs and Border Protection officers may be present during processing of flights bound for the United States; assist air carriers and security employees with document examination and traveler security assessments; provide relevant training to air carriers, security employees, and host-country authorities; analyze electronic passenger information and passenger reservation data to identify potential threats; engage air carriers and travelers to confirm potential terrorist watchlist matches; make recommendations to air carriers to deny potentially inadmissible passengers boarding flights bound for the United States; and conduct other activities to secure flights bound for the United States, as directed by the Commissioner of U.S. Customs and Border Protection.

The bill would require CBP to provide Congress with a copy of an agreement with the government of a host country, the identification of the host country with which U.S. Customs and Border Protection intends to enter into such agreement; the terms and conditions for U.S. Customs and Border Protection personnel operating at such location; country-specific information on the anticipated homeland security benefits associated with such agreement; as well as other matters.

COMMITTEE ACTION:

H.R. 5207 was introduced on March 7, 2018, and was referred to the House Committee on Homeland Security. The Committee marked up and reported the bill on June 6, 2018, by unanimous consent.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: "Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, Clause 1: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States. Article 1, Section 8, Clause 18: To make 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. 5751 — To redesignate Golden Spike National Historic Site and to establish the Transcontinental Railroad Network, as amended (Rep. Bishop, R-UT)

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

FLOOR SCHEDULE:

Expected to be considered June 25, 2018, under suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 5751](#) would redesignate the Golden Spike National Historic Site as the Golden Spike National Historical Park and include it in the Transcontinental Railroad Network, which is also established by this bill.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 5751 would cost about \$4 million over the 2019-2023 period; such spending would be subject to availability of appropriated funds. Enacting H.R. 5751 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 5751 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 Transcontinental Railroad Network.
- **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. 5752 would redesignate the Golden Spike National Historic Site as the Golden Spike National Historical Park and include it in the Transcontinental Railroad Network.

The bill would establish the Transcontinental Railroad Network. The bill would prohibit land with active freight railroad operations to be included. The bill would require the secretary to conduct a study to identify other sites, facilities and programs to be included in the network.

The bill would require the secretary to enter into a programmatic agreement with the Utah State Historic Preservation office to add certain undertakings in the park to the list of those eligible for streamlined review under the Historic Preservation Act of 1966. The bill would allow adjacent land owners to participate in invasive species eradication for up to 10 years.

COMMITTEE ACTION:

H.R. 3392 was introduced on May 10, 2018, and referred to the House Committee on Natural Resources. The bill was marked up on June 6, 2018, and reported by unanimous consent.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: "Congress has the power to enact this legislation pursuant to the following: Article IV, Section 3." No specific enumerating clause was cited.

H.R. 221 — Hydrographic Services Improvement Amendments Act (Rep. Young, R-AK)

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

FLOOR SCHEDULE:

Expected to be considered June 25, 2018, under suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 221](#) would reauthorize the Hydrographic Services Improvement Act, allow for funds to be used to acquire hydrographic data and to provide for hydrographic services in the Arctic, and require a GAO study on the cost of hydrographic studies.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 221 would cost \$811 million over the 2019-2023 period, and \$104 million after 2023, subject to appropriation.

The bill “would authorize the appropriation of \$183 million a year from 2019 through 2023 to carry out hydrographic activities, including nautical mapping and charting, collecting hydrographic data, maintaining a geodetic reference system (a worldwide coordinate system used for navigation), and measuring tides and currents. In 2018, NOAA allocated \$213 million to carry out similar activities.”

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. 221 would make the following reauthorizations, in each fiscal year, beginning in fiscal year 2019 and ending at the end of fiscal year 2023:

- To carry out nautical mapping and charting functions: \$70.814 million
- To contract for hydrographic surveys: \$26 million
- To operate hydrographic vessels owned by the U.S. and operated by the Administration: \$29.932 million
- To carry out geodetic functions: \$26.8 million
- To carry out tide and current measurement functions: \$30.564 million

The bill would also authorize \$10 million to be used to acquire hydrographic data, provide for hydrographic services, conduct coastal change analyses necessary to ensure safe navigation, and \$2 million, to be used to acquire hydrographic data and to provide for hydrographic services in the Arctic.

The bill would require GAO to conduct a study comparing the costs of hydrographic studies conducted by the National Oceanic and Atmospheric Administration, and submit a report to Congress.

The report accompanying H.R. 221 (H. Rept. 115-736) can be found [here](#).

COMMITTEE ACTION:

H.R. 221 was introduced on January 3 2017, and referred to the House Committee on Natural Resources. The bill was marked up on May 5, 2018, and reported by unanimous consent.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: "Congress has the power to enact this legislation pursuant to the following: Article 4, Section 3, clause 2."

H.R. 805 –Tulare Youth Recreation and Women's History Enhancement Act (Rep. Nunes, R-CA)

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

FLOOR SCHEDULE:

Expected to be considered June 25, 2018, under suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 805](#) would authorize the conveyance of the federal government's reversionary interest in two land parcels in Tulare County, California.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 805 would not affect the federal budget.

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. 805 would authorize the conveyance of the federal government's reversionary interest in two land parcels in Tulare County, California. The parcels are currently a right-of-way for the Union Pacific Railroad, but are occupied by an outdoor recreation facility for youth and a historic women's club. The City of Tulare would like to improve the facilities but currently is unable to without clear title.

The bill would require the secretary to relinquish the revisionary interest in the land in a way that is suitable for recording in Tulare County's records. Any costs must be paid by the city.

The report accompanying H.R. 805 (H. Rept. 115-579) can be found [here](#).

COMMITTEE ACTION:

H.R. 5294 was introduced on February 1, 2017, and referred to the House Committee on Natural Resources. The bill was marked up on January 17, 2018, and reported by unanimous consent.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: "Congress has the power to enact this legislation pursuant to the following: Clause 1 of section 8 of article I of the Constitution of the United States."

H.R. 857 — California Off-Road Recreation and Conservation Act (Rep. Cook, R-CA)

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

FLOOR SCHEDULE:

Expected to be considered June 25, 2018, under suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 857](#) would designate 330,000 acres of new wilderness, release 85,000 acres of study area back into multiple-use, designate 150,000 acres for off-highway vehicle use and study an additional 50,000 acres for inclusion, and create an Alabama Hills National Scenic Area.

COST:

A Congressional Budget Office (CBO) estimate is not yet available.

Rule 28(a)(1) of the Rules of the Republican Conference prohibits 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?** Some conservatives may be concerned the bill would designate 330,000 acres of new wilderness, and create an Alabama Hills National Scenic Area. The federal government's landholding constitutes over one-quarter of the U.S. landmass, and much of it is poorly managed. The National Park Service, in particular, suffers from a severe backlog of maintenance.
- **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:

Bureau of Land Management Wilderness Areas: H.R. 857 would designate the following areas as part of the [National Wilderness Preservation System](#), to be administered by the Bureau of Land Management (BLM):

- Avawatz Mountains Wilderness: 91,800 acres
- Golden Valley Wilderness: 1,250 acres
- Great Falls Basin Wilderness: 7,870 acres
- Kingston Range Wilderness: 53,320 acres
- Soda Mountains Wilderness: 79,990 acres

National Park Service Wilderness Areas: The bill would designate the following areas as part of the Death Valley National Park Wilderness, within the [National Wilderness Preservation System](#), to be administered by the National Park Service (NPS):

- North Eureka Valley: 11,496 acres
- Ibex: 23,650 acres

- Panamint Valley: 4,807 acres
- Warm Springs: 10,485 acres
- Axe Head: 8,638 acres
- Bowling Alley: 28,923 acres

Forest Service Wilderness Areas: The bill would add 7,141 acres of the San Bernardino National Forest to the San Gorgino Wilderness, within the [National Wilderness Preservation System](#), to be administered by the Forest Service. The bill would allow the secretary to carry out fire, insect and disease control within the area. The bill would require the secretary to amend the local fire management plans and ensure timely and efficient fire response.

Release of Potential Wilderness Areas: The bill would release land located within the following areas that has not yet been designated a wilderness area: Cady Mountains Wilderness Study Area, Kingston Range Wilderness Study Area, Avawatz Mountain Wilderness Study Area, Death Valley National Boundary and Wilderness Study Area, Great Falls Basin Wilderness Study Area, and the Soda Mountains Wilderness Study Area. This land totals approximately 85,000 acres.

The bill would prohibit the secretary from prohibiting public access to cherry-stemmed roads, which are roads or trails that are surrounded by but excluded from a wilderness area, that are currently open to the public.

Death Valley National Park: The bill would add the following areas of BLM land to Death Valley National Park:

- Bowling Alley: 28,923 acres
- Crater: 6,369 acres

The bill would require the Secretary of the Interior to enter into a memorandum of understanding (MOU) with Inyo County to permit ongoing access to gravel pits for road maintenance and repairs. The land must also be investigated for contamination, to ensure consistency with the [Comprehensive Environmental Response, Compensation, and Liability Act of 1980](#).

Mojave National Preserve: The bill would add 25 acres to the Mojave National Preserve.

Joshua Tree National Park: The bill would add the following areas to the Joshua Tree National Park:

- BLM land located north of Joshua Tree National Park: 2,879 acres
- Land to be acquired from the Mojave Desert Land Trust: 1,639 acres

The bill ensures the right-of-way for the Southern California Edison Company is unaffected and ensures energy transport facilities can be upgraded or replaced.

Off Highway Vehicle Recreation Areas: The bill would designate the following areas as [Off-Highway Vehicle Recreation Areas](#), creating the first system of Off-Highway Vehicle (OHV) Recreation Areas in the nation:

- Dumont Dunes OHV Recreation Area: 7, 630 acres
- El Mirage OHV Recreation Area: 14,930 acres
- Rason OHV Recreation Area: 23,910 acres
- Spangler Hills OHV Recreation Area: 56,140 acres
- Stoddard Valley OHV Recreation Area: 40,110 acres

The bill would also expand the Johnson Valley OHV Recreation Area by 11,330 acres.

The purpose of these areas is to preserve and enhance the recreational opportunities within the conservation areas while conserving the wildlife and other natural resource values. The bill requires the secretary to continue to authorize and enhance recreational uses of OHV recreation areas to include camping, hiking, hunting, mountain biking, rock hounding, and horseback riding. The bill also allows for wildlife guzzlers to be used. The bill prohibits permanent commercial development in OHV recreation areas, except for temporary permits for commercial vendors. The bill requires the secretary to evaluate current land use plans within three years and amend them, if necessary.

The bill would require the secretary to conduct a study to identify BLM land within the conservation area that is suitable for addition to the OHV recreation areas. The study must include 51,980 acres of BLM land within the conservation area. The study must be submitted to Congress. The bill requires the secretary to authorize the expansion of the applicable OHV recreation areas in accordance with the study's recommendations.

Alabama Hills National Scenic Area: The bill would establish 18,610 acres of land as the Alabama Hills National Scenic Area, to be managed as a component of the [National Landscape Conservation System](#). The bill requires the secretary to allow existing recreational uses to continue. The bill would prohibit vehicles from being operated off of roads and trails. The bill requires the secretary to develop a long-term management plan for the area within three years.

Lone Pine Paiute-Shoshone Reservation: The bill would hold approximately 132 acres of land in trust for the Lone Pine Paiute-Shoshone Tribe. The bill prohibits gaming on the land.

Administrative Jurisdiction Transfer: The bill would transfer administrative jurisdiction of 56 acres from the Forest Service to BLM.

Protection of Services and Recreational Opportunities: The bill would not limit commercial services for historic recreation uses and guided recreational opportunities.

Military Activities: The bill does not prohibit the Department of Defense from accessing the land to respond to emergencies, conducting non-mechanized military training previously conducted on the land, conducting low-level overflights, or designating new units of special use airspace.

The bill would prohibit the Secretary of Interior from using the land for any activities contrary to the conservation purposes for which the land was acquired. The bill requires the secretary to preserve access to these areas for traditional cultural and religious purposes, and allows the tribes to require temporary closure to conduct these activities. The bill requires the secretary to implement a cultural resources management plan, in consultation with certain tribes.

Desert Tortoise Conservation Center: The bill would require the secretary to establish and maintain a center on the border California and Nevada, to support desert tortoise research, disease monitoring, handling training, rehabilitation, and reintroduction, in order to ensure the full recovery of the species.

Wildlife Corridors: The bill would require the secretary to conduct a study on the impact of habitat fragmentation on wildlife within the conservation area and implement the findings and recommendations into all land management plans.

Visitor Center: The bill would allow the secretary to acquire up to five acres of land outside Joshua Tree National Park in order to operate a visitor center.

California State School Land: The bill would allow the revenue from surplus land exchange and disposal to be used to purchase of California State school lands.

Wild and Scenic Rivers: The bill would add 7.5 miles of the Amargosa River to the wild and scenic river segment of the Amargosa River, which is administered by the Secretary of the Interior as a scenic river. The bill would also designate 5.3 miles of Surprise Canyon Creek as a wild river and 1.8 miles of Surprise Canyon Creek as a recreational river. Both segments are to be administered by the secretary of the interior. This does not affect historic mining structures.

The bill would also designate certain segments of Deep Creek, and Whitewater River in California as wild rivers, recreational rivers, and scenic rivers.

Buffer Zones: The bill prohibits the creation of buffer zones around newly designated wilderness areas.

Juniper Flats: The bill prohibits the development of renewable energy generation facilities on 28,000 acres of Juniper Flats.

COMMITTEE ACTION:

H.R. 5294 was introduced on February 3, 2017, and referred to the House Committee on Natural Resources. The bill was marked up on May 16, 2018, and reported by unanimous consent.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

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. 3392 — Lake Bistineau Land Title Stability Act (Rep. Johnson, R-LA)

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

FLOOR SCHEDULE:

Expected to be considered June 25, 2018, under suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 3392](#) would require the Secretary of the Interior to issue a recordable disclaimer of interest of the U.S. in and to about 230 acres of land and associated minerals near Lake Bistineau in northeast Louisiana.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 3392 would reduce direct spending by about \$1 million over the 2019-2028 period, so paygo would apply. The bill would not affect revenues. The bill would not increase net direct spending by over \$2.5 billion or on-budget deficits by over \$5 billion in any of the four 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. 3392 would require the secretary to issue a recordable disclaimer of interest of the U.S. in and to about 230 acres of land and associated minerals near Lake Bistineau in northeast Louisiana.

According to the committee [report](#), the bill aims to resolve a land dispute between the federal government and over 50 landowners. The dispute is a result of a land survey that was inconsistent with the original land survey that was completed when Louisiana became a state. BLM did not notify affected landowners or act to claim title to the affected land. In 2013, BLM notified landowners, almost fifty years later. The bill would require the land to be conveyed to the landowners.

The report accompanying H.R. 3392 (H. Rept. 115-768) can be found [here](#).

COMMITTEE ACTION:

H.R. 3392 was introduced on July 25, 2017, and referred to the House Committee on Natural Resources. The bill was marked up on April 11, 2018, and reported by voice vote.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: "Congress has the power to enact this legislation pursuant to the following: Article 4, Section 3, clause 2."

H.R. 4257 — Advancing Conservation and Education Act (Rep. Stewart, R-UT)

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

FLOOR SCHEDULE:

Expected to be considered June 25, 2018, under suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 4257](#) would allow a western state to relinquish to the federal government state land parcels wholly or primarily within certain conservation areas in exchange for public land within the western state.

COST:

A Congressional Budget Office (CBO) estimate is not yet available.

Rule 28(a)(1) of the Rules of the Republican Conference prohibits 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. 4257 would allow a western state (Alaska, Arizona, California, Colorado, Idaho, Montana, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, or Wyoming) to relinquish to the U.S. state land parcels wholly or primarily within certain conservation areas in exchange for public land within the state. Conveyed land would be subject to existing rights. Land would be incorporated into and managed as part of the conservation area the land is located in without further secretarial action.

The bill requires a state to relinquish and convey land located within priority areas prior to moving to other areas of the state. This may be waived by the secretary if impractical or infeasible. The secretary would be allowed to accept a waiver application from a state if the application is limited to one or more parcels within a single eligible area, the state is making substantial progress in relinquishing parcels within priority areas and the secretary has not accepted other waiver applications from the state within the last five years.

The bill would require the secretary to acquire and convey land according to the National Environmental Policy Act. The secretary would be allowed to enter into agreements with states to facilitate the procession of applications and conveyance of selected land.

The bill would require the secretary to approve or reject an application within three years. The bill prohibits the secretary from accepting an application if the land is not reasonably compact and consolidated, if accepting the application will create significant management conflicts, significantly adversely affect public use of a recreation area eligible for recreation fee collection, significantly adversely affect public access or result in adverse impacts to critical fish and wildlife habitat, or if it is not in the public interest.

The bill would prohibit the secretary from accepting land that is not suitable for inclusion in the applicable conservation area. The bill requires the secretary to consult with federal agencies that have jurisdiction over affected land, and to consult with any Indian tribe affected by the application. The secretary must reject portions of applications that will result in significantly diminished public access to adjacent federal land. The secretary is required to convey any public land approved for selection within a year of entering a final agreement between the secretary and the state.

The secretary and the state are to split conveyance costs. In addition, the federal agency receiving the state land is required to pay the federal administrative costs.

The bill allows a western state to select, and the secretary to convey, mineral land. However, the land cannot include a portion of: (1) a mineral lease or permit; (2) the federal mineral estate, unless the U.S. does not own the associated surface estate; or, (3) the federal surface estate unless the U.S. does not own the associated mineral estate. The bill does not alter existing rights of a mining claimant. The bill does not require the U.S. to carry out a mineral examination for any mining claim located on public land to be conveyed under the bill. Land selected by a state for acquisition is withdrawn from location, entry, and patent under mineral mining laws until: (1) the land is conveyed to the state; (2) the secretary makes a final determination not accepting the land selection; or, (3) the state withdraws the land selection.

The bill allows the secretary, with the state's consent, to use a summary appraisal statement made by a qualified appraiser carried out in accordance with the Uniform Standards for Professional Appraisal Practice if both parties agree the land's market value is under \$500,000 and less than \$500 an acre.

The bill allows the secretary or the state to assume costs, responsibilities, or requirements that are normally borne by the other parties. If the secretary assumes costs or responsibilities, the secretary is required to make adjustments to the value of the public land to be conveyed to compensate the secretary.

The bill requires the secretary and the states to make any record related to hazardous materials on conveyed land available for review and to complete an inspection and hazardous materials certification prior to the conveyance's completion.

The bill would allow state or federal water rights to be included in a conveyance.

The bill would require the secretary and the state to allow grazing on conveyed land, if the land is subject to an existing lease, or permit. Once the lease or permit has expired, the entity with jurisdiction over the land may decide to review the lease. The bill would prohibit the secretary from cancelling or modifying a permit or lease because the land has been leased for mineral development, except to the extent reasonably necessary to accommodate surface operations.

The secretary and the state are required to continue to allow the existing lease or right-of-way for land to continue for the remainder of the term and may renew the lease or right-of-way upon expiration.

Authorities provided by this bill would expire 20 years after enactment.

COMMITTEE ACTION:

H.R. 4257 was introduced on November 6, 2017, and referred to the House Committee on Natural Resources. The bill was marked up on April 11, 2018, and reported by unanimous consent.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: "Tenth Amendment, United States Constitution Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States)."

H.R. 1791 — Mountains to Sound Greenway National Heritage Act (Rep. Reichert, R-WA)

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

FLOOR SCHEDULE:

Expected to be considered June 25, 2018, under suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 1791](#) would designate the Mountains to Sound Greenway National Heritage Area and require the Secretary of the Interior to designate a willing local unit of government, a consortium of affected counties, Indian tribe or nonprofit organization, to serve as the Heritage Area's coordinating entity.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 1791 would cost about \$1 million over the 2019-2023 period, subject to appropriation.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** Some conservatives may be concerned the bill would designate the Mountains to Sound Greenway National Heritage Area, to be coordinated by a local coordinated entity. The federal government's landholding constitutes over one-quarter of the U.S. landmass, and much of it is poorly managed. The National Park Service, in particular, suffers from a severe backlog of maintenance.
- **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. 1791 would designate the Mountains to Sound Greenway National Heritage Area. The bill would require the Secretary of the Interior to designate a willing local unit of government, a consortium of affected counties, Indian tribe or nonprofit organization to serve as the Heritage Area's coordinating entity within 120 days.

The bill would require the local coordinating entity to submit a proposed management plan to the secretary. If the proposed management plan is not submitted to the secretary within three years of enactment, the local coordinating agency will be ineligible to receive additional funding until the plan is received. The secretary would be required to approve or disapprove of the management plan within 180 days of receipt. Should the plan be disapproved, the secretary must recommend revisions and approve a revised plan within 180 days of receipt.

The bill would allow the secretary and the Forest Service to provide technical assistance for the management plan's implementation or enter into cooperative agreements to provide more cost-effective and coordinated public land management.

The local coordinating entity would be authorized to make grants to, enter into cooperative agreements with, or provide technical assistance to states, nonprofit organizations, or others. The coordinating agency may hire and compensate staff, and obtain money or services from any source, including federal sources, in which case the federal share may not exceed 50 percent. The local coordinating entity may also contract for goods or services.

The bill prohibits the coordinating entity from acquiring real property through condemnation or with federal funds provided for National Federal Areas. The bill encourages federal agencies to consult and coordinate activities that may impact the Heritage Area.

The bill allows public or private landowners to refrain from participation in the Heritage Area, and property owners are not required to allow public access to their land.

The bill requires the secretary to evaluate the accomplishments of the Heritage Area, assess the progress of the local coordinating entity, analyze the impact of the investments of federal, state and local governments, and submit a report to congress within fifteen years of enactment. The report must be submitted to Congress along with recommendations for the future role of NPS in the Heritage Area.

The report accompanying H.R. 1791 (H. Rept. 115-709) can be found [here](#).

COMMITTEE ACTION:

H.R. 1791 was introduced on March 29, 2017, and referred to the House Committee on Natural Resources. The bill was marked up on May 8, 2018, and reported by unanimous consent.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: "Congress has the power to enact this legislation pursuant to the following: Pursuant to Clause I of Section 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution, specifically clause 1 (relating to providing for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States)."

H.R. 299 — Blue Water Navy Vietnam Veterans Act of 2017 (Rep. Valadao R-CA)

CONTACT: [Gavin Proffitt](#), 202-226-2076

FLOOR SCHEDULE:

June 25, 2018 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 299](#) would extend the presumption of exposure for purposes of entitlement to service connection for diseases associated with exposure to herbicide agents, such as Agent Orange, to Blue Water Navy Vietnam Veterans. Additionally, the same presumption of exposure would be extended to veterans who served in or near the Korean demilitarized zone during a specific period of time. The bill would also make changes to VA guaranteed loans.

COST:

The [Congressional Budget Office](#) estimates that enacting H.R. 299 would decrease direct spending for the loan guarantee and disability compensation programs administered by the Department of Veterans Affairs (VA) by \$271 million over the 2019-2028 period.

In addition, H.R. 299 would expand access to VA medical care for certain veterans and their dependents. In total, CBO estimates that implementing the bill would cost \$136 million over the 2019-2023 period, assuming appropriation of the necessary amounts.

Enacting H.R. 299 would affect direct spending; therefore, pay-as-you-go procedures apply. The bill would not affect revenues.

CBO estimates that enacting H.R. 299 would not increase net direct spending by more than \$2.5 billion or on-budget deficits by more than \$5 billion in any of the four consecutive 10-year periods beginning in 2029.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** This bill would expand benefits at the VA for certain veterans who served during the Vietnam War and Korean War. Additionally, this legislation would expand benefits to certain veteran's children. This legislation would also make changes to the VA's Home Loan Guaranty program.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** The Secretary of Veterans Affairs would be granted authority to determine additional diseases that may be connected to service which are not listed in this legislation.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

According to the [Committee Report](#), "The Agent Orange Act of 1991 (P.L. 102-4) established the presumption of service-connection for certain diseases associated with exposure to herbicides for veterans who served in the Republic of Vietnam between January 9, 1962, and May 7, 1975. This presumption simplifies the disability claim process for veterans who may have developed conditions

linked with exposure to toxic chemicals because it may be difficult for such veterans to prove that they were actually exposed to herbicides. Additionally, this policy reduces the time and expense for VA to gather evidence of service connection on a case-by-case basis. However, VA's current guidelines do not acknowledge that [Blue Water Navy veterans] may have been injured as a result of the military's use of Agent Orange during the Vietnam era."

H.R. 299 would extend the presumption of exposure for purposes of entitlement to service connection for diseases associated with exposure to herbicide agents, such as Agent Orange, to Blue Water Navy Vietnam Veterans. Additionally, the same presumption of exposure would be extended to veterans who served in or near the Korean demilitarized zone during a specific period of time.

The benefits provided by this legislation would be extended to those who served in the territorial seas of the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975.

This legislation would allow veterans covered by the bill who filed a claim for VA benefits for conditions associated with exposure to herbicides between September 25, 1985, and January 1, 2019, but were denied benefits, to file a new claim.

This legislation would require the Secretary of Veterans Affairs to conduct outreach to inform veterans of the ability to submit a claim for disability compensation.

This legislation requires that not later than January 1, 2020, the Secretary of Veterans Affairs shall submit to both the Senate and House Committees on Veterans a report on claims for disability compensation. The report would need to include: 1) the number of claims filed; 2) the number of claims granted; and 3) the number of claims denied.

Furthermore, this legislation extends the same benefits to veterans who served in or near the Korean demilitarized zone during the period beginning on September 1, 1967, and August 31, 1971.

This legislation would also extend benefits for children of a veteran of covered service in Thailand who is suffering from spina bifida. These benefits would include: health care, vocational training and rehabilitation, and monetary allowance. The legislation specifies that coverage for these children would be for veterans who serviced in Thailand during the period beginning on January 9, 1962, and May 7, 1975.

This legislation would require a report from the Secretary of Veterans Affairs, in consultation with the Secretary of Defense, to be sent to both the House and Senate Committee on Veterans Affairs. The report would need to include: 1) the military installations of the United States located in Thailand during the period beginning on January 9, 1962, and ending on May 7, 1975, at which an herbicide agent, such as Agent Orange, was actively used; and 2) the period of such use.

This legislation would also require a report, not later than 180 days after the date of the enactment of this Act, to be submitted by the Secretary of Veterans Affairs to the House and Senate Committee on Veterans Affairs. The report would be a [Follow-Up Study of a National cohort of Gulf War and Gulf Era Veterans](#) under the epidemiology program of the Department of Veterans Affairs.

This legislation would increase the fees charged for VA guaranteed loans between January 1, 2019, and September 30, 2026. The bill would eliminate the additional fee that is currently charged to reservists. The bill would eliminate the conforming loan limit for VA guaranteed loans beginning on

January 1, 2019. The bill would eliminate the fee exemption for disabled veterans with less than 100 percent service related disability that take a VA guaranteed loan that is above the current conforming loan limit.

Finally, this legislation would also make changes to VA's Home Loan Guaranty program to ensure that veterans can use their home loan benefit in high-cost areas and receive appraisals based on information from third parties in a timely and cost-efficient manner.

COMMITTEE ACTION:

The bill was introduced on January 5, 2017, and was referred to the Committee on Veterans Affairs. The committee marked up and reported the bill on May 8, 2018, by voice vote.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

"Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, Clause 18 of the United States Constitution"

H.R. 4528 — To make technical amendments to certain marine fish conservation statutes, and for other purposes. (Rep. Soto, R-FL)

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

FLOOR SCHEDULE:

Expected to be considered June 25, 2018, under suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 4528](#) would make a technical change to the Billfish Conservation Act of 2012 to prevent billfish that are caught in Hawai'i or Pacific Insular Areas to be sold in the U.S. mainland through traditional markets.

COST:

The Congressional Budget Office (CBO) [estimates](#) implementing H.R. 4528 would not significantly increase revenues in any year, and would not affect direct spending.

CONSERVATIVE CONCERNS:

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

DETAILED SUMMARY AND ANALYSIS:

H.R. 4528 would make a technical change to the Billfish Conservation Act of 2012 to prevent billfish that are caught in Hawai'i or Pacific Insular Areas to be sold in the U.S. mainland through traditional markets, as is consistent with the original intent of the law.

COMMITTEE ACTION:

H.R. 3392 was introduced on December 1, 2017, and referred to the House Committee on Natural Resources. The bill was marked up on June 6, 2018, and reported by unanimous consent.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: "Article 1, Section 8, of the United States Constitution" No specific enumerating clause was cited.

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