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H.R. 920 – Venezuela Arms Restriction Act (Rep. Shalala, D-FL)

FLOOR SCHEDULE: Scheduled for consideration on March 25, 2019, under a suspension of the rules which requires a 2/3rds majority for passage.

TOPLINE SUMMARY: [H.R. 920](#) would restrict the transfer of defense articles, defense services, and crime control articles to any element of the security forces of Venezuela that is under the authority of a government of Venezuela that is not recognized as the legitimate government of Venezuela by the Government of the United States.

COST:

According to the [Congressional Budget Office](#): “Every year since 2006, the Department of State has determined that Venezuela has not cooperated with U.S. counterterrorism efforts. As a result, U.S. defense articles and services cannot be exported to that country. Thus, CBO estimates that enacting the prohibition on arms exports in the bill would not affect the federal budget.”

Additionally, [CBO states](#) that enactment of this legislation and the satisfaction of reporting requirements in H.R. 920 would cost less than \$500,000 over the 2019-2024 period; such spending would be subject to the availability of appropriated funds.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** Yes, the bill would allow the President to make the provisions of the bill expire upon certifying to the Congress that the Government of Venezuela has returned to a democratic form of government.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

[H.R. 920](#) would restrict the transfer of defense articles, defense services, and crime control articles to any element of the security forces of Venezuela that is under the authority of a government of Venezuela that is not recognized as the legitimate government of Venezuela by the Government of the United States.

This legislation would require the Secretary of State, in consultation with the Secretary of Commerce, not 180 days after the date of the enactment of this Act, to: 1) determine, using such information that is available to the Secretary of State, whether any covered article or service has been transferred since July 2017 to the security forces of Venezuela without a license or other authorization as

required by law; and 2) submit such determination in writing to the appropriate congressional committees.

This legislation would require a report to the Congress to include: 1) A list of all significant transfers by foreign persons of covered articles or services to such elements of the security forces of Venezuela since July 2017; 2) A list of all foreign persons who maintain an existing defense relationship with such elements of the security forces of Venezuela; and 3) Any known use of covered articles or services by such elements of the security forces of Venezuela or associated forces, including paramilitary groups, that have coordinated with such security forces to assault, intimidate, or murder political activists, protesters, dissidents, and other civil society leaders, including Juan Guaido

This legislation would state that this Act shall expire: 1) 3 years after the date of enactment; or 2) on the date which the President certifies to the Congress that the Government of Venezuela has returned to a democratic form of government with respect for the essential elements of representative democracy as set forth in [Article 3 of the Inter-American Democratic Charter](#).

COMMITTEE ACTION: H.R. 920 was introduced on January 30, 2019, and was referred to the House Committee on Foreign Affairs. A markup was held on March 14, 2019 and was Order to be Reported Favorably 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: "Article I, Section 8 of the U.S. Constitution."

H.R. 854 – Humanitarian Assistance to the Venezuelan People Act of 2019 (Rep. Mucarsel-Powell, D-FL)

FLOOR SCHEDULE: Scheduled for consideration on March 25, 2019, under a suspension of the rules which requires a 2/3rds majority for passage.

TOPLINE SUMMARY: [H.R. 854](#) would aim to provide certain humanitarian assistance to the Venezuelan people. The humanitarian aid would include Venezuelan migrants and refugees in the Americas. This legislation would also require certain reporting to the Congress.

COST:

According to the [Congressional Budget Office](#): “According to the U.S. Agency for International Development, the United States has obligated about \$150 million over the 2018-2019 period for humanitarian assistance for Venezuelans. Of that amount, more than \$55 million has been obligated in 2019. The bill would express the sense of the Congress that at least \$150 million should be appropriated each year for 2020 and 2021. On that basis, and assuming appropriation of the estimated amounts, CBO estimates that implementing the humanitarian assistance would cost \$252 million over the 2020-2024 period (the remaining \$48 million would be spent in subsequent years).”

Additionally, [CBO estimates](#) that the fulfillment of the reporting requirements of this legislation would cost less than \$500,000 over the 2019-2024 period; such spending would be subject to the availability of appropriated funds.

CONSERVATIVE CONCERNS:

Conservatives may be concerned that this legislation does not express support for the Trump Administration’s foreign policy efforts to support Juan Guaidó as the rightful President of the Venezuelan people. Currently [more than 50 countries](#), including many U.S. allies, recognize Juan Guaidó as the rightful President of Venezuela.

Conservatives may be concerned would authorize appropriations for Venezuelan aid in such sums that may be necessary for each of fiscal years 2020 and 2021. Conservatives may also believe that international aid is a low priority and such funding should be used domestically.

- **Expand the Size and Scope of the Federal Government?** Yes, the bill creates a new discretionary spending authorization of an undetermined amount (i.e., such sums as are necessary).
- **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. 854](#) would aim to provide certain humanitarian assistance to the Venezuelan people. The humanitarian aid would include Venezuelan migrants and refugees in the Americas. This legislation would also require certain reporting to the Congress.

This legislation would express the Sense of Congress that not less than \$150 million is necessary for each of fiscal years 2020 and 2021 to carry out such assistance. This legislation would authorize appropriations to the President in such sums that may be necessary for each of fiscal years 2020 and 2021.

This legislation would require that a report be sent to the Congress, not 180 days after the enactment of this legislation, outlining the coordination of humanitarian assistance to the people of Venezuela, both in Venezuela and throughout the Western Hemisphere, with nongovernmental organizations and international organizations operating in Venezuela or countries in the region to alleviate the suffering of the Venezuelan people. This legislation would outline the specifics to be required in such a report.

This legislation would state that Congress strongly condemns all violent actions by the Maduro regime and Venezuela's security forces to block and divert humanitarian assistance from entering Venezuela.

This legislation would require a GAO report to be submitted to the Congress assessing the impact of U.S. humanitarian assistance on the people of Venezuela, both in Venezuela and throughout the Western Hemisphere, including the total number of beneficiaries reached.

COMMITTEE ACTION:

H.R. 854 was introduced on January 29, 2019, and was referred to the House Committee on Foreign Affairs. A markup was held on March 14, 2019, and was Ordered to be Reported Favorably 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: "Article I, Section 8 of the U.S. Constitution."

H.R. 1616 – European Energy Security and Diversification Act of 2019 (Rep. Kinzinger, R-IL)

FLOOR SCHEDULE: Scheduled for consideration on March 25, 2019, under a suspension of the rules which requires a 2/3rds majority for passage.

TOPLINE SUMMARY: [H.R. 1616](#) would direct the State Department to prioritize and expedite its efforts to provide support to countries in Central and Eastern Europe to diversify their energy sources and supply routes, and increase their energy security. The bill would authorize appropriations of \$579.5 million to support these efforts.

COST:

According to the [Congressional Budget Office](#): “The bill would authorize the appropriation of \$250 million each year in 2020 and 2021 for the Countering Russian Influence Fund. Under current law, authorizations of that amount expire after 2019. Assuming appropriation of the specified amounts, CBO estimates that implementing H.R. 1616 would cost \$416 million over the 2020-2024 period (most of the remainder would be spent in future years).

In addition, the bill would authorize the appropriation of \$79.5 million in 2020 for the Trade and Development Agency. The Congress has permanently authorized whatever amounts are necessary for agency operations; it appropriated \$79.5 million for that purpose in 2019.

Using information about the costs of similar reports, CBO estimates that satisfying the reporting requirement in H.R. 1616 would cost less than \$500,000 over the 2019-2024 period; such spending would be subject to the availability of appropriated funds.”

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** Yes, the bill would authorize appropriations for a program that is set to expire at the end of this fiscal year.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** This legislation would provide authority to the Secretary of State to identify and select energy infrastructure projects that would be appropriate for the United States assistance.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

[H.R. 1616](#) would direct the State Department to prioritize and expedite its efforts to provide support to countries in Central and Eastern Europe to diversify their energy sources and supply routes, and increase their energy security.

This legislation would express the Sense of Congress that the United States has economic and national security interests in assisting European and Eurasian countries achieve energy security through diversification of their energy sources and supply routes. Specifics of such expression would be provided in this legislation.

This legislation would require the Secretary of State to, as appropriate, prioritize and expedite the efforts of the Department of State and such agencies in supporting the efforts of the European Commission and European and Eurasian countries to increase the energy security of such countries. This legislation would provide specifics on how to support such efforts, and which efforts to prioritize.

This legislation would provide authority to the Secretary of State to identify and select energy infrastructure projects that would be appropriate for the United States assistance. This legislation would provide specifics for project eligibility and preference for U.S. assistance. Additionally, this legislation would provide descriptions of the types of assistance the U.S. and Secretary may provide.

This legislation would authorize the appropriation of \$79.5 million in FY 2020 for the Trade and Development Agency. The legislation would also authorize the appropriation of \$250 million each year in 2020 and 2021 for the Countering Russian Influence Fund.

This legislation would state that no U.S. assistance under this legislation may be provided to a European or Eurasian country that engages in a significant transaction described in [subsection \(a\) of section 231 of the Countering America's Adversaries Through Sanctions Act \(22 U.S.C. 9525\)](#).

This legislation would require certain progress reports to be submitted to the Congress annually for seven years on progress made in providing assistance for projects described in this legislation.

COMMITTEE ACTION: H.R. 1616 was introduced on March 7, 2019 and was referred to the House Committee on Foreign Affairs. A markup was held on March 14, 2019 and was Ordered to be Reported Favorably 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: "Article I, Section 8 of the U.S. Constitution."

H.R. 1839 – Medicaid Services Investment and Accountability Act of 2019 (Rep. Raul Ruiz, D-CA)

FLOOR SCHEDULE: Scheduled for consideration on March 25, 2019, under a suspension of the rules which requires a 2/3rds majority for passage.

TOPLINE SUMMARY: [H.R. 1839](#) would extend the Medicaid Spousal Impoverishment program; extend the Community Mental Health Services Demonstration Program; create a state option to establish health homes for children with medically complex conditions with a temporary federal match enhancement; and, provide additional funds for the Money Follows the Person Program.

COST:

According to the [Congressional Budget Office](#), enactment of this legislation would increase direct spending by \$71 million over Fiscal Years 2019-2024, but would be fully offset over the FY 2019- 2029 budget window with a net \$1 million reduction in mandatory spending over the ten-year budget window; pay as you go rules would apply. The bill would have no revenue effects.

CONSERVATIVE CONCERNS:

Some conservatives may be concerned that an expansion of Medicaid for certain populations and services could continue set the precedent for additional sympathetic populations to receive a Medicaid expansion. Additions to the program without reform continue to bring further financial burden to the Federal Government.

Although the certain provisions in this legislation are set to be temporary at a length of two quarters, some conservatives may be concerned of the potential for frequent extensions and continued financial support for the intended temporary program.

Some conservatives may be concerned that the vast majority of the bill's mandatory spending increases would occur at the beginning of the ten-year budget window and the savings would occur at the end, creating ample opportunities over the next decade to undo the spending offsets contained in the bill. Furthermore, the vast majority of offsets do not represent a corresponding minimization of the overall size of Medicaid but rather opportunities for the federal government to push the cost of Medicaid onto third parties.

- **Expand the Size and Scope of the Federal Government?** This legislation would provide for an additional expansion of Medicaid for certain groups of children with complex medical conditions. Additionally, the bill would provide an additional \$20 million in additional grant

funds for the Money Follows the Person Program even though it received \$112 billion in mandatory funding under H.R. 259, the Medicaid Extenders Act of 2019, which was enacted just two months ago.

- **Encroach into State or Local Authority?** Some conservatives may believe the programs and activities funded by the bill would be more appropriately handled by state or local governments, or the private sector.
- **Delegate Any Legislative Authority to the Executive Branch?** Certain provisions would delegate authority for the Secretary of Health and Human Services to establish standards for qualification as a health home.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

[H.R. 1839](#) would extend the Medicaid Spousal Impoverishment program; extend the Community Mental Health Services Demonstration Program; Create a state option to establish health homes for children with medically complex conditions with a temporary federal match enhancement; and provide additional funds for the Money Follows the Person Program.

Sec. 2. Extension of Protection for Medicaid recipients of Home and Community-Based Services against Spousal Impoverishment.

This section would extend the [Home and Community-Based Services against Spousal Impoverishment program](#) ([Section 2404 of the Affordable Care Act](#)) through September 30, 2019.

Sec. 2. State Option to Provide Coordinated Care through a Health Home for Children with Medically Complex Conditions.

This section would provide the option for states to, beginning October 1, 2022, provide for medical assistance to children with medically complex conditions who voluntarily choose to enroll in a health home, as listed under this section. Specifically, this section would state that enrollment in a health home could include selecting a designated provider, a team of health care professionals operating with such a provider, or a health team as the child's health home for purposes of providing the child with health home services.

This section would direct the Department of Health and Human Services to establish standards for qualification as a health home. This section would provide requirements for such standards to include requiring designated providers, teams of health care professionals operating with such providers, and health teams to demonstrate to the State the ability to carry out certain care activities enumerated in the bill .

This section would provide for the payment methodology of the Medicaid expansion. Specifically, this section would provide that for the 2 quarters which this program would be in effect, the [Federal Medical Assistance Percentage \(FMAP\)](#) applicable to such payments for the program would be increased by 15 percentage points; however, the legislation would state that this enhanced match rate may not exceed 90%. The FMAP is the formula which determines the Federal and state cost sharing percentages in each state. Under the FMAP, there is a statutory minimum Federal share of 50 percent and a maximum Federal share of 83 percent. For more information on a breakdown of Federal contributions to the Medicaid program State-by-State, please visit [here](#).

This section would outline the process for Planning Grants to be awarded by the Secretary. Additionally, this section would limit the total amount of payments made to States to an amount not exceed \$5 million.

This section would provide guidance for implementation of coordinated care.

This section would require certain data reporting and state reporting requirements.

This section would emphasize that none of the provisions provided for in this section are mandatory and are strictly optional for the State to participate.

Sec. 4. Extension of the Community Mental Health Services Demonstration Program.

This section would extend the Community Mental Health Services Demonstration Program through June 30, 2019, or for two years, whichever is longer.

Sec. 5. Additional Funding for the Money Follows the Person Rebalancing Demonstration.

This section would provide an additional \$20 million in additional grant funds for the Money Follows the Person Program. The program received \$112 billion in mandatory funding under H.R. 259, the Medicaid Extenders Act of 2019, which was enacted just two months ago. This move demonstrates a brazenness to agree to a certain funding level and then seek to immediately boost it.

Sec. 6. Preventing the Misclassification of Drugs under the Medicaid Drug Rebate Program.

This section would apply a civil monetary penalty for drug makers that knowingly misclassify covered outpatient drugs.

This section would outline what would constitute a knowing misclassification of covered outpatient drugs.

This section would provide that 25 percent of collected penalties be used for improvement of oversight and enforcement.

Sec. 7. Extension of Third-Party Liability Period for Child Support Services.

This section would increase the number of days from 90 to 100 that a state may delay payments in Medicaid to providers for medical services provided to a child with a medical support order ([Sec. 202 \(a\)\(2\) of PL 113-67](#)).

Sec. 8. Denial of FFP for certain expenditures relating to vacuum erection systems and penile prosthetic implants.

This section would prohibit Medicaid for paying for vacuum erection system that is not medically necessary; or the insertion, repair, or removal and replacement of a penile prosthetic implant unless such insertion, repair, or removal and replacement is medically necessary.

COMMITTEE ACTION: H.R. 1839 was introduced on March 21, 2019 and was referred to the House Committee on Energy and Commerce. Although no Mark Up was held for certain provisions of this legislation, previous sections of this bill were passed on [December 11, 2018](#) during the 115th Congress.

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 1, Section 8 of the United States Constitution, the power to regulate commerce."

H.R. 1477 – Russian-Venezuelan Threat Mitigation Act (Rep. Wasserman Schultz, D-FL)

FLOOR SCHEDULE: Scheduled for consideration on March 25, 2019, under a suspension of the rules which requires a 2/3rds majority for passage.

TOPLINE SUMMARY: [H.R. 1477](#) would require a threat assessment and strategy to counter Russian influence in Venezuela, an assessment of foreign acquisition of CITGO petroleum corporation assets in the United States, and would require certain reports to the Congress. It would generally bar entry into the U.S., and revoke visas held by, any alien acting on behalf of Russia in support of the Venezuelan security forces.

COST:

The [Congressional Budget Office](#) estimates that satisfaction of the reporting requirements in this legislation would cost less than \$500,000 over the 2019-2024 period; such spending would be subject to the availability of appropriated funds.

Because enacting the legislation would affect direct spending and revenues, pay-as-you-go procedures apply. However, CBO estimates that implementing that provision would affect very few additional people, so any effects on direct spending and revenues would be insignificant.

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. 1477](#) would require a threat assessment to counter Russian influence in Venezuela and an assessment of Russian acquisition of CITGO petroleum corporation assets in the United States.

This legislation would require that not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the Congress on Russian-Venezuelan security cooperation and the potential threat such cooperation poses to the United States and countries in the Western Hemisphere.

This legislation would require that not later than 30 days after the submission of the threat assessment, the Secretary shall submit a strategy to the Congress to counter threats identified in such assessment from Russian-Venezuelan cooperation.

This legislation would require that the President, not later than 90 days after the enactment of this legislation, to submit a report to the Congress on an assessment of the national security risks posed by potential Russian acquisition of CITGO's United States infrastructure holdings.

This legislation would state that an alien who the Secretary of State or the Secretary of Homeland Security knows, or has reason to believe, is an alien who is acting or has acted on behalf of the Russian Government in direct support of the Venezuelan security forces is: 1) inadmissible to the United States; 2) ineligible to receive a visa or other documentation to enter the United States; and 3) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the immigration and Nationality Act ([8 U.S.C. 1101 et seq.](#)). Such individuals would also have any existing visa revoked.

This legislation would provide an exception to comply with the United Nations Headquarters agreement (or other applicable international agreement) or national security reasons. Specifics would be provided in this legislation. This legislation would also state that this section of the bill would terminate on the earlier of: 1) the date that is one year after the date of the enactment of this act; or 2) the date on which the President certifies to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that the Government of Venezuela has returned to a democratic form of government with respect for the essential elements of representative democracy as set forth in Article 3 of the Inter-American Democratic Charter.

COMMITTEE ACTION:

H.R. 1477 was introduced on February 28, 2019, and was referred to the House Committee on the Judiciary, as well as the House Committee on Foreign Affairs. A markup was held on March 14, 2019, and was Ordered to be Reported Favorably 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: Article I of the Constitution." No specific enumerating clause is cited.

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