THE REPUBLICAN STUDY COMMITTEE
Rep. Jim Jordan, Chairman
Paul Teller, Executive Director
RSC
202.226.9717
rsc.jordan.house.gov

Legislative Bulletin.....September 10, 2012

Contents:

H.R. 6186 – To require a study of voluntary community-based flood insurance options and how such options could be incorporated into the national flood insurance program, and for other purposes.
H.R. 4264 – FHA Emergency Fiscal Solvency Act 2012, as amended
H.R. 6122 – To revise the authority of the Librarian of Congress to accept gifts and bequests on behalf of the Library, and for other purposes
H.R. 405 – To amend the Federal Election Campaign Act of 1971 to permit candidates for election for Federal office to designate an individual who will be authorized to disburse funds of the authorized campaign committees of the candidate in the event of the death of the candidate
H. Con. Res. 132 – Providing funding to ensure the printing and production of the authorized number of copies of the revised and updated version of the House document entitled "Hispanic Americans in Congress," and for other purposes
H.R. 6336 – To direct the Joint Committee on the Library to accept a statue depicting Frederick Douglass from the District of Columbia and to provide for the permanent display of the statue in Emancipation Hall of the Capitol Visitor Center
H.R. 2139 – Lions Clubs International Century of Service Commemorative Coin Act
H.R. 2706 - Billfish Conservation Act of 2011, as amended
H.R. 3397 - Cabin Fee Act of 2011, as amended
H.R. 6007 - North Texas Zebra Mussel Barrier Act of 2012, as amended
H.R. 2489 - American Battlefield Protection Program Amendments Act of 2012

H.R. 6186 – To require a study of voluntary community-based flood insurance options and how such options could be incorporated into the national flood insurance program, and for other purposes (*Rep. Moore, D-WI*)

Order of Business: The bill is scheduled to be considered under a motion to suspend the rules and pass the bill.

Summary: H.R. 6186 would require the Administrator of the Federal Emergency Management Agency (FEMA) to conduct a study to assess options, methods, and strategies for making available voluntary community-based flood insurance policies through the National Flood Insurance Program. The study is intended to:

- take into consideration and analyze how voluntary community-based flood insurance policies would affect communities having varying economic bases, geographic locations, flood hazard characteristics or classifications, and flood management approaches; and could satisfy the applicable requirements under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a).

- evaluate the advisability of making available voluntary community-based flood insurance policies to communities, subdivisions of communities, and areas of residual risk the Comptroller General of the United States, as the Administrator determines is appropriate.

The legislation requires the FEMA Administrator to consult with the Comptroller General of the United States, as the FEMA Administrator determines is appropriate. The legislation also requires that not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that contains the results and conclusions of the study conducted. The report submitted is required to include recommendations for:

- the best manner to incorporate voluntary community-based flood insurance policies into the National Flood Insurance Program; and
- a strategy to implement voluntary community-based flood insurance policies that would encourage communities to undertake flood mitigation activities, including the construction, reconstruction, or improvement of levees, dams, or other flood control structures.

Lastly, the legislation requires that not later than 6 months after the date on which the Administrator submits the report, the Comptroller General of the United States is required to review the report submitted by the Administrator; and submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that contains:

- an analysis of the report submitted by the Administrator;
- any comments or recommendations of the Comptroller General relating to the report submitted by the Administrator; and
- any other recommendations of the Comptroller General relating to community-based flood insurance policies.

Committee Action: This legislation was introduced on July 25, 2012, and referred to the House Committee on Financial Services. On July 31, 2012 the bill was referred to the House Subcommittee on Insurance, Housing and Community Opportunity.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: The CBO has not scored this bill.

Does the Bill Expand the Size and Scope of the Federal Government?: The legislation does increase the size and scope of the Federal Government by creating new rules and jurisdiction of the FEMA and the Comptroller General.

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

Does the Bill Contain Earmarks?: No.

Constitutional Authority: According the Statement of Constitutional Authority written by Rep. Moore, "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8."

RSC Staff Contact: Ja'Ron Smith, ja'ron.smith@mail.house.gov, (202) 226-2076.

H.R. 4264 – FHA Emergency Fiscal Solvency Act 2012, as amended (Biggert, R-IL)

Order of Business: The bill is scheduled to be considered under a motion to suspend the rules and pass the bill.

Summary: H.R. 4264 would require the Federal Housing Administration (FHA) to increase its premiums for FHA mortgage insurance. The legislation would also hold lenders accountable for the loans they make. Proponents of the bill argue that it will aid FHA's solvency. Some highlights of the legislation are listed below.

- The legislation amends the National Housing Act (NHA) to direct the Secretary of Housing and Urban Development (HUD) to establish and collect additional annual premium payments for the first 11 years of the term of an insured mortgage in an amount between 0.55% and 2% of the remaining insured principal balance (with certain adjustments) for certain periods. The legislation also increases from 1.55% to 2.05% the 30-year annual premium for an insured mortgage whose original principal obligation exceeds 95% of the remaining principal balance.

- The legislation requires HUD to ban lenders with high rates of early default or insurance claims from originating or underwriting FHA insured loans.

- The legislation directs the HUD Secretary to establish a program to:
    - review the cause of each early period delinquency on a mortgage that is an obligation of the Mutual Mortgage Insurance Fund (MMIF);
    - require indemnification of the Secretary for a loss associated with any such delinquency that results from a material violation of any guideline established or promulgated under NHA; and
    - report publicly a summary of the results of all early period reviewed delinquencies, any indemnifications required, and the financial impact on the Fund of any such indemnifications.

- The legislation requires that if the early period delinquency is a result of a violation by the lender of any provision, regulation, or guideline of FHA, the lender would repay the associated loss. HUD must report the delinquencies, repayments and the financial impact on the Mutual Mortgage Insurance Fund (MMIF).

- The legislation also requires that Lenders that purchase or service FHA-insured mortgages made by a different lender, or who discontinue the purchases because of fraud by the

originating lender must notify HUD within 15 days of the actions taken and the reason for action.

- The legislation establishes within FHA a Deputy Assistant Secretary for Risk Management and Regulatory Affairs, who shall be responsible for all matters relating to:

    - managing and mitigating risk to HUD mortgage insurance funds, and
    - ensuring the performances of HUD-insured mortgages.

- The legislation directs the HUD Secretary to:

    - examine mortgage servicer compliance with the loan servicing, loss mitigation, and insurance claim submission guidelines of the FHA mortgage insurance programs;
    - estimate the annual costs to the Fund, since 2008, resulting from any failures by mortgage servicers to comply with such guidelines; and d
    - develop an emergency capital plan for the restoration of the Fund's fiscal solvency.

- Lastly, the legislation directs the Comptroller General to provide for third party review of:
    - the financial safety and soundness of HUD mortgage insurance programs and funds, and
    - the extent of their loan loss reserves and capital adequacy.

Background: According to the Committee Report:

"The FHA was established as an agency of the Department of Housing and Urban Development (HUD) by the National Housing Act of 1934 to provide federal mortgage insurance in order to broaden homeownership, protect lending institutions, and stimulate the building industry. During the housing boom of the mid-2000s through 2006, the FHA's share of the mortgage market fell to under two percent of mortgage originations (measured by dollar volume). But as housing prices began to fall, lenders tightened their underwriting criteria and the FHA began to play a larger role in the mortgage market. The FHA is intended to be self-funded: the premiums paid by homeowners for FHA mortgage insurance are supposed to defray the costs of running the program and to cover losses when loans default. But while the FHA's market share has been growing, the FHA--like most other participants in the mortgage market--has been faced with higher default rates. The FHA thus finds itself supporting the mortgage market by insuring new home loans as it seeks to reinforce the stability of its single-family MMIF. By statute, the FHA is required to maintain the MMIF's capital reserve ratio at 2 percent or greater. On November 15, 2011, HUD released the FHA's FY 2011 Actuarial Report, prepared for HUD by an independent auditor. The Actuarial Report showed deterioration of the MMIF's capital reserve ratio, which fell to 0.24 percent in FY 2011.

"As a result of the MMIF's falling capital reserves, the FHA is vulnerable to further defaults. If the MMIF were exhausted and the FHA lacked funds to pay insurance claims, the Treasury would be forced to cover lenders' claims directly. Because the FHA's guarantees are backed by the federal government, a large number of defaults could result in significant losses to the FHA that would ultimately be borne by taxpayers. The deteriorating financial position of the FHA's capital reserve funds raises concerns that in the same way that Fannie Mae and Freddie Mac were bailed out by taxpayers, the FHA could also expose taxpayers to further risk."

Conservative Concern: Some conservatives are concerned, though the legislation is a step in the right direction, that the legislation may not do enough to protect the FHA's viability. Many conservatives argue that the legislation should require FHA to charge the maximum annual premium allowed, establish more stringent underwriting standards, and charge an additional risk-based annual premium, until its MMIF regains its statutorily required 2% minimum capital ratio.

Committee Action: This legislation was introduced on March 27, 2012, and referred to the House Committee on Financial Services. On June 20, 2012 the bill was report by the the House Committee on Financial Services and place on the union calendar.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: The CBO has not scored this amended version of the bill which, among other changes, would require HUD to allocate $2.5 million a year for actuarial reviews and other activities. Yet based on the original bill, CBO estimated that it would cost $11 million over the FY 2013 to FY 2017 period, subject to the availability of appropriated funds.

Does the Bill Expand the Size and Scope of the Federal Government?: The legislation does increase the size and scope of the Federal Government by creating new rules and jurisdiction of the HUD and the FHA.

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

Does the Bill Contain Earmarks?: No.

Constitutional Authority: According the Statement of Constitutional Authority written by Rep. Biggert, "Congress has the power to enact this legislation pursuant to the following: Article I, section 8, clause 1 (relating to the general welfare of the United States); and Article I, section 8,clause 3 (relating to the power to regulate interstate commerce)."

RSC Staff Contact: Ja'Ron Smith, ja'ron.smith@mail.house.gov, (202) 226-2076.

H.R. 6122 – To revise the authority of the Librarian of Congress to accept gifts and bequests on behalf of the Library, and for other purposes (Lungren, R-CA)

Order of Business: The bill is scheduled to be considered on Monday, September 10, 2012, under a motion to suspend the rules requiring two thirds majority vote for passage.

Summary: H.R. 6122 expands the authority of the Librarian of Congress to accept certain gifts to benefit the Library of Congress. Specifically, the bill permits the Librarian to accept gifts of securities for immediate disbursement, personal property valued up to $25,000, nonpersonal

services, and volunteer services. Under current law, the Librarian can only accept gifts of money. It also requires the Librarian to annually report on each accepted gift that exceeds $1,000 in value.

According to the Judiciary Committee report, the Library of Congress has been offered various types of non-monetary gifts including computer/information technology equipment, audio visual equipment, and volunteer services, which it does not have the authority to accept. This bill would grant it the authority to accept these specified gifts while retaining its authority to accept monetary gifts.

Committee Action: The Committee on House Administration Chairman Daniel Lungren(R-CA) introduced H.R. 6122 on July 12, 2012. The full Committee reported the bill out favorably by voice vote on July 19, 2012.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: The Congressional Budget Office (CBO) released a cost estimate for the bill on July 19, 2012 stating that enacting the bill would affect direct spending and receipts, but that such effect would be insignificant each year.

Does the Bill Expand the Size and Scope of the Federal Government?: The bill would allow the Librarian of Congress to accept and use more types of donations as opposed to having only its current law authority to accept cash donations or gifts. This legislation could lead to a reduction of the federal government in this area by making it easier for voluntary donations to replace some federal spending.

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: The Constitutional Authority Statement accompanying the the bill states, "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 8 and Article I, Section 8, Clause 18 of the Constitution of the United States."

RSC Staff Contact: Joe Murray, Joe.Murray@mail.house.gov, (202) 226-0678

H.R. 406 – To amend the Federal Election Campaign Act of 1971 to permit candidates for election for Federal office to designate an individual who will be authorized to disburse funds of the authorized campaign committees of the candidate in the vent of the death of the candidate *(*Jones, R-NC*)*

Order of Business: The bill is scheduled to be considered on Monday, September 10, 2012, under a motion to suspend the rules requiring two thirds majority vote for passage.

Summary: H.R. 406 permits candidates for federal elective office to designate someone other than the candidate's authorized campaign committee treasurer to disburse the committee's funds in the event of the candidate's death. The bill does not require that a federal candidate make such an election. It is an option for the federal candidate.

It also allows the federal candidate to designate an alternate to the first designated person in the event of the candidate's death should the first designee die or become incapacitated, and therefore, unable to carry out the function of disbursing any remaining authorized federal campaign committee funds. The designation of such a person will apply to any authorized campaign committee of the federal candidate.

Additional Background: Under current law[1], only a federal candidate's authorized committee's official Treasurer is permitted to disburse campaign funds on behalf of the campaign in the event of the candidate's death. Subcommittee Chairman Greg Harper (R-MI) asked at a 2011 subcommittee hearing whether current law permits another besides the campaign treasurer to disburse campaign funds in the event of the candidate's death. Federal Election Committee (FEC) Chair Cynthia Bauerly responded in writing that it is possible under certain state laws that such an appointment might have such authority. According to the Committee report, the letter also indicated that a candidate could provide written instruction to a treasurer regarding disbursement of the authorized committee's funds in the event of the candidate's death, but that such instruction would be subject to state law.

The bill also spells out the steps necessary for a federal candidate to effectuate the designation of a person to be responsible for disbursing any remaining assets of the deceased candidate's authorized campaign committees with the FEC.

Committee Action: Representative Walter Jones (R-NC) introduced H.R. 406 on January 24, 2011. On July 19, 2012, the full Committee on House Administration reported the bill out favorably by voice vote.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: The Congressional Budget Office (CBO) released a cost estimate for the bill on July 31, 2012 explaining that implementing it would cost the FEC about $500,000 in 2013 subject to the availability of appropriated funds. It also states that it would increase general administrative costs of the FEC in future years, but that these increased costs would be "insignificant."

Does the Bill Expand the Size and Scope of the Federal Government?: The CBO states that the bill would increase the FEC's general administrative costs in future years, but that such an increase would be "insignificant."

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

[1] Federal Election Campaign Act of 1971, 2 U.S.C. 432.

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

Constitutional Authority: The Constitutional Authority Statement accompanying the bill upon introduction states, "Congress has the power to enact this legislation pursuant to the following: Article 1, Section 4 of the U.S. Constitution, which grants Congress the authority to make law governing the time, place and manner of holding federal elections."

RSC Staff Contact: Joe Murray, Joe.Murray@mail.house.gov, (202) 226-0678.

H. Con. Res. 132 – Providing funding to ensure the printing and production of the authorized number of copies of the revised and updated version of the House document entitled "Hispanic Americans in Congress," and for other purposes (Lungren, R-CA)

Order of Business: H. Con. Res. 132 is scheduled to be considered on Monday, September 10, 2012, under a motion to suspend the rules requiring two-thirds majority vote for passage.

Summary: H. Con. Res. 132 directs the public printer to print an updated version revised by the Library of Congress for House Document 103-299 entitled "Hispanic Americans in Congress." The Concurrent Resolution provides that the total printing and production costs for the maximum number of copies authorized under H. Con. 90 to be distributed for use by the Committee on House Administration and Committee on Rules and Administration in the Senate *cannot* exceed $920,000 (a $700,000 increase above the previous $220,000 cap on printing and production costs in 2001).

It also directs the public printer to publish and disseminate the electronic versions of "Women in Congress, 1917-2006" (House Document 108-223), "Black Americans in Congress, 1870-2007" (House Document 108-224), and the updated version of "Hispanic Americans in Congress" (House Document 103-299).

Committee Action: The Committee on House Administration Chairman Daniel Lungren(R-CA) introduced H. Con. Res. 132 on July 17, 2012. The full Committee reported the bill out favorably by voice vote on July 19, 2012.

Administration Position: No Statement of Administration Policy has been released.

Cost to Taxpayers: No Congressional Budget Office (CBO) cost estimate for the Concurrent Resolution has been released.

Does the Bill Expand the Size and Scope of the Federal Government? The bill increases the previously cap established in 2001 on printing and production costs of House Document 103-299 by $700,000.

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: The Constitutional Authority Statement accompanying the bill upon introduction states, "Congress has the power to enact this legislation pursuant to the following: The authority to enact this bill is derived from, but may not be limited to, Article I, Section 8, Clause 3 of the United States Constitution."

RSC Staff Contact: Joe Murray, Joe.Murray@mail.house.gov, (202) 226-0678

H.R. 6336 – To direct the Joint Committee on the Library to accept a statue depicting Frederick Douglass from the District of Columbia and to provide for the permanent display of the statue in Emancipation Hall of the Capitol Visitor Center (Lungren, R-CA)

Order of Business: H.R. 6336 is scheduled to be considered on Monday, September 10, 2012, under a motion to suspend the rules requiring two-thirds majority vote for passage.

Summary: H.R. 6336 directs the Joint Committee on the Library to accept from the District of Columbia within two years of enactment of the bill a donation of a statue depicting Frederick Douglass. The bill requires the statue to be placed in a "suitable permanent location" in Emancipation Hall of the Capitol Visitors Center.

According to the press release of Committee on House Administration Chairman Dan Lungren (R-CA), "…Douglass is a pivotal figure in American history who had an unyielding dedication to equal rights, the abolition of slavery and the advancement of women's suffrage…his presence within the Capitol will honor this institution and serve as an endearing testimony to the struggle for freedom and equality."

The bill lists fourteen Congressional findings found here.

Committee Action: Committee on House Administration Chairman Daniel Lungren (R-CA) along with District of Columbia Delegate Eleanor Holms Norton *(D-DC)* introduced H.R. 6336 on August 2, 2012. No further Committee action has occurred with the respect to the bill.

Administration Position: No Statement of Administration Policy has been released.

Cost to Taxpayers: No Congressional Budget Office cost estimate for the bill has been released.

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: The Constitutional Authority Statement accompanying the bill upon introduction states, "Congress has the power to enact this legislation pursuant to the following: The constitutional authority on which this bill rests is the power of Congress to exercise exclusive legislation, in all cases whatsoever, over the District of Columbia as described in Section 8 of Article I of the Constitution of the United States of America."

RSC Staff Contact: Joe Murray, Joe.Murray@mail.house.gov, (202) 226-0678

H.R. 2139 – Lions Clubs International Century of Service Commemorative Coin Act (Roskam, R-IL)

Order of Business: The bill is scheduled to be considered under a motion to suspend the rules and pass the bill.

Summary: This legislation would require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Lions Clubs International, a service organization founded in 1917 by Melvin Jones.

Coin Specifications

- The legislation would require the Secretary of the Treasury to mint and issue the following coins:
  - Not more than 400,000 $1 silver coins, which will:
    - weigh 26.73 grams;
    - have a diameter of 1.500 inches; and
    - contain 90 percent silver and 10 percent copper.
- The coins minted under this bill must be legal tender, as provided in section 5103 of title 31, United States Code.
- For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

Design of the Coins

- The legislation would require the design of the coins minted under this bill to be emblematic of the centennial of the Lions Clubs International. The bill would require that each minted coin have a designation of the value of the coin, an inscription of the year "2017", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".
- The legislation requires the images for the designs of coins issued under this Act shall be chosen by the Secretary after consultation with Lions Clubs International Special Centennial Planning Committee and the Commission of Fine Arts, and reviewed by the Citizens Coinage Advisory Committee.

Issuance of Coins

- The legislation requires coins minted under this Act shall be issued in proof quality and uncirculated quality. The legislation also requires that only one facility of the United States Mint may be

used to strike any particular quality of the coins minted under this Act. The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2017.

Sale of Coins

➢ The legislation requires the coins issued under this bill will be sold by the Secretary at a price equal to the sum of the face value of the coins, the surcharge with respect to such coins, and the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping). The Secretary is required to make bulk sales of the coins issued under this bill at a "reasonable discount." The Secretary is also required to accept prepaid orders for the coins minted under this bill before the issuance of the coins, and the sale prices with respect to prepaid orders must be at a reasonable discount.

Surcharges

➢ H.R. 2139 requires that all sales of coins minted under this bill include a surcharge of $10 per coin. The legislation also requires that all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Lions Clubs International Foundation for the purposes of furthering its programs for the blind and visually impaired at home and abroad, investing in adaptive technologies for the disabled, and for investing in youth and those affected by major disaster.

➢ The legislation requires the Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the Lions Clubs International Foundation, as may be related to the expenditures of amounts paid.

➢ The legislation requires, notwithstanding the other surcharges, that no surcharge may be included with respect to this issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary may issue guidance to carry out this subsection.

Financial Assurances

➢ H.R. 2139 requires that the Secretary take actions to ensure that the minting and sale of the coins do not result in a net cost to the U.S. Government, and that no funding shall be distributed to the Lions Club International until the cost of designing and printing the coins is recovered by the U.S. Treasury.

Budget Compliance

➢ H.R. 2139 requires that the budget effects of the act will be determined by reference to the latest "Budgetary Effects of PAYGO Legislation."

Potential Conservative Concerns: The legislation assumes that a certain proportion of the coins minted will be sold. If they are not, then the taxpayers will be responsible for the costs of designing and minting the coins. However, the legislation does direct the Department of the Treasury to ensure "that minting and issuing coins under this Act will not result in any net cost to the United States Government." The legislation also would not allow any money to be sent to Lions Club International for the coins until the total cost of coin creation is recovered by the Treasury.

Some conservatives argue that the free market allows for people to donate to these organizations if they would like to do so, and that the federal government should not be involved in this decision when an avenue already exists for such donations.

Committee Action: This legislation was introduced on June 3, 2011 and referred to the Committee on Financial Services. On July 29th it was referred to the Subcommittee on Domestic Monetary Policy and Technology.

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.

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

Constitutional Authority: According to the bill's sponsor, Congress is authorized to pass this legislation for the following reason: "Article I, Section 8, Clause 5 states 'The Congress shall have Power . . . To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures.'

RSC Staff Contact: Rick Eberstadt, Rick.Eberstadt@mail.house.gov, (202) 226-9720

H.R. 2706 - Billfish Conservation Act of 2011, as amended (Miller, R-FL)

Order of Business: The bill is scheduled to be considered on September 10, 2012, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2706 prohibits the sale of certain billfish or billfish products. This does not apply to billfish that are caught by U.S. vessels off the coast of Hawaii. This also does not apply to billfish caught by foreign fishing vessels that are retained in Hawaii, when the fish is exported to non-US markets, or when it is consumed in Hawaii.

The term billfish applies to the following species:

- Makaira nigricans (blue marlin);
- Kajikia audax (striped marlin);
- Istiompax indica (black marlin);
- Istiophorus platypterus (sailfish);
- Tetrapturus angustirostris (shortbill spearfish);
- Kajikia albida (white marlin);
- Tetrapturus georgii (roundscale spearfish);
- Tetrapturus belone (Mediterranean spearfish); and

- Tetrapturus pfluegeri (longbill spearfish).

Additional Information: This legislation does not apply to recreational fishing, and will therefore not impact sport fishing tournaments. The legislation additionally does not apply to Xiphias gladius (swordfish) because swordfish have a different physiology than billfish.

According to the Findings of the Legislation: The United States carefully regulates its domestic fisheries for billfish and participates in international fishery management bodies in the Atlantic and Pacific. Global billfish populations have declined significantly, however, because of overfishing primarily through retention of bycatch by non-United States commercial fishing fleets.

According to the Committee on Natural Resources: Domestic management of these fish on the Atlantic Coast are managed through a fishery management plan developed by the Secretary of Commerce which prohibits the possession or sale of billfish other than swordfish. On the Pacific Coast, management is through two fishery management plans - the U.S. West Coast Fisheries for Highly Migratory Species Fishery Management Plan developed by the Pacific Fishery Management Council and the Pelagic Fisheries of the Western Pacific Region Fishery Management Plan developed by the Western Pacific Fishery Management Council. The fishery management plan in the Western Pacific allows for the retention and sale of billfish.

Committee Action: H.R. 2706 was introduced on July 29, 2011, and was referred to the House Natural Resources Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs. A full committee markup was held on August 1, 2012, and the legislation was approved, as amended, by unanimous consent.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: A report from CBO is unavailable.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The legislation would make it illegal to sell certain billfish or billfish products.

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?: The legislation does not contain earmarks, limited tax benefits, or limited tariff benefits.

Constitutional Authority: Rep. Miller states: "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8." The statement can be found here.

Additionally, Section 3 of the legislation contains a statement of constitutional authority that states "The Congress enacts this Act pursuant to clause 3 of section 8 or article I of the Constitution."

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.R. 3397 - Cabin Fee Act of 2011, as amended (Hastings, R-WA)

Order of Business: The bill is scheduled to be considered on September 10, 2012, under a motion to suspend the rules and pass the bill.

Summary: The legislation establishes an annual cabin user fee to be paid to the U.S. by a cabin owner who owns a cabin on National Forest System land.

Within three years of enactment, the Secretary of Agriculture shall complete the current appraisal cycle. Afterwards, the Secretary shall assign each permitted lot on National Forest System land to 1 or 9 tiers based on the following considerations:

- Before assigning the lots to tiers, all appraised lot values shall be adjusted, or normalized, for price changes occurring after the appraisal, in accordance with the National Association of Homebuilders/Wells Fargo Housing Opportunity Index.
- Second appraisal values that meet Forest Service standards for approval shall supersede initial lot appraisal values for the normalization and ranking process.
- The tiers shall be established, on a national basis, according to relative lot value, with lots having the lowest adjusted appraised value assigned to tier 1 and lots having the highest adjusted appraised value assigned to tier 9.
- The number of lots (by percentage) assigned to each tier is contained in the table set forth in paragraph (3).

- Until assigned to a tier under this paragraph, the Secretary shall assess an interim fee for permitted cabin lots in an amount equal to the lesser of--
    - $4,500; or
    - the amount of the current cabin user fee, as determined under the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6201 et seq.).

The number of lots (by percentage) assigned to each tier is contained in the following table:

Tier 1	8%	$500
Tier 2	16%	$1,000
Tier 3	20%	$1,500
Tier 4	20%	$2,000
Tier 5	12%	$2,500
Tier 6	8%	$3,000
Tier 7	6%	$3,500
Tier 8	6%	$4,000
Tier 9	4%	$4,500

In the event that a cabin is destroyed or suffer substantial damage in an amount that is greater than 50% of the replacement cost, or the access to the cabin is significantly impaired, then the Secretary shall reduce the cabin user fee to $100 per year for the cabin.

In the event that cabin ownership is transferred, the seller shall file a sworn statement with the Secretary declaring the amount of money received. Based on the sale amount, the seller shall be a transfer fee to the Secretary.

If the sale amount is $250,000, or below, the transfer fee will be $1,000. If the same amount is less than $500,000, but above $250,000.01, the transfer fee will be $1,000, plus 5%. If the sale amount if greater than $500,000, then the transfer fee will be $1,000, plus 5% of the amount up to $500,000, plus 10% of the amount in excess of $500,000.

Cabin owners will have the right to an administrative appeal of the determination of a new cabin user fee, fee tier, or cabin transfer fee. Cabin owners may contest a final decision of the Secretary by bringing a civil action in U.S. district court.

Additional Information: The following information is according to House Report 112-602:

> A summer cabin program has existed in National Forests for almost a century, but recent changes in the way permit fees are set for these cabins will put them beyond the reach of many cabin owners.
>
> Because the many restrictions and conditions on the permits are not sufficiently considered in the valuations, the fees often go far beyond what average families can afford, forcing many cabin owners to sell or abandon their cabins. Appraisals completed recently under the current Cabin User Fee Fairness Act (CUFFA) law indicate 45 percent of owners have seen fee increases of 200 percent or higher, 20 percent exceed $5,000, 8.5 percent exceed $7,000 and 3.7 percent exceed $10,000.
>
> Unfortunately, the current appraisals do not reflect the difference between the bundle of rights held by an owner of fee simple property and the very limited rights of Forest Service land cabin owners. Cabin fees determined under current law far exceed market rates when compared to similar leased (or permitted) recreation land uses. H.R. 3397 would establish rates that more fairly reflect true market rates and revenues.
>
> The bill establishes a nine tiered fee structure, indexed annually, that is fair to the cabin owner and the U.S. Treasury and will preserve cabin value or the ability to sell the cabin if the current owner cannot pay the fee. Instead of annual fees ranging from $125 to the clearly unaffordable $76,000 under current law, fees under the bill will range from $500 to $4,500 per year.

Committee Action: H.R. 3397 was introduced on November 10, 2011, and was referred to the House Natural Resources Committee, which held a markup on November 17, 2011, and approved the legislation by unanimous consent.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO estimates that implementing the legislation would result in a net reduction in offsetting receipts (a credit against direct spending) totaling $25 million over the 2013-2022 period.

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?: The legislation does not contain earmarks, limited tax benefits, or limited tariff benefits.

Constitutional Authority: Rep. Hastings states: "Congress has the power to enact this legislation pursuant to the following: Article IV, section 3, clause 2." The statement can be found here.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.R. 6007 - North Texas Zebra Mussel Barrier Act of 2012, as amended (Hall, R-TX)

Order of Business: The bill is scheduled to be considered on September 10, 2012, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6007 exempts from the Lacey Act any water transfer by the North Texas Municipal Water District and the Greater Texoma Utility Authority. This applies to transfers using only closed conveyance systems from the Lake Texoma raw water intake structure to treatment facilities at which all zebra mussels are extirpated and removed from the water transferred.

Additional Information: Zebra mussels are an invasive species native to Eurasia, and were introduced to the United States in 1988 via ballast water. The mussels compete with native species and are known for clogging pipes. They are list as "injurious wildlife" under the Lacey Act, which makes it illegal in the U.S. to import, export, or transport between states without a permit.

Committee Action: H.R. 6007 was introduced on June 21, 2012, and was referred to the Natural Resources Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs. A full committee markup was held on August 1, 2012, and the legislation was approved, as amended, by unanimous consent.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: A report from CBO is unavailable.

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?: The legislation does not contain earmarks, limited tax benefits, or limited tariff benefits.

Constitutional Authority: Rep. Hall states "Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, Clause 18." The statement can be found here.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.R. 2489 - American Battlefield Protection Program Amendments Act of 2012
(Holt, D-NJ)

Order of Business: The bill is scheduled to be considered on September 10, 2012, under a motion to suspend the rules and pass the bill.

Summary: The legislation expands and extends the American Battlefield Protection Program to include battlefields from the Revolutionary War, as well as the War of 1812. This program is currently set to expire at the end of FY 2013, and the legislation extends it through FY 2017. The legislation authorizes $10,000,000 for each fiscal year.

Under the program, the Secretary of the Interior provides grants to eligible entities to pay the federal share of the cost of acquiring interests in eligible sites for the preservation and protection of those eligible sites. An eligible entity may acquire an interest in an eligible site using a grant under this subsection in partnership with a nonprofit organization. The non-federal share of the total cost of acquiring an interest in an eligible site under this subsection shall be not less than 50 percent.

The acquisition of land or interests in land will come from willing sellers only.

The legislation mandates that within 5 years after enactment, the Secretary shall submit a report to Congress on the activities on the:

- "Preservation activities carried out at the battlefields and associated sites identified in the battlefield report during the period between publication of the battlefield report and the report required under this paragraph;
- "Changes in the condition of the battlefields and associated sites during that period; and
- "Any other relevant developments relating to the battlefields and associated sites during that period.

Committee Action: H.R. 2489 was introduced on July 11, 2011, and was referred to the House Natural Resources Subcommittee on National Parks, Forests and Public Lands. A full committee markup was held on April 25, 2012, and the legislation was agreed to by unanimous consent.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO estimates this legislation would cost $36 million over the 2013-2017 period and about $4 million after 2017.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The legislation would expand the American Battlefield Protection Program to include battlefields from the Revolutionary War and the War of 1812. Additionally, the program would be extended through fiscal year 2017. Under current law, the program would expire after fiscal year 2013.

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?: The legislation does not contain earmarks, limited tax benefits, or limited tariff benefits.

Constitutional Authority: Rep. Holt states "Congress has the power to enact this legislation pursuant to the following: Article I of the Constitution of the United States." The statement can be found here.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.