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Legislative Bulletin…….. August 1, 2012

Contents:

Amendment to the Senate Amendments to H.R. 1905 - Iran Threat Reduction Act of 2011 (Ros-Lehtinen, R-FL)

Order of Business: The bill is scheduled to be considered on Wednesday, August 1 2012, under a motion to suspend the rules and pass the legislation.

Summary: This legislation passed the House on December 14, 2011, by a roll call vote of 410-11, and was then referred to the Senate Committee on Foreign Relations. The legislation passed the Senate on May 21, 2012, with an amendment, by voice vote.

The amendment retains many of the original sanctions that passed the House in December. The amendment also contains language to address human rights abuses by the governments of both Iran and Syria. The original legislation did not address human rights abuses by the government of Syria.

The amendment also contains updated language to address attempts by Iran to continue to ship oil, which is a major source of revenue for the government. The language also urges the President to act within international bodies, such as the United Nations, to persuade other allies of the United State to enact similar sanctions against the government of Iran.

Some highlights of the amendment to the Senate amendment are below:

Expansion of Multilateral Sanctions Regime With Respect to Iran

The legislation urges the President to intensify diplomatic efforts, both in the United Nations and in other international for a, for the purpose of expanding the United Nations Security Council sanctions regime to include visa restrictions on officials of the government of Iran. The President will also urge the sanctions to include a requirement that each member country of the United Nations prohibit the Islamic Republic of Iran Shipping Lanes from landing at seaports, and prohibit cargo flights from Iran Air from landing at airports.

The President will urge that the sanctions expand on efforts to limit the development of petroleum resources and the importation of refined petroleum products by Iran, as well as the elimination of revenue generated by the government of Iran from the sale of petrochemical products produced in Iran to other countries.

The President shall submit a report to Congress, within 180 days after enactment and every 180 days thereafter, on the success of these efforts, including which countries have agreed, and not agreed, to impose sanctions.

Expansion of Sanction Relating to the Energy Sector of Iran and Proliferation of Weapons of Mass Destruction by Iran

H.R. 1905 directs the President to impose sanctions to persons that sell or provide Iran with refined petroleum products, or to persons that sell, lease, or provide Iran with goods, services, technology, information, or support:

- That has a fair market value of $1,000,000 or more, or
- Has an aggregate fair market value of $5,000,000 or more during a 12-month period.

The legislation directs the President to impose sanctions to persons that knowingly export, transfer, permit, host, or otherwise facilitate the transshipment of any goods, services, technology, or other items that would contribute materially to the ability of Iran to acquire or develop chemical, biological, or nuclear weapons or related technologies.

The legislation directs the President to impose sanctions to persons that own or lease vessels that transport crude oil from Iran to another country. These same individuals will be prohibited from having other vessels under their ownership from landing at port within the U.S. for up to 2 years after the original sanctions are placed.

Sanctions with Respect to Human Rights Abuses in Syria

The legislation directs the President to submit to Congress a list of person who are officials of the government of Syria that the President determines are responsible for serious rights abuses against citizens of Syria, or their family members, regardless of whether such abuses occurred in Syria. This list will also include individuals that engage in censorship or other forms of repression in Syria.

Individuals on the list shall have their property blocked and will have restrictions placed on financial transactions and the exportation of their property. They may also be subject to additional regulations that the President may prescribe.

The President is allowed to waive these sanctions if they determine that the waiver is in the national security interests of the United States, and they submit a report on that reasoning to Congress.

The President may terminate sanctions to Syria if the President certifies to Congress that the government of Syria has released all political prisoners, has ceased practices of violence and torture, has ceased practices of restricting the citizens of Syria to exercise their freedom of expression, is not engaging in the production or procurement of biological, chemical or nuclear weapons, and others.

Legislative Bulletin for the House passed version of H.R. 1905:

H.R. 1905 states that it is the policy of the United States to:

"Prevent Iran from--

- "Acquiring or developing nuclear weapons and associated delivery capabilities;
- "Developing its unconventional weapons and ballistic missile capabilities; and
- "Continuing its support for Foreign Terrorist Organizations and other activities aimed at undermining and destabilizing its neighbors and other nations; and

"Fully implement all multilateral and bilateral sanctions against Iran in order to compel the Government of Iran to--

- "Abandon and verifiably dismantle its nuclear capabilities;
- "Abandon and verifiably dismantle its ballistic missile and unconventional weapons programs; and
- "Cease all support for Foreign Terrorist Organizations and other activities aimed at undermining and destabilizing its neighbors and other nations."

The legislation urges the President to immediately initiate diplomatic efforts to expand the multilateral sanctions regime regarding Iran, including:

- "Qualitatively expanding the United Nations Security Council sanctions regime against Iran;
- "Qualitatively expanding the range of sanctions by the European Union, South Korea, Japan, Australia, and other key United States allies;
- "Further efforts to limit Iran's development of petroleum resources and import of refined petroleum; and
- "Initiatives aimed at increasing non-Iranian crude oil product output for current purchasers of Iranian petroleum and petroleum byproducts."

The President will be required to report to Congress, within 180 days after enactment, and annually thereafter, on the extent to which those diplomatic efforts have been successful. Additionally, the President will issue an interim report, within 90 days of enactment, regarding:

- "The countries that have established legislative or administrative standards providing for the imposition of trade sanctions on persons or their affiliates that conduct business or have investments in Iran;
- "The extent and duration of each instance of the application of such sanctions; and
- "The disposition of any decision with respect to such sanctions by the World Trade Organization or its predecessor organization."

Imposition of Sanctions:

H.R. 1905 directs the President to impose sanctions to persons whom invest in the development of petroleum resources of Iran:

- $20,000,000 or more; or
- A combination of investments in a 12-month period if that investment is of at least $5,000,000 and those investments equal or exceed $20,000,000 in the aggregate.

Additionally, the legislation directs the President to impose sanctions to persons that sell, lease, or provide Iran with goods, services, technology, information, or support that is worth $1,000,000 or more.

H.R. 1905 directs the President to impose sanctions to persons that sell or provide Iran with refined petroleum products, or to persons that sell, lease, or provide Iran with goods, services, technology, information, or support:

- That has a fair market value of $1,000,000 or more, or
- Has an aggregate fair market value of $5,000,000 or more during a 12-month period.

The legislation directs the President to impose sanctions to persons that knowingly export, transfer, permit, host, or otherwise facilitate the transshipment of any goods, services, technology, or other items that would contribute materially to the ability of Iran to acquire or develop chemical, biological, or nuclear weapons or related technologies.

Description of Sanctions:

The President may direct the Export-Import Bank of the U.S. to not give approval to the issuance of any guarantee, insurance, extension of credit, or participation in the extension of credit in connection with the export of any goods or services to any sanctioned person.

The United States Government may prohibit any U.S. financial institution from making loans or providing credit to any sanctioned person totaling more than $10,000,000 in any 12-month period unless that individual is engaged in activities to relieve human suffering and the loans or credits are provided for those activities.

The United States Government may not procure, or enter into any contract for the procurement of, any goods or services from a sanctioned person.

The President may prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the sanctioned person has any interest.

The President may prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the sanctioned person.

The President may prohibit any sanctioned person from acquiring, holding, withholding, using, transferring, withdrawing, transporting, importing, or exporting any property that is subject to the jurisdiction of the United States.

The Secretary of State may deny a visa to, and the Secretary of Homeland Security may exclude from the U.S., any alien whom the Secretary of state determines is a:

- "Corporate officer, principal, or shareholder with a controlling interest of a person against whom sanctions have been imposed;
- "Corporate officer, principal, or shareholder with a controlling interest of a successor entity to or a parent or subsidiary of such a sanctioned person;
- "Corporate officer, principal, or shareholder with a controlling interest of an affiliate of such a sanctioned person, if such affiliate engaged in a sanctionable activity described" by the legislation "if such affiliate is controlled in fact by such sanctioned person; or
- "Spouse, minor child, or agent of a person excludable."

The President may impose on the principal executive officer or officers of any sanctioned person, or on persons performing similar functions and with similar authorities as such officer or officers, any of the sanctions under this subsection.

These sanctions shall terminate when the President determines that Iran:

- "Has ceased and verifiably dismantled its efforts to design, develop, manufacture, or acquire—
    - "A nuclear explosive device or related materials and technology;
    - "Chemical and biological weapons; and
    - "Ballistic missiles and ballistic missile launch technology;
- "No longer provides support for acts of international terrorism; and
- "Poses no threat to the national security, interests, or allies of the United States."

Iran Freedom Support:

The legislation states that it shall be the policy of the United States to "support those individuals in Iran seeking a free, democratic government that respects the rule of law and protects the rights of all citizens."

H.R. 1905 authorizes the President to provide financial and political assistance (including the award of grants) to foreign and domestic individuals, organizations, and entities that support democracy and the promotion of democracy in Iran.

Financial and political assistance authorized shall be provided only to an individual, organization, or entity that:

- "Officially opposes the use of violence and terrorism and has not been designated as a foreign terrorist organization under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)) at any time during the preceding four years;
- "Advocates the adherence by Iran to nonproliferation regimes for nuclear, chemical, and biological weapons and materiel;
- "Is dedicated to democratic values and supports the adoption of a democratic form of government in Iran;
- "Is dedicated to respect for human rights, including the fundamental equality of women;
- "Works to establish equality of opportunity for all people; and
- "Supports freedom of the press, freedom of speech, freedom of association, and freedom of religion."

Within 90 days of enactment, and annually thereafter, the Secretary of State shall submit to Congress a comprehensive strategy to:

- "Help the people of Iran produce, access, and share information freely and safely via the Internet, including in Farsi and regional languages;
- "Support the development of counter-censorship technologies that enable the citizens of Iran to undertake Internet activities without interference from the Government of Iran;
- "Increase the capabilities and availability of secure mobile communications among human rights and democracy activists in Iran;
- "Provide resources for digital safety training for media, unions, and academic and civil society organizations in Iran;
- "Increase the amount of accurate Internet content in local languages in Iran;
- "Increase emergency resources for the most vulnerable human rights advocates seeking to organize, share information, and support human rights in Iran;
- "Expand surrogate radio, television, live stream, and social network communications inside Iran;
- "Expand activities to safely assist and train human rights, civil society, and union activists in Iran to operate effectively and securely;
- "Defeat all attempts by the Government of Iran to jam or otherwise deny international satellite broadcasting signals; and
- "Expand worldwide United States embassy and consulate programming for and outreach to Iranian dissident communities."

Iran Regime and Iran Revolutionary Guard Corps Accountability:

The President shall impose sanctions on individuals who refine or process petroleum oil or liquefied natural gas, provide shipping services, or assist in financing, brokering, underwriting, or providing insurance or reinsurance.

The legislation also freezes assets and travel restrictions on the Iranian Revolutionary Guard Corps, and their affiliates.

The President shall develop a strategy, known as the "National Strategy to Counter Iran" that "provides strategic guidance for activities that support the objective of addressing, countering, and containing the threats posed by Iran." By January 30th of each year, the President shall transmit a report to Congress on the implementation of this strategy. The legislation lists several requirements that the report must address.

General Provisions:

The legislation directs the Secretary of State to deny visas from persons of the Government of Iran. The legislation further directs the Secretary of Homeland Security to restrict those persons entry to the U.S. The legislation makes exceptions to these visa/entry prohibitions in cases where they might violate existing U.S. obligations between the United Nations, regarding the Headquarters of the United Nations.

Sunset Date:

The provisions of this legislation shall sunset 30 days after the President certifies to Congress that Iran:

- "Has ceased and verifiably dismantled its efforts to design, develop, manufacture, or acquire--
  - "A nuclear explosive device or related materials and technology;
  - "Chemical and biological weapons; and
  - "Ballistic missiles and ballistic missile launch technology;
- "No longer provides support for acts of international terrorism; and
- "Poses no threat to United States national security, interests, or allies."

Additional Information from the Committee on Foreign Affairs:

- "Iran may be as close as 6 months to a year away from a nuclear weapon;
- "The recently uncovered plot to assassinate the Saudi ambassador to the U.S. demonstrates that the U.S. is already being directly targeted by Tehran for terrorist activities;
- "Iran's acquisition of nuclear weapons capabilities would exponentially increase the threat to the U.S. and our allies;
- "We must impose the greatest possible pressure to stop Tehran before it is too late;
- "Sanctions are working, but they must be made much stronger and more effective
- "Iran's Ahmadinejad admitted the potential impact of sanctions when he recently complained to the Iranian parliament about Tehran's inability to make international financial transactions;

- "The President has undermined the effectiveness of existing sanctions by not fully implementing them, including giving a free pass to Russian and Chinese companies which continue to do business with Iran; and
- "This bipartisan legislation would impose the crippling sanctions needed to stop Iran before it can threaten us with nuclear destruction.

Committee Action: H.R. 1905 was introduced on May 13, 2011, and referred to the House Committee on Foreign Affairs, and Financial Services. The legislation was also referred to the House Oversight and Government Reform Subcommittee on Technology, Information Policy, Intergovernmental Relations and Procurement Reform, in addition to the Ways and Means Subcommittee on Trade, and the Judiciary Subcommittee on Immigration Policy and Enforcement. The Foreign Affairs Committee held a markup on November 2, 2011, and reported the legislation, as amended, by unanimous consent.

The legislation passed the House on December 14, 2011, by a roll call vote of 410-11, and was then referred to the Senate Committee on Foreign Relations. The legislation passed the Senate on May 21, 2012, with an amendment, by voice vote.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: A CBO report 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 Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The legislation contains no earmarks.

Constitutional Authority: Rep. Ros-Lehtinen's statement of constitutional authority states: "Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8 (The Constitutional authorities cited in our Committee reports on legislation during the past several years are highlighted on the other side of this page. The overwhelming majority have cited "article I, section 8 of the Constitution." A handful had slightly more specific citations to "article I, section 8, clause 18 of the Constitution." A couple bills with trade/sanctions components have cited "article I, section 8, clauses 3 and 18 of the Constitution." And one anti-trafficking bill (with significant domestic law enforcement components) cited "article I, section 8 of the Constitution and the Thirteenth Amendment to the Constitution." The one consistent exception is Resolutions of Inquiry, which always cite "article I, section 1 of the Constitution.") The statement can be viewed here.

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H.Con.Res. 127 - Expressing the sense of Congress regarding actions to preserve and advance the multistakeholder governance model under which the Internet has thrived (Bono Mack, R-CA)

Order of Business: The bill is scheduled to be considered on August 1, 2012, under a motion to suspend the rules and pass the bill.

Summary: The legislation expresses that it is the sense of the Congress that:

- "The Assistant Secretary of Commerce for Communications and Information, in consultation with the Deputy Assistant Secretary of State and United States Coordinator for International Communications and Information Policy, should continue working to implement the position of the United States on Internet governance that clearly articulates the consistent and unequivocal policy of the United States to promote a global Internet free from government control and preserve and advance the successful multistakeholder model that governs the Internet today."

The legislation contains several findings, including:

- "The world deserves the access to knowledge, services, commerce, and communication, the accompanying benefits to economic development, education, and health care, and the informed discussion that is the bedrock of democratic self-government that the Internet provides;
- "Countries have obligations to protect human rights, which are advanced by online activity as well as offline activity;
- "Proposals have been put forward for consideration at the 2012 World Conference on International Telecommunications that would fundamentally alter the governance and operation of the Internet;
- "The proposals, in international bodies such as the United Nations General Assembly, the United Nations Commission on Science and Technology for Development, and the International Telecommunication Union, would justify under international law increased government control over the Internet and would reject the current multistakeholder model that has enabled the Internet to flourish and under which the private sector, civil society, academia, and individual users play an important role in charting its direction;
- "The proposals would diminish the freedom of expression on the Internet in favor of government control over content, contrary to international law;
- "The position of the United States Government has been and is to advocate for the flow of information free from government control; and
- "This and past Administrations have made a strong commitment to the multistakeholder model of Internet governance and the promotion of the global benefits of the Internet."

The below talking points were prepared by the RSC Tech & Telecom Working Group:

- **We need to be aggressive in opposing international regulation of the Internet.** Several hostile countries are pursuing the expansion of a 1988 International Telecommunication Regulation (ITR) Treaty under the auspices of the International Telecommunication Union (ITU), an agency within the United Nations. A push is being made to negotiate international control of the Internet in Dubai this December at the WCIT conference.

- **Any proposal to regulate the Internet through an international governing body puts our national sovereignty at risk.** H.Con.Res.127 sends a strong message opposing international regulation of the Internet. Specifically, it calls for the U.S. government to promote a global Internet that is free from government control and that advances the U.S. position within the multistakeholder governance model that's working today.

- **Some countries want greater control over the Internet for political and/or economic control.** For example, Russia's Vladimir Putin has openly stated his intention to seek, "international control over the Internet using the monitoring and supervisory capabilities of the [ITU]." We must continue to promote a decentralized and flexible governance model for the Internet.

- For more background information please see **this Wall Street Journal op-ed** written by Federal Communications Commissioner Robert McDowell.

Committee Action: H.Con.Res. 127 was introduced on May 30, 2012, and was referred to the House Energy and Commerce Subcommittee on Communications and Technology. At the June 20, 2012, open markup session of the Committee on Energy and Commerce, no amendments were offered and the resolution was favorably reported by voice vote.

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: House Rules do not require statements of constitutional authority for resolutions.

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H.R. 4273 - Resolving Environmental and Grid Reliability Conflicts Act of 2012 (Olson, R-TX)

Order of Business: The bill is scheduled to be considered on August 1, 2012, under a motion to suspend the rules and pass the bill.

Summary: In the case of an order issued under the Federal Power Act that conflicts with a requirement of federal, state or local environmental law, the legislation directs the Federal Energy Regulatory Commission (FERC) shall ensure that such order requires generation, delivery, interchange, or transmission of electric energy only during hours necessary to meet the emergency and serve the public interest.

If a party complies with an order issued under the Federal Power Act, and in doing so the party violates a federal, state or local environmental law, that violation shall not be considered a violation, and will not subject the party to civil or criminal liability or a citizen suit under environmental law.

If an order issued under Federal Power Act conflicts with federal, state or local environmental law, the order shall expire no later than 90 days after it is issued. FERC may renew the order, but may not exceed 90 days for each renewal period.

Additional Information According to CBO: H.R. 4273 would amend existing law regarding actions taken by electric utilities when the Department of Energy (DOE) determines that the electric power system is experiencing emergency conditions. Under current law, during a designated emergency, DOE can require firms to produce or supply electricity to avoid or resolve blackouts or other risks to the electric power system. If those actions violate other regulatory requirements, such as air pollution limits, the affected firms may be liable for penalties under those laws. H.R. 4273 would revise this framework by establishing new procedures for ensuring compliance with environmental standards during designated emergencies. The bill also would exempt firms from certain civil and criminal liability if the actions taken to comply with DOE's emergency orders violate environmental or other regulatory standards.

Outside Groups: The below have expressed support for the legislation:

- American Public Power Association
- Edison Electric Institute
- Electric Power Supply Association
- Industrial Energy Consumers of America
- Large Public Power Council
- Midwest Power Coalition
- National Rural Electric Cooperatives Association
- U.S. Chamber of Commerce

Committee Action: H.R. 4273 was introduced on March 28, 2012, and was referred to the House Energy and Commerce Subcommittee on Energy and Power. The full

committee held a markup on June 19-20 2012, and the legislation was reported, as amended, by voice vote.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO estimates that the impact on the federal budget would be insignificant over the 2012-2022 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?: According to CBO: The bill would impose an intergovernmental mandate by preempting state and local environmental and liability laws. Energy facilities would be exempt from complying with such laws if those laws conflict with an emergency order issued by DOE. Because the preemption of those laws would impose no duty on state and local governments that would result in additional spending or the direct loss of revenues, CBO estimates that the cost of that mandate would fall well below the annual threshold established in UMRA for intergovernmental mandates ($73 million in 2012, adjusted annually for inflation).

According to CBO: The bill would impose a private-sector mandate to the extent that it eliminates an existing right to seek compensation for damages under environmental laws from utilities operating in compliance with a federal emergency order issued by DOE. The cost of the mandate would be the forgone value of awards and settlements in such claims. Because DOE has issued emergency orders infrequently, CBO expects that claims would be uncommon in the future. Consequently, CBO expects that the cost of the mandates would be small and fall below the annual threshold for private-sector mandates ($146 million in 2012, adjusted annually for inflation).

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. Olson states "Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, Clause 18--The Congress shall have Power To . . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof (Necessary and Proper Regulations to Effectuate Powers)."
The statement can be found here.

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H.R. 897 - Residential and Commuter Toll Fairness Act of 2011 (Grimm, R-NY)

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 provide authority and sanction for the granting and issuance of programs for residential and commuter toll, user fee and fare discounts by States, municipalities, other localities, and all related agencies and departments, and for other purposes. The legislation is intended to clarify the existing authority of States, counties, municipalities, and multi-jurisdictional transportation authorities to establish programs that offer discounted transportation tolls, user fees, and fares for residents in specific geographic areas and to authorize the establishment of such programs, as necessary.

The legislation authorizes states, counties, municipalities, and multi-jurisdictional transportation authorities that operate or manage roads, highways, bridges, railroads, busses, ferries, or other transportation systems to establish programs that offer discounted transportation tolls, user fees, or other fares for residents of specific geographic areas in order to reduce or alleviate toll burdens imposed upon such residents. The legislation also authorizes states, counties, municipalities, and multi-jurisdictional transportation authorities that operate or manage roads, highways, bridges, railroads, busses, ferries, or other transportation systems to enact such rules or regulations that may be necessary to establish the programs authorized under this bill. Lastly, the legislation requires that nothing in this Act may be construed to limit or otherwise interfere with the authority, as of the date of the enactment of this Act, of States, counties, municipalities, and multi-jurisdictional transportation authorities that operate or manage roads, highways, bridges, railroads, busses, ferries, or other transportation systems.

Background: According to the bill text findings:

> "Residents of various localities and political subdivisions throughout the United States are subject to tolls, user fees, and fares to access certain roads, highways, bridges, railroads, busses, ferries, and other transportation systems.
>
> "Revenue generated from transportation tolls, user fees, and fares is used to support various infrastructure maintenance and capital improvement projects that directly benefit commuters and indirectly benefit the regional and national economy.
>
> "Residents of certain municipalities, counties, and other localities endure significant or disproportionate toll, user fee, or fare burdens compared to others who have a greater number of transportation options because such residents--
>
> > "(A) live in geographic areas that are not conveniently located to the access points for roads, highways, bridges, rail, busses, ferries, and other transportation systems;

"(B) live on islands, peninsulas, or in other places that are only accessible through a means that requires them to pay a toll, user fee, or fare; or

"(C) are required to pay much more for transportation access than residents of surrounding jurisdictions, or in other jurisdictions across the country, for similar transportation options.

"To address this inequality, and to reduce the financial hardship often imposed on such residents, several State and municipal governments and multi-State transportation authorities have established programs that authorize discounted transportation tolls, user fees, and fares for such residents."

Committee Action: This bill was introduced on March 3, 2011 and referred to the House Committee on Transportation and Infrastructure.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO does not have an estimate on the costs accompanying H.R. 897.

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 accompanying Constitutional Authority Statement reads: "H.R. 897. Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 3 .

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H.R. 5797 - Mille Lacs Lake Freedom To Fish Act of 2012 (Cravaack, R-MN)

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 amend current law so Mille Lacs Lakes, Minnesota, is no longer classified as a federally navigable body of water. As a result the Mille Lacs Lakes of Minnesota is no longer subject to certain Coast Guard regulations, including requiring federal boating licenses for fishing guides.

Committee Action: This bill was introduced on May 17, 2012 and referred to the House Committee on Transportation and Infrastructure.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO does not have an estimate on the costs accompanying H.R. 5797.

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 accompanying Constitutional Authority Statement reads: "H.R. 5797. Congress has the power to enact this legislation pursuant to the following: Article IV, Section 3, Clause 2. The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State."

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

H.R. 3158 - Farmers Undertake Environmental Land Stewardship Act (Crawford, R-AR)

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 direct the administrator of the Environmental Protection Agency (EPA) to change the Spill Prevention, Control, and Countermeasure rule with respect to certain farms. The legislation requires the EPA Administrator, in implementing the Spill Prevention, Control, and Countermeasure rule with respect to any farm, to:

- require certification of compliance with such rule by:
    - a professional engineer for a farm with:
        - an individual tank with a storage capacity greater than 10,000 gallons;
        - an aggregate storage capacity greater than or equal to 42,000 gallons; or
        - a history that includes a spill; or
    - the owner or operator of the farm (via self-certification) for a farm with:
        - an aggregate storage capacity greater than 10,000 gallons but less than 42,000 gallons; and
        - no history of spills; and
- exempt from all requirements of such rule any farm:

- with an aggregate storage capacity of less than or equal to 10,000 gallons; and
- no history of spills.

Lastly, the legislation requires the aggregate storage capacity of a farm excludes all containers on separate parcels that have a capacity that is less than 1,320 gallons.

Committee Action: This bill was introduced on October 12, 2011 and referred to the House Committee on Transportation and Infrastructure.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO does not have an estimate on the costs accompanying H.R. 3158.

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 accompanying Constitutional Authority Statement reads: "H.R. 3158. Congress has the power to enact this legislation pursuant to the following: Congress has the power to enact this legislation pursuant to the enumerated powers listed in Article I, Section 8, which include the power to 'regulate commerce . . . among the several States' . . ."

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H.R. 1171 – Marine Debris Act Amendments of 2012
(*Farr, D-CA*)

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 reauthorize and amend the Marine Debris Research, Prevention, and Reduction Act. According to the bill text, "the purpose of this Act is to address the adverse impacts of marine debris on the United States economy, the marine environment, and navigation safety through identification, determination of sources, assessment, prevention, reduction, and removal of marine debris." According to the committee report, "the amendment makes moderate changes to P.L. 109-449. Those changes include: striking outdated provisions; renaming the program to the Marine Debris Program; revising the program components to include 'identifying, determining sources of, assessing, preventing, reducing, and removing marine debris'; making the annual reports biennial; expanding the confidentiality provisions to all industries that

submit information; and codifying the existing National Oceanic and Atmospheric Administration (NOAA) and United States Coast Guard (USCG) marine debris definition. The amendment would authorize appropriations at the fiscal year 2012 level of $4.9 million for each of fiscal years through 2015."

The legislation would require the NOAA to investigate, identify sources of, and prevent the occurrence of marine debris and to address and prevent adverse impacts of such debris on the marine environment, navigation safety, and the economy. The NOAA would also be required to direct the undertaking of national and regional coordination efforts to assist states, Indian tribes and regional organizations in addressing marine debris issues that are particular to their areas. The NOAA would also have to develop fishing gear modifications or alternatives to conventional fishing gear that pose a threat to the marine environment, address land-based sources of marine debris, and develop effective non-regulatory measures and incentives to cooperatively reduce the volume of lost and discarded fishing gear and to aid in its recovery. Lastly the NOAA would be responsible for hosting a Global Marine Debris Coordination Conference in 2015 and every four years after that date.

Background: According to the Committee Report:

> "The term `marine debris' refers to the trash or litter that floats around oceans or washes up on beaches. Marine debris is pervasive throughout the world's oceans causing potential adverse effects on marine organisms, ocean habitats, and human health and safety. The life span of marine debris can range from 2 weeks for some paper products to 450 years in the case of plastics.
>
> "The Marine Debris Research, Prevention, and Reduction Act (Public Law 109-449) was enacted in 2006 in response to recommendations made by the U.S. Commission on Ocean Policy in its report, An Ocean Blueprint for the 21st Century, released September 2004. The Commission report noted gaps in existing U.S. marine debris efforts and recommended the establishment of a program within the National Oceanic and Atmospheric Administration (NOAA) that expands on and complemented the U.S. Environmental Protection Agency's program.
>
> "The Marine Debris Research, Prevention, and Reduction Act established programs within NOAA and the United States Coast Guard (USCG) to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigational safety, in coordination with non-federal entities.
>
> "The Act also established a Marine Debris Prevention and Removal Program within NOAA aimed at reducing and preventing the occurrence and adverse impacts of marine debris on the marine environment and navigational safety. The program components included mapping, identification, impact assessment, removal and prevention of marine debris, efforts aimed at reducing and

preventing loss of fishing gear, and outreach and education programs. It authorized NOAA to provide grants to non-Federal entities involved with those activities."

Committee Action: This bill was introduced on March 17, 2011 and referred to the House Committee on Natural Resources where it was reported and amended. On July 17, 2012 the legislation was reported and amended by the Committee on Transportation and Infrastructure and place on the Union Calender.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: According to the CBO letter, "CBO estimates that implementing the legislation would cost $15 million over the 2013-2017 periods. Enacting H.R. 1171 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply."

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?: According to the CBO letter, "H.R. 1171 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments."

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

Constitutional Authority: The accompanying Constitutional Authority Statement reads: "H.R. 1171. Congress has the power to enact this legislation pursuant to the following: Section 8 of Article I of the Constitution."

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H.R. 2446 - RESPA Home Warranty Clarification Act of 2011 (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: This legislation would clarify the treatment of homeowner warranties under current law, and for other purposes. The legislation amends Section 8 of the Real Estate Settlement Procedures Act (RESPA) of 1974 (12 U.S.C. 2607) by adding at the end the new subsection section on Homeowner Warranties. According to the bill text, the new section on Homeowner warranties requires that "nothing in this legislation shall be deemed to include, or be deemed to have included, homeowner warranties or similar residential service contracts for the repair or replacement of home system components or home appliances." The bill text also states that the legislation also requires that under this new section that any person that pays another person not employed by the person for

selling, advertising, marketing, or processing, or performing an inspection in connection with, a homeowner warranty or similar residential service contract for the repair or replacement of home system components or home appliances shall include the following statement, in boldface type that is 10-point or larger, in any such warranty or contract offered or sold as an incident to or as part of any transaction involving the origination of a federally related mortgage loan:

> "NOTICE: THIS COMPANY MAY PAY PERSONS NOT EMPLOYED BY THE COMPANY FOR SELLING, ADVERTISING, MARKETING, OR PROCESSING, OR PERFORMING AN INSPECTION IN CONNECTION WITH, A HOMEOWNER WARRANTY OR SIMILAR RESIDENTIAL SERVICE CONTRACT FOR REPAIRING OR REPLACING HOME SYSTEM COMPONENTS OR HOME APPLIANCES."

Committee Action: This bill was introduced on July 7, 2011 and referred to the House Committee on Financial Services. On March 27, 2012, the legislation reported and amended by voice vote.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO does not have an estimate on the costs accompanying H.R.2446.

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 accompanying Constitutional Authority Statement reads: "H.R. 2446. Congress has the power to enact this legislation pursuant to the following: The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution."

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

S. 3363 – A bill to provide for the use of National Infantry Museum and Soldier Center Commemorative Coin surcharges, and for other purposes.
(Sen. Chambliss, R-GA)

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 widen the use of the money gained from producing commemorative coins for the National Infantry Museum and Soldier Center. The surcharges could now also be used for the retirement of debt associated with building the now-existing National Infantry Museum and Soldier Center.

Background: The National Infantry Museum in South Columbus, Georgia serves to educate visitors about the history of U.S. Army Infantrymen. In 2008 Congress passed the National Infantry Museum and Soldier Center Commemorative Coin Act, the surcharges of which were to be paid only to the National Infantry Foundation to establish an endowment for museum and center maintenance. This legislation intends to allow the funds to be used to pay down the debt incurred for building such a museum.

Committee Action: This bill was introduced in the Senate on June 29, 2012 and passed by Unanimous Consent on the same day.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO does not have an estimate on the costs accompanying S. 3363.

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: Senate rules do not require that legislation be introduced with a Constitutional Authority Statement.

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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 as follows:

- 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.

- Lastly, 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.

Conservative Concerns: Some conservatives may be concerned with the minting of commemorative coins for several reasons. First, 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. Even if the coins are bought, though, conservatives might have additional concerns about the process. Some conservatives have suggested that the commemorative coin acts can serve as legal earmarks, ultimately using legislation and government action to help provide funds for various private organizations. Finally, some conservatives would 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?: The legislation does not violate House Rules on earmarks. However, some conservatives have suggested that commemorative coin acts can serve as a loophole in the earmarks rule.

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."

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H.R. 3187 – March of Dimes Commemorative Coin Act of 2011 (Dold, 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 recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

Coin Specifications

- The legislation would require the Secretary of the Treasury to mint and issue the following coins:
    - Not more than 500,000 $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 mission and programs of the March of Dimes, and "its distinguished record of generating Americans' support to protect our children's health." The bill would require that each minted coin have a designation of the value of the coin, an inscription of the year "2014", 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 contain "motifs that represent the past, present, and future of the March of Dimes and its role as champion for all babies, such designs to be consistent with the traditions and heritage of the March of Dimes." The design would be chosen by the Secretary, after consultation with

the March of Dimes and the Commission of Fine Arts, and reviewed by the Citizens Coin 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, 2014.

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. 3187 requires that all sales of coins minted under this bill include a surcharge as follows:
    - 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 paid by the Secretary to the March of Dimes to help finance research, education, and services aimed at improving the health of women, infants, and children.

- 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 March of Dimes, as may be related to the expenditures of amounts paid.

- Lastly, 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.

Conservative Concerns: Some conservatives may be concerned with the minting of commemorative coins for several reasons. First, 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. Even if the coins are bought, though, conservatives might have additional concerns about the process. Some

conservatives have suggested that the commemorative coin acts can serve as legal earmarks, ultimately using legislation and government action to help provide funds for various private organizations. Finally, some conservatives would 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 October 13, 2011 and referred to the Committee on Financial Services, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. On October 21 it was referred to the Subcommittee on Domestic Monetary Policy and Technology, and also referred to the Subcommittee on International Monetary Policy and Trade.

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?: The legislation does not violate House Rules on earmarks. However, some conservatives have suggested that commemorative coin acts can serve as a loophole in the earmarks rule.

Constitutional Authority: According to the bill's sponsor, Congress is authorized to pass this legislation for the following reason: "Article 1, Section 8, Clause 5 which states ``The Congress shall have the power . . . To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standards of Weights and Measures."

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H.R. 4104 – Pro Football Hall of Fame Commemorative Coin Act (Renacci, 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 recognition and celebration of the Pro Football Hall of Fame.

Coin Specifications

- The legislation would require the Secretary of the Treasury to mint and issue the following coins:

    - Not more than 50,000 $5 gold coins, which will:
        - weigh 8.359 grams;
        - have a diameter of 0.850 inches; and
        - contain 90 percent gold and 10 percent alloy.
    - 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.
    - Not more than 750,000 half-dollar clad coins, which will:
        - weigh 11.34 grams;
        - have a diameter of 1.205 inches; and
        - be minted to the specifications in section 5112(b) of title 31, U.S. Code.

- 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 game of professional football. The bill would require that each minted coin have a designation of the value of the coin, an inscription of the year "2016", 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 the Commission of Fine Arts and the Pro Football Hall of Fame, 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, 2016.

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. 4104 requires that all sales of coins minted under this bill include a surcharge as follows:
    - A surcharge of $35 per coin for the $5 gold coins.
    - A surcharge of $10 per coin for the $1 silver coins.
    - A surcharge of $5 per coin for the half-dollar coins.

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 Pro Football Hall of Fame, to help finance the construction of a new building and renovation of existing Pro Football Hall of Fame facilities.

- 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 Pro Football Hall of Fame, as may be related to the expenditures of amounts paid.

- Lastly, 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.

Conservative Concerns: Some conservatives may be concerned with the minting of commemorative coins for several reasons. First, 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. Even if the coins are bought, though, conservatives might have additional concerns about the process. Some conservatives have suggested that the commemorative coin acts can serve as legal earmarks, ultimately using legislation and government action to help provide funds for various private organizations. Finally, some conservatives would 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 February 28, 2012 and referred to the Committee on Financial Services. On April 26 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?: The legislation does not violate House Rules on earmarks. However, some conservatives have suggested that commemorative coin acts can serve as a loophole in the earmarks rule.

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.

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