



Legislative Bulletin.....March 4, 2014

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H.R. 4076 — Home Heating Emergency Assistance Through Transportation (HHEATT) Act of 2014 (Shuster, R-PA)

Order of Business: H.R. 4076 is expected to be considered under a suspension of the rules.

Summary: H.R. 4076 would extend through May 31, 2014, the Department of Transportation’s emergency declarations to allow truck operators delivering propane and other home heating fuels to drive for longer periods of time. If the propane emergency subsides prior to May 31, the Secretary of Transportation, in consultation with the governors of affected states, may end the emergency declaration on a state by state basis.

Additional Background: The cold weather this winter has increased demand for propane, which is used to heat more than 12 million homes. The propane delivery infrastructure has not been able to meet the demand, thanks in part to the unexpected closure of a propane pipeline for maintenance in December.

The most effective and immediate way to transport propane from where it is to where it is needed is by truck. In response, the Department of Transportation has issued emergency waivers of the Hours of Service rules, allowing propane truck drivers to work for longer hours. However, these declarations only last for 30 days at a time, creating uncertainty and limited regulatory relief.

Committee Action: H.R. 4076 was introduced on February 25, 2014.

Outside Groups: Supported by the [New England Fuels Institute](#).

Cost to Taxpayers: CBO score not available at press time.

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

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

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

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

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

Constitutional Authority: “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8 of the United States Constitution, specifically Clause 1 (related to general Welfare of the United States), and Clause 3 (related to regulation of Commerce with foreign Nations, and among the several States, and with Indian tribes).”

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H.R. 2126 - Energy Efficiency Improvement Act of 2014, as amended (McKinley, R-WA)

Order of Business: The legislation is scheduled to be considered on March 4, 2014, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2126 directs the Secretary of Energy to complete a feasibility study of significantly improving energy efficiency in commercial buildings through the design and construction, and encouraging owners and tenants to implement high-performance energy efficiency measures in leased areas of commercial buildings. This study shall identify best practices and policies to achieve energy reductions. The Secretary is required to publish a notice in the Federal Register requesting public comments on effective methods, measures, and practices for the design and construction of separate spaces with high-performance energy efficiency measures.

The legislation amends the Energy Independence and Security Act of 2007 and creates the voluntary Tenant Star Program. The purpose of the program is to promote energy efficiency in separate spaces leases by tenants within commercial buildings. Within a year after enactment, the Environmental Protection Agency shall develop policies to recognize tenants in commercial buildings that voluntarily achieve high levels of energy efficiency.

Outside Organizations: The Energy and Commerce Committee has compiled a list of organizations supporting H.R. 2126, and can be [viewed here](#).

Committee Action: H.R. 2126 was introduced on May 23, 2013, and was referred to the House Energy and Commerce Subcommittee on Energy and Power. A full committee markup was held on January 27, 2014, and the legislation was approved, as amended, by voice vote.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO does not expect that enacting H.R. 2126 would significantly affect agencies' administrative costs or result in significant additional investments by the federal government in energy savings initiatives. Optimizing the use of energy conservation measures in buildings leased by the government could eventually reduce federal spending by lowering occupancy costs, but CBO does not expect agencies would realize any significant savings from such efforts during the next few years. CBO's full report can be [viewed here](#).

Does the Bill Expand the Size and Scope of the Federal Government?: The legislation creates a new program within the Department of Energy, known as the Tenant Star Program. This program is voluntary.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: According to CBO, H.R. 2126 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act 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: Rep. McKinley states "Congress has the power to enact this legislation pursuant to the following: According to Article I, Section 8, Clause 3 of the Constitution: The Congress shall have power to enact this legislation to regulate commerce with foreign nations, and among the several states, and with the Indian tribes." The statement can be [viewed here](#).

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H.R. 938 - United States-Israel Strategic Partnership Act of 2014, as amended (Ros-Lehtinen, R-FL)

Order of Business: The legislation is scheduled to be considered on March 4, 2014, under a motion to suspend the rules and pass the bill.

Summary: H.R. 938 declares that Israel is a major strategic partner of the United States.

The legislation makes several amendments to the U.S. – Israel Enhanced Security Cooperation Act of 2012, which was S. 2165 in the 112th Congress and passed the House by voice vote on July 17, 2012, and became P.L. 112-150 on July 27, 2012. The RSC Legislative Bulletin for S. 2165 can be [viewed here](#).

The legislation requires a report on the President's actions that have been taken to assist in the defense of Israel. This report is due within 180 day after enactment.

The legislation extends the authority for the Department of Defense to transfer certain items to Israel. This authority is extended for one year, through fiscal year 2015.

Additionally, the legislation adjusts a reporting requirement for the President to carry out an assessment regarding Israel's qualitative military edge over their military threats. Under current law, the President is required to report on an "ongoing basis" and the legislation changes that to "a biennial basis."

The Secretary of State is required to submit a report to Congress regarding cybersecurity threats to Israel and the joint efforts of the U.S. and Israel to address these threats.

The President is authorized to carry out cooperative activities with Israel and to provide assistance to Israel that promotes cooperation in the fields of energy, water, agriculture, alternative fuel technologies, and civil space. Additionally, the President is authorized to share and exchange with Israel research, technology, intelligence, information, equipment, and personnel.

The legislation authorizes for appropriations, for fiscal year 2014, the following amounts to carry out research pilot programs with Israel in the following areas:

- \$1,000,000 for border, maritime, and aviation security;
- \$1,000,000 for explosives detection; and
- \$1,000,000 for emergency services.

The legislation requires a report, within 120 days of enactment, by the Comptroller General, to submit a report regarding Israel's need for F-35 aircraft, including actions to improve the purchasing process. The report shall also detail efforts to expand cooperation between the United States and Israel in homeland security, counter-terrorism, maritime security, energy, cyber-security, and other related areas.

The legislation makes several technical changes to the Energy Independence and Security Act of 2007. These include amendments to a grant program to support research, development, and commercialization of renewable energy or energy efficiency. Under the program, the Secretary makes grants to promote certain types of energy development. The legislation amends the underlying law to include natural gas. The legislation authorizes \$2,000,000 per fiscal year to carry out this section. These funds are to come out of funds made available in the underlying law, and this legislation does not increase that overall authorization level.

The legislation contains an offset by amending the enhanced Partnership with Pakistan Act of 2009 (P.L. 111-73) and lowering the authorization level from \$1,500,000,000 to \$1,487,000,000 for fiscal year 2014.

Committee Action: H.R. 938 was introduced on March 4, 2013, and referred to the Science, Space, and Technology Subcommittee on Research and Technology, the Judiciary Subcommittee on Immigration and Border Security, and the Foreign Affairs Committee. A full committee Foreign Affairs [markup occurred](#) on January 29, 2014, and the legislation was agreed to by voice vote, as amended.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO estimates that in addition to the \$3 million specifically authorized, providing that assistance and carrying out other provisions of the bill would require additional

appropriations totaling \$2 million annually starting in 2015. In total, CBO estimates that implementing the bill would cost \$13 million over the 2014-2019 period. CBO's full report can be [viewed here](#).

Does the Bill Expand the Size and Scope of the Federal Government?: In total, CBO estimates that implementing the bill would cost \$13 million over the 2014-2019 period. The legislation also contains new reporting requirements.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: According to CBO, H.R. 938 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

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

Constitutional Authority: Rep. Ros-Lehtinen states "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8 of the Constitution." The statement can be [viewed here](#).

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H.R. 2259 - North Fork Watershed Protection Act of 2013 (Daines, R-MT)

Order of Business: The legislation is scheduled to be considered on March 4, 2014, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2259 withdrawals approximately 430,000 acres in Montana from mineral and geothermal leasing. This land is located within the North Fork Federal Lands Withdrawal Area.

The legislation does not affect existing mineral leases on the land, this includes the rights of private entities to 39 oil and gas leases. According to CBO, these leases have been suspended since 1985 because of litigation. The Bureau of Land Management has not offered any new oil and gas leases on the affected lands since that litigation.

Additional Information: The affected lands are along the Flathead River which is the western border of Glacier National Park.

In February 2010, British Columbia and Montana signed a memorandum of understanding (MOU) to prohibit mining and geothermal development along the Flathead. British Columbia completed prohibition of mineral and geothermal development along the river in 2011. This legislation is essentially the U.S. holding up Montana's portion of the MOU. A map of the affected lands can be [found here](#).

Organizational Support: The following organizations have expressed their support for the legislation. Please contact the RSC if you would like to review any of their support letters.

- ConocoPhillips
- F.H. Stoltze Land & Lumber Company
- Montana Trout Unlimited
- Outdoor Alliance
- National Parks Conservation Association
- The Nature Conservancy
- The Wilderness Society

Committee Action: H.R. 2259 was introduced on June 5, 2013, and was referred to the House Natural Resources Subcommittees on Public Lands and Environmental Regulation, and Energy and Mineral Resources. A full committee [markup was held](#) on January 28, 2014, and the legislation was adopted, as amended, by unanimous consent.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: Based on information provided by the Bureau of Land Management (BLM), CBO estimates that implementing the legislation would have no significant impact on the federal budget. CBO's full report can be [viewed here](#).

Does the Bill Expand the Size and Scope of the Federal Government?: No. According to CBO, these lands are already owned by the federal government.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: According to CBO, H.R. 2259 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act 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: Rep. Daines states: Congress has the power to enact this legislation pursuant to the following: Article 4, Section 3, Clause 2 of the Constitution of the United States.” The statement can be [viewed here](#).

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S. 23 - Sleeping Bear Dunes National Lakeshore Conservation and Recreation Act (*Levin, D-MI*)

Order of Business: The legislation is scheduled to be considered on March 4, 2014, under a motion to suspend the rules and pass the bill.

Summary: S. 23 designates 32,557 acres as the Sleeping Bear Dunes Wilderness. This land is located along the mainland shore of Lake Michigan and on certain nearby islands in Benzie and Leelanau counties. This land is currently a component of the Sleeping Bear Dunes National Lakeshore and is managed by the National Park Service. The land would become a new component of the National Wilderness Preservation System.

Committee Action: S. 23 was introduced on January 22, 2013, and was referred to the Energy and Natural Resources Committee. A markup was held on March 14, 2013, and the legislation was favorably reported without amendment. The legislation passed the Senate on June 19, 2013, without amendment by unanimous consent.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO estimates that the bill would have no significant impact on the federal budget. CBO's full report can be [viewed here](#).

Does the Bill Expand the Size and Scope of the Federal Government?: The legislation creates a new component of the National Wilderness Preservation System with public lands.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: According to CBO, S. 23 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act 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: Senate rules do not require a statement of constitutional authority to accompany legislation upon introduction.

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H.R. 2197 - York River Wild and Scenic River Study Act of 2013 ***(Pingree, D-ME)***

Order of Business: The legislation is scheduled to be considered on March 4, 2014, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2197 amends the Wild and Scenic Rivers Act to direct the National Park Service (NPS) to study 11.25 miles of the York River (and all associated tributaries) for potential inclusion in the National Wild and Scenic Rivers System.

The study shall also determine the effect of the designation on:

- “Existing commercial and recreational activities, such as hunting, fishing, trapping, recreational shooting, motor boat use, bridge construction;

- “The authorization, construction, operation, maintenance, or improvement of energy production and transmission infrastructure; and
- “The authority of State and local governments to manage those activities; and

The study will also identify:

- “All authorities that will authorize or require the Secretary to influence local land use decisions (such as zoning) or place restrictions on non-Federal land if designated under this Act;
- “All authorities that the Secretary may use to condemn property; and
- “All private property located in the area studied under this paragraph.”

Potential Conservative Concern: According to the Committee “the Wild and Scenic Rivers Act of 1968 intended to put a **development freeze** on rivers to preserve their ‘free-flowing’ values against the influx of man-made dams being constructed at the time.” **[Emphasis Added]**

This legislation is the first step necessary in order to have this section of the river included in the National Wild and Scenic Rivers System which would result in a development freeze. At a time of sluggish economic development, conservatives may be concerned about expanding the role of government and further limiting the potential of the private sector. Conservatives are focused on removing government barriers to job creation, and this legislation arguably is a first step to increasing the government’s role in restricting private sector growth.

Similar Legislation: Last Congress, H.R. 2336 passed the House of Representatives on June 23, 2011, by voice vote. The RSC’s Legislative Bulletin for H.R. 2336 can be [found here](#).

Committee Action: H.R. 2197 was introduced May 23, 2013, and was referred to the Natural Resources Subcommittee on Public Lands and Environmental Regulation. A full committee [markup was held](#) July 24, 2014, and the legislation was favorably reported by unanimous consent.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO estimates that implementing the legislation would cost about \$300,000 over the next three years, assuming availability of appropriated funds. CBO’s full report can be [viewed here](#).

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The legislation directs the NPS to conduct an additional study which is the first step to get this section of the river added into the National Wild and Scenic Rivers System. If included, there will be a development freeze on this section of the river.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: According to CBO, H.R. 2197 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act 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: Rep. Pingree states “Congress has the power to enact legislation pursuant to the following: Article I, Section 8, Clause 1--The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States; and Article 1, Section 8, Clause 3--The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.” The statement can be [viewed here](#).

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H.Res. 488 - Supporting the people of Venezuela as they protest peacefully for democratic change and calling to end the violence (Ros-Lehtinen, R-FL)

Order of Business: The legislation is scheduled to be considered on March 4, 2014, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 488 resolves that the House of Representatives:

Resolved, That the House of Representatives--

- “Supports the people of Venezuela in their pursuit of freedom of expression and freedom of assembly to promote democratic principles in Venezuela;
- “Deplores the inexcusable violence perpetrated against opposition leaders and protesters in Venezuela, and the growing efforts to use politically motivated criminal charges to intimidate the country's political opposition;
- “Urges responsible nations throughout the international community to stand in solidarity with the people of Venezuela and to actively encourage a process of dialogue between the Government of Venezuela and the political opposition to end the violence;
- “Urges the United States Department of State to work in concert with other countries in the Americas to take meaningful steps to ensure that basic fundamental freedoms in Venezuela are in accordance with the Inter-American Democratic Charter and to strengthen the ability of the Organization of American States (OAS) to respond to the erosion of democratic norms and institutions in Venezuela;
- “Urges the Organization of American States and its Inter-American Commission on Human Rights to utilize its good offices and all mechanisms at its disposal to seek the most effective way to expeditiously end the violence in Venezuela in accordance with the Inter-American Democratic Charter; and
- “Supports efforts by international and multilateral organizations to urge the Venezuelan Government to adopt measures to guarantee the rights to life, humane treatment, and security, and the political freedoms of assembly, association, and expression to all of the people of Venezuela.”

Additional Information: It should be noted that the Inter-American Commission of Human Rights has been critical against the United States for allowing states to adopt the death penalty and for U.S. border patrol agents using deadly force against illegals coming across the border.

The below press releases are from last week:

- Death penalty - http://www.oas.org/en/iachr/media_center/PReleases/2014/022.asp
- U.S. Border Patrol - http://www.oas.org/en/iachr/media_center/PReleases/2014/018.asp

Committee Action: H.Res. 488 was introduced on February 25, 2014, and was referred to the Foreign Affairs Subcommittee on Western Hemisphere. A subcommittee [markup was held](#) on February 28, 2014, and the legislation was approved by voice vote, as amended.

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 Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: House rules do not require a statement of constitutional authority to accompany legislation upon introduction.

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

H.R. 3370 — Homeowner Flood Insurance Affordability Act (Grimm, R-NY)

Order of Business: [H.R. 3370](#) is scheduled to be considered on Tuesday, March 4, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: This legislation amends certain provisions of the Biggert-Waters Act of 2012 ([P.L. 112-141](#)) (BW-12) that was signed into law on July 6, 2012. BW-12 is the latest law to address the National Flood Insurance Program (NFIP). H.R. 3379 contains many changes and reforms to existing law, several of which are highlighted below. This legislation:

- Repeals certain rate increases implemented by BW-12 and refunds policy holders for the premiums collected under the higher rates.
- Allows the risk premium rates of pre-Flood Insurance Rate Map (Pre-Firm) properties to transfer with the sale of the property to a new owner.
- Reinstates the grandfathered rates for flood insurance premiums. Grandfathered rates mean that properties built to code under previous Federal Emergency Management Agency (FEMA) maps are allowed to maintain their risk zone classification. Properties that were built Pre-FIRM are also allowed to be grandfathered. The grandfathered properties are subject to rate increases between five and fifteen percent based on their grandfathered zone classification. A detailed discussion of the FEMA “grandfathering rule” can be viewed [here](#).

- It also requires a minimum annual average premium increase for risk zone categories of at least five percent with a maximum average risk zone category increase of fifteen percent. It also sets a cap on how much an individual policy can increase per year within any risk zone category at eighteen percent.
- Requires that the Administrator implement a flood mapping approach that will result in more technically credible flood hazard data for all areas where Flood Insurance Rate maps are prepared. Amends BW-12 to require mapping of non-structural flood mitigation features and to require working with localities to identify such features. This is in response to the Federal Emergency Management Agency (FEMA), which administers the NFIP, not taking into consideration existing levees and flood prevention structures when calculating premium increases.
- Requires a surcharge of \$25 to be assessed to all policies on primary residences, and a surcharge of \$250 to be assessed to all policies on non-residential or non-primary properties, which serves as the legislation's pay-for. This surcharge terminates when the premiums charged are equal to the estimated risk premium rate. All of the surcharges will be deposited in the NFIP Reserve Fund which was created under BW-12 to “be available for meeting the expected future obligations of the flood insurance program, including- (A) the payment of future claims; (B) claims adjusted expenses; and (C) the repayment of amounts outstanding under any note or other obligation.”
- Requires the Administrator of the Federal Emergency Management Agency (the “Administrator”) to prepare an affordability framework for the National Flood Insurance Program (NFIP) that will consider: “(1) Accurate communication to consumers of the flood risk associated with their properties. (2) Targeted assistance to flood insurance policy holders based on their financial ability to continue to participate in the NFIP. (3) Individual or community actions to mitigate the risk of flood or lower the cost of flood insurance. (4) The impact of increases in risk premium rates on participation in the NFIP. (5) The impact flood insurance rate map updates have on the affordability of flood insurance. The Administrator is required to submit an affordability study to appropriate House and Senate Committees by 18 months after enactment of the Act.
- Allows policyholders to pay insurance premiums on a monthly basis.
- Allows NFIP to offer optional high-deductible policies for residential properties. The maximum deductible for these policies would be \$10,000.
- Requires that the flood mitigation activities of an owner or lessee be taken into account when estimating the risk and premium rates, encouraging the owner or lessee to take steps to lessen the likelihood for property damage or loss.
- Raises the trigger for the loss of pre-Flood Insurance Rate Map (Pre-FIRM) premium rates for home improvements exceeding 30 percent of the fair market value of the property to 50 percent of the fair market value of the property.
- Requires the Administrator to deliver a report to the appropriate House and Senate Committees about the feasibility of community-based flood insurance options no later than 18 months after enactment of the Act. This report must be reviewed by the Comptroller General no later than 6 months after it is submitted and the Comptroller General must make recommendations to the appropriate House and Senate Committees about community-based flood insurance policies.

- Requires the Administrator, within one year after enactment of the Act, to issue guidelines for property owners that provide alternative methods of mitigation, other than building elevation, to reduce flood risk where elevation is not a practical possibility.
- Reinforces a state's ability to regulate the private insurance market.

Additional Background: FEMA administers the NFIP by developing flood hazard maps, which are then used to set flood insurance rates which the federal government mandates property owners with federally backed mortgages living in an at-risk area to purchase. The Biggert-Waters Act of 2012 ([P.L. 112-141](#)), signed into law on July 6, 2012, sought to address the financial sustainability of the NFIP through reforms which would increase premiums paid by property owners. According to the legislation's supporters, many property owners' premiums were increased at an unaffordable rate, and this legislation seeks to slow the premium increases while addressing the NFIP's insolvency.

According to the [Federal Emergency Management Administration \(FEMA\)](#) "Pre- Flood Insurance Rate Map (FIRM) buildings are those built before the effective date of the first Flood Insurance Rate Map (FIRM) for a community. This means they were built before detailed flood hazard data and flood elevations were provided to the community and usually before the community enacted comprehensive regulations on floodplain regulation. Pre-FIRM buildings can be insured using "subsidized" rates. These rates are designed to help people afford flood insurance even though their buildings were not built with flood protection in mind."

H.R. 3370 differs from the BW-12 delay bill, [S. 1926](#), which passed the Senate on January 30, 2014. A couple of the major differences are highlighted below:

- The Senate bill simply delays implementation of BW-12 for four years and does not address the underlying policy concerns that the sponsors of the House bill seek to address. The Senate bill, which has no offset, would result in NFIP being an additional \$2.1 billion in debt over the 2014-2024 period.
- The surcharges of \$25 and \$250 serve as an offset to the repeal of immediate premium increases from BW-12.
- The House version requires a minimum increase in annual premiums of at 5 percent which, according to the bill's supporters moves premiums closer to actuarially sound rates.

Committee Action: H.R. 3370 was introduced on October 29, 2013, and referred to the House Committee on Financial Services and the House Committee on Rules. There was no further committee action.

Outside Groups In Support: Key Vote: National Association of Home Builders. Other groups in support:

- [Coalition for Sustainable Flood Insurance](#)
- [American Bankers Association](#)
- [American Bankers Insurance Association](#)
- [National Association of Realtors](#)
- [National Association of Counties](#)
- [Mortgage Bankers Association](#)

Outside Groups In Opposition:

- [Heritage Action](#) - Key Vote
- [FreedomWorks](#) - Key Vote
- [Club for Growth](#) - Key Vote
- [National Taxpayers Union](#)
- [R Street](#)
- [Conservative Groups Coalition Letter](#)

Conservative Concerns: Some conservatives have expressed concerns that the bill continues to subsidize premiums for NFIP policy holders when the program is already \$24 billion in debt. Some conservatives also argue that the federal government should not have a role in administering flood insurance. In addition, some conservatives have expressed concern that the “pay for” in the legislation (the surcharge on all policies) is a tax. The surcharge is paid into the NFIP Reserve Fund which was established by BW-12 to “(1) be an account separate from any other accounts or funds available to the Administrator; and (2) be available for meeting the expected future obligations of the flood insurance program, including—(A) the payment of claims; (B) claims adjustment expenses; and (C) the repayment of amounts outstanding under any note or other obligation issued by the Administrator under section 1309(a).”

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: No Congressional Budget Office cost estimate is available but according to the sponsor, CBO has indicated that implementing this bill will result in no deficit impact over the 5 and 10 year period and no loss in revenue to the NFIP.

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?: A Congressional Budget Office report regarding intergovernmental or private-sector mandates is unavailable.

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

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

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

Constitutional Authority: According to the sponsor, “Congress has the power to enact this legislation pursuant to the following: Article I, section 8, clause 1; and Article I, section 8, clause 3.” Congressman Grimm’s statement in the Congressional Record can be viewed [here](#).

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NOTE: *RSC Legislative Bulletins are for informational purposes only and should not be taken as statements of support or opposition from the Republican Study Committee.*

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