



**THE REPUBLICAN
STUDY COMMITTEE**

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MARK WALKER, CHAIRMAN

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Concur in the Senate Amendment to H.R. 4254 (Rep. Knight, R-CA)

FLOOR SCHEDULE:

Scheduled for consideration on November 13, 2018, under a suspension of the rules which requires a 2/3 majority for final passage.

TOPLINE SUMMARY:

The [Senate Amendment to H.R. 4254](#) would direct the National Science Foundation (NSF) to permit the Noyce Teacher Scholars and Noyce Teacher Fellowships Programs to use their funds to promote research internships for university teachers at national laboratories and NASA centers, and would require NASA to prioritize recruitment of “women or individuals who are underrepresented” in STEM and computer science fields for internships and fellowships.

COST:

The Congressional Budget Office (CBO) [estimates](#) that “implementing H.R. 4254 could lead to a small increase in the administrative work of the NSF and NASA to modify program requirements. Using information from those agencies, CBO estimates that implementing the legislation would cost less than \$500,000 over the 2019-2023 period; such spending would be subject to the availability of appropriated funds.”

CONSERVATIVE CONCERNS:

Some conservatives may be concerned the bill promotes affirmative action and identity politics by directing NASA to prioritize the recruitment of candidates for internships and fellowships based upon demographic criteria instead of actual qualifications for the positions.

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

DETAILED SUMMARY AND ANALYSIS:

The Senate Amendment to H.R. 4254 would amend the National Science Foundation Authorization Act of 2002 to direct the National Science Foundation to permit the [Noyce Teacher Scholars and Noyce Teacher Fellowships Programs](#) to use their funds to promote research internships for university teachers at national laboratories and NASA centers, and to bring the experiences back to underserved secondary schools.

This legislation would also require NASA to institute a process to prioritize the recruitment of qualified women or individuals underrepresented in STEM for internships and fellowships with NASA. The previous iteration of the bill called for the prioritization of the recruitment of qualified women or individuals who were historically underrepresented.

The previous legislative bulletin can be found [here](#).

COMMITTEE ACTION:

H.R. 4254 was introduced on November 16, 2017, and was referred to the House Committee on Science, Space, and Technology. The bill was [marked](#) up on November 15, 2017, and was ordered reported by voice vote. H.R. 4254 passed the House on December 19, 2017, by a [vote](#) of 409-17. The Senate amendment passed the Senate by unanimous consent on September 27, 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: 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 of Officer thereof.

S. 1768 – National Earthquake Reduction Program Reauthorization Act (Sen. Feinstein, D-CA)

FLOOR SCHEDULE:

Scheduled for consideration on November 27, 2018, under a suspension of the rules which requires a 2/3 majority for final passage.

TOPLINE SUMMARY:

[S. 1768](#) would reauthorize the National Earthquake Hazards Reduction Program (NEHRP) and authorizes certain seismological research and warning systems.

COST:

The Congressional Budget Office (CBO) [estimates](#) that “implementing S. 1768 would cost \$596 million over the 2018-2022 period.”

S. 1768 would authorize the appropriation of \$735 million over FY 2018–2022 for USGS, NSF, FEMA, and NIST to continue the program.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** Yes. This legislation would expand the scope of activities covered under the National Earthquake Reduction 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:

The NEHRP, created under the Earthquake Hazards Reduction Act of 1977, was established to create research and mitigation efforts for seismic events. It has operated without authorization since 2009. The National Institute for Standards and Technology (NIST), the Federal Emergency Management Agency (FEMA), the National Science Foundation (NSF), and the U.S. Geological Survey (USGS) all contribute to NEHRP. Though a major seismic event has not hit the United States for some time, the impact for such an event could prove catastrophic. According to the [committee report](#), “experts cite that half of the U.S. population and \$59 trillion in building-related assets are located in portions of 42 States that could experience damaging ground shaking levels within the next 50 years.”

This legislation would reauthorize the NEHRP and would reauthorize NIST as its lead agency. It would provide for new findings, including the results of a 2011 National Research Council Report calling for 18 tasks on research, preparedness, and mitigation. This legislation would add additional

activities of the NEHRP, [including](#): “mapping of active faults and folds, liquefaction susceptibility, and susceptibility for earthquake-induced landslides and other hazards.”

It would require the Interagency Coordinating Committee (ICC) to meet annually and report every two years. The ICC would be required to develop and update a strategic plan, an interagency budget, and memorandums of understanding with relevant agencies on data sharing. S. 1768 would add Oregon and Tennessee to the list of states indicated as those with moderate to major seismic risk. S. 1768 would further improve agency coordination in the event of a seismic event and would require the NSF to indicate that notices of program funding that funds are part of the NEHRP. It would affirm the role of NIST as a research and development component. This legislation authorizes the USGS to issue earthquake warnings. It would order FEMA to return to a state-based, direct funding model for earthquake mitigation, preparedness and education, with a 25% cost-share provided by states. This bill would remove language referring to earthquake prediction, as the [ability](#) to predict earthquakes has largely been proven impossible.

This legislation would require the government accountability office to review the effectiveness of the NEHRP, to identify areas for improvement, make recommendations, and to provide a report to Congress within three years. S. 1768 would require FEMA and NIST to bring together experts to assess buildings and infrastructure. It would require USGS to create a five-year management plan for the Advanced National Seismic System within one year, which must include strategies for creating an early warning system for earthquakes and mechanisms for securing state and regional earthquake monitoring.

Finally, S. 1768 would authorize the appropriation of \$735 million over FY 2018–2022 for USGS, NSF, FEMA, and NIST to continue the program.

COMMITTEE ACTION:

S. 1768 was introduced on September 6, 2017, and was referred to the Senate Committee on Commerce, Science, and Transportation. It passed the Senate by unanimous consent on September 27, 2018.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

Constitutional Authority statements are not required for Senate legislation.

H.R. 5273 – Global Fragility and Violence Reduction Act of 2018 (Engel, D-NY)

FLOOR SCHEDULE: November 27, 2018, under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY: [H.R. 5273](#) would create a new interagency directive which would aim to stabilize fragile countries prone to conflict.

COST: According to the [Congressional Budget Office](#), in total, implementation of this legislation would cost about \$1 million each year and total \$3 million over the 2019-2023 period; such spending would be subject to the availability of appropriated funds.

Enacting H.R. 5273 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 5273 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?** On June 19, 2018, the Departments of State and Defense and the U.S. Agency for International Development released the [Stabilization Assistance Review](#), which outlined a framework for directing federal efforts to stabilize countries affected by conflict. According to the Department of State, implementation of this legislation would build upon the Stabilization Assistance Review.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** Some conservatives may feel that legislation which requires the Administration develop an implementation plan may be considered a delegation of Legislative authority.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

[H.R. 5273](#) would create a new interagency directive which would aim to stabilize fragile countries prone to conflict.

This legislation would require the Secretary of State, in coordination with the Administrator of the United States Agency for International Development (USAID), the Secretary of Defense, and the heads of other relevant Federal departments and agencies to establish the “Global Initiative to Reduce Fragility and Violence,” an interagency initiative which will aim to prevent violence, stabilize conflict-affected areas, and address the long-term causes of violence and fragility.

This legislation would require the previously stated Department heads to, not later than 180 days after the enactment of this legislation, to develop a plan for the Global Initiative to Reduce Fragility and Violence to be submitted to Congress.

This legislation would provide eligibility instructions as to which countries and regions would be considered priority.

This legislation would require the Congress to be briefed regularly by the on the implementation of this Act.

This legislation would require that not later than two years after the enactment of this legislation, biennial reports shall be submitted to the Congress, and the initiative shall receive Congressional consultation.

This legislation would require the GAO to consult the Congress and the appropriate committees regarding opportunities for independent review of the activities under the Global Initiative to Reduce Fragility and Violence.

COMMITTEE ACTION:

H.R. 5273 was introduced on March 14, 2018, and was referred to the House Committee on Foreign Affairs. The bill was marked up on September 27, 2018, and reported by voice vote.

ADMINISTRATION POSITION:

No stated Administration position 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 of the Constitution."

H.R. 1567 – United States-Mexico Economic Partnership Act (Cuellar, D-TX)

FLOOR SCHEDULE: November 27, 2018, under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY: [H.R. 1567](#) would require the Department of State to develop and implement a strategy to deepen economic cooperation with Mexico and to expand educational and cultural exchange programs with that country.

COST: According to the [Congressional Budget Office](#), implementation of this legislation would cost less than \$500,000 a year and total \$2 million over the 2019-2023 period; such spending would be subject to the availability of appropriated funds.

Enacting H.R. 1567 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 1567 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?** Some conservatives may be concerned with the additional Federal grants this legislation would provide to support study abroad in Mexico.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** Some conservatives may feel that legislation which requires the Administration develop an implementation plan may be considered a delegation of Legislative authority.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

[H.R. 1567](#) would require the Department of State to develop and implement a strategy to deepen economic cooperation with Mexico and to expand educational and cultural exchange programs with that country.

This legislation would require that the Secretary of State develop a strategy to carry out the policies described in this legislation, to include prioritizing and expanding educational and professional exchange programs with Mexico through the framework of the [100,000 Strong in the Americas Initiative](#).

This legislation would require that, not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to Congress a report on the strategies required by this legislation.

COMMITTEE ACTION:

H.R. 1567 was introduced on March 16, 2017, and was referred to the House Committee on Foreign Affairs. The legislation was marked up on September 27, 2018, and reported by voice vote.

ADMINISTRATION POSITION:

No stated Administration position available at this time.

CONSTITUTIONAL AUTHORITY:

According to the sponsor of the legislation: "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. 4591 — Preventing Destabilization of Iraq Act of 2018 (Rep. Kinzinger, R-IL)

FLOOR SCHEDULE: November 27, 2018, under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 4591](#) would impose sanctions on foreign persons that the President determines knowingly commits a significant act of violence threatening the peace or stability of Iraq or the Government of Iraq; and undermining the democratic process in Iraq. The bill would require the President to determine and report to the Congress on whether certain entities and individuals meet the criteria to be designated as foreign terrorist organizations or to be sanctioned, and require the Department of State to establish and maintain a list of armed groups that receive support from or are influenced by Iran's Revolutionary Guard Corps.

COST:

The Congressional Budget Office (CBO) [estimates](#) that administering the sanctions and implementing the reporting requirements would cost less than \$500,000 annually and would total \$1 million over the 2019-2023 period, subject to the availability of appropriated funds. CBO estimates that enacting H.R. 4591 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. 4591 would express a sense of Congress that the Secretary of the Treasury and the Secretary of State should continue to implement [Executive Order 13438](#) (50 U.S.C. 1701 note; relating to blocking property of certain persons who threaten stabilization efforts in Iraq).

H.R. 4591 would direct the President to impose sanctions on foreign persons that the President determines knowingly commits a significant act of violence threatening the peace or stability of Iraq or the Government of Iraq; undermining the democratic process in Iraq, and undermining significantly efforts to promote economic reconstruction and political reform in Iraq or to provide humanitarian assistance to the Iraqi people. The sanctions involved would block and prohibit all transactions in all property and interests in property of a foreign person determined by the President if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person. The Secretary of State and the Secretary of Homeland Security would have the authority to make such a sanctioned foreign person inadmissible to the United States; ineligible to receive a visa or other documentation to enter

the United States; and otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit. The bill would also give them the authority to revoke visas under specified conditions and would grant the President waiver authority with a notification requirement to Congress. The President would be directed, not later than 90 days after the bill's enactment, to promulgate regulations as necessary for the implementation of sanctions.

The bill would require the Secretary of State to submit to Congress a determination, including a detailed justification, on whether Asa'ib Ahl al-Haq, Harakat Hizballah al-Nujaba, or any foreign person that is an official, agent affiliate of, or owned or controlled by Asa'ib Ahl al-Haq or Harakat Hizballah al-Nujaba meets the criteria for designation as a foreign terrorist organization; and the application of sanctions.

The Secretary of State shall annually establish, maintain, and publish a list of armed groups, militias, or proxy forces in Iraq receiving logistical, military, or financial assistance from Iran's Revolutionary Guard Corps or over which Iran's Revolutionary Guard Corps exerts any form of control or influence.

BACKGROUND:

In July, 2018, Republican Study Committee Chairman Mark Walker along with Rep. Doug Lamborn sent a [letter to the FY 2019 NDAA conferees](#) regarding several Iran-related provision in the House and Senate-passed versions of NDAA. The letter supported the inclusion of the following provisions in the final bill to counter Iranian aggression in Iraq and Syria:

- Section 6203 (Senate version), the Syria War Crimes Accountability Act which requires the Secretary of State to submit a report on war crimes, crimes against humanity, and genocide in Syria to the appropriate congressional committees.
- Section 1221 (House version) would require the Secretary of Defense, in coordination with the Secretary of State to submit a progress report to Congress to include an assessment of the incorporation of violent extremist organizations and organizations with association to the Iran's Revolutionary Guard Corps (IRGC) into the Iraq military; the level of access violent extremist organizations and organizations with association to the IRGC have to United States-provided equipment and training; United States-provided equipment that is controlled by unauthorized end users; or is not accounted for by the Government of Iraq, including a detailed inventory of each equipment type provided to the Government of Iraq; and actions taken by the Government of Iraq to repossess United States-provided equipment from unauthorized end users.
- Section 1230D (House version) which would impose a limitation of funding and would require the Secretary of Defense and the Secretary of State to jointly certify and report to Congress that assistance to the Ministry of the Interior of the Government of Iraq, including funds for the provision of intelligence sharing, will not be disbursed by the United States to any group that is, or that is known to be affiliated with, the Iranian Revolutionary Guard Corps–Quds Force or other state sponsor of terrorism.
- Section 1230F (House version) which would direct the President to impose sanctions on two Iranian proxies in Syria and Iraq, Asa'ib Ahl al-Haq and Harakat Hizballah al-Nujaba and their affiliates for terrorism and would require report to Congress detailing entities in which the IRGC has an ownership interest of 33 percent or greater

The first three provisions were in fact included in the final version of the [FY 2019 NDAA](#). However, sanctions against Iranian proxies in Syria and Iraq (As-Saib Ahl al-Haq and Harakat Hizballah al-Nujaba) were excluded. H.R. 4591 would include language from the fourth provision.

More information on Qayis al-Khazali, the head of the Asa'ib Ahl al-Haq, the most virulent and violent groups backed by Iran can be found [here](#) from recently released interrogation files from the American Enterprise Institute and scholar Dr. Kenneth Pollack. According to intelligence sources, Qayis al-Khazali along with his Iranian Revolutionary Guard Corps backers were instrumental in orchestrating the [2007 Karbala provincial headquarters raid](#) against U.S. and Iraqi forces resulting in the kidnapping and execution of [5 American soldiers](#).

Testimony from Michael Pregent at the Hudson Institute at a September 26, 2018 [House Foreign Affairs Committee hearing](#) on countering Iranian Proxies in Iraq can be found [here](#).

COMMITTEE ACTION:

H.R. 4591 was introduced on December 7, 2017, and was referred to the House Committee on Foreign Affairs. The bill was ordered to be reported in the nature of a substitute (amended) by unanimous consent on [September 27, 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, Clauses 3 and 18 of the U.S. Constitution." No enumerating clause was cited.

H.R. 6207 - Democratic Republic of the Congo Democracy and Accountability Act of 2018 (Smith, R-NJ)

FLOOR SCHEDULE: November 27, 2018, under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY: [H.R. 6207](#) would express the sense of Congress to support democracy and accountability in the Democratic Republic of the Congo, as well as to codify certain sanctions against the Democratic Republic of the Congo.

COST:

According to the [Congressional Budget Office](#), implementing H.R. 6207 would increase administrative costs at the Department of State and the Department of the Treasury. Based on the costs of implementing similar sanctions and reporting requirements, CBO estimates that the costs of implementing the bill would total less than \$500,000 each year and \$1 million over the 2019-2023 period. That spending would be subject to the availability of appropriated funds.

Pay-as-you-go procedures apply to this bill because enacting it would affect direct spending and revenues by reducing the collection of visa fees. However, CBO expects H.R. 6207 would affect very few additional people and thus would have insignificant effects on both revenues and direct spending.

CBO estimates that enacting H.R. 6207 would not significantly 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. 6207](#) would express the sense of Congress to support democracy and accountability in the Democratic Republic of the Congo, as well as to codify certain sanctions against the Democratic Republic of the Congo.

This legislation would express the sense of Congress regarding the Democratic Republic of the Congo, including charges against the Democratic Republic of the Congo by the United States, and would list certain expectations and requirements of the Democratic Republic of the Congo from the United States. Further, this legislation would express the sense of Congress regarding the necessity for humanitarian aid citizens of the Democratic Republic of the Congo.

This legislation would suggest that the President of the United States instruct the United States Ambassador to the United Nations to use the voice, vote and influence of the United States at the United Nations regarding certain provisions contained in this Act.

This legislation would codify sanctions relating to the Democratic Republic of Congo, including: 1) [Executive Order 13671](#); 2) [Executive Order 13413](#); and 3) [Executive Order 13671](#)

This legislation would require the President to submit a list of names in the form of a report to Congress which shall include a list of the names of people who the President determines meets the criteria to be sanctionable.

This legislation would require the Secretary of State to, not later than 120 days after the enactment of this legislation, provide the Congress a report on human rights abuses and corruption in the Democratic Republic of the Congo.

COMMITTEE ACTION:

This legislation was introduced on June 25, 2018, and was referred to the House Committee on Foreign Affairs. A markup was held on June 28, 2018 and reported by voice vote.

ADMINISTRATION POSITION:

No stated Administration position available at this time.

CONSTITUTIONAL AUTHORITY:

According to the sponsor of this legislation: "Congress has the power to enact this legislation pursuant to the following: This resolution is enacted pursuant to the power granted in Congress under Article I, section 1." No such legislative power was cited.

Concur in the Senate Amendment to H.R. 390, Iraq and Syria Genocide Emergency Relief and Accountability Act (Smith, R-NJ)

FLOOR SCHEDULE: November 27, 2018 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY: [The Senate Amendment to H.R. 390](#) would establish that it is the policy of the United States to ensure that humanitarian assistance in Iraq and Syria is prioritized for those most in need, including persecuted minorities, and would authorize the Secretary of State and USAID to provide assistance to groups involved in such activities.

COST:

As reported by the House Committee on Foreign Affairs, the Congressional Budget Office (CBO) [estimates](#) that providing additional assistance authorized under the bill and administering that assistance would require additional appropriations of \$3 million a year. Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 390 would cost \$8 million over the 2017-2022 period.

This score does not reflect the prohibition on the authorization of additional funds that is included in the amended bill scheduled for consideration, which was included in the first [House-passed version of H.R. 390](#). However, the Senate amended the legislation and stripped the prohibition on the authorization of additional funds from the House-passed bill.

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. 390 would establish that it is the policy of the United States to ensure that assistance for humanitarian, stabilization, and recovery needs of individuals from Iraq and Syria is directed to individuals and communities with the greatest need, including those from ethnic and religious minorities at risk of persecution.

The Secretary of State and the Administrator of the United States Agency for International Development (USAID) would be authorized to provide assistance to support efforts of entities to undertake the following actions: (1) conduct criminal investigations; (2) develop indigenous investigative and judicial skills and resources; and, (3) collecting and preserving evidence of genocide, crimes against humanity, and war crimes in Iraq and Syria, including crimes committed by members of a foreign terrorist organization. The Secretary of State would also be directed to

encourage foreign governments to prosecute and maintain information about those individuals committing such crimes in appropriate security databases, in consultation with the Attorney General, Secretary of Homeland Security, Director of National Intelligence (DNI), and the Director of the Federal Bureau of Investigation (FBI).

The Secretary of State, along with the DNI and the Administrator of USAID, would be further directed to identify threats of genocide or other crimes against ethnic and religious minorities in Iraq and Syria and populations of such minorities at risk of forced migration within or across the borders of Iraq and Syria or a country of first asylum. The secretary would also be directed to identify humanitarian assistance available to such populations, as well as entities, including faith-based entities, that are providing such assistance. The secretary and the USAID Administrator would be authorized to provide assistance to support such identified entities.

The bill would require the Secretary of State to report to Congress within 90 days of enactment on the implementation of the act. The report would be required to include a detailed description of implementation actions, an assessment of the feasibility and advisability of prosecuting individuals for genocide, crimes against humanity, or other war crimes, and recommendations for legislative remedies and administrative actions to facilitate further implementation.

Section 8 of the first [House-passed version of H.R. 390](#), which passed the House on June 6, 2017, would have prohibited the authorization of additional funds to carry out the provisions contained in this bill. However, the Senate amended the legislation and stripped the prohibition from the bill.

The bill would state that religious and ethnic minorities in Iraq and Syria are persecuted groups and that the Islamic State is responsible for genocide, crimes against humanity against several of these groups, including Christians and Yazidis. The bill would further find that the Christian populations of Iraq and Syria have been significantly reduced as a result of Islamic State persecution, violence, and civil war.

COMMITTEE ACTION:

This legislation was introduced on January 10, 2017, and passed the House by voice on June 6, 2017. The legislation was subsequently received by the Senate, amended and passed on October 11, 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 of the Constitution". No enumerating clause was cited.

Concur in the Senate Amendment to the House Amendment to S. 140 – Frank LoBiondo Coast Guard Authorization Act of 2018 (Rep. Flake, R-AZ)

FLOOR SCHEDULE:

Scheduled for consideration on November 27, 2018, under a suspension of the rules which requires a 2/3 majority for final passage.

TOPLINE SUMMARY:

[The Senate Amendment to the House Amendment to S. 140](#) would reauthorize the Coast Guard through fiscal year 2019.

COST:

The Congressional Budget Office (CBO) estimate is not available for the most recent version of the bill.

A CBO [estimate](#) was release for the House-passed [version](#) of the bill ([dealing with Indian water rights](#)), but this version did *not* include the reauthorization of the Coast Guard.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** The bill would create new grant program, a new monitoring program, a new advisory committee, and a new working group.
- **Encroach into State or Local Authority?** Some conservatives may be concerned that the bill would require the Environmental Protection Agency (EPA) to establish a federal regulatory standard for vessel discharge under Title X. Other conservatives may be pleased that the bill streamlines a process that requires vessels to comply with multiple standards from federal agencies and states.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

Title I — Reorganization of Title 14, United States Code

The bill reorganizes the previously codified [Title 14: Coast Guard](#). Title 14 was codified in 1948 and has not been re-codified since.

The bill would establish a program of environmental compliance and restoration at current and former Coast Guard Facilities.

The bill would codify certain requirements for cadets attending the Coast Guard Academy.

Title I contains similar language to H.R. 1726, which passed the House on June 16, 2017. The RSC's legislative bulletin for H.R. 1726 can be found [here](#).

Title II — Authorizations

The bill would reauthorize the Coast Guard, as follows:

- **Operation and Maintenance:** \$7.21B for FY18, and \$7.914B for FY19
 - Previously authorized levels:
 - FY16: \$6.981B
 - FY17: \$6.987B
- **Acquisition and Improvement of Aids to Facilities and Systems:** \$2.695B for FY18 and \$2.695B for FY19
 - Previously authorized levels:
 - FY16: \$1.945B
 - FY17: \$1.945B
- **Coast Guard Reserve:** \$114.875M for FY 18
 - Previously authorized levels:
 - FY16: \$140M
 - FY17: \$134M
- **Environmental Compliance and Restoration:** \$13.397M in FY18 and \$16.701M in FY19*
 - *Funds in fiscal year 2019 are to be taken from the amounts authorized for the operation and maintenance of the Coast Guard.
 - Previously authorized levels:
 - FY16: \$16.701M
 - FY17: \$16.701M
- **R&D of Technologies Related to Performance of the Coast Guard's Mission:** \$29.141M in FY18 and in FY19
 - Previously authorized levels:
 - FY18: \$19.89M
 - FY17: \$19.89M

Military Strength and Training: The bill would increase the end-of-year strength for active duty personnel from 43,000 in fiscal years 2016 and 2017 to 45,000 in fiscal years 2018 and 2019. The average military student load would be reauthorized at the current [levels](#).

Fast Response Cutters, Shoreside Infrastructure and Aircraft Improvements: Of the amounts authorized above, the bill would authorize \$167.5M in fiscal years 2018 and 2019 for three Fast Response Cutters, \$167.5M for shoreside infrastructures, and \$167.5M in fiscal years 2018 and 2019 to fund analysis and program development for improvements to rotary-wing aircraft.

Title III — Coast Guard

The bill would allow the secretary to expend funds appropriated to the Coast Guard on the engineering and design of a National Coast Guard Museum. This is prohibited under current [law](#).

The bill would require the secretary to establish a land-based unmanned aircraft system (UAS) program within the Coast Guard. The bill would prohibit the commandant from awarding a contract for the design of an UAS for Coast Guard use.

The bill would increase the amount that may be spent on confidential investigations in any one fiscal year from \$45,000 to \$250,000.

The bill would authorize all officers and enlisted members of the Coast Guard to take parental leave during the one-year period following the birth or adoption of a child.

The bill would repeal a provision allowing for members who are discharged for bad conduct to be given civilian clothing.

The bill would require an unfunded priorities list be submitted to Congress.

Title IV — Ports and Waterways Safety

The bill would create a new chapter for the previously codified [Ports and Waterways Safety Act](#).

The bill would repeal the [Houston-Galveston Navigation Safety Advisory Committee](#).

The bill would allow the commandant to issue regulations related to safety of life during regattas and establish penalties for violations.

Title V — Marine Transportation Safety

The bill would establish a process to resolve disagreements in regards to the condition of a vessel or interpretation of a regulation between a local officer in charge, marine inspection conducting an inspection and the officer in charge, marine vessel that issued the most recent certificate of inspection.

The bill would require a manufacturer, distributor or dealer than installs propulsion machinery on certain recreational vessel to equip the vessel with an engine-cut off switch.

The bill would reauthorize the Fishing Safety Training Grants [program](#) at \$3M for fiscal years 2018 and 2019. The federal match would be reduced from no more than 75 percent to no more than 50 percent. *Some conservatives may be pleased that the bill decreases the federal match percentage.*

The bill would establish a one and five year period for certificates of [documentation](#) and would allow the secretary to assess fees for the issuance of certificates.

The bill would require the Secretary of Transportation to provide for the establishment and operation of a land-based alternate timing system to complement the Global Positioning System within two years of enactment.

Title VI — Advisory Committees

The bill would establish a new chapter for the National Maritime Transportation Advisory Committees:

- [National Chemical Transportation Safety Advisory Committee](#)
- [National Commercial Fishing Safety Advisory Committee](#)
- [National Merchant Marine Personnel Advisory Committee](#)
- [National Merchant Mariner Medical Advisory Committee](#)
- [National Boating Safety Advisory Committee](#)
- [National Offshore Safety Advisory Committee](#)
- [National Navigation Safety Advisory Committee](#)

- [National Towing Safety Advisory Committee](#)

The bill would establish the Maritime Security Advisory Committee.

Title VII — Federal Maritime Commission

The bill would reauthorize the [Federal Maritime Commission](#) at \$28M for fiscal year 2018 and \$28.5M for fiscal year 2019. The authorizations for fiscal years 2016 and 2017 were \$24.7M.

The bill would make changes to public participation filing requirements, meeting requirements, transparency, injunctive relief by allowing the commission to consider competition, and make other changes.

Title VIII — Miscellaneous

The bill would require the commandant to submit a report on the costs and benefits of establishing a Coast Guard Reserve Officers Training Corps program.

The bill would require the secretary to establish a program to allow for canine currency detection teams to be used for maritime law enforcement.

The bill would require the commandant to establish a Center of Expertise for Great Lakes Oil Spill Preparedness and Response.

The bill would authorize a land exchange with the owner of Auakulik Island, Alaska.

The bill would require an assessment of available unmanned maritime domain awareness technologies for the Coast Guard's use.

The bill would allow the commandant to reimburse a non-federal entity up to \$5M for projects to construct an aid to navigation on certain federal navigation projects in areas affected by Hurricane Harvey.

The bill would require the commandant to submit a plan to Congress to extend or replace inland waterway and river tenders, and the Bay-class icebreakers.

The bill would allow the commandant to use funds to construct an icebreaker for the Great Lakes.

The bill would require the commandant to conduct an enhanced maintenance program for the Polar Star.

The bill would require the secretary to prescribe a final rule to eliminate the requirement that a credentialed mariner complete a recertification course to maintain a radar observer endorsement.

Title IX — Vessel Incidental Discharge Act

The bill would require the secretary to promulgate federal standards of performance for marine pollution control devices, allocate to the Environmental Protection Agency (EPA) the responsibility for establishing standards relating to ballast water and incidental discharges from vessels and allocate the responsibility for enforcing these regulations to the Coast Guard.

The EPA would be required to promulgate federal standards for marine pollution control devices in

concurrence with the secretary and in consultation with the governors within two years of enactment.

The bill would require the use of best practices in certain circumstances for conventional, toxic, and non-conventional pollutants.

The bill would establish requirements for ballast water exchanges or saltwater flushes. The bill would allow a governor of a Great Lakes state to propose that other Great Lakes states' governors adopt enhanced performance standards.

The bill would establish separate standards for ballast water exchanges for commercial vessels in the Pacific region.

The bill would establish the Coastal Aquatic Invasive Species Mitigation Grant Program to be funded by the Coastal Aquatic Invasive Species Mitigation Fund. The bill authorizes a \$5M appropriation for each fiscal year. *Some conservatives may be concerned that this bill creates a new grant program and fund.*

The bill would establish the Great Lakes and Lake Champlain Invasive Species Program to monitor the introduction and spread of aquatic nuisance species, and contributing factors to the spread of these species. The bill authorizes \$50M for this program for each fiscal year 2019 through 2023. *Some conservatives may be concerned the bill establishes a new government program.*

The bill would require the establishment of a working group to establish a data sharing program related to these provisions.

Title X — Hydrographic Services

The bill would reauthorize the [Hydrographic Services Improvement Act](#) for fiscal years 2019 through 2023 at the following levels:

- **Nautical mapping and charting functions, except for hydrographic surveys:** \$70.814M.
 - Previously authorized levels:
 - FY09: \$55M
 - FY10: \$56M
 - FY11: \$57M
 - FY12: \$58M
- **Hydrographic surveys:** \$25M.
 - Previously authorized levels:
 - FY09: \$32.13M
 - FY10: \$32.76M
 - FY11: \$33.39M
 - FY12: \$34.02M
- **Operation of hydrographic survey vessels:** \$29.932M
 - Previously authorized levels:
 - FY09: \$25.9M
 - FY10: \$26.4M
 - FY11: \$26.9M
 - FY12: \$27.4M
- **Geodetic functions:** \$26.8M

- Previously authorized levels:
 - FY09: \$32.64M
 - FY10: \$33.28M
 - FY11: \$33.92M
 - FY12: \$34.56M
- **Measurement functions:** \$30.564M
 - Previously authorized levels:
 - FY09: \$27M
 - FY10: \$27.5M
 - FY11: \$28M
 - FY12: \$28.5M

The bill would also authorize \$10M for Arctic programs and \$2M to acquire hydrographic services in the Arctic.

COMMITTEE ACTION:

S. 140 was originally introduced on January 12, 2017, as A bill to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund, and passed the Senate by unanimous consent on May 8, 2017. The bill was sent to the House and reported by the House Committee on Natural Resources by unanimous consent on November 8, 2017. The bill passed the House by a vote of [239-173](#) on January 10, 2017.

The Senate has since amended the underlying bill to reauthorize the Coast Guard. None of the provisions from the original White Mountain Apache Tribe Water Rights bill, passed by the House on January 10, 2017, are included in the Senate amendment. The Senate amendment includes provisions from H.R. 2593, the Federal Maritime Commission Authorization Act of 2017, and H.R. 2518, the Coast Guard Authorization Act of 2017, which were reported from the House Committee on Transportation and Infrastructure by voice vote. The bill also includes provisions from H.R. 1726, the Coast Guard Improvement and Reform Act of 2017, which passed the House on June 26, 2017, under suspension.

The Senate has passed the Senate Amendment to the House Amendment to S. 140 by a vote of [94-6](#) on November 16, 2018.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

Congressional authority statements are not required for bills that originate in the Senate.

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