



**Legislative Bulletin.....July 30, 2014**

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**H.R. 5195 – To provide additional visas for the Afghan Special Immigrant Visa Program, and for other purposes (*Blumenauer, D-OR*)**

**Order of Business:** The bill is scheduled to be considered on July 30, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

**Summary:** [H.R. 5195](#) amends the Afghan Allies Protection Act of 2009 ([8 U.S.C. 1101](#)) to make an additional 1,000 Special Immigrant Visas available to principal aliens through December 31, 2014. The period of time the aliens are required to have been employed, according the parameters of current law, must end by December 31, 2014. The law requires the applicant to have been employed by or on behalf of the U.S. government for at least one year. The principal alien must apply for the Special Immigrant Visa by December 31, 2014, and the authority to provide the visa terminates on December 31, 2014. The legislation also contains a fee increase for consular services of \$1 for processing machine-readable nonimmigrant visas and machine-readable combined border crossing cards and non-immigrant visas. The fee increase expires 5.5 years after the first fee is collected.

**Additional Information:** According to the State Department more than 9,000 Afghans have benefited from the Special Immigrant Visa program since the program was created in 2009. Most of the primary alien recipients of the Visas were interpreters. A State Department fact sheet is available [here](#). It is created for Afghans who are facing a serious threat because of their employment by or on behalf of the U.S. government in Afghanistan. An overview of the program is available [here](#).

**Committee Action:** The legislation was introduced on July 24, 2014, and referred to the House Committee on the Judiciary. There was no further Committee action on the bill.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** No Congressional Budget Office cost 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.

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

**Constitutional Authority:** According to the sponsor, “Congress has the power to enact this legislation pursuant to the following: Article I of the U.S. Constitution.” Congressman Blumenauer’s statement in the Congressional Record can be viewed [here](#).

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**H. Con. Res. 107 – Denouncing the use of civilians as human shields by Hamas and other terrorist organizations in violation of international humanitarian law.  
(Rep. Ros-Lehtinen, R-FL)**

**Order of Business:** The bill is scheduled to be considered on July 30, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority for passage.

**Summary:** [H. Con. Res. 107](#) strongly condemns the use of innocent civilians as human shields by Hamas and other terrorist organizations. The resolution would also call on the international community to recognize and condemn Hamas’ breaches of international law through the use of human shields, and would:

- Place responsibility for the rocket attacks against Israel on Hamas and other terrorist organizations, such as Islamic Jihad;
- Support the sovereign right of the Government of Israel to defend its territory and its citizens from Hamas’ rocket attacks, kidnapping attempts, and the use of tunnels and other means to carry out attacks against Israel;
- Express condolences to the families of the innocent victims on both sides of the conflict;
- Support Palestinian civilians who reject Hamas and all forms of terrorism and violence, desiring to live in peace with their Israeli neighbors;
- Condemn Hamas’ repeated refusals to accept a cease-fire with Israel;

- Support efforts to permanently demilitarize the Gaza Strip, removing Hamas' means to target Israel, including its use of tunnels, rockets, and other means; and
- Condemn the United Nations Human Rights Council's [biased commission of inquiry](#) into Israel's Gaza operations.

**Additional Information:** According to the findings of the resolution, since June 15, 2014, over 2,000 rockets have been fired by Hamas and other terrorist organizations from Gaza into Israel. Hamas has used civilian populations as human shields by placing their missile batteries in densely populated areas, near schools, hospitals, and mosques, and by urging Gaza residents to remain in their houses, to gather on the roofs of their homes to act as human shields, and to ignore Israeli warnings. In response to the repeated rocket attacks, the United States and Israel have cooperated on missile defense projects, including [Iron Dome](#), [David's Sling](#), and the [Arrow Anti-Missile System](#), projects designed to thwart a diverse range of threats, including short-range missiles and rockets fired by non-state actors, such as Hamas. In [fiscal year 2014](#), the United States provided \$235,000,000 to Israel for Iron Dome research, development, and production. During the most recent rocket attacks from Gaza, Iron Dome has successfully intercepted dozens of rockets that were launched against Israeli population centers. A Congressional Research Service report on U.S. foreign aid to Israel can be found [here](#). Hamas has been on the Department of State's designated [Foreign Terrorist Organizations list](#) since 1997 and has been accused of [kidnapping](#) and murdering three Israeli teenagers in June, 2014 including Naftali Frenkel, a dual Israeli-American citizen.

A list of cosponsors for H. Con. Res. 107 can be found [here](#). A [similar resolution](#) (S. Con. Res. 41) was introduced on July 24, 2014 in the Senate by Senator Ted Cruz (R-TX) and cosponsored by Senator Kirsten Gillibrand (D-NY). More on S. Con. Res. 41 can be found [here](#).

**Committee Action:** The resolution was introduced on July 16, 2014 and was referred to the House Committee on Foreign Affairs.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** No 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.

**Constitutional Authority:** A Constitutional Authority statement is not available.

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## H.R. 935 — Reducing Regulatory Burdens Act of 2013 (Gibbs, R-OH)

**Order of Business:** H.R. 935 is expected to be considered on July 30, 2014, under a [closed rule](#). The rule also provides for a closed rule for H. Res 676, providing authority for the Speaker to sue the President.

Further, the rule provides that during the August 1 to September 5 district work period:

- The Journal shall be considered as approved;
- The Chair may declare the House adjourned to meet at a date and time to be announced;
- The Speaker may appoint Members to perform the duties of the Chair;
- Each day shall not count as a calendar day for the purpose of the War Powers Resolution; and
- Each day shall not count as a calendar day for the purpose of clause 7 of rule XIII (resolutions of inquiry).

**Summary:** H.R. 935 would amend the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Water Pollution Control Act (also known as the Clean Water Act (CWA)) to prohibit the EPA from requiring National Pollutant Discharge Elimination System (NPDES) permits for the use of FIFRA regulated pesticides.

**Previous Consideration:** H.R. 935 failed on suspension on July 28, 2014, by a [253 – 148](#) vote. Although the bill received a bipartisan majority vote, a motion to suspend the rules and pass the bill requires a two-thirds majority for passage.

**Additional Background:** Similar legislation was passed by the House by a [292 – 130](#) vote in 2011 in the form of [H.R. 872](#), the Reducing Regulatory Burdens Act of 2011.

The [Federal Insecticide, Fungicide, and Rodenticide Act](#) allows the EPA to regulate pesticides. All pesticides must be licensed by the EPA.

The [Clean Water Act](#) allows the EPA to regulate the waters of the United States. Under the CWA, National Pollutant Discharge Elimination System (NPDES) permits must be obtained from the EPA to discharge pollutants into water bodies.

In general, the EPA has not required NPDES permits for the use of FIFRA regulated pesticides. Lawsuits in the 1990's created uncertainty over whether NPDES permits would be required for the use of FIFRA regulated pesticides near bodies of water. Consequently, the EPA finalized formal regulations in 2006 to clarify that FIFRA regulated pesticides are not pollutants under the CWA and therefore do not require NPDES permitting.

After further lawsuits, a federal court vacated the regulation and ruled that NPDES permits would be required for FIFRA regulated pesticides that are used on or near water bodies.

According to the [Agriculture Committee Report](#), these permitting requirements could apply to about 365,000 pesticide users and could cost as much as \$50,000 each annually. Violators of the

regulations could face \$37,500 per day fines, which is problematic because most FIFRA regulated pesticide users have never been subject to the NPDES permitting process before.

**Committee Action:** H.R. 935 was introduced on March 4, 2013, and referred to the House Transportation and Infrastructure and the House Agriculture Committees. On [October 29, 2013](#), the Transportation and Infrastructure Committee marked up and reported the bill by voice vote. On [March 13, 2014](#), the House Agriculture Committee marked up and reported the bill by voice vote.

**Cost to Taxpayers:** According to [CBO](#), H.R. 935 would “have no significant effect on the federal budget.”

**Does the Bill Expand the Size and Scope of the Federal Government?:** No, the bill blocks burdensome regulations.

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

**Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10<sup>th</sup> 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:** “Congress has the power to enact this legislation pursuant to the following: Pursuant to clause 3(d)(1) of Rule XIII of the Rules of the House of Representatives, the Committee finds the Constitutional authority for this legislation in Article I, section 8, clause 18, that grants Congress the power to make all laws necessary and proper for carrying out the powers vested by Congress in the Constitution of the United States or in any department or officer thereof.”

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