



**Legislative Bulletin ..... October 25, 2011**

**Contents:**

- H.R. 2447** - To grant the congressional gold medal to the Montford Point Marines
- H.R. 2527** - National Baseball Hall of Fame Commemorative Coin Act
- H.R. 2042** - Asia-Pacific Economic Cooperation Business Travel Cards Act of 2011

---

---

**H.R. 2447 - To grant the congressional gold medal to the  
Montford Point Marines  
(Brown, D-FL)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, October 25, 2011, under a motion to suspend the rules and pass the legislation.

**Summary:** H.R. 2447 would authorize the Speaker of the House of Representatives and the President pro tempore of the Senate to make appropriate arrangements for the award, on behalf of the Congress, of a single gold medal of appropriate design in honor of the Montford Point Marines, collectively sacrifice and service to their country. The legislation would also authorize the United States Mint Public Enterprise Fund to pay an amount, not to exceed \$30,000, for the cost of the medals authorized. Any amounts received from the sale of duplicate bronze medals under this bill will be deposited in the United States Mint Public Enterprise Fund.

**Background:** According to the legislation’s findings, “on June 25, 1941, President Franklin D. Roosevelt issued Executive Order No. 8802 establishing the Fair Employment Practices Commission and opening the doors for the very first African-Americans to enlist in the United States Marine Corps. The first Black Marine recruits were trained at Camp Montford Point, near the New River in Jacksonville, North Carolina. Overall 19,168 Blacks served in the Marine Corps in World War II. An enterprising group of men, including original Montford Pointer Master Sergeant Brooks E. Gray, planned a reunion of the Men of Montford Point, and on September 15, 1965, approximately 400 Montford Point Marines gathered at the Adelphi Hotel in Philadelphia, Pennsylvania, to lay the foundation for the Montford Point Marine Association Inc., 16 years after the closure of Montford Point as a training facility for Black recruits.”

**Committee Action:** H.R. 2447 was introduced on July 7, 2011 by Rep. Corrine Brown, and referred to the House Financial Services 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 Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

**Constitutional Authority:** According Rep. Brown's statement of constitutional authority, "Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, Clauses 12-14, and Clause 18 of the United States Constitution."

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

---

---

## **H.R. 2527 - National Baseball Hall of Fame Commemorative Coin Act (Hanna, R-NY)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, October 25, 2011, under a motion to suspend the rules and pass the legislation.

**Summary:** H.R. 2527 requires the Secretary of the Treasury to mint coins in recognition and celebration of the National Baseball Hall of Fame. H.R. 2527 would authorize the U.S. Mint to produce a \$5 gold coin, a \$1 silver coin, and a half-dollar clad coin in calendar year 2015 to recognize and celebrate the National Baseball Hall of Fame in Cooperstown, New York. The following entails a detailed summary of the bill.

### **Coin Specifications**

- The legislation would require the Secretary of the Treasury to mint and issue the following coins:
  - Not more than 50,000 \$5 coins, which will:
    - weigh 8.359 grams;
    - have diameter of 0.850 inches; and
    - contain 90 percent gold and 10 percent alloy.
  - Not more than 400,000 \$1 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 coins which will:
  - weigh 11.34 grams;
  - have a diameter of 1.205 inches; and
  - be minted to the specifications for half-dollar coins contained in section 5112(b) of title 31, United States 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.
- Lastly it is the sense of Congress that coins minted under this bill should be produced in a fashion similar to the 2009 International Year of Astronomy coins issued by Monnaie de Paris, the French Mint, so that the reverse of the coin is convex to more closely resemble a baseball and the obverse concave, providing a more dramatic display of the obverse design.

### **Design of the Coins**

- The legislation would require the design of the coins minted under this bill to be emblematic of the game of baseball and of its place in American sports and the American way of life. The bill would require that each minted coin have a designation of the value of the coin, an inscription of the year “2015”, and inscriptions of the words “Liberty”, “In God We Trust”, “United States of America”, and “E Pluribus Unum”.
- The legislation requires the design for the coins minted under this bill be selected by the Secretary after consultation with the National Baseball Hall of Fame and the Commission of Fine Arts and be reviewed by the Citizens Coinage Advisory Committee.
- The bill requires the Secretary to hold a competition and provide compensation for its winner to design the obverse of the coins minted under this bill. The competition will be held in the following manner:
  - The competition shall be judged by an expert jury chaired by the Secretary and consisting of 3 members from the Citizens Coinage Advisory Committee who shall be elected by such Committee and 3 members from the Commission of Fine Arts who shall be elected by such Commission.
  - The Secretary shall determine compensation for the winning design, which will be no less than \$5,000.
  - The Secretary may not accept a design for the competition unless a plaster model accompanies the design.
- Lastly, the bill requires the design on the reverse of the coins minted under this bill depict a baseball similar to those used by Major League Baseball.

### **Issuance of Coins**

- The legislation requires the coins minted under this bill be issued in uncirculated and proof qualities. Any facility of the United States Mint may be used to strike uncirculated and half-dollar coins, but only the United States Mint facility at West Point, New York, may be used to strike coins in proof quality. The Secretary may issue coins minted under this bill only during the 1-year period beginning on January 1, 2015.

### **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. 2527 requires that all sales of coins minted under this bill include a surcharge as follows:
  - A surcharge of \$35 per coin for the \$5 coin.
  - A surcharge of \$10 per coin for the \$1 coin.
  - A surcharge of \$5 per coin for the half-dollar coin.
- The legislation also requires that all surcharges received by the Secretary from the sale of coins issued under this bill will be promptly paid by the Secretary to the National Baseball Hall of Fame to help finance its operations. The National Baseball Hall of Fame will be subject to the audit requirements of section 5134(f) (2) of title 31, United States Code, with regard to the amounts received under bill. No surcharge may be included with respect to the issuance under this bill of any coin during a calendar year if, as of the time of such issuance, the issuance of the coin would result in the number of commemorative coin programs issued during such year to exceed the annual 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).

**Committee Action:** H.R. 2527 was introduced on July 14, 2011 by Rep. Hanna, and referred to the House 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 the July 20, 2011 the bill was marked-up and reported as amended by voice vote.

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

**Cost to Taxpayers:** According to CBO, CBO assumes that the legislation will reduce mandatory spending by \$8 million over 10 years. Enacting the bill would not affect revenues and would not have any significant impact on spending subject to appropriation.

**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?:** H.R. 2527 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

**Constitutional Authority:** According Rep. Hanna's statement of constitutional authority, "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 5 states: "The Congress shall have Power . . . To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures."

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

---

## **H.R. 2042 — Asia-Pacific Economic Cooperation Business Travel Cards Act of 2011 (*Larsen, D-WA*)**

**Order of Business:** The bill expected to be considered under a motion to "suspend the rules and pass the bill" on Tuesday, October 25, 2011.

**Background:** The Asia-Pacific Economic Cooperation (APEC) is a forum of 21 Asia-Pacific nations established in 1989 to support economic growth and prosperity in the region. APEC includes the United States, Canada, China, Japan, South Korea, Taiwan, and Russia, among [others](#). The APEC Business Travel Card program was created in 1997 to streamline business travel between APEC nations. Travel card holders are pre-cleared to enter member nations for short-term visits without applying for visas or entry permits, and frequently are given fast-track processing through customs. 18 APEC members fully participate in the Business Travel Card Program, while the United States, Canada and Russia are transitional members. Residents of nations that fully participate are eligible to apply for travel cards, which allow streamlined access to any participating nation. Residents of transitionally participating nations are unable to apply for a travel card, although those nations do provide benefits to travel card holders from other APEC nations.

**Summary:** H.R. 2042 would establish a program called the ‘APEC Business Travel Program’ to issue APEC Business Travel Cards to U.S. citizens who are business persons or government officials engaged in APEC business. The program would be administered by the Department of Homeland Security (DHS) in consultation with the Department of State and would be integrated with other registered traveler programs administered by DHS, such as [Global Entry](#), [NEXUS](#), and [SENTRI](#). DHS is authorized to use private sector entities to ensure applicants are qualified and issue the travel cards. DHS is also authorized to impose a fee for the issuance of travel cards, provided the fee is proportionate to the cost of administering the program. The National Center of APEC has estimated that depending on the eligibility criteria the demand for the cards in the United States would be around 10,500-15,000 during the first three years. The legislation would not affect the current requirements for travel into the United States.

**Committee Action:** H.R. 2042 was introduced on May 26, 2011 and was referred to the House Committee on Homeland Security.

**Administration Position:** A Statement of Administration Policy has not been released.

**Cost to Taxpayers:** No CBO Score 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 Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** Though the bill contains no earmarks, and there’s no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

**Constitutional Authority:** As provided by the legislation’s sponsor, Rep. Rick Larsen (D-WA):

“Congress has the power to enact this legislation pursuant to the following: Under Article 1, Section 2 of the Constitution, “the House of Representatives shall be composed of Members chosen every second Year by the People of the several States.” As described in Article 1, Section 1 “all legislative powers herein granted shall be vested in a Congress.” I was elected in 2010 to serve in the 112th Congress as certified by the Secretary of State of Washington state. Article III, Section 2 states that the Supreme Court has “the judicial power” that “shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States.” Article II, Section 1 of the Constitution provides that the Supreme Court is the supreme law of the land when stating “The judicial power of the United States, shall be vested in one supreme Court.” The power of judicial review of the Supreme Court was upheld in Marbury v Madison in 1803, giving the Supreme Court the authority to strike down any law it deems unconstitutional.

Members of Congress, having been elected and taken the oath of office, are given the authority to introduce legislation and only the Supreme Court, as established by the Constitution and precedent, can determine the Constitutionality of this authority.

**Some conservatives may have concerns with the above Constitutional Authority Statement because it expresses a deeply flawed understanding of Congress’s role in ensuring adherence to the Constitution. It suggests that Members of Congress should abdicate interpretation of the constitutionality of legislation they introduce to the Judicial Branch. In many cases throughout our nation’s history, the Supreme Court has developed certain case law doctrines in its rulings that have established Constitutional precedents. However, the Court does not have sole responsibility to “determine the Constitutionality of this authority.” This responsibility lies also with Congress and the President through the Constitution’s coordinate construction. Members of Congress who have taken an oath of office to uphold and protect the Constitution have a responsibility to consider the constitutionality of legislation they introduce.**

**Outside Organizations (as of press time):**

*Supporting:*

U.S. Chamber of Commerce  
U.S. Council for International Business  
US-ASEAN Business Council

**RSC Staff Contact:** Cyrus Artz, [cyrus.artz@mail.house.gov](mailto:cyrus.artz@mail.house.gov), (202) 226-0718