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MARK WALKER, CHAIRMAN



1. [H.R. 1843 - Clyde-Hirsch-Sowers RESPECT Act](#)
2. [H.R. 3110 - Financial Stability Oversight Council Insurance Member Continuity Act](#)
3. [S. 1616 - Bob Dole Congressional Gold Medal Act](#)
4. [H.R. 2864 - Improving Access to Capital Act, as amended](#)

H.R. 1843: Clyde-Hirsch-Sowers RESPECT Act (Rep. Roskam, R-IL)

CONTACT: [Matt Dickerson](#), 202-226-9718

FLOOR SCHEDULE:

September 5, 2017, under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 1843](#) would restrict the Internal Revenue Service's (IRS) civil asset forfeiture authority in certain cases unless it can prove that funds were connected to criminal activity.

COST:

The Congressional Budget Office (CBO) and the Joint Committee on Taxation (JCT) [estimate](#) that enacting H.R. 1843 would "reduce revenues by \$1 million over the 2018-2027 period" and would also decrease the collection of civil and criminal penalties that would otherwise be available to spend without further appropriation which "could decrease such federal revenues and associated direct spending, but CBO expects any such decreases would not be significant in any year."

CONSERVATIVE SUPPORT:

Many conservatives have [expressed concerns regarding](#) the abusive practice of civil asset forfeiture.

- **Expand the Size and Scope of the Federal Government?** No, the bill would limit abusive practices of the IRS.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

Under the Bank Secrecy Act, banks and other financial institutions must report to the Treasury financial transactions of more than \$10,000 in cash. Individuals who attempt to avoid that requirement by conducting a series of smaller transactions (called structuring) are subject to both civil and criminal penalties. The Internal Revenue Service (IRS) is able to seize assets it believes have been involved in illegal activity, a practice referred to as civil asset forfeiture.

H.R. 1843 would prohibit the IRS from using civil asset forfeiture authority in structuring cases unless it can demonstrate probable cause that the funds were connected to criminal activity. The bill also creates a post-seizure process that would require the IRS to notify the owner of property seized of their rights. Finally, the bill would exclude from gross income for tax purposes the interest paid by the government to victims of asset forfeiture when their property is returned.

COMMITTEE ACTION:

The bill was introduced on March 30, 2017, and referred to the Committee on Ways and Means. The Committee marked up and reported the bill by a voice vote on [July 13, 2017](#).

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

“Congress has the power to enact this legislation pursuant to the following: Clause 1 of Section 8 of Article 1 of the U.S. Constitution, providing, in relevant part, that “[t]he Congress shall have the 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.””

H.R. 3110 – Financial Stability Oversight Council Insurance Member Continuity Act (Rep. Hultgren, R-IL)

CONTACT: [Jennifer Weinhart](#), 202-226-0706

FLOOR SCHEDULE:

Expected to be considered on September 5, 2017, under a suspension of the rules which requires a 2/3 majority for final passage.

TOPLINE SUMMARY:

[H.R. 3110](#) would permit the independent voting member of the Financial Stability Oversight Council (FSOC) to continue to serve on the council for up to 18 months following the close of their term, if a successor has yet to be appointed and confirmed.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing the legislation “would cost less than \$500,000. That amount would cover the additional personnel costs for the independent member until a successor is appointed.” Further, “CBO estimates that the bill’s net effect on the deficit would be negligible.”

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

The FSOC is comprised of ten voting members, including the heads of nine federal financial agencies and an independent voting member that is appointed by the President, with the advice and consent of the Senate. Under Dodd-Frank, the independent member serves a 6-year term. The current independent voting member’s term expires on September 30, 2017, and it is unlikely that a successor will be appointed and confirmed prior to the expiration of the term. This would leave a voting vacancy on the FSOC, with no contingency plan in place and no guidance provided by Dodd-Frank. This legislation would permit the independent member to serve for up to 18 months following the expiration of his term, if a new independent member has yet to be appointed and confirmed by the expiration date.

COMMITTEE ACTION:

H.R. 3110 was introduced on June 29, 2017, and was referred the House Committee on Financial Services, where it was reported, amended, 60-0.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not yet available.

CONSTITUTIONAL AUTHORITY:

According to the sponsor, Congress has the power to enact this legislation pursuant to the following: Section 8, Clause 18: 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. Section 8, Clause 3: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

S. 1616 – Bob Dole Congressional Gold Medal Act (Sen. Roberts, R-KS)

CONTACT: [Jennifer Weinhart](#), 202-226-0706

FLOOR SCHEDULE:

Expected to be considered on September 5, 2017, under a suspension of the rules which requires 2/3 majority for final passage.

TOPLINE SUMMARY:

[S. 1616](#) would award the Congressional Gold Medal in recognition of former Senator Bob Dole, for his service to his country as a soldier and legislator.

COST:

A Congressional Budget Office (CBO) estimate is not yet available. According to the Majority Leader's office, a preliminary estimate indicates that "the bill would not significantly increase direct spending from the U.S. Mint Public Enterprise Fund (around \$30,000)."

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

In order to help recoup the costs of the medal, S. 1616 would authorize the U.S. Mint to strike and sell bronze duplicates to cover the production cost of the medal and of the duplicates.

Bob Dole served in the U.S. Army during WWII where he was seriously wounded when helping a fellow soldier. He was awarded two Purple Hearts and a Bronze Star with an Oak Cluster for his service. He also received an American Campaign Medal, a European-African-Middle Eastern Campaign Medal, and a World War II Victory Medal. Sen. Dole served in the Kansas House of Representatives, the U.S. House of Representatives from 1961-1969, and in the U.S. Senate from 1969-1996. Sen. Dole served as Chairman of the Republican National Committee, Chairman of the Finance Committee, Senate Minority Leader, and Senate Majority Leader.

COMMITTEE ACTION:

S. 1616 was introduced on July 24, 2017 and passed in the Senate by voice vote on August 3, 2017.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not yet available.

CONSTITUTIONAL AUTHORITY:

A constitutional authority statement is not required for Senate legislation.

H.R. 2864 – Improving Access to Capital Act (Rep. Sinema, D-AZ)

CONTACT: [Jennifer Weinhart](#), 202-226-0706

FLOOR SCHEDULE:

Expected to be considered on September 5, 2017, under a suspension of the rules which requires a 2/3 majority for final passage.

TOPLINE SUMMARY:

[H.R. 2864](#) would amend the Securities and Exchange Commission's (SEC) [Regulation A+](#) to expand eligibility for the expedited securities issuance process under the JOBS Act to companies that are already fully reporting companies.

COST:

The Congressional Budget Office (CBO) estimate is not yet available.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

As created by the JOBS Act, Regulation A + is divided into tiers: Tier I allows an issuer to raise up to \$20 million within a 12-month period, while Tier II would allow an issuer to raise up to \$50 million within a 12-month period. Tier II is often [used](#) by smaller issuers because of its more favorable standards necessary for raising capital. Currently, "fully reporting" companies are not permitted to use the Regulation A+ registration requirement exemptions - this legislation would allow all companies, including smaller fully reporting companies, to benefit as well and would establish a smoother SEC review process.

H.R. 2864 would also amend reporting requirements for Tier 2 offerings under the Securities Exchange Act of 1933.

COMMITTEE ACTION:

H.R. 2864 was introduced on June 8, 2017, and was referred the House Committee on Financial Services, where it was reported, as amended, 59-0, on [July 25, 2017](#).

ADMINISTRATION POSITION:

A Statement of Administration Policy is not yet available.

CONSTITUTIONAL AUTHORITY:

According to the sponsor, Congress has the power to enact this legislation pursuant to the following: Article I, Section 8 of the U.S. Constitution. No specific enumerating clause was cited.

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