



Legislative Bulletin.....November 18, 2013

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H.R. 2061- Digital Accountability and Transparency (DATA) Act of 2013, as amended (Issa, R-CA)

Order of Business: The legislation is scheduled to be considered on November 18, 2013, under a motion to suspend the rules and pass the legislation, which requires a two-thirds majority vote.

Summary: H.R. 2061 amends the Federal Accountability and Transparency Act of 2006 and establishes government-wide data standards for the Department of Treasury regarding federal expenditures.

The legislation directs the Secretary of Treasury to establish these government-wide financial data standards and includes criteria for which the standards have to meet. The Secretary shall issue guidance on the new data standards within one year after enactment, and a publicly available website to report this data shall be established within this timeframe. Agencies shall have 180 after the guidance is issued to collect, report, and maintain data in accordance with the data standards.

The Director of the Office of Management and Budget (OMB) shall review the financial reporting of federal agencies to consolidate financial reporting and reduce duplicative reporting and compliance costs. Within one year of enactment, OMB shall provide guidance to federal agency heads regarding how to simplify the reporting requirements for federal award recipients to consolidate financial reporting, reduce duplicative reporting, and reduce compliance costs. Within 18 months after enactment, OMB shall submit a report to Congress regarding any

legislative action required to consolidate, streamline, or reduce reporting costs for federal award recipients.

The legislation establishes a new pilot program to increase financial transparency. This program shall include recipients that collectively receive not less than \$1,000,000,000 in Federal funds each fiscal year, as well as recipients that receive Federal funds under multiple programs across multiple agencies, and recipients that collectively receive Federal funds under contracts, grants, and subawards. Affected recipients shall submit finance reports of their selected federal awards to the Recovery Accountability and Transparency Board. This pilot program shall terminate three years after established by the Recovery Accountability and Transparency Board.

The legislation also sets limits and transparency for conference and travel spending by federal employees. Federal agencies will be required to publically post online detailed information regarding any presentation made by any employee of that agency at a conference. This shall include the prepared text of any verbal presentation as well as any visual, digital, video, or audio materials presented.

Agencies are prohibits from spending more than \$500,000 to support a single conference. The legislation makes exceptions if the agency head determines that the expenditure is justified as the most cost-effective option to achieve a compelling purpose.

The legislation prohibits federal agencies from paying for the travel expenses for more than 50 employees of that agency to attend any international conference. The legislation makes exceptions if the Secretary of State determines that attendance for such employees is in the national interest.

At the beginning of each quarter, each agency shall post online a report on each conference that costs more than \$10,000 for which the agency paid travel expenses during the preceding three months. The legislation directs the agencies to disclose the itemized expenses paid by the agency, including travel, lodging and meal expenses, and other details about the conference.

For each fiscal year, 2014 through 2018, the legislation prohibits federal agencies from spending more than 70-percent of the aggregate amount of their travel expenses for fiscal year 2010.

Committee Action: H.R. 2061 was introduced on May 21, 2013, and was referred to the House Oversight and Government Reform Committee. A full committee markup was held on May 22, 2013, and the legislation was [approved by voice vote](#), as amended.

Administration Position: No Statement of Administration Policy is available.

Similar Legislation: On April 25, 2012, the House of Representatives passed similar legislation, H.R. 2146, by voice vote. The RSC Legislative Bulletin for H.R. 2146 can be [viewed here](#).

Cost to Taxpayers: CBO estimates that implementing the bill would cost \$395 million over the 2014-2018 period. CBO's full report can be [viewed here](#). However, language has recently been

added to the legislation that containing travel restrictions. This is meant to act as an offset for the legislation. Similar language was used last Congress in similar legislation.

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, H.R. 2061 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA); any costs to state, local, or tribal governments would result from complying with conditions for receiving federal assistance

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

Constitutional Authority: Rep. Issa states “Congress has the power to enact this legislation pursuant to the following: Article 1, Section 9, Clause 7: “No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.” The full statement can be [viewed here](#).

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H.R. 3343 - To amend the District of Columbia Home Rule Act to clarify the rules regarding the determination of the compensation of the Chief Financial Officer of the District of Columbia (*Del. Norton, D-DC*)

Order of Business: The legislation is scheduled to be considered on November 18, 2013, under a motion to suspend the rules and pass the legislation, which requires a two-thirds majority vote.

Summary: The legislation adjusts the salary for the District of Columbia’s Chief Financial Officer. The legislation increases the compensation to the same level of that of the Vice President of the United States.

According to CBO, D.C.’s CFO is currently paid \$199,700, and the Vice President is currently paid \$230,700.

Committee Action: H.R. 3343 was introduced on October 28, 2013, and was referred to the House Oversight and Government Reform Committee. A markup was held on October 29, 2013, and reported the legislation by voice vote.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO estimates that enacting H.R. 3343 would have no effect on the federal budget. The salary of the District’s CFO is paid for with local funds raised by the District of Columbia. CBO’s full report can be [viewed here](#).

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, H.R. 3343 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: Del. Norton states “Congress has the power to enact this legislation pursuant to the following: Clause 17 of section 8 of article I of the Constitution.” The full statement can be [viewed here](#).

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H.R. 3487 –To amend the Federal Election Campaign Act to extend through 2018 the authority of the Federal Election Commission to impose civil money penalties on the basis of a schedule of penalties established and published by the Commission, to expand such authority to certain other violations, and for other purposes - (Miller, R-MI)

Order of Business: [H.R. 3487](#) is scheduled for consideration on Monday, November 18, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: H.R. 3487 amends the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(4)(C)(iv)) to extend the authority of the Federal Election Commission (FEC) to impose civil money penalties on the basis of a schedule of penalties established and published by the Commission through December 31, 2018. This authority was established in 2000 and is exercised under the [Administrative Fine Program](#). This authority is currently set to expire on December 31, 2013.

The bill also expands the authority of the Federal Election Commission to impose penalties under a schedule of penalties for "violations of each qualified disclosure requirement." Under current law, the Administrative Fine Program covers regular reports by political committees, such as semi-annual, quarterly, monthly, pre-election, 30-day post general and special election reports, and 48-hour notices filed by candidate committees. H.R. 3487 proposes that the Administrative Fine Program expand to cover other disclosure requirements, such as:

- Disclosures of independent expenditures
- Disclosures of electioneering communications
- Disclosures of federal election activity
- Disclosures of bundled contributions
- Disclosures on convention financing

Additional Background: The Administrative Fines program was established in 2000 to more efficiently address the untimely filing or non-filing of mandatory disclosure reports. The program sets forth an administrative process to handle the enforcement of minor disclosure violations.

The process begins with the FEC sending notice to a committee that they have discovered a late or non-filed report. The committee has 40 days to pay the fine or to respond to the FEC with a written challenge to the FEC determination. If a challenge is not submitted by the committee within 40 days, the FEC issues a final determination of the fine. The committee has 30 days after such determination to pay the fine or seek a judicial review of the FEC's final determination. If the committee fails to pay the fine, the FEC may transfer the case to the Department of the Treasury for collection or file suite in the appropriate U.S. district court.

Under the program the FEC establishes a formula for assessing fines that takes into account various factors such as:

- the election sensitivity of the report;
- whether the report is considered filed late or not filed;
- the actual level of activity on the report filed late or the estimated level of activity on a report that is not filed;
- and, the number of previous reporting violations by the committee.

Committee Action: The bill was introduced by Rep. Candice Miller (R-MI) on November 14, 2013, and was subsequently referred to the House Committee on House Administration.

Administration Position: No Statement of Administrative Policy was available at time of press.

Cost to Taxpayers: No Congressional Budget Office cost estimate was available at time of press.

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

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

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

Constitutional Authority: The Constitutional Authority Statement accompanying this bill upon introduction states, "Congress has the power to enact this legislation pursuant to the following: Article I, Section 4, Clause 1." The Constitutional Authority Statement can be found [here](#).

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**S.Con.Res.25 –A Concurrent Resolution Authorizing the Use of Emancipation Hall in the Capitol Visitor Center for Activities Associated with the Ceremony to Award the Congressional Gold Medal to Native American Code Talkers
(Sen. Johnson, D-SD)**

Order of Business: [S.Con.Res.25](#) is scheduled for consideration on Monday, November 18, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: S.Con.Res. 25 authorizes the use of Emancipation Hall in the Capitol Visitor Center for a ceremony to award the Congressional Gold Medal to Native American code talkers. The event will take place November 20, 2013.

Additional Background: According to the bill sponsor, the Congressional Gold Medal will recognize a total of 33 tribes from around the country and over 200 silver medals will be awarded to families of code talkers. During World War I and World War II, code talkers provided secure communications based on native languages that the Axis powers were never able to decode. These secure communications protected the advantage of surprise during combat operations and helped save service members' lives.¹

Committee Action: S.Con.Res.25 was introduced on November 13, 2013, by Senator Tim Johnson (D-SD), and was agreed to in the Senate without amendment by unanimous consent. The House received the bill on November 13, 2013.

Administration Position: No Statement of Administrative Policy was available at time of press.

Cost to Taxpayers: No Congressional Budget Office cost estimate was available at time of press.

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 rules of the Senate do not require a Constitutional Authority Statement to accompany proposed legislation.

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¹ http://www.johnson.senate.gov/public/index.cfm?p=PressReleases&ContentRecord_id=584896ef-1576-433a-baad-5a14c5779999

H.R. 272 — To designate the Department of Veterans Affairs and Department of Defense joint outpatient clinic to be constructed in Marina, California, as the “General William H. Gourley Federal Outpatient Clinic: A Joint VA–DOD Health Care Facility” (Farr, D-CA)

Order of Business: [H.R. 272](#) is scheduled to be considered on November 18, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: This bill would designate the Department of Veterans Affairs and Department of Defense joint outpatient clinic the General William H. Gourley Federal Outpatient Clinic: A Joint VA-DOD Health Care Facility. According to the sponsor, this building was expected to break ground on Veterans Day 2013.

Additional Background: According to the sponsor, General William H. Gourley served in Germany, Korea and Vietnam. After returning from Vietnam he was stationed at the Pentagon where he was later promoted to the staff of the Joint Chiefs. He later retired on

Committee Action: This bill was referred to House Armed Services Committee and the Veterans’ Affairs Committee where it awaits further action.

Cost to Taxpayers: No CBO score is available at this time.

Constitutional Authority: According to the sponsor, “Congress has the power to enact this legislation pursuant to the following. Art. I, Section 8”

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