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20. [H.R. 6382 – Clarity on Small Business Participation in Category Management Act of 2018, as amended](#)
21. [S. 791 – Small Business Innovation Protection Act of 2017](#)
22. [H.R. 6758 – SUCCESS Act, as amended](#)
23. [H.R. 6847 – Preventing Child Exploitation Act of 2018, as amended](#)
24. [H. Con. Res. 72 – Expressing the sense of Congress that child safety is the first priority of custody and visitation adjudications, and that State courts should improve adjudications of custody where family violence is alleged.](#)
25. [H.R. 5075 – Ashanti Alert Act of 2018, as amended](#)
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28. [H.R. 6013 – Migratory Bird Framework and Hunting Opportunities for Veterans Act](#)
29. [H.R. 6299 – Nevada Lands Bill Technical Corrections Act of 2018](#)
30. [H.R. 6687 – To direct the Secretary of the Interior to manage the Point Reyes National Seashore in the State of California consistent with Congress' longstanding intent to maintain working dairies and ranches on agricultural property as part of the seashore's unique historic, cultural, scenic and natural values, and for other purposes, as amended](#)
31. [H.R. 5420 – FDR Historic Preservation Act, as amended](#)
32. [H.R. 6599 – To modify the application of temporary limited appointment regulations to the National Park Service, and for other purposes, as amended](#)
33. [H.R. 5585 – To extend the authorization for the Cape Cod National Seashore Advisory Commission](#)
34. [H.R. 5509 – Innovations in Mentoring, Training, and Apprenticeships Act, as amended](#)
35. [H.R. 6229 – National Institute of Standards and Technology Reauthorization Act of 2018, as amended](#)
36. [H.R. 6398 – Department of Energy Veterans' Health Initiative Act, as amended](#)
37. [S. 1595 – To amend the Hizballah International Financing Prevention Act of 2015 to impose additional sanctions with respect to Hizballah, and for other purposes](#)
38. [H.R. 5433 – Hack Your State Department Act, as amended](#)

H.R. 6735 — Public-Private Cybersecurity Cooperation Act (Rep. McCarthy, R-CA)

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

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.R. 6735](#) would direct the Secretary of Homeland Security to establish a vulnerability disclosure policy for Department of Homeland Security internet websites.

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. 6735 would direct the Department of Homeland Security (DHS) to establish a policy applicable to individuals, organizations, and companies that report security vulnerabilities on appropriate information systems of Department of Homeland Security.

The policy would include: the appropriate DHS information systems that individuals, organizations, and companies may use to discover and report security vulnerabilities on appropriate information systems; the conditions and criteria under which individuals, organizations, and companies may operate to discover and report security vulnerabilities; how individuals, organizations, and companies may disclose to the Department security vulnerabilities discovered on appropriate information systems of the Department; the ways in which the Department may communicate with individuals, organizations, and companies that report security vulnerabilities; the process DHS would use for public disclosure of reported security vulnerabilities.

The Secretary of Homeland Security would develop a process for DHS to address the mitigation or remediation of the security vulnerabilities reported through the policy. DHS would be required to consult with: the Attorney General regarding how to ensure that individuals, organizations, and companies that comply with the policy's requirements are protected under specific types of prosecution; the Secretary of Defense and the Administrator of General Services regarding lessons

that may be applied from existing vulnerability disclosure policies; non-governmental security researchers.

The bill would require DHS to make the policy public and submit it to Congress, as well as require an annual briefing to Congress.

COMMITTEE ACTION:

H.R. 6735 was introduced on September 7, 2018, and was referred to the House Committee on Homeland Security. The bill was ordered to be reported (amended) by unanimous consent on September 13, 2018.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: "Congress has the power to enact this legislation pursuant to the following: Under the Constitution Article I, Section 8." No enumerating clause was listed.

H.R. 6740 — Border Tunnel Task Force Act (Rep. Sessions, R-TX)

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

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.R. 6740](#) would direct the Department of Homeland Security (DHS) to establish Border Tunnel Task Forces to enhance and integrate border security efforts by addressing and reducing cross-border tunnel related threats and violence.

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 direct DHS to establish Border Tunnel Task Forces.
- **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. 6740 would direct DHS to establish Border Tunnel Task Forces to enhance and integrate border security efforts by addressing and reducing cross-border tunnel related threats and violence, by facilitating collaboration among Federal, State, local, and Tribal law enforcement agencies to execute coordinated activities in furtherance of border security and homeland security; and enhancing information-sharing, including the dissemination of homeland security information, among such agencies. The bill would set the composition of the Border Tunnel Task Forces.

In determining whether to establish a new Border Tunnel Task Force or to expand an existing Border Tunnel Task Force in a given jurisdiction, DHS would ensure that the Border Tunnel Task Force under consideration does not duplicate the efforts of other existing interagency task forces or centers within such jurisdiction.

COMMITTEE ACTION:

H.R. 6740 was introduced on September 7, 2018, and was referred to the House Committee on Homeland Security. The bill was ordered to be reported (amended) by unanimous consent on September 13, 2018.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 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. 6620 — Protecting Critical Infrastructure Against Drones and Emerging Threats Act (Rep. Richmond, D-LA)

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

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.R. 6620](#) would require the Department of Homeland Security (DHS) to prepare a threat assessment relating to unmanned aircraft systems.

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. 6620 would require the Under Secretary for Intelligence and Analysis of the Department of Homeland Security to request additional information from other agencies of the Federal Government, State and local government agencies, and the private sector relating to threats of unmanned aircraft systems and other emerging threats associated with such new technologies; develop and disseminate a security threat assessment regarding unmanned aircraft systems and other emerging threats associated with such new technologies; and establish and utilize, in conjunction with the Chief Information Officer of the Department and other relevant entities, a secure communications and information technology infrastructure.

The bill would require a report to Congress on the threat posed by unmanned aircraft systems, including information collected from critical infrastructure owners and operators and Federal, State, and local government agencies.

COMMITTEE ACTION:

H.R. 6620 was introduced on July 26, 2018, and was referred to the House Committee on Homeland Security. The bill was ordered to be reported by unanimous consent on September 13, 2018.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: "Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8." No enumerating clause was listed.

H.R. 6742 — Secure Border Communications Act (Rep. Mast, R-FL)

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

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.R. 6742](#) would direct the Department of Homeland Security (DHS) to ensure that each U.S. Customs and Border Protection (CBP) officer or agent is equipped with a secure radio or other two-way communication device, supported by system interoperability that permits communication: between ports of entry and inspection stations; and with other federal, state, tribal, and local law enforcement entities.

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. 6742 would direct DHS to ensure that each CBP officer or agent is equipped with a secure radio or other two-way communication device, supported by system interoperability that permits communication: between ports of entry and inspection stations; and with other federal, state, tribal, and local law enforcement entities.

DHS would ensure that each U.S. Border Patrol agent assigned or required to patrol in remote mission critical locations, and at border checkpoints, has a multi- or dual-band encrypted portable radio.

DHS shall acquire radios or other devices with the option to connect to appropriate commercial mobile broadband networks for deployment in areas where such networks enhance operations and are cost effective. DHS may evaluate new or emerging communications technologies to determine their suitability for the unique conditions of border security operations.

COMMITTEE ACTION:

H.R. 6742 was introduced on September 7, 2018, and was referred to the House Committee on Homeland Security. The bill was ordered to be reported by unanimous consent on September 13, 2018.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: "Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, Clause 18--To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof."

S. 3479 — Department of Veterans Affairs Expiring Authorities Act of 2018 (Sen. Isakson, R-GA)

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

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

TOPLINE SUMMARY: [S. 3479](#) would extend certain authorizations for various authorities relating to health care, certain veteran benefits, matters relating to homeless veterans, and additional authorities for other veteran related matters.

COST:

According to the [Congressional Budget Office](#), S. 3479 would reduce outlays by \$3 million over the FY 2019 – 2028 period.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** This legislation will expand certain medical benefits from United States Pacific Territories to all United States Territories.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** Section 210 of the bill would authorize the Secretary of the VA to carry out “the construction of a new regional food services facility building on the campus of the medical center of the Department of Veterans Affairs in West Los Angeles, California” in an amount not to exceed \$35 million. Under the [House Rules](#), “the term “congressional earmark” means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.” The [GOP Conference Rules of the 115th Congress](#) provide that “no Member shall request a congressional earmark, limited tax benefit, or limited tariff benefit, as such terms have been described in the Rules of the House.”

DETAILED SUMMARY AND ANALYSIS:

S. 3479 would extend certain authorizations for various authorities relating to health care, certain veteran benefits, matters relating to homeless veterans, and additional authorities for other veteran related matters.

Title I – EXTENSIONS OF AUTHORITY

Subtitle A – Health Care Matters

Sec. 101. Extension of authority for collection of copayments for hospital care and nursing home care.

This section would extend the authority to collect copayments for hospital care and nursing home care through the end of fiscal year 2020.

Sec. 102. Extension of requirement to provide nursing home care to certain veterans with service-connected disabilities.

This section would extend the authority to provide nursing home care to certain veterans with service-connected disabilities through fiscal year 2020.

Sec. 103. Removal of authorization of appropriations to provide assistance and support services for caregivers.

This section would remove the cap on the authorization of appropriations to provide assistance and support services for caregivers.

Sec. 104. Making permanent authority for recovery from third parties of cost of care and services furnished to veterans with health-plan contracts for non-service-connected disability.

This section would make permanent the authority to collect from third parties the cost of treating non-service-connected disabilities.

Sec. 105. Extension of authority for transfer of real property.

This section would extend the authority for transfer of real property through fiscal year 2020.

Sec. 106. Extension of authority for pilot program on assistance for child care for certain veterans receiving health care.

This section would extend the authority to provide and fund child care for certain veterans receiving health care through fiscal year 2020.

Sec. 107. Extension of authority to make grants to veterans service organizations for transportation of highly rural veterans.

This section would extend authority to provide grants to veterans service organizations to transport highly rural veterans through fiscal year 2020.

Sec. 108. Extension of authority for pilot program on counseling in retreat settings for women veterans newly separated from service.

This section would extend authority to provide counseling in retreat settings for women veterans recently separated from service through fiscal year 2020.

Sec. 109. Extension of temporary expansion of payments and allowances for beneficiary travel in connection with veterans receiving care from vet centers.

This section would extend authority to temporarily expand payments and allowances for beneficiary travel in connection with veterans receiving care from veteran centers through fiscal year 2020.

Subtitle B—Benefits Matters

Sec. 121. Making permanent authority for temporary expansion of eligibility for specially adapted housing assistance for certain veterans with disabilities causing difficulty ambulating.

This section would make permanent the authority for the temporary expansion of eligibility for specially adapted housing assistance for certain veterans with disabilities causing difficulty ambulating. The original authority was authorized from years 2014 through 2018.

Sec. 122. Extension of authority for specially adapted housing assistive technology grant program.

This section would extend the authority for a specially adapted housing assistive technology grant program until September 30, 2020.

Sec. 123. Making permanent authority to guarantee payment of principal and interest on certificates or other securities.

This section would make permanent the authority to guarantee payment of principal and interest on certificates or other securities evidencing an interest in a pool of mortgage loans.

Sec. 124. Making permanent authority for calculating net value of real property at time of foreclosure.

This section would make permanent the authority for calculating net value of real property at time of foreclosure. The authority was set to expire before [September 30, 2018](#).

Sec. 125. Extension of authority relating to vendee loans.

This section would extend the authority relating to vendee loans until [September 30, 2019](#).

Sec. 126. Making permanent authority to provide rehabilitation and vocational benefits to members of the Armed Forces with severe injuries or illnesses.

This section would make permanent the authority ([section 1631\(b\) of the Wounded Warrior Act \(title XVI of Public Law 110-181\)](#)) to provide rehabilitation and vocational benefits to members of the Armed Forces with severe injuries or illnesses.

Sec. 127. Extension of authority to enter into agreement with the National Academy of Sciences regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides.

This section would extend the authority ([section 3\(i\) of the Agent Orange Act of 1991 \(Public Law 102-4\)](#)) to enter into agreement with the National Academy of Sciences regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides until September 30, 2020.

Subtitle C—Homeless Veterans Matters

Sec. 141. Extension of authority for homeless veterans reintegration programs.

This section would extend the authority for homeless veterans reintegration programs until 2020.

Sec. 142. Extension of authority for homeless women veterans and homeless veterans with children reintegration program.

This section would extend the authority for homeless women veterans and homeless veterans with children reintegration program until 2020.

Sec. 143. Extension of authority for referral and counseling services for veterans at risk of homelessness transitioning from certain institutions.

This section would provide for extension of authority for referral and counseling services for veterans at risk of homelessness transitioning from certain institutions.

Sec. 144. Extension of authority for treatment and rehabilitation services for seriously mentally ill and homeless veterans.

This section would extend the authority for treatment and rehabilitation services for seriously mentally ill and homeless veterans until September 30, 2020.

Sec. 145. Extension of authority for financial assistance for supportive services for very low-income veteran families in permanent housing.

This section would extend the authority for financial assistance for supportive services for very low-income veteran families in permanent housing and increase the authorization of appropriation to \$340 million for fiscal year 2018; and \$380 million for fiscal year 2019 for the program.

Sec. 146. Extension of authority for grant program for homeless veterans with special needs.

This section would extend the authority for grant program for homeless veterans with special needs until 2020.

Sec. 147. Extension of authority for the Advisory Committee on Homeless Veterans.

This section would extend the authority for the Advisory Committee on Homeless Veterans until September 30, 2022.

Subtitle D—Other Matters

Sec. 161. Extension of authority for transportation of individuals to and from Department of Veterans Affairs facilities.

This section would extend the authority for transportation of individuals to and from Department of Veterans Affairs facilities until September 30, 2020.

Sec. 162. Extension of authority for operation of the Department of Veterans Affairs regional office in Manila, the Republic of the Philippines.

This section would extend the authority for the operation of the Department of Veterans Affairs regional office in Manila, the Republic of the Philippines until September 30, 2019.

Sec. 163. Extension of authority for monthly assistance allowances under the Office of National Veterans Sports Programs and Special Events.

This section would extend the authority for monthly assistance allowances under the Office of National Veterans Sports Programs and Special Events until 2020.

Sec. 164. Extension of requirement to provide reports to Congress regarding equitable relief in the case of administrative error.

This section would extend the requirement to provide reports to Congress regarding equitable relief in the case of administrative error until December 31, 2020.

Sec. 165. Extension of authorization of appropriations for adaptive sports programs for disabled veterans and members of the armed forces.

This section would extend [the authorization of appropriations](#) of \$8 million for adaptive sports programs for disabled veterans and members of the armed forces until 2020.

Sec. 166. Extension of authority for Advisory Committee on Minority Veterans.

This section would extend the authority for Advisory Committee on Minority Veterans until September 30, 2022 and amending a reporting requirement to every other year instead of annually.

TITLE II—IMPROVEMENT OF HEALTH CARE FROM DEPARTMENT OF VETERANS AFFAIRS

Sec. 201. Treatment of modifications of contracts under Veterans Community Care program.

This section would clarify that the requirement to enter into consolidated, competitively bid contracts for purposes of establishing networks of health care providers for the Veterans Community Care Program would not restrict the Secretary's authority under other provisions of law when modifying such contracts after award.

Sec. 202. Modification of provision requiring recognition and acceptance, on an interim basis, of credentials and qualifications of health care providers under community care program.

This section would modify the requirement of interim recognition and acceptance of credentials and qualifications of health care providers under the community care program to apply to those providers in the program one day before the effective date of the Veterans Community Care Program

Sec. 203. Expansion of coverage of Veterans Care Agreements.

This section would specify that the VA may provide care through Veterans Care Agreements to other individuals than veterans when VA has the authority to provide such care.

Sec. 204. Modification of authority for deduction of overpayments for health care.

This section would clarify that the Secretary's authority to deduct overpayments is one of several options that are otherwise available under the law for overpayments

Sec. 205. Modification of eligibility of former members of the Armed Forces for mental and behavioral health care from the Department of Veterans Affairs.

This section would modify the eligibility requirements of former members of the Armed Forces for mental and behavioral health care from the VA.

Sec. 206. Access of health care providers of the Department of Veterans Affairs to drug monitoring programs that do not participate in the national network.

This section would state that VA licensed health care providers would have access to state prescription drug monitoring programs that do not participate in the national network.

Sec. 207. Elimination of report on activities and proposals involving contracting for performance by contractor personnel of work previously performed by Department employees.

This section would eliminate the mandatory report on activities and proposals involving contractor personnel of work previously performed by VA employees

Sec. 208. Additional report on increased availability of opioid receptor antagonists.

This section would require an additional report regarding the increased availability of opioid receptor antagonists to be provided not later than one year following the enactment of this legislation.

Sec. 209. Expansion of health care assessment to include all territories of the United States and the assessment of extended care services.

This section would expand a required health care assessment to include extended care services provided to veterans who reside in all the territories of the United States, as opposed to current law which states just Pacific Territories, and extend the reporting requirement from 180 to 270 days.

Sec. 210. Authorization of major medical facility project at Department of Veterans Affairs West Los Angeles Medical Center.

This section would authorize a major medical facility project at the West Los Angeles VA Medical Center campus.

This section would authorize up to \$35 million to the Secretary of Veterans Affairs to carry out the project.

Sec. 211. Technical amendments to VA MISSION Act of 2018 and amendments made by that Act.

This section would provide for technical corrections to the VA MISSION Act of 2018

Title III – OTHER MATTERS

Sec. 301. Approval of courses of education provided by public institutions of higher education for purposes of training and rehabilitation for veterans with service-connected disabilities conditional on in-State tuition rate for veterans.

This section would require the approval of courses of education provided by public institutions of higher education for purposes of training and rehabilitation for veterans with service-connected disabilities conditional on in-State tuition rate for veterans, unless in-state tuition rates are charged for all veterans receiving such assistance, regardless of state of residence. The provision would apply with respect to courses of education provided during a quarter, semester, or term, as applicable, that begins after March 1, 2019.

Sec. 302. Corrective action for certain Department of Veterans Affairs employees for conflicts of interest with educational institutions operated for profit.

This section would require action for certain Department of Veterans Affairs employees for conflicts of interest with educational institutions operated for profit, if such officer or employee has, while serving as such an officer or employee, owned any interest in, or received any wage, salary, dividend, profit, or gift from, any educational institution operated for profit; or has, while serving as a covered officer or employee of the Department, received any service from any educational institution operated for profit.

Sec. 303. Modification of compliance requirements for particular leases relating to Department of Veterans Affairs West Los Angeles Campus.

This section would modify compliance requirements for particular leases relating to Department of Veterans Affairs West Los Angeles Campus (section 2(h)(1) of the West Los Angeles Leasing Act of 2016 ([Public Law 114-226](#)), subsequent to a finding by the VA Inspector General that VA is not in compliance with all Federal laws relating to leases and land use at a specific campus until the Secretary certifies to Congress that all recommendations included in the audit report have been implemented.

COMMITTEE ACTION: This legislation was introduced in the United States Senate on September 18, 2018. The legislation passed on September 18, 2018, by voice vote.

ADMINISTRATION POSITION: No stated Administration position available at this time.

CONSTITUTIONAL AUTHORITY: Legislation originating in the United States Senate does not require a constitutional authority statement.

H.R. 6378 — Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018 (Rep. Brooks, R-IN)

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

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

TOPLINE SUMMARY: [H.R. 6378](#) would reauthorize and extend certain programs relating to response and preparation against pandemic and hazardous events. This legislation would also create new grant programs and provide additional authorities to the Department of Health and Human Services, as well as the Food and Drug Administration. Additionally, this legislation contains provisions relating to the child separation 'zero-tolerance' policy.

COST:

No Congressional Budget Office (CBO) 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:

Conservatives may also be concerned that family separations are being addressed in a Committee that doesn't typically have jurisdiction over immigration matters in a bill completely unrelated to the issue of immigration, when the HHS and DHS are currently working on a family reunification plan.

Some conservatives may be concerned the bill includes language requiring a strategy to address the separation of families of illegal immigrants detained at the border without including important provisions that would actually provide a legislative solution to the problem.

Some conservatives may be concerned that the "formal strategy" required by the bill related to the reunification of separated families has different requirements than the "plan" to facilitate the reunification of separated families mandated by [H.R. 6157, the Department of Defense and Labor, Health & Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019](#). Some conservatives may believe that the House passing differing legislation covering the same topic in the same week, none of which originated in the committee with primary jurisdiction over immigration issues, represents sloppy legislating, which detracts from Congress being able to assert its constitutional duty to provide direction to the Executive Branch.

Some conservatives may be concerned that the bill would authorize funding for the Biomedical Advanced Research and Development Authority at a level of \$7.1 billion for fiscal years 2019 through 2028, in contravention of the [Majority Leader's Sunset Requirement Floor Protocol](#) that requires authorizations to be no longer than seven years.

- **Expand the Size and Scope of the Federal Government?** This legislation establishes new grant programs, increases authorized funding amounts, and provides for additional authorities to the Department of Health and Human Services, as well as the Food and Drug Administration.
- **Encroach into State or Local Authority?** Some conservatives may believe that activities authorized by the bill may be more appropriately handled by state and local governments, or the private sector.
- **Delegate Any Legislative Authority to the Executive Branch?** This legislation will provide regulatory authority to the Secretary of Health and Human Services. This legislation would allow for flexibility to providing definitions and the structuring of new programs.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

[H.R. 6378](#) would reauthorize and extend certain programs relating to response and preparation against pandemic and hazardous events. This legislation would also create new grant programs and provide additional authorities to the Department of Health and Human Services, as well as the Food and Drug Administration. Additionally, this legislation contains provisions relating to the child separation 'zero-tolerance' policy.

Title I – STRENGTHENING NATIONAL PREPAREDNESS AND REPSONSE FOR PUBLIC HEALTH EMERGENCIES

Sec. 101. National Health Security Strategy.

This section would require that the National Health Security Strategy shall describe potential emergency health security threats and identify the process for achieving the preparedness goals to be prepared to identify and respond to such threats, and shall be consistent with the national preparedness goal of the National Incident Management System.

The strategy would be required to include the status of: 1) the public health workforce; 2) decontamination, relevant health care services and supplies, and transportation and disposal of medical waste; 3) response to environmental hazards; and 4) exposures to agents that could cause a public health emergency.

This section would contain considerations for zoonotic disease and disease outbreaks related to the prevention, ability to detect and respond to outbreaks of plant or animal disease that could compromise national security.

TITLE II – OPTIMIZING STATE AND LOCAL ALL-HAZARDS PREPAREDNESS AND RESPONSE

Sec. 201. Improving benchmarks and standards for preparedness and response.

This section would require the Secretary of Health and Human Services to conduct an evaluation of the evidence based benchmarks and objective standards. The evaluation would be required to be submitted to Congress together with the National Health Security Strategy.

This section would outline the content of the evaluation.

Sec. 202. Amendments to preparedness and response programs.

This section would reauthorize the Public Health Emergency Preparedness Cooperative through 2023.

This section would reauthorize the Hospital Preparedness Program through 2023.

Sec. 203. Regional health care emergency preparedness and response systems.

This section would require to the Assistant Secretary for Preparedness and Response to inform regional systems of hospitals, health care facilities, and public health facilities of varying levels of capabilities to treat patients affected by chemical, biological, radiological, or nuclear threats, including emerging infectious diseases, and improve medical surge capabilities and capacity.

This section would allow the Assistant Secretary to establish a demonstration program to award grants to improve medical surge capacity for all hazards, build an integrate regional medical response capabilities, improve specialty care expertise for all-hazards response, and coordinate medical preparedness and response across State, local, tribal, territorial, and regional jurisdictions.

The authority for the demonstration program would expire on September 30, 2023.

This section would require the Comptroller General to submit a report not later than three years after the date of enactment of this law to Congress. The report would include which hospitals and health care facilities have implanted the recommended guidelines, including analysis and evaluation of any challenges hospitals or health care facilities experienced in implementing such guidelines.

Sec. 204. Military and civilian partnership for trauma readiness.

This section would establish a grant program to not more than 20 eligible high-acuity trauma centers to enable military trauma centers to enable military trauma teams to provide, on a full-time basis, trauma care and related acute care at such trauma centers.

This section would require that, not less than once every two years, the Secretary of Health and Human Services, in consultation with the Secretary of Defense, shall be required to submit a report to Congress that includes information on the effect of placing military trauma care providers in trauma centers awarded grants.

This section would provide eligibility requirements to be considered for grants.

This section would authorize \$15 million for each of fiscal years 2019 through 2023.

Sec. 205. Public health and health care system situational awareness and biosurveillance capabilities.

This section would reauthorize the biosurveillance and other preparedness capabilities of the Centers for Disease Control at \$161.8 million per year through 2023.

This section would require that, not later than June 1, 2022, the Comptroller General shall conduct a study on Federal spending in fiscal years 2013 through 2018 for activities authorized under this section. This section provides the requirements for the study.

This section would require certain public meetings to be held, and provide requirements for discussion topics.

This section would require a strategy and implementation plan conducted by the Secretary of Health and Human Services to be sent to Congress.

Sec. 206. Strengthening and supporting the public health emergency rapid response fund.

This section would make changes to the Public Health Emergency Fund by providing authorities for which Public Health Emergency dollars may be used in the context of immediate support for the response activities for a public health emergency or prior to a potential public health emergency.

This section would require the Secretary of Health and Human Services, in coordination with the Assistant Secretary for Preparedness and Response, shall conduct a review of the Fund and provide recommendations to Congress on policies to improve the Fund.

This section would require the Comptroller General of the United States to conduct a review of the Fund and submit a report to Congress, including recommendations and findings related to the review.

This section would extend the authorization for the temporary reassignment of personnel during a public health emergency through 2023.

Sec. 207. Improving all-hazards preparedness and response by public health Emergency volunteers.

This section would extend the authorization of Emergency System for Advanced Registration of Volunteer Health Professionals at a level of \$5 million per year through 2023.

Sec. 208. Clarifying State liability law for volunteer health care professionals.

This section would provide certain protections on a health care professional from liability for harm caused by any act or omission if: 1) the professional is serving as a volunteer in response to a disaster; and 2) the act or omission occurs during the period of the disaster, in the professional's capacity as a volunteer, and in a good faith belief that the individual being treated is in need of health care services.

This section would also provide the sense of Congress relating to this section.

Sec. 209. Report on adequate national blood supply.

This section would require that, not later than one year after the date of the enactment of this act, the Secretary of Health and Human Services, shall submit to Congress a report containing recommendations relating to maintaining an adequate national blood supply, including challenges associated with continuous recruitment of blood donors, ensuring adequacy of blood supply in the case of public health emergencies, and implementation of safety measures and innovation.

Sec. 210. Report on the public health preparedness and response capabilities and capacities of hospitals, long-term care facilities, and other health care facilities.

This section would require the Secretary of Health and Human Services to enter into an arrangement with the National Academy of Medicine to evaluate the preparedness of hospitals, long-term care facilities, dialysis centers, and other medical facilities nationwide for public health emergencies, including national disasters.

TITLE III – REACHING ALL COMMUNITIES

Sec. 301. Strengthening and assessing the emergency response workforce.

This section would require the Secretary of Health and Human Services to conduct a review of the National Disaster Medical System to include: 1) an evaluation of medical surge capacity; 2) an

assessment of the available workforce of the intermittent disaster response personnel; 3) the capacity of the workforce to respond to all hazards, including capacity to simultaneously respond to multiple public health emergencies and to respond to a nationwide public health emergency; 4) the effectiveness of efforts to recruit, retain and train such a workforce; and 5) gaps that may exist in such workforce and recommendations for addressing such gaps.

This section would provide the Secretary of Health and Human Services increased direct hire authority with respect to the National Disaster Medical System.

This section would make deployed National Disaster Medical System personnel, as well as their families, eligible for Public Safety Officers Benefits for line-of-duty deaths or other injuries.

This legislation would reauthorize the National Disaster Medical System through year 2023 at a level of \$57.4 million.

Sec. 302. Health system infrastructure to improve preparedness and response.

This section would provide the Assistant Secretary for Preparedness and Response the responsibility to carry out drills and operational exercises relating to pandemic influenza and emerging infectious diseases

Sec. 303. Considerations for at-risk individuals.

This section would make clarifications for the term 'at-risk individual'.

Sec. 304. Improving emergency preparedness and response considerations for children.

This section would require the Secretary of Health and Human Services to maintain an internal team of experts, to be known as the Children's Preparedness Unit. This Unit would be required to work collaboratively to provide guidance on the considerations, and specific needs of, children before, during, and after public health emergencies.

This section would outline the expertise needed for the Unit, and would outline their responsibilities.

Sec. 305. National advisory committees on disasters.

This section would reauthorize the National Advisory Committee on Children and Disasters until September 30, 2023.

Sec. 306. Guidance for participation in exercises and drills.

This section would require that, not later than two years after the enactment of this legislation, the Advisory Committee to submit to the Secretary of Health and Human Services and Congress a report that evaluates the extent to which individuals with disabilities are thoroughly included in disaster preparedness planning and disaster money. The report shall include: 1) recommendations that offer specific improvements that could be made across local, State, tribal, territorial, and Federal efforts to improve outcomes in areas that include: preparedness, planning, exercises and drills, alerts, warnings, and notifications, evacuation, sheltering, accessing emergency programs and services, medical care, temporary housing, mitigation, and community resilience; and 2) assess the strength of existing policies to incorporate such individual as well as the efficacy of implementation

TITLE IV – PRIORITIZING A THREAT-BASED APPROACH

Sec. 401. Assistant Secretary for Preparedness and Response.

This section would clarify the Congressional intent for the Assistant Secretary for Preparedness and Response to utilize experience related to biodefense, medical countermeasures, and emergency preparedness and response

This section would encourage the Assistant Secretary for Preparedness and Response to coordinate with the intelligence community, and defense and public health agencies in conducting his or her work to address threats and develop and strengthen our emergency preparedness and response framework.

This section would authorize funding for the Assistant Secretary for Preparedness and Response relating to this section at a level of \$250 million for each fiscal year from 2019 through 2023.

Sec. 402. Public Health Emergency Medical Countermeasures Enterprise.

This section would require the Secretary of Health and Human Services and the Assistant Secretary for Preparedness and Response shall convene an interagency panel of advisors to be known as the Public Health Emergency Medical Countermeasure Enterprise.

Sec. 403. Strategic National Stockpile.

This section would codify the Assistant Secretary for Preparedness and Response in coordinating the operation of the National Stockpile with the Centers for Disease Control.

This section would authorize the Strategic National Stockpile at a level of \$610 million each of fiscal years 2019 through 2023.

This section would authorize funding for the Biomedical Advanced Research and Development Authority at a level of \$7.1 billion for fiscal years 2019 through 2028.

This section would allow for funds to be provided by advance appropriations at a rate of not less than \$710 million per year.

Sec. 404. Preparing for pandemic influenza, antimicrobial resistance, and other significant threats.

This section would provide authorities for the Director of the Biomedical Advances Research and Development Authority to develop strategic initiatives for threats that pose a significant level of risk to national security, including antimicrobial resistant pathogens.

This section would establish an Emerging Infectious Disease Program through the Biomedical Advanced Research and Development Authority to support research and development activities with respect to an emerging infectious disease at \$250 million for each of fiscal years 2019 through 2023.

Sec. 405. Reporting on the Federal Select Agent Program.

This section would require the Secretary of Health and Human Services to report not later than 1 year after the date of the enactment of this legislation on the implementation of recommendations from the Federal Experts Security Advisory Panel and the Fast Track Action Committee regarding improvements to the Select Agent Program.

TITLE V – PRIORITIZING A THREAT-BASED APPROACH

Sec. 501. Medical countermeasure budget plan.

This section would require the Assistant Secretary to coordinate with the Director of the Centers for Disease Control and Prevention, the Directory of National intelligence, the Secretary of Homeland Security, the Assistant to the President for National Security Affairs, the Secretary of Defense, and other relevant Federal officials, such as the Secretary of Agriculture, to maintain a current assessment of national security threats, and inform preparedness and response capabilities based on the range of the threats that have the potential to result in a public health emergency. This section would specify that these agencies shall work with Federal, State, local, tribal territorial, and private sector entities.

Sec. 502. Material threat and medical countermeasure notifications.

This section would require that the Secretary of Health and Human Services and the Secretary of Homeland Security to send an annual report of all current material threat determinations to the specified congressional committees.

Sec. 503. Availability of regulatory management plans.

This section would require the Secretary of Health and Human Services to post publically on the FDA website information regarding regulatory management plans including: 1) the process by which an applicant may submit a request for a regulatory management plan; 2) the timeframe by which the Secretary is required to respond to such request; 3) the information required for the submission of such request; 4) a description of the types of development milestones and performance targets that could be discussed and included in such plans; and 5) contact information for beginning the regulatory management plan process.

Sec. 504. The Biomedical Advanced Research and Development Authority and the BioShield Special Reserve Fund.

This section would provide authorities for the Director of the Biomedical Advances Research and Development Authority to develop strategic initiatives for threats that pose a significant level of risk to national security, including antimicrobial resistant pathogens.

This section would authorize \$536.7 million per year in funding for the Biomedical Advanced Research and Development Authority through fiscal year 2023.

This section would authorize a Pandemic Influenza Program at the Biomedical Advanced Research and Development Authority to support advanced research and development activities for qualified pandemic or epidemic products at a level of \$250 million for each of fiscal years 2019 through 2023.

This section would establish an Emerging Infectious Disease Program through the Biomedical Advanced Research and Development Authority to support research and development activities with respect to an emerging infectious disease at \$250 million for each of fiscal years 2019 through 2023.

Sec. 505. Additional strategies for combating antibiotic resistance.

This section would codify the Advisory Council on Combating Antibiotic-Resistant Bacteria which was established by Executive Order 13676 of September 18, 2014.

The codification of the Executive Order would provide advice, information, and recommendations to the Health and Human Services Secretary regarding programs and policies intended to combat anti-biotic resistant bacteria.

TITLE VI – ADVANCING TECHNOLOGIES FOR MEDICAL COUNTERMEASURES

Sec. 602. Updating definitions of other transactions.

This section would update the Biomedical Advanced Research and Development Authority Director's authority to utilize other transactions authorities to further the advanced research and development of medical countermeasures.

Sec. 603. Medical countermeasure master files.

This section would authorize the applications for a medical countermeasure master file, including who may access such a file.

This section would provide limitations for such a file.

This section would provide certain rules for the construction of a master file.

Sec. 604. Animal rule report.

This section would require the Comptroller General to consult federal agencies, manufacturers, and other biodefence stakeholders to inform a report within three years on the use of the animal rule in the development of medical countermeasures, and if applicable make recommendations to support and speed the research and development of medical countermeasures.

The report would be required to be submitted to the Congress not later than three years after the enactment of this legislation.

Sec. 605. Review of the benefits of genomic engineering technologies and their potential role in national security.

This section would require the Secretary of Health and Human Services to convene a meeting to discuss the potential role advancements in genomic engineering technologies may have in advancing national health security.

This section would outline the attendees and topics required or discussion.

This section would require a report to be issued to Congress regarding recommendations to utilization innovations in genomic engineering to advance national health security.

Sec. 606. Report on vaccines development.

This section would require the Secretary of Health and Human Services to submit a report to Congress detailing the activities carried out by the Department to support the development of vaccines to prevent future epidemics.

Sec. 607. Strengthening mosquito abatement for safety and health.

This section would authorize grants for mosquito control programs.

This section would reauthorize the Centers for Disease's Epidemiology-Laboratory Capacity grants at a level of \$40 million for each fiscal year 2019 through 2023.

TITLE VII – MISCELLANEOUS PROVISIONS

Sec. 701. Reauthorizations and extensions.

This section would reauthorize vaccine tracking and distribution during an influenza pandemic from 2019 through 2023.

This section would reauthorize the temporary reassignment authority through 2023.

This section would reauthorize the medicals countermeasures innovation partner through 2023.

This section would extend the limited antitrust exemption.

This section would require that, not one year after the enactment of this legislation, an annual report to be sent to Congress detailing the Secretaries use of the authority provided for in this section.

Sec. 702. Location of materials in the stockpile.

This section would update and clarify the limitations on the disclosure of certain information pertaining to the Strategic National Stockpile with the potential to affect national security.

Sec. 703. Cybersecurity.

This section would make certain amendments to require that the next version of the National Health Security Strategy address cybersecurity threats.

Sec. 704. Technical amendments.

This section would provide for technical amendments to the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act.

Sec. 705. Formal strategy relating to children separated from parents and guardians as a result of zero tolerance policy.

Section 705 would require the Assistant Secretary for Preparedness and Response and the Assistant Secretary for the Administration on Children and Families to submit a formal strategy for family reunification of certain alien children within 14 days. Children covered by the strategy include those that were separated from their parent or guardian and placed in an HHS facility because of the Trump Administration's implementation of a [zero-tolerance policy](#) for illegal border crossing, that can be safely reunited with the parent or guardian.

Some conservatives may be concerned the bill includes language requiring a strategy to address the separation of families of illegal immigrants detained at the border without including important provisions that would actually provide a legislative solution to the problem.

Some conservatives may be concerned that the "formal strategy" required by the bill related to the reunification of separated families has different requirements than the "plan" to facilitate the reunification of separated families mandated by [H.R. 6157, the Department of Defense and Labor, Health & Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019](#). Some conservatives may believe that the House passing differing legislation covering the same topic in the same week, none of which originated in the committee with primary jurisdiction over immigration issues, represents sloppy legislating, which detracts from Congress being able to assert its constitutional duty to provide direction to the Executive Branch.

Conservatives may also be concerned that family separations are being addressed in a Committee that doesn't typically have jurisdiction over immigration matters in a bill completely unrelated to the issue of immigration, when the HHS and DHS are currently working on a family reunification plan.

In July, the Trump administration announced a [Tri-Department process for Stage II of Family Reunification](#). The plan detailed steps HHS, DHS and DOJ are undertaking to reunite the children over the age of five and parents that are class members in *Ms. L v. ICE* by July 26, 2018. Stage I addressed children under the age of five, with reunification to be completed by July 12.

Moreover, conservatives may be concerned that the bill does not include a provision that would address the root of the problem leading to family separations. The Flores Settlement, a legal settlement entered into by the Clinton Administration and amended by the Obama Administration requires the transfer of unaccompanied minor children in CBP custody to the HHS Office of Refugee Resettlement. Through the Trump Administration's policy of zero tolerance for illegal border crossing, all adults apprehended will be prosecuted for the violation. Because children are not transferred to the care of the U.S. Marshalls as their parents make their way through the criminal justice system, a number of children are separated from their families as they can only presently remain in the care of DHS for 20 days under the terms of the Flores Settlement. The Department of Health and Human Services and the Department of Homeland Security have issued a notice of proposed rulemaking that may address issues surrounding the Flores Settlement regarding the care and custody of alien minors.

Language addressing the Flores Settlement was included in the [Securing America's Future Act](#) and the [Border Security and Immigration Reform Act](#), though neither obtained the requisite number of votes.

Some conservatives may also be concerned that the bill also fails to include other important legislative fixes related to the child separation issue, such reforms to the asylum system that serves as a magnet for illegal immigration by families.

Sec. 706. Reporting relating to children separated from parents and guardians as a result of zero tolerance policy.

The bill would require the Assistant Secretary for preparedness to submit "weekly reports on the status and welfare of the children who, as a result of the "zero tolerance" policy, were separated from their parent or guardian and are awaiting reunification with their parent or guardian, as well as the number of such children in facilities funded by the Department of Health and Human Services" the Energy and Commerce Committee.

Some conservatives may be concerned that the Energy and Commerce Committee generally does not have jurisdiction over immigration issues.

Sec. 708. Savings clause.

This section would state that nothing in this legislation would be construed as reducing or limiting the authorities vested in any other Federal agency by any other Federal law.

COMMITTEE ACTION:

H.R. 6378 was introduced on July 16, 2016, and referred to the Energy and Commerce, Judiciary, Veterans' Affairs, and Homeland Security committees. On [July 18, 2018](#), the Energy and Commerce Committee marked up and reported the bill by voice vote.

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 of the Constitution of the United States.”

H.R. 1320 — Nuclear Utilization of Keynote Energy Act, as amended (Rep. Kinzinger, R-IL)

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

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.R. 1320](#) would modify how the Nuclear Regulatory Commission (NRC) reviews applications for certain permits and licenses and how the commission collects fees related to the oversight of commercial nuclear power plants and other facilities that use radioactive materials.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 1320 would cost \$28 million over the 2019-2023 period, subject to the availability of appropriated funds. 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. 1320 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** The bill would allow the NRC to waive, for one year, aggregate annual charges for fuel facilities, if the Commission submits to Congress a written determination that the cap on annual charges may compromise the safety and security mission of the commission.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 1320 would amend how the NRC collects certain fees by exempting funds collected by the commission for the development of a regulatory infrastructure for advanced nuclear reactors (which may not exceed \$10.3 million) from the statutory fee recovery requirements. The provision would be repealed on October 1, 2020.

The bill would require the NRC to expressly identify anticipated expenditures necessary for completion of the requested activities anticipated to occur during the applicable fiscal year in its annual budget justification to Congress. With respect to the annual budget justification submitted to Congress, corporate support costs would not exceed the following percentages of the NRC's total budget authority requested in the annual budget justification: 30 percent for each of fiscal years 2021 and 2022; 29 percent for each of fiscal years 2023 and 2024; 28 percent for fiscal year 2025 and each fiscal year thereafter. Each fiscal year, the NRC shall assess and collect fees and charges in a manner that ensures that the amount assessed and collected is equal to an amount that approximates the NRC's total budget authority for that fiscal year; minus the NRC's budget authority for excluded activities to include any fee-relief activity; or amounts appropriated for the fiscal year to the NRC; as well as costs for activities related to the development of regulatory infrastructure for advanced

nuclear reactor technologies (which may not exceed \$10.3 million). The exclusion for the advanced nuclear reactor regulatory infrastructure would cease on January 1, 2026.

According to [CBO](#), “Permanently exempting funding related to developing a regulatory infrastructure for advanced nuclear technologies from the NRC’s cost-recovery requirement would effectively authorize appropriations from the general fund for that purpose starting in 2021. (The Consolidated Appropriations Act, 2018, provided \$10 million for such activities and exempted that amount from the NRC’s cost-recovery requirement for 2018; however, that exemption is only in effect for that year.) Assuming that future appropriations to develop that regulatory framework remain in line with current amounts, CBO estimates that outlays stemming from such funding would total \$28 million over the 2021-2023 period.”

The NRC shall assess and collect fees from any person who receives a service or thing of value from the commission to cover the NRC’s costs of providing the service or thing of value. The NRC may charge an annual charge in addition to the fees to any licensee or NRC certificate holder.

An annual charge for operating reactors would not exceed the annual fee established for fiscal year 2015 as may be adjusted annually by the NRC to reflect changes in the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor, unless the NRC issues a written determination that the cap may compromise the safety and security mission of the NRC.

The aggregate annual charges for fuel facilities may not exceed the level established for fiscal year 2016 and charges to fuel cycle facility licensees must be commensurate with a change in NRC activity for such facility. The commission may waive, for a period of one year, the cap on annual charges or if the Commission submits to Congress a written determination that the cap on annual charges may compromise the safety and security mission of the commission. The NRC shall establish by rule a schedule of annual charges fairly and equitably allocating the aggregate amount of charges among licensees and certificate holders.

The bill would direct the NRC to develop performance metrics and milestone schedules for requested activities of the commission. The bill would also require the commission to ensure appropriate review and approval prior to the issuance of invoices; develop and implement processes to audit invoices to ensure accuracy, transparency, and fairness; and modify regulations to ensure fair and appropriate processes to provide licensees and applicants an opportunity to efficiently dispute or otherwise seek review and correction of errors in invoices for such fees.

The bill would require the Government Accountability Office (GAO) to submit a report to Congress on containing the results of a study on the feasibility and implications of repealing restrictions under sections 103 d. and 104 d. of the Atomic Energy Act of 1954 ([42 U.S.C. 2133\(d\)](#); [2134\(d\)](#)) on issuing licenses for certain nuclear facilities to an alien or an entity owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government; as well as a report containing the results of a study on the effects of eliminating the hearings for an application for a construction permit for a facility in the absence of a request of any person whose interest may be affected by the proceeding.

The bill would direct the NRC to establish procedures that a draft environmental impact statement is issued within 24 months after the application is accepted for docketing and the technical review process, final safety evaluation report, and final environmental impact statement are completed within 42 months of the application being accepted for docketing. In reviewing an application for an early site permit, construction permit, operating license, or combined construction permit and operating license for a production or utilization facility located at the site of a licensed production or

utilization facility, the Commission shall use information that was part of the licensing basis of the licensed production or utilization facility.

The bill would require the NRC to submit a report to Congress identifying best practices with respect to the establishment and operation of a local community advisory board to foster communication and information exchange between a licensee planning for and involved in decommissioning activities and members of the community that decommissioning activities may affect, including lessons learned from any such board in existence

The House report (H. Rept. 115-924) accompanying H.R. 1320 can be found [here](#).

COMMITTEE ACTION:

H.R. 1320 was introduced on March 2, 2017, and was referred to the House Committee on Energy and Commerce. The bill was ordered to be reported (amended) by voice vote on [July 12, 2018](#).

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: "Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8." No enumerating clause was listed.

H.R. 6511 — Strategic Petroleum Reserve Reform Act, as amended (Rep. Barton, R-TX)

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

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.R. 6511](#) would authorize the Secretary of Energy to carry out a program to lease underutilized Strategic Petroleum Reserve 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?** While the bill requires compensation to the government for these services, some conservatives may believe this could be an example of corporate welfare. Some conservatives may believe that if the federal government owns excess capacity of petroleum storage facilities, such facilities should instead be auctioned off and no longer be owned by the taxpayers.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** Yes, the bill would allow the Secretary of Energy to spend collections received through the leasing of facilities without further appropriation by Congress for the cost of storing and removing petroleum in leased facilities. [Many conservatives](#) may be concerned that allowing the Executive Branch to spend without an appropriation by Congress is an abdication of the Article I Power of the Purse.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 6511 would authorize the Secretary of Energy to establish and carry out a program to lease underutilized Strategic Petroleum Reserve storage facilities and related facilities to the private sector, or a foreign government or its representative. Petroleum products stored under the bill would not be part of the Strategic Petroleum Reserve. Any lease entered into under the program shall contain provisions providing for fees to fully compensate the United States for all related costs of storage and removals of petroleum products (including the proportionate cost of replacement facilities necessitated as a result of any withdrawals) incurred by the United States as a result of such lease.

The Secretary would ensure that leasing of facilities under the program does not impair the ability of the United States to withdraw, distribute, or sell petroleum products from the Strategic Petroleum Reserve in response to an energy emergency or to the obligations of the United States.

The Secretary shall ensure that leasing of facilities under the bill to a foreign government or its representative will not impair national security.

Amounts received through the leasing of facilities shall be deposited in the general fund of the Treasury during the fiscal year in which such amounts are received. The Secretary may use for costs without further appropriation, amounts received through the leasing of facilities under the program.

The Secretary of Energy would only use amounts available in the Energy Security and Infrastructure Modernization Fund established by [section 404 of the Bipartisan Budget Act of 2015](#) for costs that relate to addition of facilities or changes to facilities or facility operations necessary to lease such facilities, including costs related to acquisition of land, acquisition of ancillary facilities and equipment, and site development, and other necessary costs related to capital improvement.

The Secretary of Energy would be directed to establish and carry out a pilot program to make available for lease capacity for storage of up to 200 million barrels of petroleum products at Strategic Petroleum Reserve storage facilities and related facilities. The bill would require the Secretary of Energy to submit a report to Congress on the pilot program.

COMMITTEE ACTION:

H.R. 6511 was introduced on July 25, 2018, and was referred to the House Committee on Energy and Commerce. The bill was marked up on [September 13, 2018](#), and reported by voice vote.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

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

H.R. 2389 — To reauthorize the West Valley demonstration project, and for other purposes, as amended (Rep. Reed, R-NY)

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

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.R. 2389](#) would authorize \$75 million for each of fiscal years 2019 through 2025 to clean up the West Valley Demonstration Project, a closed private nuclear waste reprocessing facility in West Valley, New York.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 2389 would cost \$345 million over the 2019-2023 period. 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. 2389 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 increase the authorized level from what it was in FY 1981 to the amount actually appropriated in FY 2018.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
 - **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** According to the [Committee Report](#), no.

Under the [House Rules](#), “the term “congressional earmark” means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.” The [GOP Conference Rules of the 115th Congress](#) provide that “no Member shall request a congressional earmark, limited tax benefit, or limited tariff benefit, as such terms have been described in the Rules of the House.”

H.R. 2389, would authorize \$75 million per year for an entity, targeted to a specific locality (“a high level radioactive waste management demonstration project at the Western New York Service Center in West Valley, New York”), without a formula or competitive process, at the request of a Member.

DETAILED SUMMARY AND ANALYSIS:

The West Valley Demonstration Project is located at the site of the West Valley Service Center, the “first and, to date, only [commercial reprocessing](#) plant in the United States.” According to the [Committee Report](#), about 60 percent of the nuclear fuel reprocessed at the facility was “from the N-Reactor at the Federal government’s Hanford facility in Washington State.” The plant closed in 1972, leaving significant radioactive waste at the site. In 1980, responsibility for the site reverted to the state of New York.

In 1980, Congress enacted the [West Valley Demonstration Project Act](#). This law authorized appropriations of not more than \$5 million for FY 1981 to “carry out, in accordance with this Act, a high level radioactive waste management demonstration project at the Western New York Service Center in West Valley, New York, for the purpose of demonstrating solidification techniques which can be used for preparing high level radioactive waste for disposal.” The law required the state to pay ten percent of the costs of the project. Funding has not been reauthorized since FY 1981; the project has been funded as an unauthorized appropriation since.

According to the [director](#) of the site, more than \$2 billion has been spent on the project over the last 37 years and “a total cleanup would cost about \$6 billion.” The project has been the subject of [DOE IG](#) reports and [GAO](#) audits.

H.R. 2389 would authorize \$75 million for each of fiscal years 2019 through 2025 to clean up the West Valley Demonstration Project.

According to the [Committee Report](#), the bill would reauthorize “DOE’s activities at the West Valley site for the first time since 1981. The level of funding reflects the level of funding provided in fiscal year 2018 appropriations legislation and is aligned with the projected funding needs to meet DOE’s schedule to fully remediate the site by the mid-2040’s.”

The bill would further require a Government Accountability Office (GAO) report that describes: the volumes, origins, and types of radioactive waste at the Western New York Service Center in West Valley, New York; what options have been identified for disposal of each such type of radioactive waste; what is known about the costs of, and timeframes for, each such option; the benefits and challenges of each such option, according to the State of New York and the Department of Energy; how much has been spent on the disposal of radioactive waste associated with the demonstration project; what volumes and types of radioactive waste have been disposed of from the Western New York Service Center.

The House report (H. Rept. 115-926) accompanying H.R. 2389 can be found [here](#).

COMMITTEE ACTION:

H.R. 2389 was introduced on May 4, 2017, and was referred to the House Committee on Energy and Commerce. The bill was ordered to be reported (amended) by voice vote on [July 12, 2018](#).

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: "Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, Clause 1 of the United States Constitution, to provide for the common Defense and general Welfare of the United States."

S. 2254 — Patient Right to Know Drug Prices Act (Sen. Collins, R-ME)

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

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

TOPLINE SUMMARY: [S. 2554](#) would prevent the usage of gag clauses, which prohibit pharmacists from disclosing to patients the price of prescriptions.

COST: The [Congressional Budget Office](#) estimates that enactment of S. 2554 would reduce outlays by \$85 million, reduce revenues by \$45 million, and would reduce deficits by a total of \$40 million over the FY 2019 – 2028 period.

CBO further “estimates that implementing the reporting requirements under Section 3 would reduce spending subject to appropriation, on net, by \$3 million over the 2019-2023 period, assuming appropriation actions consistent with the bill.”

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** Some conservatives may be concerned that this legislation would ban the practice of pharmacy gag clauses at a federal level, when the practice could be discontinued without legislative action.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

[S. 2554](#) would prevent the usage of “gag clauses”, which prohibit pharmacists from disclosing to patients the price of prescriptions.

This legislation would state that a group health plan or a health insurance issuer offering group or individual health insurance coverage shall: 1) not restrict, directly or indirectly, any pharmacy that dispenses a prescription drug to an enrollee in the plan or coverage from informing (or penalize such pharmacy for informing) an enrollee of any differential between the enrollee's out-of-pocket cost under the plan or coverage with respect to acquisition of the drug and the amount an individual would pay for acquisition of the drug without using any health plan or health insurance coverage; and 2) ensure that any entity that provides pharmacy benefits management services under a contract with any such health plan or health insurance coverage does not, with respect to such plan or coverage, restrict, directly or indirectly, a pharmacy that dispenses a prescription drug from informing (or penalize such pharmacy for informing) an enrollee of any differential between the enrollee's out-of-pocket cost under the plan or coverage with respect to acquisition of the drug and the amount an individual would pay for acquisition of the drug without using any health plan or health insurance coverage.

This legislation would modify the reporting of biological and biosimilar products.

COMMITTEE ACTION: This legislation was introduced on March 13, 2018, and was referred to the Senate Committee on Health, Education, Labor, and Pensions. The legislation passed in the Senate on September 17, 2018, by a [92 – 2](#) vote.

ADMINISTRATION POSITION: There is currently no official administration position; however, the President has [indicated his support](#) for gag clause legislation.

CONSTITUTIONAL AUTHORITY: Legislation originating in the United States Senate does not require a constitutional authority statement.

S. 2553 — Know the Lowest Price Act of 2018 (Sen. Stabenow, D-MI)

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

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

TOPLINE SUMMARY: [S. 2553](#) would prohibit a health-benefits plan or pharmacy-benefits manager under Medicare or Medicare Advantage from restricting a pharmacy from informing an enrollee of any difference between the price of a drug under the plan and the price of the drug without health-insurance coverage.

COST:

No Congressional Budget Office (CBO) 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?** Some conservatives may be concerned that this legislation would ban the practice of pharmacy gag clauses at a federal level, when the practice could be discontinued without legislative action.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

[S. 2553](#) would prohibit a health-benefits plan or pharmacy-benefits manager under Medicare or Medicare Advantage from restricting a pharmacy from informing an enrollee of any difference between the price of a drug under the plan and the price of the drug without health-insurance coverage.

Specifically, this legislation would state that the Medicare Advantage organization ensures that each prescription drug plan offered by the sponsor or organization does not restrict a pharmacy that dispenses a prescription drug or biological informing, nor penalize such pharmacy for informing, an enrollee in such plan of any differential between the negotiated price of, or copayment or coinsurance for, the drug or biological to the enrollee under the plan and a lower price the individual would pay for the drug or biological if the enrollee obtained the drug without using any health insurance coverage.

This legislation would apply to plan years beginning on or after January 1, 2020.

COMMITTEE ACTION: This legislation was introduced in the United States Senate on March 14, 2018, and was referred to the Senate Committee on Finance. The legislation passed on September 4, 2018, by unanimous consent.

ADMINISTRATION POSITION: There is currently no official administration position; however, the President has [indicated his support](#) for gag clause legislation.

CONSTITUTIONAL AUTHORITY: Legislation originating in the United States Senate does not require a constitutional authority statement.

H.R. 2278 — Responsible Disposal Reauthorization Act of 2018, as amended (Rep. Tipton, R-CO)

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

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.R. 2278](#) would extend the authorization of the [Uranium Mill Tailings Radiation Control Act of 1978](#) till September 30, 2030 regarding a uranium disposal site, the Cheney disposal cell, in Mesa County, Colorado.

COST:

The Congressional Budget Office (CBO) [estimates](#) that the agency's costs to administer the Cheney disposal cell (which primarily involves inspecting and maintaining the facility and preparing certain reports) total less than \$500,000 annually; such spending is subject to appropriation. However, because DOE is already authorized to operate that facility through fiscal year 2023, CBO estimates that enacting H.R. 2278 would have no effect on the department's costs over the 2018-2022 period covered by this estimate. Enacting H.R. 2278 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that H.R. 2278 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

CONSERVATIVE CONCERNS:

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

DETAILED SUMMARY AND ANALYSIS:

H.R. 2278 would extend the authorization of the [Uranium Mill Tailings Radiation Control Act of 1978](#) till September 30, 2030 regarding a uranium disposal site, the Cheney disposal cell, in Mesa County, Colorado. The facility serves as a repository for mill tailings, radioactive waste generated during the conversion of uranium into nuclear reactor fuel. The authorization was set to expire on September 30, 2023. More information on Uranium Mill Tailings Radiation Control Act Sites from the Department of Energy can be found [here](#). The House report (H. Rept. 115-925) accompanying H.R. 2278 can be found [here](#).

COMMITTEE ACTION:

H.R. 2278 was introduced on May 1, 2017, and was referred to the House Committee on Energy and Commerce. The bill was ordered to be reported (amended) by voice vote on [July 12, 2018](#).

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: "Congress has the power to enact this legislation pursuant to the following: Article 4 Section 3 Clause 2: 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; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State."

H.R. 6348 — Small Business Access to Capital and Efficiency Act (Rep. Curtis, R-UT)

CONTACT: [Jay Fields](#), 202-226-9143

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.R. 6348](#), the Small Business Access to Capital and Efficiency Act, would increase the dollar threshold at which a formal appraisal of collateral is required for loans granted under the Small Business Administration's (SBA) 504/Certified Development Company Loan Program.

COST:

According to the [Congressional Budget Office](#), "implementing the bill would cost less than \$500,000 for the agency to update its program rules; such spending would be subject to the availability of appropriated funds. CBO also estimates that any change in the subsidy cost of SBA loans, which is subject to appropriation, would also be insignificant."

CONSERVATIVE VIEWS:

- **Expand the Size and Scope of the Federal Government?** Yes. The bills changes are designed to make it indirectly easier to participate in the Small Business Administration's (SBA) 504/Certified Development Company Loan Program which would result in greater utilization of a federal subsidy program. However, CBO estimates that the budgetary effects would be insignificant.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** Yes. The bill would change an SBA loan program requirement from a specific dollar threshold codified in statute to one tied to an agency-determined dollar amount.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

Under current law, the Small Business Administration carries out the 504/Certified Development Company (504/CDC) Loan Program. This program guarantees loans made by CDCs to small businesses so that they can purchase major fixed assets, such as real estate. If a loan meets or exceeds a certain dollar amount, a real estate appraisal is required prior to approval. Presently, that dollar amount is \$250,000. This year, other federal agencies responsible for regulating commercial real estate transactions --- the Federal Reserve, the Office of the Comptroller of the Currency, and the Federal Deposit Insurance Corporation --- updated their appraisal threshold from \$250,000 to \$500,000.

H.R. 6348 would eliminate the current \$250,000 threshold under the 504/CDC Loan Program, and instead tie it to the "the Federal banking regulator appraisal threshold", which is defined by the bill as "the lesser of the threshold amounts set by the Board of Governors of the Federal Reserve System,

the Comptroller of the Currency, and the Federal Deposit Insurance Corporation for when a federally related transaction that is a commercial real estate transaction requires an appraisal prepared by a State licensed or certified appraiser.”

According to the House Small Business Committee, this change is necessary to counter the “ever-growing list of burdens impacting small businesses,” and “an outdated SBA appraisal threshold level will produce confusion and uncertainty for small businesses, and the very institutions that strive to serve them.”

COMMITTEE ACTION:

H.R. 6348 was introduced on July 12, 2018, and was referred to the House Committee on Small Business. The Committee held a mark-up session on July 18, 2018, and the bill was ordered to be reported by voice vote.

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 of the Constitution.”

H.R. 6347 — 7(a) Real Estate Appraisal Harmonization Act (Rep. Evans, D-PA)

CONTACT: [Jay Fields](#), 202-226-9143

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.R. 6347](#), the 7(a) Real Estate Appraisal Harmonization Act, would increase the dollar threshold at which a formal appraisal of collateral is required for loans granted under the Small Business Administration's (SBA) 7(a) Loan Program.

COST:

According to the [Congressional Budget Office](#), "implementing the bill would cost less than \$500,000 for the agency to update its program rules; such spending would be subject to the availability of appropriated funds. CBO also estimates that any change in the subsidy cost of SBA loans, which is subject to appropriation, would also be insignificant."

CONSERVATIVE VIEWS:

- **Expand the Size and Scope of the Federal Government?** Yes. The bill changes are designed to make it indirectly easier to participate in the Small Business Administration's (SBA) 7(a) Loan Program which would result in greater utilization of a federal subsidy program. However, CBO estimates that the budgetary effects would be insignificant.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** Yes. The bill would change an SBA loan program requirement from a specific dollar threshold codified in statute to one tied to an agency-determined dollar amount.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

Under current law, the Small Business Administration carries out the 7(a) Loan Program. This program, among other things, guarantees loans made by lenders to small businesses so that they can purchase real estate. If a loan meets or exceeds a certain dollar amount, an appraisal is required prior to approval. Presently, that dollar amount is \$250,000. This year, other federal agencies responsible for regulating commercial real estate transactions --- the Federal Reserve, the Office of the Comptroller of the Currency, and the Federal Deposit Insurance Corporation --- updated their appraisal threshold from \$250,000 to \$500,000.

H.R. 6347 would eliminate the current \$250,000 threshold under the 7(a) Loan Program, and instead tie it to the "the Federal banking regulator appraisal threshold", which is defined by the bill as "the lesser of the threshold amounts set by the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation for when a federally

related transaction that is a commercial real estate transaction requires an appraisal prepared by a State licensed or certified appraiser.”

COMMITTEE ACTION:

H.R. 6347 was introduced on July 12, 2018, and was referred to the House Committee on Small Business. The Committee held a mark-up session on July 18, 2018, and the bill was ordered to be reported by voice vote.

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 The Congress shall have Power * * * To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.”

H.R. 6316 — Small Business Advocacy Improvements Act of 2018 (Rep. Comer, R-KY)

CONTACT: [Jay Fields](#), 202-226-9143

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.R. 6316](#), the Small Business Advocacy Improvements Act of 2018, would expand the authority of the Small Business Administration (SBA) Office of Advocacy to allow it to represent small business views and interests before foreign governments and international entities in addition to just domestically.

COST:

A Congressional Budget Office (CBO) cost 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 VIEWS:

- **Expand the Size and Scope of the Federal Government?** Yes, the bill would expand the authority of the SBA's Office of Advocacy.
- **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 Small Business Administration \(SBA\)](#), its Office of Advocacy “is an independent voice for small business within the federal government, the watchdog for the [Regulatory Flexibility Act \(RFA\)](#) and the source of small business statistics. Advocacy advances the views and concerns of small business before Congress, the White House, the federal agencies, the federal courts and state policy makers.”

Under current law, Office of Advocacy is authorized to “represent the views and interests of small businesses before other Federal agencies whose policies and activities may affect small business.” The bill would expand the Office’s authority to represent small business views and interests before foreign governments and international entities.

COMMITTEE ACTION:

H.R. 6316 was introduced on July 6, 2018, and was referred to the House Committees on Small Business. The Small Business Committee held a mark-up session on July 18, 2018, and the bill was ordered to be reported by voice vote.

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 1, Clause 1; Article I, Section 8, Clause 18.”

H.R. 6330 — Small Business Runway Extension Act of 2018 (Rep. Chabot, R-OH)

CONTACT: [Jay Fields](#), 202-226-9143

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.R. 6330](#), the Small Business Runway Extension Act of 2018, would expand the timeframe in which the Small Business Administration (SBA) determines the size of a business by looking at annual revenue from three to five years for purposes of determining eligibility for SBA assistance programs.

COST:

A Congressional Budget Office (CBO) cost 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 VIEWS:

- **Expand the Size and Scope of the Federal Government?** Yes, the bill would expand the definition of a small business for the purpose of determining eligibility for government benefits.
- **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:

Under current law, the Small Business Act determines the size of a business in part based on its revenue intake. This is calculated looking at revenue over a three-year period. The bill would change this timeframe to a period of five years.

This change is impactful because, according to House Small Business Committee, “SBA size standards...establish eligibility for a variety of small business assistance programs, including a panoply of government contracting programs designed to assist small businesses in obtaining federal government contracts.” Expanding the timeframe for evaluating revenue from three to five years is intended to lessen the impact of a single year in which revenue may have spiked, and therefore result in a greater number of businesses qualifying as a small business for purposes of SBA assistance programs.

COMMITTEE ACTION:

H.R. 6330 was introduced on July 11, 2018, and was referred to the House Committees on Small Business. The Small Business Committee held a mark-up session on July 18, 2018, and the bill was ordered to be reported by voice vote.

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 1, Clause 1; Article I, Section 8, Clause 18.”

H.R. 6367 — Incentivizing Fairness in Subcontracting Act (Rep. Lawson, D-FL)

CONTACT: [Jay Fields](#), 202-226-9143

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.R. 6367](#), the Incentivizing Fairness in Subcontracting Act, would amend the Small Business Act to promote compliance by prime contractors with contract requirements directing the prime contractor to subcontract with small businesses.

COST:

A Congressional Budget Office (CBO) cost estimate is not 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 VIEWS:

- **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:

Generally, under current law, businesses that do not qualify as a small business that are awarded a contract (i.e., the prime contractor) with a value over \$700,000 are required to negotiate a subcontracting plan with agency awarding the contract. Subcontracting plans are incorporated into the terms of the award and set forth how much work under the contract must then be subcontracted to small businesses. If the prime contractor does not comply with terms of the plan and is found to have done so in bad faith, it can be penalized in the award process for future contracts, and the federal agency awarding the contract can seek liquidated damages worth the amount of work the prime contractor failed to subcontract to a small business.

First, the bill would amend the pertinent section of the Small Business Act so that prime contracts do not automatically receive credit for subcontracting with small businesses, but rather may elect to receive credit.

Second, the bill would direct the agency awarding a contract to collect and report data on the extent to which its contractors comply with subcontracting plans to ensure good faith compliance.

Third, the bill would establish a framework for dispute resolution process that subcontractors can use to collect payment from prime contractors. This process would be administered by the Office of Small and Disadvantaged Business Utilization (OSDBU). If OSDBU determines the prime contractor was wrong in not paying the subcontractor, the prime contractor is given 15 days to pay the subcontractor. Subsequent nonpayment would hurt the prime contractor's performance assessment rating for future contracting decisions.

Last, the bill would require prime contractors, if they choose to receive contracting credit at lower subcontracting tiers, to keep records supporting their claims to receive credit for these subcontracts.

COMMITTEE ACTION:

H.R. 6367 was introduced on July 13, 2018, and was referred to the House Committee on Small Business. The Committee held a mark-up session on July 18, 2018, and the bill was ordered to be reported as amended by voice vote.

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 1, Section 8: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

H.R. 6368 — Encouraging Small Business Innovators Act (Rep. Espaillat, D-NY)

CONTACT: [Jay Fields](#), 202-226-9143

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.R. 6368](#), the Encouraging Small Business Innovators Act, would expand the definition of “research and development” activities under the Small Business Act’s Small Business Innovation Research (SBIR) and Small Business Technology Transfer Program (STTR) programs, incentivize mentoring existing SBIR and STTR contractors to be mentors to new contractors, and allow General Services Administration (GSA) to help agencies with awarding contracts to small businesses under those programs.

COST:

A Congressional Budget Office (CBO) cost 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 VIEWS:

- **Expand the Size and Scope of the Federal Government?** Yes, the bill would expand the types of activities that comprise “research and development” and increase activities falling within scope of a program meant to award contracts to small businesses to conduct R&D.
- **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 bill would expand the definition of “research and development” activities under the Small Business Act’s [Small Business Innovation Research \(SBIR\)](#) and [Small Business Technology Transfer Program \(STTR\)](#) programs to include any testing or evaluation undertaken in connection with such activities. Current law defines a research and development activity as one that involves studying to gain greater knowledge, studying to apply new knowledge to meet a need, or applying knowledge toward the development of new devices or processes.

The bill would require the Small Business Administration to provide an increase to the past performance rating of any small business concern that has participated in the SBIR or STTR program that serves as a mentor to a small business concern that is new to the SBIR or STTR program. According to [CRS](#), “federal law generally requires agencies to evaluate contractors’ past performance and consider past performance information when making source selection decisions in negotiated

procurements and determining whether prospective contractors are “responsible.” “Past performance” refers to performance on “active and physically completed contracts” and certain orders under existing contracts.”

The bill creates a definition for a certain type of interagency acquisitions that it calls an “assisted acquisition.” This is where one federal agency performs acquisition activities on another agency’s behalf, such as awarding and administering a contract, task order, or delivery order.

Last, the bill would allow the General Services Administration (GSA) to help agencies with awarding contracts to small businesses receiving a sole source or set-aside contracts under the SBIR or STTR program.

COMMITTEE ACTION:

H.R. 6368 was introduced on July 13, 2018, and was referred to the House Committees on Small Business, Oversight & Government Reform, and Science, Space, & Technology. The Small Business Committee held a mark-up session on July 18, 2018, and the bill was ordered to be reported by voice vote.

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 One of the United States Constitution, section 8, 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 or Article One of the United States Constitution, Section 8, Clause 3: The Congress shall have Power - To regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes.”

H.R. 6369 — Expanding Contracting Opportunities for Small Businesses Act of 2018 (Rep. Marshall, R-KS)

CONTACT: [Jay Fields](#), 202-226-9143

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.R. 6369](#), the Expanding Contracting Opportunities for Small Businesses Act of 2018, would increase the dollar amount cap of sole-source awards under the HUBZone Program, Service-Disabled Veteran-Owned Small Business (SDVOSB) Program, and Women-Owned Small Business (WOSB) Program and require Small Business Administration (SBA) verification of program eligibility prior to awarding a contract under the WOSB and SDVOSB programs.

COST:

A Congressional Budget Office (CBO) cost estimate is not 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 VIEWS:

- **Expand the Size and Scope of the Federal Government?** Yes. The bill would increase the amount of contracts subject to sole-source awards under three SBA programs designed to advantage certain small businesses.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

Under current law, the Small Business Administration (SBA) administers a number of programs designed to advantage small businesses in the contracting process, typically those that are minority, women, or veteran-owned. Agencies are allowed to award non-competitive contracts to small businesses under these programs to small businesses so long as the small business is the only business in its category (eg. women-owned), among other eligibility criteria including the ability to complete the contract at a reasonable price. These types of non-competitive contracts are called sole-source contracts. The programs designed to benefit these groups have a cap on the amount a contract can be and still be subject to sole-source award. This cap takes into consideration the value of the base years of the contract as well as option-years while.

For three such SBA programs, the bill would remove option-years from the overall cap calculation and increase the overall cap. The SBA programs benefiting from this change include the [HUBZone Program](#), the [Service-Disabled Veteran-Owned Small Business \(SDVOSB\) Program](#), and the [Women-Owned Small Business \(WOSB\) Program](#).

For the SDVOSB and WOSB Programs, the bill would implement a new eligibility verification process that directs an agency attempting to award a sole-source contract to a contractor under one of these two programs to wait until SBA has verified the contractor's eligibility under program requirements prior to awarding the contract. According to the House Small Business Committee this process is necessary because the SBA has not fully implemented so-called front-end eligibility verification for the WOSB program as required under current law, and current law does not require front-end verification under the SDVOSB program.

Last, the bill would require the Government Accountability Office (GAO) to report on whether contracting agencies are accurately entering sole-source award information for WOSB and SDVOSB awards into the federal procurement database, and whether the entities being awarded these contracts are actually eligible.

COMMITTEE ACTION:

H.R. 6369 was introduced on July 13, 2018, and was referred to the House Committee on Small Business. The Committee held a mark-up session on July 18, 2018, and the bill was ordered to be reported as amended by voice vote.

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 1, Section 8."

H.R. 6382 — Clarity on Small Business Participation in Category Management Act of 2018 (Rep. Adams, D-NC)

CONTACT: [Jay Fields](#), 202-226-9143

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.R. 6382](#), the Clarity on Small Business Participation in Category Management Act of 2018, would require the Small Business Administration (SBA) to report on the use of “best-in-class” government contracting vehicles, and in particular as they apply to HUBZone, women-owned, service-disabled veteran-owned, and socially and economically disadvantaged small businesses.

COST:

A Congressional Budget Office (CBO) cost estimate is not 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 VIEWS:

- **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:

Under current law, the Small Business Administration is required to generate a number of reports on goals for procurement contracts awarded to small businesses.

The bill would require the Small Business Administration (SBA) to report on the total amount of federal spending for each “[best-in-class](#)” government contracting vehicle. These government contract vehicles have been so deemed by the Office of Management and Budget (OMB) as a preferred and efficient governmentwide procurement solution.

Also, for each best-in-class vehicle, SBA would be required to report on the total number of small businesses awarded contracts and the dollar amount of contracts awarded to [HUBZone](#) small businesses, [women-owned small businesses](#), service [disabled veteran-owned businesses](#), and [socio-economically disadvantaged small businesses](#).

COMMITTEE ACTION:

H.R. 6382 was introduced on July 16, 2018, and was referred to the House Committee on Small Business. The Committee held a mark-up session on July 18, 2018, and the bill was ordered to be reported as amended by voice vote.

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 1, Section 8 of the United States Constitution.”

S. 791 — Small Business Innovation Protection Act of 2017 (Rep. Peters, D-MI)

CONTACT: [Jay Fields](#), 202-226-9143

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[S. 791](#), the Small Business Innovation Protection Act of 2017, would require the Small Business Administration (SBA) and United States Patent and Trademark Office (PTO) to develop training for small businesses on domestic and international intellectual property protections, and direct Small Business Development Centers to offer this training.

COST:

According to a Congressional Budget Office (CBO) cost [estimate](#), the costs to implement S. 791 would not be significant.

CONSERVATIVE VIEWS:

- **Expand the Size and Scope of the Federal Government?** The bill would require the Small Business Administration (SBA) and United States Patent and Trademark Office (PTO) to develop training for small businesses on domestic and international intellectual property protections, and direct Small Business Development Centers to offer this training.
- **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 bill would require the Small Business Administration (SBA) and the U.S. Patent and Trademark Office (USPTO) to develop training for small businesses relating to international and domestic intellectual property protection, including through electronic resources such as webinars and at physical locations including Small Business Development Centers (SBDCs) and USPTO offices. The bill would also direct SBDCs to provide this intellectual property protection training at their locations.

COMMITTEE ACTION:

S. 791 was introduced on March 30, 2017, and was referred to the Senate Committee on Committee on Small Business and Entrepreneurship. The Senate passed S. 791 on July 18, 2018 by voice vote.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

Constitutional Authority Statements are not required for Senate bills.

H.R. 6758 — SUCCESS Act (Rep. Chabot, R-OH)

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

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.R. 6758](#) would direct the U.S. Patent and Trademark Office to conduct a study and issue a report on patents applied for and obtained by women, minorities, and veterans, and small business owned by women, minorities, and veterans.

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?** 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. 6758 would direct the U.S. Patent and Trademark Office to conduct a study and issue a report on patents applied for and obtained by women, minorities, and veterans and small business owned by women, minorities, and veterans. USPTO would be required to include recommendations on how to increase the participation of women, veterans, and minorities in entrepreneurship activities, and how to increase the number of women, veterans and minorities that apply for patents.

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

This legislation would also extend the fee-setting authority of the USPTO for eight years, found in the Leahy-Smith America Invents Act.

COMMITTEE ACTION:

H.R. 6758 was introduced on September 10, 2018, and was referred to the House Committee on the Judiciary where it was ordered reported, amended, by voice vote, on September 13, 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, Clause 1 (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); and Article I, Section 8, Clause 8 (“To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries”) of the United States Constitution

H.R. 6847 — Preventing Child Exploitation Act of 2018 (Rep. Roby, R-AL)

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

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.R. 6847](#) includes text similar to past House-passed legislation to close loopholes in child exploitation laws.

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?** Pieces of this legislation preempt state laws pertaining to the transmission of illicit electronic images by internet service providers, if unintentional.

When the Adam Walsh program in Title II was first signed into law and just before it was again passed in the House in 2012, many states were reluctant to implement the program. By 2016, only 17 states had achieved successful implementation, while another 28 states obtained federal funding by promising to use it for Adam Walsh Act-related activities. Five states refused to implement the legislation because of the prohibitive cost of doing so. Failure to comply results in states losing a portion of federal justice assistance grants, calculated through a specified formula. These states argue that the penalty suffered pales in comparison to the cost of implementing the requirements of the act. Moreover, many of these states also have sex offender programs already implemented that they believe are sufficient and therefore shouldn't be required to implement a costly federal program. Some conservatives may be concerned that this bill could be viewed as needlessly coercive towards individual states, as many states already have successful registration programs, with some even preferring to accept a reduction in federal funding rather than implement a costly federal program.

- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 6847 includes text similar to past House-passed legislation to close loopholes in child exploitation laws.

H.R. 6847 would include text similar to H.R. 1862, which [passed](#) the House on May 22, 2017.

This legislation would amend Title 18 of the U.S. Code to expand the definition of “illicit sexual conduct” to include any possible situation in which an adult may abuse a child during the course of foreign travel, regardless of whether the incident was related to prostitution. The effect of this expansion would be to expand the circumstances that would result in a mandatory minimum sentence of life imprisonment for individuals convicted of illicit sexual conduct, regardless of whether that conduct was related to prostitution and in all cases where the victim was under 12 years old.

Child sex tourism [can](#) serve as a loophole in federal law for adults to travel to other countries to engage in sexual acts with a minor, often without repercussions in their own country. [Many](#) engaging in child sex tourism will travel to impoverished countries with poor law enforcement capability and large numbers of children involved in prostitution.

A past legislative bulletin for H.R. 1862 can be found [here](#).

H.R. 6847 would also include text similar to H.R. 1842 which [passed](#) the House on May 22, 2017.

This legislation would amend Title 18 so that state crimes of violence are included as grounds for enhanced penalties for sex offenders that fail to register or report certain information and to ensure that sexual offenses charged under the Uniform Code of Military Justice are treated similarly to those charged in civilian courts.

Presently, sex offenders can receive enhanced penalties, if while non-compliant in registration status, a sex offender commits a federal crime of violence or a violent crime under the Uniform Code of Military Justice, District of Columbia law, or tribal or territorial law. Currently, this possibility for enhanced sentencing does not exist if a non-compliant sex offender commits a crime of violence under state law.

This legislation [also](#) closes certain loopholes by addressing enhanced sentencing for prior sex offenses under the Uniformed Code for Military Justice. It would amend federal exploitation laws to similarly include sex offense convictions under the Uniformed Code for Military Justice as it applies to recidivism.

A past legislative bulletin for H.R. 1842 can be found [here](#).

This legislation would also include text similar to H.R. 1761, which [passed](#) the House on May 25, 2018.

This legislation would criminalize the knowing production of, or consent to the production of, a visual depiction or live transmission of a minor engaging in sexually explicit conduct.

This section [stems](#) from a decision in a Fourth Circuit case in which an individual escaped conviction of child sexual assault because the court was unable to discover specific intent from the images in question – i.e. that he knowingly employed, used, or coerced a minor in sexually explicit conduct, for the purpose of producing a visual. While the defendant admitted to the child abuse and the photos, they failed to find specific intent to produce child pornography.

This legislation would amend [Title 18 of the U.S. code](#), to make it a criminal act to knowingly: (1) employ, use, persuade, or coerce a minor to engage in sexually explicit conduct for the purpose of capturing images of the conduct or transmitting a live visual of the conduct; (2) produce or cause a visual to be produced of a 2 minor engaged in sexually explicit conduct, in which the minor is specifically engaging in the conduct; (3) transmit or lead to the transmission of a visual involving a minor participating in sexually explicit conduct; (4) have a minor assist in any one else engaging in sexually explicit conduct; or (5) transport a minor in or affecting interstate or foreign commerce with the intent that a minor would be used in a production or live transmission of sexually explicit conduct.

It would also criminalize a parent, legal guardian, or custodian of a minor that knowingly permits the above to occur.

An internet service provider (ISP) could only be [charged](#) for the knowing transmission of child pornography if the ISP has actual knowledge the image is child pornography and where “it intentionally transmits the visual depictions.” This legislation also gives immunity to ISPs for sending visual depictions of minors engaging in sexually explicit conduct for the purpose of responding to legal process.

A committee report can be found [here](#). A past legislative bulletin can be found [here](#).

Finally, this legislation would include text similar to H.R. 1188, which passed the House on May 22, 2017 by voice vote.

Title II would reauthorize certain programs established under the Sex Offender Registration and Notification Act, including the Sex Offender Management Assistance program and the U.S. Marshal’s service to locate and apprehend sex offenders in violation of registration requirements. It would also amend the Adam Walsh Child Protection and Safety Act to prohibit reductions in funding to local jurisdictions based on state non-compliance and to require the Department of Justice to include additional information regarding offenders and victims in its annual report.

Additionally, this legislation would reduce the required registration period for certain juvenile offenders that have no further trouble with the law from 25 years to 15 years. It would also allow states, tribes, and territories to exempt information about juvenile delinquent sex offenders from disclosure on a website.

Under current law, a state faces reduced allocations of Department of Justice grants if it is not in compliance with the Adam Walsh act. Title II would require states that are subject to such reductions to allocate grant funding that is passed through to local jurisdictions without regard to the reduction, leaving state-wide programs to absorb the totality of the funding reduction. The bill would also amend current law to permit the Attorney General to provide technical assistance to tribal communities.

Title II would create an alternative method for sexual offender registrant compliance with in-person verification to allow for the use of video-conference or a similar mechanism.

This legislation would also amend the federal criminal code to include the supervision of sex offenders that have been conditionally released from civil commitments through compliance with court-ordered medical, psychiatric, or psychological treatment in the duties of probation and pretrial officers.

Title II would also extend the statute of limitations for minor victims of sex offenses to file civil actions from three years to ten years following a minor victim's 18th birthday.

Finally, Title II would permit the Attorney General may examine a jurisdiction's policies if that jurisdiction has a discretionary process for determining whether registration is required for juveniles 14 years or older. Jurisdictions would be permitted to submit explanations of their discretionary processes to the Attorney General. The Attorney General would be able to determine if these jurisdictions have substantially implemented this title.

A past legislative bulletin can be found [here](#).

COMMITTEE ACTION:

H.R. 6758 was introduced on September 10, 2018, and was referred to the House Committee on the Judiciary where it was ordered reported, amended, by voice vote, on September 13, 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, Clause 1 (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); and Article I, Section 8, Clause 8 ("To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries") of the United States Constitution

H. Con. Res. 72 — Expressing the Sense of Congress that Child Safety is the First Priority of Custody and Visitation Adjudications, and that State Courts Should Improve Adjudications of Custody Where Family Violence is Alleged (Rep. Sessions, R-TX)

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

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.Con.Res. 72](#) would express the sense of Congress that child safety is paramount in custody and parenting adjudications.

COST:

The Congressional Budget Office (CBO) estimate is not required.

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.Con.Res. 72 would express the sense of Congress that child safety is paramount in custody and parenting adjudications. This legislation spells out various thoughts regarding the collection of evidence, standards of expertise, and experience and models for court-appointed professionals.

COMMITTEE ACTION:

H.Con.Res. 72 was introduced on July 24, 2017 and was referred to the House Committee on the Judiciary.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

Constitutional Authority Statements are not required for concurrent resolutions.

H.R. 5075 — Ashanti Alert Act of 2018 (Rep. Taylor, R-VA)

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

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.R. 5075](#) would require the Attorney General to establish a national communications network to provide assistance to regional and local search efforts for missing adults, using the local elements of the network, known as Ashanti Alert Plans.

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.

This legislation would authorize the appropriations of \$3 million for each fiscal year from 2019-2022.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** Yes – this legislation would require the AG to establish a new communications network to aid in the search for missing adults.
- **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. 5075 would require the Attorney General to establish a national communications network to provide assistance to regional and local search efforts for missing adults, using the local elements of the network, known as Ashanti Alert Plans. The Justice Department would work in coordination with states, local governments, law enforcement agencies, and other concerned entities.

The Attorney General would be required to integrate the Ashanti Alert network into the Blue Alert Communications network. The Attorney General would be required to designate an Ashanti Alert coordinator to run the network and coordinate with other agencies. The coordinator would be required to submit an annual report to Congress and establish minimum standards for issuance and dissemination of alerts through the network. The coordinator would be required to make training

and educational programs available to entities involved in initiating, facilitating, or promoting Ashanti Alert plans.

This legislation would authorize the appropriations of \$3 million for each fiscal year from 2019-2022.

It would extend emergency federal law enforcement assistance from September 30, 2021 to September 30, 2022.

COMMITTEE ACTION:

H.R. 5075 was introduced on February 20, 2018, and was referred to the House Committee on the Judiciary.

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, of the United States Constitution.

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; To borrow money on the credit of the United States; To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes; To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States; To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures; To provide for the Punishment of counterfeiting the Securities and current Coin of the United States; To establish Post Offices and Post Roads; To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries; To constitute Tribunals inferior to the supreme Court; and Offenses against the Law of Nations; To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water; To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years; To provide and maintain a Navy; To make Rules for the Government and Regulation of the land and naval Forces; To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions; To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress; To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings; And 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. 6580 — Kerrie Orozco First Responders Family Support Act (Rep. Bacon, R-NE)

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

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.R. 6580](#) would allow any surviving spouse, child or parent of a U.S. citizen whose U.S. citizen spouse, child, or parent dies due to injury or disease resulting from or aggravated by employment as a first responder, to be naturalized after complying with naturalization requirements.

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?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

[Presently](#), surviving family members of citizen first responders in the naturalization process may be confronted with delays in the application process following a death.

H.R. 6580 would allow any surviving spouse, child or parent of a U.S. citizen whose U.S. citizen spouse, child, or parent dies due to injury or disease resulting from or aggravated by employment as a first responder, to be naturalized after complying with naturalization requirements.

Family members undergoing naturalization would not have to comply with residence or specified physical presence requirements. Spouses are required to have been living in marital union with the citizen spouse at the time of his/her death.

COMMITTEE ACTION:

H.R. 580 was introduced on July 26, 2018, and was referred to the House Judiciary Committee. No further action was taken.

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 4 of the United States Constitution.”

H.R. 1872 — Reciprocal Access to Tibet Act of 2018 (Rep. McGovern, D-MA)

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

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.R. 1872](#) would attempt to facilitate travel for U.S. diplomats, officials, journalists and tourists to Tibet by prohibiting Chinese officials that implement travel restrictions for Tibet from traveling to the United States.

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?** 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 findings, the Department of State has reported that of 39 submitted requests for diplomatic access to the Tibet Autonomous region over a four-year period, only four requests were granted.

H.R. 1872 would attempt to facilitate travel for U.S. diplomats, officials, journalists and other individuals to Tibet by prohibiting Chinese officials that implement travel restrictions for Tibet from traveling to the United States. Those already in possession of visas that would be made ineligible for admission by this act would have their visas revoked. The Secretary of State may waive these provisions if in the national interest. Upon granting a waiver, the Secretary of State would be required to submit a report to Congress.

This legislation would also require the Secretary of State to submit a report to Congress, made publicly available on its website, providing an assessment of access given to diplomats, journalists, tourists, and other officials within 90 days and every five years thereafter. The Secretary of State would further be required to provide an annual report to Congress on the individuals who have had their visas denied or revoked.

COMMITTEE ACTION:

H.R. 1872 was introduced on April 4, 2017, and was referred to the House Judiciary Committee and the House Committee on Foreign Affairs. The Judiciary Committee ordered it reported, amended, by voice vote on July 25, 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, Clause 18 of the United States Constitution.”

H.R. 6013 — Migratory Bird Framework and Hunting Opportunities for Veterans Act (Rep. Bishop, R-UT)

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

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.R. 6013](#) would establish January 31 as the federal closing date of the hunting season for ducks, mergansers and coot and allow youths, veterans, and active duty military to hunt them during the first weekend in February. The bill would prohibit the Secretary of the Interior from decreasing the length of the hunting season or bag limit below that of the 2017-2018 hunting season in certain locations.

COST:

A Congressional Budget Office (CBO) cost estimate is not available at this time.

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. 6013 would require the Secretary of the Interior to promulgate regulations to establish January 31 as the federal closing date of the hunting season for ducks, mergansers and coot. The secretary would also be required to promulgate a regulation to allow youths, veterans, and active duty military to hunt ducks, mergansers and coot during the first weekend in February.

The bill would prohibit the Secretary of the Interior from decreasing the length of the hunting season or bag limit below that of the 2017-2018 hunting season in the following locations: the Atlantic, Mississippi, Central, or Pacific flyaways.

The bill would require the secretary to modify the “Migratory Bird Hunting; Proposed Frameworks for Migratory Bird Hunting Regulations” proposed [rule](#) if the proposed rule has been finalized and the 2018-2019 duck hunting season has not begun in the aforementioned locations.

COMMITTEE ACTION:

H.R. 6013 was introduced on June 6, 2018, and referred to the House Committee on Natural Resources. A mark-up session was held on September 5, 2018, and the bill was 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 I, Section 8, Clause 3. Article I, Section 8, Clause 18 ``To make all Laws, which shall be necessary and proper for carrying into the Execution the forgoing Powers, and for all other Powers vested by this Constitution in the Government of the United States, or in any Department or Office thereof.".

H.R. 6299 — Nevada Lands Bill Technical Corrections Act of 2018 (Rep. Amodei, R-NV)

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

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.R. 6299](#) would make changes to Nevada land sale and use laws. Changes include allowing a multi-species habitat conservation plan to be implemented in Mesquite, allowing funds from certain Nevada land sales to be used to implement hazardous fuels reduction projects and wildfire prevention planning activities, making adjustments to certain wildernesses, and other amendments.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 6299 would increase direct spending by \$2 million over the 2019-2028 period, so paygo would apply. The bill would not significantly increase net direct spending or on-budget deficits in the four consecutive 10-year periods beginning in 2029.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** Some conservatives may be concerned the bill would add parcels to the Mount Moriah Wilderness 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 requirements on existing lands.
- **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. 6299 would make technical changes to the Storey County, Nevada land conveyance, as authorized by [128 Stat. 3751](#), allowing the Bureau of Land Management to convey land to Storey County. The bill would require a zipcode to be designated for the land within 270 days of enactment.

The bill would also make changes to Public Law 106-298 to allow the multi-species habitat conservation plan to be implemented in Mesquite. The bill would allow a portion of the funds from Nevada land sales to be used by the Bureau of Land Management (BLM) for the development and implementation of hazardous fuels reduction projects and wildfire prevention planning activities. The bill would require BLM to enter into cooperative agreements with Lincoln County, Nevada, for law enforcement and planning-related activities regarding: (1) wilderness in the county; (2) cultural resources; (3) planning, management and law enforcement associated with the Silver State OHV trail; and, (4) planning associated with land disposal and certain related land-use authorizations for land that is disposed of by the underlying law. The bill would allow for proceeds from land sales to be used for economic development.

The bill would add and remove certain parcels of land to the [Mt. Moriah Wilderness](#), the [High Schells Wilderness](#), and the Arc Dome Wilderness.

The bill would allow for a certain amount of proceeds from [Public Law 109-432](#) to be used for municipal water and sewer infrastructure, public electric transmission facilities and public broadband infrastructure, and the remaining amount of proceeds, as not yet allocated, to be used for the possessing of a government entity of public land use authorizations and rights-of-way relating to the development of the land conveyed under this law.

The bill would also require the conveyance to White Pine County, as authorized by the underlying law, to occur within 120 days of enactment of this bill. If this conveyance is not made by that date, the secretary is required to make the conveyance without consideration.

COMMITTEE ACTION:

H.R. 3906 was introduced on June 29, 2018, and referred to the House Committee on Natural Resources. A mark-up session was held on September 5, 2018, and the bill was 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: 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; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State..".

H.R. 6687 — To direct the Secretary of the Interior to manage the Point Reyes National Seashore in the State of California consistently with Congress' long-standing intent to continue to authorize working dairies and ranches on agricultural property as part of the seashore's unique historic, cultural, scenic and natural values (Rep. Huffman, D-CA)

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

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.R. 6687](#) would require the Secretary of the Interior to: (1) manage agricultural property in the Point Reyes National Seashore consistent with Congressional intent that working dairy and ranches continue to be authorized, (2) manage the Tule Elk for separation from working ranches or dairies in areas of agricultural property; and, (3) complete the general management plan amendment.

COST:

A Congressional Budget Office (CBO) cost estimate is not available at this time.

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. 6687 would require the Secretary of the Interior to manage agricultural property in the Point Reyes National Seashore consistent with Congressional intent that working dairy and ranches continue to be authorized.

The bill would also require the secretary to manage the Tule Elk for separation from working ranches or dairies in areas of agricultural property. The bill would allow the secretary to work with Indian

tribes to relocate Tule Elk, or allow for the ceremonial or subsistence hunting of Tule Elk to minimize the conflicts and prevent establishment of new herds on agricultural property.

The bill would require the secretary to complete the general management plan amendment for Point Reyes National Seashore and the northern district of Golden Gate National Recreation Area, its environmental impact statement and issue leases and special use permits of 20 years for working dairies and ranches on agricultural property once the record of decision has been completed. The bill does not require the secretary to issues leases and special use permits of 20 years if there is no willing lessee, or issuing to a previous lessee who no longer ranches.

COMMITTEE ACTION:

H.R. 6687 was introduced on August 28, 2018, and referred to the House Committee on Natural Resources. The bill was marked up and reported by unanimous consent on September 5, 2018.

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, clause 2."

H.R. 5420 — FDR Historic Preservation Act (Rep. Faso, R-NY)

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

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.R. 5420](#) would allow the Secretary of the Interior to acquire, through donation or exchange, the Morgan Property, about 89 acres, for inclusion in the [Franklin D. Roosevelt National Historic Site](#).

COST:

A Congressional Budget Office (CBO) cost estimate is not available at this time.

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?** Some conservatives may be concerned that this bill would increase the [Franklin D. Roosevelt National Historic Site](#) by 89 acres. 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 requirements on existing lands.
- **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. 5420 would allow the Secretary of the Interior to acquire, through donation or exchange, the Morgan Property, about 89 acres, for inclusion in the [Franklin D. Roosevelt National Historic Site](#).

COMMITTEE ACTION:

H.R. 5420 was introduced on March 29, 2018, and referred to the House Committee on Natural Resources. A mark-up session was held on September 5, 2018, and the bill was 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, Clause 3. Article I, Section 8, Clause 18 ``To make all Laws, which shall

be 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. 6599 — To modify the application of temporary limited appointment regulations to the National Park Service, and for other purposes. (Rep. Knight, R-CA)

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

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.R. 6599](#) would allow the director of the National Park Service to define “major subdivision”, and remove the requirement that temporary limited appointment positions be located within the same local commuting area.

COST:

A Congressional Budget Office (CBO) cost estimate is not available at this time.

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. 6599 would allow the director of the National Park Service to define “major subdivision”, and remove the requirement that temporary limited appointment positions be located within the same local commuting area.

Recently, the Office of Personnel Management issued a [regulation](#) changing a long-standing practice within the National Park Service (NPS) that allowed the NPS to hire temporary workers to work in one location in the summer, and a different location in the winter. This bill would allow the NPS to continue to hire temporary workers to work multiple temporary assignments within the same year.

COMMITTEE ACTION:

H.R. 6599 was introduced on July 26, 2018, and referred to the House Committee on Natural Resources. A mark-up session was held on September 5, 2018, and the bill was 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, clause 18."

H.R. 5585 — To extend the authorization for the Cape Cod National Seashore Advisory Commission. (Rep. Keating, D-MA)

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

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.R. 5585](#) would extend the authorization for the [Cape Cod National Seashore Advisory Commission](#) through 2028.

COST:

A Congressional Budget Office (CBO) cost estimate is not available at this time.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

CONSERVATIVE CONCERNS:

Some conservatives may be concerned that the bill would extend the authorization for the Cape Cod National Seashore Advisory Commission through 2028 in contravention of the [Majority Leader's Sunset Requirement Floor Protocol](#) that requires authorizations to be no longer than seven years.

- **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. 5585 would extend the authorization for the [Cape Cod National Seashore Advisory Commission](#) through 2028. The [commission](#) is tasked with consulting with the Secretary of the Interior on issues related to the development of the [Cape Cod National Seashore](#) and the laws establishing the seashore.

COMMITTEE ACTION:

H.R. 5585 was introduced on April 23, 2018, and referred to the House Committee on Natural Resources. No further action has been taken on the bill.

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, Clause 2: ``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

H.R. 5509 — Innovations in Mentoring, Training, and Apprenticeships Act (Rep. McCarthy, R-CA)

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

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.R. 5509](#) would direct the National Science Foundation to provide grants for research concerning approaches to STEM education and the STEM-related workforce.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing “H.R. 5509 would cost \$29 million over the 2019-2023 period, assuming appropriation of the authorized and estimated amounts.”

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** Yes. This legislation would require the issuance of millions of dollars in grants and require the NSF to conduct various research endeavors.
- **Encroach into State or Local Authority?** Some conservatives may believe that education is most appropriately funded by state and local governments, and by civil society.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 5509 [would](#) direct the National Science Foundation to provide competitive grants for research concerning approaches to STEM education and the STEM-related workforce. Grants would be awarded to community colleges to develop or improve STEM certificates. The NSF would be required to devote at minimum \$20 million for the grants, which would include not less than \$5 million for each fiscal year from 2018-2021, subject to the availability of appropriations to the Education and Human Resources Directorate. This subsection would be carried out with funds otherwise appropriated after the date of enactment.

The NSF would be required to award grants to institutes of higher education partnering with employers or employer consortia or industry partnerships, that offer apprenticeships, internships, applied learning, or research opportunities to university students enrolled in STEM baccalaureate programs. The NSF would be required to devote at minimum \$10 million for the grants, which would include not less than \$2.5 million for each fiscal year from 2018-2021, subject to the availability of appropriations to the Education and Human Resources Directorate. This subsection would be carried out with funds otherwise appropriated after the date of enactment.

The NSF would be required to award grants to higher education institutions and non-profits for computer-based and online STEM courses. The NSF would be required to devote at minimum \$10 million for the grants, which would include not less than \$2.5 million for each fiscal year from 2018-2021, subject to the availability of appropriations to the Education and Human Resources Directorate. This subsection would be carried out with funds otherwise appropriated after the date of enactment.

The NSF and the Secretary of Labor would be required to support research on labor market analysis innovations, data and information sciences, electronic information tools, and methodologies and metrics. They would be required to compare the US workforce with other developed countries and issue a report to Congress.

The NSF would also be required to consult with other federal statistical agencies to explore the possibility of expanding its surveys to include the collection of data on the skilled technical workforce. The NSF would be required to submit a report to Congress.

Within two years following enactment, the Director of the NSF would be required to evaluate the grants and programs issued under this act and issue a report to Congress.

No additional funds are authorized to be appropriated.

COMMITTEE ACTION:

H.R. 5509 was introduced on April 13, 2018, and was referred to the House Committee on Science, Space and Technology where it was reported by voice vote on April 17, 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, 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. 6229 — National Institute of Standards and Technology Reauthorization Act of 2018 (Rep. Comstock, R-VA)

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

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.R. 6229](#) would reauthorize and support the research and development programs of the National Institute of Standards and Technology (NIST).

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?** Yes – this legislation authorizes appropriations for several programs, increasing authorizations for certain research programs. The Trump administration proposed cutting the NIST budget by 34% for FY19.
- **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. 6229 would reauthorize and support the research and development programs of the National Institute of Standards and Technology (NIST).

This legislation would authorize the appropriation of \$1,198,500,000 for the NIST for FY 2018, providing for certain specific allocations. This legislation would authorize \$1,125,000,000 for the NIST for FY 2019, providing for specific allocations.

This legislation would require the Secretary of Commerce to continue to support quantum information science research and standards development, allowing funds to be used for better workforce and for the US to lead in the development of quantum standards. It would also require the Secretary to establish a quantum workshop and issue a report to Congress on the workshop.

The Director of the NIST would be required to expand research addressing cybersecurity, allowing the NIST to enter into contracts for cooperative research, grants, and other agreements to conduct cybersecurity work.

The Director would further be required to implement recommendations in the report “Road Mapping Workshop Report on Overcoming Barriers to Adoption of Composites in Sustainable Infrastructure,” and to develop a clearinghouse to identify and validate existing criteria, tools, guidelines and standards, and to develop methods and resources needed for testing an evaluation of safe uses of composite materials for infrastructure. The Secretary would be required to devote \$11 billion for FY 2019, subject to appropriations, for these endeavors. This would come from funds otherwise appropriated by law after enactment.

NIST would be required to continue to support Artificial Intelligence and big data science research and development and to examine the Internet of Things.

The Director may hire up to ten staff members for these programs. The authority under this legislation shall expire five years following enactment.

Committee background can be found [here](#).

COMMITTEE ACTION:

H.R. 6229 was introduced on July 26, 2018, and was referred to the House Committee on Science, Space, and Technology, where it was reported, amended, by voice vote on June 27, 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, 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. 6398 — Department of Energy Veterans' Health Initiative Act (Rep. Norman, R-SC)

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

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.R. 6398](#) would authorize the Department of Energy to collaborate with the Department of Veterans Affairs on research to improve healthcare services for veterans using artificial intelligence and high-performance computing.

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?** Yes – this legislation authorizes several new programs, including an AI pilot program.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 6398 would authorize the Department of Energy to collaborate with the Department of Veterans Affairs on research to improve healthcare services for veterans using artificial intelligence and high-performance computing. The Secretary of Energy would be required to submit a report to Congress within two years following enactment.

The Secretary of Veterans' Affairs would be required to devote \$27 million to the activities in this legislation for fiscal years 2019-2023, subject to appropriations, to come from amounts made available for medical and prosthetic research. This legislation would be carried out using funds already otherwise appropriated following enactment.

The Secretary would be required to carry out a pilot program and develop tools for artificial intelligence, data analytics and computational research and submit a report to Congress within two years following enactment. The Secretary of Energy would be required to devote \$52 million for this section, including \$26 million for FY 2019 and FY 2020. This legislation would be carried out using funds already otherwise appropriated following enactment.

No additional funds would be authorized to be appropriated.

COMMITTEE ACTION:

H.R. 6398 was introduced on July 17, 2018, and was referred to the House Committees on Science, Space, and Technology and on Veterans' Affairs. The Committee on Science, Space, and Technology reported it by voice vote on July 18, 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, 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."

S. 1595 — To amend the Hizballah International Financing Prevention Act of 2015 to impose additional sanctions with respect to Hizballah, and for other purposes (S. Rubio, R-FL)

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

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

S. 1595 would impose additional sanctions on foreign persons that knowingly assist in or provide support for fund raising or recruitment activities for Hizballah; and agencies of foreign governments that provide Hizballah with financial support, arms, or other assistance; as well as other entities that provide specified support to Hizballah.

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:

S. 1595 would amend the [Hizballah International Financing Prevention Act of 2015](#) by requiring the President to impose sanctions with respect to any foreign person that the President determines knowingly provides significant financial, material, or technological support for or to: Bayt al-Mal, Jihad al-Bina, the Islamic Resistance Support Association, the Foreign Relations Department of Hizballah, the External Security Organization of Hizballah, or any successor or affiliate; al-Manar TV, al Nour Radio, or the Lebanese Media Group, or any successor or affiliate thereof as designated by the President; a foreign person determined by the President to be engaged in fundraising or recruitment activities for Hizballah.

Sanctions would include asset blocking; denying entry visas or admission into the United States, and would provide waiver authority to the President with a certification requirement to Congress. If a waiver is issued, the President shall brief Congress.

The bill would require a report on foreign financial institutions that engage in certain transactions that assist or support Hizballah.

S. 1595 would further impose sanctions on agencies and instrumentalities of foreign states that knowingly conducted significant joint combat operations with, or significantly supported combat operations of, Hizballah; or provided significant financial support for or to, or significant arms or related materiel to Hizballah.

The President shall instruct the Secretary of State, in consultation with the Secretary of the Treasury, to increase cooperation with foreign governments to assist in strengthening their capacity to prevent hostile activity by Iran and disrupt and degrade Hizballah's illicit activities, including diplomatic engagement that involves: efforts to target and expose illicit finance networks, arrest perpetrators, freeze assets, and address Iran and Hizballah's use of illicit financial networks using international trade and banking systems; efforts to assist willing governments with the development of counter-organized crime legislation, the strengthening of financial investigative capacity, and a fully-vetted counter-organized crime judicial model in jurisdictions plagued with corruption; and efforts to persuade governments to list Hizballah as a terrorist organization.

Title II of the bill would impose sanctions on affiliated networks of Hizballah, by reason of significant transnational criminal activities engaged in by such networks. The bill would require a report to Congress on information regarding activities that Hizballah, and agents and affiliates of Hizballah, have engaged in that are racketeering activities.

The bill would modify several reporting requirements by mandating that a report on activities of foreign governments to disrupt Hizballah activities requiring it to be submitted once every two years for the following four years. The bill would further modify a reporting requirement on Hizballah's membership, including a review of efforts by the United States to prevent hostile activities by Iran and disrupt and degrade Hizballah's illicit networks in the Western Hemisphere, including interagency coordination to ensure that information sharing, interdictions, arrests, investigations, indictments, sanctions, and designations related to Hizballah individuals or networks in the Western Hemisphere are integrated, coordinated, and publicly communicated by the United States in a manner that supports United States interests.

The President is authorized to require each financial institution in the United States that knowingly maintains a correspondent account or a payable-through account in the United States for a foreign financial institution to establish enhanced due diligence policies, procedures, and controls, and regulations. The bill would further require a report to Congress on the estimated net worth of senior Hizballah members and a report on individuals who are members of the Lebanese Parliament and who identify as members of Hizballah.

The President would be directed to prescribe regulations as necessary for the implementation of the bill and notify Congress. The President would be authorized to impose penalties on persons that violate or attempt to violate prescribed regulations. The bill would additionally prescribe procedures for judicial review of classified information.

COMMITTEE ACTION:

S. 1595 was introduced on July 20, 2017, and was referred to the Senate Committee on Banking, Housing, and Urban Affairs. On October 5, 2017, the bill passed the Senate with an amendment by unanimous consent.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

Constitutional authority statements are not required for Senate legislation.

H.R. 5433 — Hack Your State Department Act, as amended (Rep. Lieu, D-CA)

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

FLOOR SCHEDULE:

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

TOPLINE SUMMARY:

[H.R. 5433](#) would require the Secretary of State to design and establish a Vulnerability Disclosure Process (VDP) to improve the Department's cybersecurity programs.

COST:

The Congressional Budget Office (CBO) [estimates](#) that additional costs under the bill would be less than \$500,000 over the 2018-2023 period, subject to the availability of appropriated funds. Enacting H.R. 5433 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 5433 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

CONSERVATIVE CONCERNS:

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

DETAILED SUMMARY AND ANALYSIS:

H.R. 5433 would require the Secretary of State to design and establish a Vulnerability Disclosure Process (VDP) to improve Department cybersecurity by providing security researchers with clear guidelines for conducting vulnerability discovery activities directed at Department information technology; and submitting discovered security vulnerabilities to the Department; and creating Department procedures and infrastructure to receive and fix discovered vulnerabilities.

In establishing the VDP, the Secretary shall identify which Department information technology should be included in the process; determine whether the process should differentiate among and specify the types of security vulnerabilities that may be targeted; provide a readily available means of reporting discovered security vulnerabilities and the form in which such vulnerabilities should be reported; identify which Department offices and positions will be responsible for receiving, prioritizing and addressing security vulnerability disclosure reports; consult with the Attorney General regarding how to ensure that approved individuals, organizations, and companies that comply with the requirements of the process are protected from prosecution for specific activities authorized under the process; consult with the relevant offices at the Department of Defense that were responsible for launching the 2016 Vulnerability Disclosure Program, "Hack the Pentagon", and subsequent Department of Defense bug bounty programs; engage qualified interested persons, including nongovernmental sector representatives; and award a contract to an entity, as necessary, to manage the process and implement the remediation of discovered security vulnerabilities. The

bill would require the Department to submit a report to Congress on VDP annually for the next six years.

The bill would require the Secretary of State to establish a bug bounty pilot program to minimize security vulnerabilities of internet-facing information technology of the Department. The Secretary shall provide compensation for reports of previously unidentified security vulnerabilities within the websites, applications, and other internet-facing information technology of the Department that are accessible to the public; award a contract to an entity, as necessary, to manage such pilot program and for executing the remediation of security vulnerabilities; identify which Department information technology should be included in such pilot program; as well as other specified requirements.

The pilot program should be short-term in duration and not last longer than one year. The bill would additionally require the Secretary of State to submit a report to Congress on such pilot program.

COMMITTEE ACTION:

H.R. 5433 was introduced on April 5, 2018, and was referred to the House Committee on Foreign Affairs. The bill was ordered to be reported (amended) by voice vote on [May 9, 2018](#).

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

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

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