



Legislative Bulletin.....December 3, 2014

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H.R. 5769 — Howard Coble Coast Guard and Maritime Transportation Act of 2014 (Hunter, R-CA)

Order of Business: [H.R. 5769](#) is expected to be considered on December 3, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: H.R. 5769 would authorize \$8.7 billion in discretionary funding for the Coast Guard in Fiscal Year 2015. This authorization is equal to current levels.

The House Committee on Transportation and Infrastructure released a detailed section-by-section summary which can be found [here](#). The summary below highlights major provisions of the bill.

Personnel: The legislation would authorize an end-of-year strength of 43,000 active duty military personnel in 2015. The current authorized strength is 47,000, but the actual strength at the end of the fiscal year is projected to be 42,600. The legislation authorizes 6,700 commissioned officers.

Mission Needs Statement: The Coast Guard would be required to submit a Mission Needs Statement to the Congress.

Authorization Request: The Coast Guard would be required to submit to Congress an authorization request each year, as the Department of Defense currently does.

Active Duty for Emergencies: Currently, the Secretary of Homeland Security may call Coast Guard reservists to active duty for not more than 60 days in any four month period to respond to an emergency. The legislation would eliminate this limitation.

Cutters: The Coast Guard would be authorized to enter into a multiyear contract for procurement of the Offshore Patrol Cutter. The Coast Guard would also be required to provide a plan to decommission 210 foot Medium Endurance Cutters and to extend the life of 270 foot Medium Endurance Cutters.

Small Shipyards: The legislation would reauthorize the Assistance to Small Shipyards program, which provides grants to small privately owned shipyards.

International Ice Patrol Reform: Under the International Convention on the Safety of Life at Sea (SOLAS), the United States is supposed to be reimbursed for the Coast Guard's iceberg tracking activities in the North Atlantic by countries that have foreign flagged ships in the area. However, the United States has not been reimbursed since 2000. In the last five fiscal years, the Coast Guard has spent \$41 million on these activities. The legislation would prohibit the Coast Guard from providing iceberg location data to foreign flagged vessels whose registry nations fail to reimburse the Service.

Federal Maritime Commission: The legislation would authorize \$24.7 million in 2015 for the Federal Maritime Commission.

Icebreakers: The legislation would require the Coast Guard to provide Congress a strategy on maintaining current polar icebreaking capabilities, including the cost effectiveness of acquiring new icebreakers. The Coast Guard is prohibited from paying for new Polar Class icebreaker capabilities that are requested by other federal agencies.

Maritime Strategy: The Maritime Administration is required to produce a strategy to reduce the regulatory burdens on U.S. flagged vessels.

Additional Background: The House passed H.R. 4005, the Howard Coble Coast Guard and Maritime Transportation Act of 2014, on April 1, 2014, by voice vote. The RSC legislative bulletin for that legislation can be found [here](#). H.R. 4005 would have authorized \$8.7 billion in discretionary funding for the Coast Guard in both 2015 and 2016.

Note: The legislation is named in honor of [Representative Howard Coble](#) (R-NC). [Coble](#), who will retire at the end of this session after 15 terms, served for more than 27 years in the Coast Guard and the Coast Guard Reserve.

Committee Action: H.R. 5769 was introduced on December 1, 2014, and posted on [docs.house.gov](#) at 3:52 pm. The bill was referred to the House Committee on Transportation and Infrastructure which took no action on H.R. 5769.

Cost to Taxpayers: A CBO report is not available.

According to [CBO](#), H.R. 4005 (the House passed two-year reauthorization) would cost \$16.8 billion in outlays over the 2015-2019 period, assuming appropriation of the specified amounts.

However, RSC staff have been told by House Transportation and Infrastructure Committee staff that H.R. 5769 does not include certain provisions from H.R. 4005 that resulted in a discretionary score, H.R. 5769 would not affect direct spending, and that that section 205 of H.R. 5769, which provides for inflationary increases in certain penalties, would result in an “insignificant increase in revenues.”

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: No.

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: No.

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: A Constitutional authority statement is not available at this time.

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**H. Res. 758 – Strongly condemning the actions of the Russian Federation, under Vladimir Putin, which has carried out a policy of aggression against neighboring countries aimed at political and economic domination, as amended
(Rep. Kinzinger, R-IL)**

Order of Business: The resolution is scheduled to be considered on December 3, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: [H. Res. 758](#) would strongly support the efforts by Ukrainian [President Poroshenko](#) and the people of Ukraine to establish a lasting peace in their country that includes the full withdrawal of Russian forces from the territory of Ukraine, full control of Ukraine’s international borders, the disarming of separatist and paramilitary forces in eastern Ukraine, the adoption of policies to reduce the ability of the Russian Federation to use energy exports and trade barriers as

weapons to apply economic and political pressure, and an end to interference by the Russian Federation in the internal affairs of Ukraine. The resolution would:

- Affirm the right of Ukraine, Georgia, Moldova, and all countries to exercise their sovereign rights within their internationally recognized borders free from outside intervention, and to conduct their foreign policy in accordance with their determination of the best interests of their peoples;
- Condemn the continuing political, economic, and military aggression by the Russian Federation against [Ukraine](#), [Georgia](#), and [Moldova](#) and the continuing violation of their sovereignty, independence, and territorial integrity; and
- Classify the military intervention by the Russian Federation in Ukraine as a breach of Russia's obligations under the United Nations Charter, as a clear violation of each of the 10 principles of the [1975 Helsinki Accords](#), as a violation of the [1994 Budapest Memorandum on Security Assurances](#), and as a threat to international peace and security;
- Call on the Russian Federation to reverse its illegal annexation of Crimea, to end its support of the separatist forces in Crimea, and to remove its military forces from that region other than those operating in strict accordance with its 1997 agreement on the Status and Conditions of the Black Sea Fleet Stationing on the Territory of Ukraine;
- Call on the President of the United States to cooperate with allies and partners in Europe and other countries around the world to refuse to recognize any de jure or de facto sovereignty of the Russian Federation over Crimea, its airspace, or its territorial waters;
- Call on the Russian Federation to remove its military forces and military equipment from the territory of Ukraine, Georgia, and Moldova, and to end its political, military, and economic support of separatist forces;
- Call on the Russian Federation and the separatist forces it supports and controls in Ukraine to end their violations of the cease-fire announced in Minsk on September 5, 2014;
- Call on the President to cooperate with United States allies and partners in Europe and other countries around the world to impose visa bans, targeted asset freezes, sectoral sanctions, and other measures on the Russian Federation and its leadership;
- Call on the President to provide the Government of Ukraine with lethal and non-lethal defense articles, services, and training required to effectively defend its territory and sovereignty;
- Call on the President to provide the Government of Ukraine with appropriate intelligence and other relevant information in a timely manner to assist the Government of Ukraine to defend its territory and sovereignty;

- Call on North Atlantic Treaty Organization (NATO) allies and United States partners in Europe and other nations around the world to suspend all military cooperation with Russia, including prohibiting the sale to the Russian Government of lethal and non-lethal military equipment;
- Reaffirm the commitment of the United States to its obligations under the North Atlantic Treaty, especially [Article 5](#), and calls on all Alliance member states to provide their full share of the resources needed to ensure their collective defense;
- Urge the President, in consultation with Congress, to conduct a review of the force posture, readiness, and responsibilities of United States Armed Forces and the forces of other members of NATO to determine if the contributions and actions of each are sufficient to meet the obligations of collective self-defense under Article 5 of the North Atlantic Treaty and to specify the measures needed to remedy any deficiencies;
- Welcome the decision of France to indefinitely suspend the delivery of the [Mistral-class warships to the Russian Federation](#) and urges the United States, France, NATO, and other partners to engage in consultations and consider all alternative acquisition options for such warships which would not include transfer of the ships to the Russian Federation;
- Urge the President of the United States to publicly hold the Russian Federation accountable for [violations](#) of its obligations under the [Intermediate-Range Nuclear Forces \(INF\) Treaty](#) and to take action to bring the Russian Federation back into compliance with the Treaty;
- Urge the President to work with Asian, European, and other allies to develop a comprehensive strategy to ensure the Russian Federation is not able to gain any benefit by its development of military systems that violate the INF Treaty;
- Classify the emplacement by the Russian Federation of its nuclear weapons on Ukrainian territory as a provocative and destabilizing move;
- Call on Ukraine and other countries to support energy diversification initiatives to reduce the ability of the Russian Federation to use its energy exports as a means of applying political or economic pressure, including by promoting energy efficiency and reverse natural gas flows from Western Europe, and would call on the United States to promote increased natural gas exports and energy efficiency;
- Call on the President and the United States Department of State to develop a strategy for multilateral coordination to produce or otherwise procure and distribute news and information in the Russian language to countries with significant Russian-speaking populations;
- Call on the United States Department of State to identify positions at key diplomatic posts in Europe to evaluate the political, economic, and cultural influence of Russia and

Russian state-sponsored media and to coordinate with host governments on appropriate responses;

- Call on the Russian Federation to cease its support for the Assad regime in Syria;
- Call on the President to publicly and privately demand the Russian Federation cease its destabilizing behavior at every opportunity and in every engagement between the United States and its officials and the Russian Federation and its officials;
- Call upon the Russian Federation to seek a mutually beneficial relationship with the United States that is based on respect for the independence and sovereignty of all countries and their right to freely determine their future; and
- Call for the reestablishment of a close and cooperative relationship between the people of the United States and the Russian people based on the shared pursuit of democracy, human rights, and peace among all nations.

Additional Information: According to the findings of the resolution, the Russian Federation has subjected Ukraine to a campaign of political, economic, and military aggression for the purpose of establishing its domination over the country and progressively erasing its independence. The Russian's forcible occupation and illegal annexation of Crimea and its continuing support for separatist and paramilitary forces in eastern Ukraine are violations of its obligations under the [1994 Budapest Memorandum on Security Assurances](#), in which it pledged to respect the independence and sovereignty and the existing borders of Ukraine. In doing so, Russia has provided military equipment, training, and other assistance to separatist and paramilitary forces in eastern Ukraine that has resulted in over 4,000 civilian deaths, hundreds of thousands of civilian refugees, and widespread destruction, including the shootdown of [Malaysia Airlines Flight 17](#) by a missile fired by Russian-backed separatist forces.

Furthermore, the terms of the cease-fire specified in the Minsk Protocol that was signed on September 5, 2014, by representatives of the Government of Ukraine, the Russian Federation, and the Russian-led separatists in the eastern area of Ukraine have been repeatedly violated by the Russian Federation and the separatist forces it supports.

Russia has also violated the terms of the Intermediate-Range Nuclear Forces Treaty by flight-testing an INF-banned missile. On July 29, 2014, the United States Department of State released its report on the [Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments](#), as required by [Section 403 of the Arms Control and Disarmament Act](#), for calendar year 2013, which found that, “[t]he United States has determined that the Russian Federation is in violation of its obligations under the INF Treaty not to possess, produce, or flight-test a ground-launched cruise missile (GLCM) with a range capability of 500 km to 5,500 km, or to possess or produce launchers of such missiles.”

More information from NATO on its response to Russian aggression can be found [here](#). A State Department press release on Russian claims in Crimea can be found [here](#). A fact sheet from the Foreign Policy Initiative can be found [here](#).

Committee Action: The resolution was introduced on November 18, 2014, and was referred to the House Committee on Foreign Affairs.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: No Congressional Budget Office (CBO) estimate is available.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No CBO estimate is available.

Constitutional Authority: House Rules do not require a statement of constitutional authority for resolutions.

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**H. Res. 714 – Reaffirming the peaceful and collaborative resolution of maritime and jurisdictional disputes in the South China Sea and the East China Sea as provided for by universally recognized principles of international law, and reaffirming the strong support of the United States Government for freedom of navigation and other internationally lawful uses of sea and airspace in the Asia-Pacific region, as amended
(Del. Faleomavaega, D-American Samoa)**

Order of Business: The resolution is scheduled to be considered on December 3, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Summary: [H. Res. 714](#) would reaffirm the peaceful and collaborative resolution of maritime and jurisdictional disputes in the South China Sea and the East China Sea as provided for by universally recognized principles of international law, and reaffirming the strong support of the United States Government for freedom of navigation and other internationally lawful uses of sea and airspace in the Asia-Pacific region. The resolution would:

- Reaffirm the strong support for freedom of navigation and overflight and condemns coercive and threatening actions or the use of force to impede these freedoms in international maritime domains and airspace by military or civilian vessels, to alter the status quo or to destabilize the Asia-Pacific region;

- Repudiate the East China Sea [Air Defense Identification Zone \(ADIZ\)](#) declared by China, which is contrary to freedom of overflight in international airspace, and calls on China to refrain from taking similar provocative actions elsewhere in the Asia-Pacific region, including in the South China Sea;
- Urge the [Association of Southeast Asian Nations](#) (ASEAN), all United States allies and partners, and all claimants to amiably and fairly resolve these outstanding disputes, including through the conclusion of a Code of Conduct for the South China Sea;
- Urge the conclusion of the annex to the non-binding memorandum of understanding (MOU) between the United States and China on “rules of behavior for safety of air and maritime encounters” addressing air-to-air encounters in 2015;
- Support the continuation of operations by the United States to support freedom of navigation in international waters and air space in the South China Sea and the East China Sea; and
- Encourage the continuation of efforts by the United States Government to strengthen partnerships in the region to build capacity for maritime domain awareness in support of freedom of navigation, maintenance of peace and stability, and respect for universally recognized principles of international law.

Additional Information: According to the findings of the resolution, China, Vietnam, the Philippines, Taiwan, Malaysia, and Brunei have disputed territorial claims over the Spratly Islands, and China, Taiwan, and Vietnam have disputed territorial claims over the Paracel Islands which have led to several naval skirmishes. On September 2010, tensions escalated in the East China Sea near the [Senkaku](#) (Diaoyutai) Islands, a territory under the legal administration of Japan, when a Chinese fishing vessel deliberately rammed Japanese Coast Guard patrol boats. On February 25, 2011, a frigate from the Chinese People’s Liberation Army Navy (PLAN) fired shots at three fishing boats from the Philippines. On March 2, 2011, the Government of the Philippines reported that two patrol boats from China attempted to ram one of its surveillance ships. On January 2013, a Chinese naval ship allegedly fixed its weapons-targeting radar on Japanese vessels in the vicinity of the Senkaku islands in the East China Sea, and, on April 23, 2013, eight Chinese marine surveillance ships entered the 12-nautical-mile territorial zone off the Senkaku Islands, further escalating regional tensions.

On November 23, 2013, without prior consultations with the United States, Japan, the Republic of Korea or other nations of the Asia-Pacific region, China declared an Air Defense Identification Zone (ADIZ) over the East China Sea. China announced that all aircraft, even if they do not intend to enter the ADIZ airspace, would have to submit flight plans, maintain radio contact, and follow directions from the Chinese Ministry of National Defense or face “emergency defensive measures,” in violation of the [Chicago Convention of the International Civil Aviation Organization](#). In response, the United States Government expressed profound concerns with China’s unilateral, dangerous, and destabilizing declaration, including the potential for misunderstandings and miscalculations by aircraft operating lawfully in international airspace.

More information from the Council on Foreign Relations on China's territorial disputes can be found [here](#). Information from the U.S.-China Economic and Security Review Commission on the Air Defense Identification Zone can be found [here](#).

Committee Action: The resolution was introduced on September 8, 2014, and was referred to the House Committee on Homeland Foreign Affairs. On November 20, 2014, the resolution was marked-up and reported (amended) by a voice vote.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: No Congressional Budget Office (CBO) estimate is available.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No CBO estimate is available.

Constitutional Authority: House Rules do not require a statement of constitutional authority for resolutions.

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S. 2673 – United States-Israel Strategic Partnership Act of 2014 (Sen. Boxer, D-CA)

Order of Business: The bill is scheduled to be considered on December 3, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

Background Information: According to the findings of the bill, the people and the Governments of the United States and of Israel share a deep and unbreakable bond, forged by over 60 years of shared interests and shared values. The people and Governments of the United States and of Israel are facing a dynamic and rapidly changing security environment in the Middle East and North Africa, necessitating deeper cooperation on a range of defense, security, and intelligence matters. Hamas, Hezbollah, and the Government of Iran continue to pose a grave threat to Israel and the region. In light of these threats and challenges, the bill states that it would be in the interests of the United States to deepen and strengthen security and energy cooperation with allies like Israel in pursuit of shared policy objectives.

A similar bill (H.R. 938) was introduced in the House on March 4, 2014 and was passed and agreed to by the Yeas and Nays: [410–1](#). The RSC's legislative bulletin for H.R. 938 can be

found [here](#). A list of cosponsors to S. 2673 can be found [here](#). A fact sheet from the American Israel Public Affairs Committee (AIPAC) can be found [here](#).

Summary: [S. 2673](#) declares that Israel is a major strategic partner of the United States and:

- Reaffirms the unwavering support of the people and the Government of the United States for the security of Israel as a Jewish state;
- Reaffirms the principles and objectives enshrined in the [United States-Israel Enhanced Security Cooperation Act of 2012](#) and urges its implementation to the fullest extent;
- Reaffirms the importance of the 2007 United States-Israel Memorandum of Understanding on United States assistance to Israel and the semiannual Strategic Dialogue between the United States and Israel;
- Pursues every opportunity to deepen cooperation with Israel on a range of critical issues including defense, homeland security, energy, and cybersecurity;
- Continues to provide Israel with robust security assistance, including for the procurement of the [Iron Dome Missile Defense System](#); and
- Supports the Government of Israel in its ongoing efforts to reach a negotiated political settlement with the Palestinian people that results in two states living side-by-side in peace and security.

Section 4 expresses a sense of Congress that Israel is a major strategic partner of the United States. Section 5 amends [Department of Defense Appropriations Act, 2005 by extending the authority to transfer Department of Defense \(DOD\) stockpiled surplus items to Israel](#).

[Section 5 would also amend the Foreign Assistance Act of 1961 by extending the authority to make additions to defense articles stockpiles in foreign countries through fiscal year 2015.](#)

[Section 6 of the bill would direct the President of the United States to take steps so that Israel may be included in the list of countries eligible for the strategic trade authorization exception to the requirement for a license for the export, re-export, or in-country transfer of an item subject to export controls.](#)

[Section 7 authorizes the President to:](#)

- Undertake activities in cooperation with Israel;
- Provide assistance promoting cooperation in the fields of energy, water, agriculture, and alternative fuel technologies;
- Share and exchange with Israel research, technology, intelligence, information, equipment, and personnel, including through sales, leases, or exchanges in kind; and

- Enhance scientific cooperation between Israel and the United States.

Section 7 would also authorize the Secretary of Homeland Security to enter into cooperative research pilot programs with Israel to enhance Israel's capabilities in border, maritime, and aviation security; explosives detection; and emergency services.

Section 8 would direct the President to submit to Congress a report, in a classified format or including a classified annex, on the feasibility and advisability of expanding United States-Israeli cooperation on cyber issues, including sharing and advancing technologies related to the prevention of cybercrimes.

Section 9 states that United States policy shall include Israel in the [visa waiver program](#) when Israel satisfies, and as long as Israel continues to satisfy, program requirements.

Section 10 requires the President to provide an update to Congress on current and future efforts undertaken to fulfill the objectives of Section 4 of the [United States-Israel Enhanced Security Cooperation Act](#).

Section 11 would amend [section 36\(h\) of the Arms Export Control Act](#) to require certification on the sale or export of major defense equipment to the Middle East and the affect it would have on Israel's qualitative military edge. The certification would include:

- A detailed explanation of Israel's capacity to address the improved capabilities provided by such sale or export;
- A detailed evaluation of how such sale or export alters the strategic and tactical balance in the region, including relative capabilities; and Israel's capacity to respond to the improved regional capabilities provided by such sale or export;
- An identification of any specific new capacity, capabilities, or training that Israel may require to address the regional or country specific capabilities provided by such sale or export; and
- A description of any additional United States security assurances to Israel made, or requested to be made, in connection with, or as a result of, such sale or export.

Section 12 of S. 2673 would amend the [Energy Independence and Security Act of 2007](#) to authorize the Secretary of Energy to:

- Enter into cooperative agreements supporting and enhancing dialogue and planning involving international partnerships between the Department of Energy, including National Laboratories of the Department, and the Government of Israel and its ministries, offices, and institutions;

- May establish a joint United States-Israel Energy Center in the United States leveraging the experience, knowledge, and expertise of institutions of higher education and entities in the private sector, related to offshore energy development in order to strengthen cooperation in the realms of energy innovation technology and engineering, water science, technology transfer, and analysis of emerging geopolitical implications, crises and threats from foreign natural resource and energy acquisitions.

The Secretary of Energy may not pay more than 50 percent of Federal share of the costs of implementing cooperative agreement and is required to submit to Congress an annual report that describes actions taken to implement such agreements, and any projects undertaken pursuant to such agreements.

Section 12 would also extend the grant program to support United States and Israel research, development, and commercialization of renewable energy or energy efficiency to September 30, 2024.

The Secretary of State is also directed to continue ongoing diplomacy efforts in engaging and supporting the energy security of Israel; and promoting constructive regional energy cooperation in the Eastern Mediterranean.

Committee Action: The bill was introduced in the Senate on July 28, 2014. On September 18, 2014, the bill was passed by the Senate with an amendment by unanimous consent.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: No Congressional Budget Office (CBO) estimate is available.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No CBO estimate is available.

Constitutional Authority: Legislation introduced in the Senate does not require a constitutional authority statement.

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