



Legislative Bulletin.....April 28, 2014

Contents:

H.R. 4192 — To amend the Act entitled "An Act to regulate the height of buildings in the District of Columbia" to clarify the rules of the District of Columbia regarding human occupancy of penthouses above the top story of the building upon which the penthouse is placed
H.R. 4194 - The Government Reports Elimination Act, as amended
S. 994 - The Digital Accountability and Transparency Act (DATA Act)
H.R. 3110 — Huna Tlingit Traditional Gull Egg Use Act
H.R. 1501 — Prison Ship Martyrs' Monument Preservation Act
H.R. 298 — To direct the Secretary of the Interior to conduct a special resource study to evaluate the significance of the Mill Springs Battlefield located in Pulaski and Wayne Counties, Kentucky, and the feasibility of its inclusion in the National Park System
H.R. 4032 — North Texas Invasive Species Barrier Act of 2014
H.R. 4120 — To amend the National Law Enforcement Museum Act to extend the termination date
H.R. 930 —To authorize the Secretary of the Interior to conduct a special resource study of the archeological site and surrounding land of the New Philadelphia town site in the State of Illinois

H.R. 4192 — To amend the Act entitled "An Act to regulate the height of buildings in the District of Columbia" to clarify the rules of the District of Columbia regarding human occupancy of penthouses above the top story of the building upon which the penthouse is placed — (Issa, R-CA)

Order of Business: [H.R. 4192](#) is scheduled to be considered on April 28, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: The bill amends the Height of Building Act of 1910 which placed a limit on the height of buildings in Washington, D.C. to clarify the calculation of a building height for structures in the District of Columbia, and to allow for human occupancy above the top floor of a building. Under current law the use of the penthouse level (roof) for anything other than mechanical uses was prohibited. This bill allows for the construction or use for human occupancy at the penthouse level. However, it is limited to the height of one story of 20 feet or less above the level of the roof.

Additional Background: The [Height of Buildings Act of 1910](#), passed by the 61st Congress, restricts the height of buildings in Washington, D.C. Under this Act commercial area buildings were limited to heights of 130 feet while buildings in residential areas were only allowed to be 90 feet. In addition, the bill contains further restrictions on building situated near federal buildings.

Committee Action: This bill was introduced on March 11, 2014, by Representative Issa and was then referred to the House Committee on Oversight and Government Reform. A [mark-up](#) was held on March 12, 2014, and the bill was reported out by voice vote.

Cost to Taxpayers: [CBO](#) estimates that enacting H.R. 4192 would have no effect on the federal budget.

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. 4192 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 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: Clause 17 of section 8 of Article I of the Constitution To exercise exclusive Legislation in all Cases whatsoever, over such District.” Read the statement [here](#).

RSC Staff Contact: Rebekah Armstrong, Rebekah.Armstrong@mail.house.gov, 202-226-0678

H.R. 4194 - The Government Reports Elimination Act, as amended — (Issa, R- CA)

Order of Business: [H.R. 4194](#) is scheduled to be considered on April 28, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: This bill eliminates requirements for 13 different federal agencies to prepare a total of 85 reports for Congress. The affected agencies include: the Departments of Agriculture, Commerce, Defense, Education, Energy, Homeland Security, Housing and Urban Development, Interior, Labor, State, Transportation, Treasury, and Veterans Affairs, and the Corporation for National and Community Service, the Environmental Protection Agency, the Executive Office of the President, the Government Accountability Office, and the Office of the Director of National Intelligence.

Committee Action: This bill was introduced on March 11, 2014, by Representative Issa and was referred to the House Committee on Oversight and Government Reform. The committee held a mark-up on March 12, 2014 where the bill was ordered to be reported by voice vote.

Administration Position: No statement of administration policy is available at this time.

Cost to Taxpayers: [CBO](#) estimates that implementing the bill would reduce costs that are subject to appropriation by about \$1 million over the next five years.

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?: The bill 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 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.

Constitutional Authority: According to the sponsor, "Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, Clause 18. ``To make all Law which shall be necessary and proper for carrying into Execution the foregoing powers . . ." Read the statement [here](#).

RSC Staff Contact: Rebekah Armstrong, Rebekah.Armstrong@mail.house.gov, 202-226-0678

S. 994 - The Digital Accountability and Transparency Act (DATA Act) — (Warner, D-VA)

Order of Business: [S. 994](#) is scheduled to be considered on April 28, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: This bill aims to make information on federal expenditures more accessible, reliable and transparent by amending the Federal Funding Accountability and Transparency Act of 2006. The Director of the OMB and Secretary of the Treasury will work together to ensure that financial information is published on a website for each Federal agency and contains the amounts of budget authority authorized, amounts obligated, amounts of outlays, amounts reprogrammed or transferred, and amounts of expired or unexpired unobligated balances.

In addition, this bill establishes government-wide financial data standards for any funds made available or expended by federal agencies. The standards which this data must meet include: incorporate widely accepted existing standards, be computer-readable, include government-wide universal award identifiers for awards and for entities receiving awards that can track individual awards through the full cycle of spending, and allow for comparisons across program activities and agencies.

A two year pilot program is established to facilitate the development of recommendations for standardized reporting elements across the federal government and the elimination of unnecessary duplication in financial reporting.

The Inspector General of each federal agency and Comptroller General will review submitted spending data and submit a report to Congress which assess the completeness, timeliness, quality, and accuracy of the data sampled and the implementation and use of data standards by the Federal agency. In addition, it allows the Secretary of the Treasury to establish a data analysis center or expand an existing service to provide data to prevent and reduce improper payments and improve efficiency and transparency in spending.

Additional Background: The Federal Funding Accountability and Transparency Act became law in 2006 and expanded oversight of federal spending and required the Office of Management and Budget (OMB) to establish a publicly available online database containing information about entities that are awarded federal grants, loans, contracts, and other forms of assistance. Although this law, for the first time, published data on federal spending, more could still be done to increase transparency and allow taxpayers to know how their money was being spent. According to the Senate Committee, the purpose of this bill is to continue to increase transparency and provide consistent, reliable, and useful online data about how it spends taxpayer dollars. Read the report by the Senate Committee on Homeland Security and Governmental Affairs [here](#).

Read additional background on the Federal Funding Accountability and Transparency Act [here](#).

Committee Action: Senator Warner introduced the DATA Act on May 21, 2013, which referred to the Committee on Homeland Security and Governmental Affairs. The bill was marked-up on November 6, 2013 and adopted by voice vote and favorably reported out. On April 10, 2014 S. 994 passed the Senate by Unanimous Consent.

Outside Groups: [NTU](#) urges all Representatives to vote “YES”

Administration Position: No statement of administration policy is available at this time.

Cost to Taxpayers: [CBO](#) estimates that implementing the bill would cost \$300 million over the 2014-2018 period, assuming appropriation of the necessary amounts. The legislation also could affect direct spending by agencies not funded through annual appropriations; therefore, pay-as-you-go procedures apply. CBO estimates, however, that any net increase in spending by those agencies would not be significant. Enacting the bill would not affect revenues.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: S. 994 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

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: Senate rules do not require a statement of constitutional authority to accompany legislation when introduced.

RSC Staff Contact: Rebekah Armstrong, Rebekah.Armstrong@mail.house.gov, 202-226-0678

H.R. 3110 – Huna Tlingit Traditional Gull Egg Use Act (Young, R-AK)

Order of Business: The bill is scheduled to be considered on April 28, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: [H.R. 3110](#) would allow the Huna Indian Association to harvest eggs of glaucous-winged gulls from five locations within Glacier Bay National Park twice a year. The bill also requires the Secretary of the Interior to develop an annual harvest plan.

Committee Action: The bill was introduced on September 17, 2013, and referred to the House Committee on Natural Resources. On April 1, 2014, the Committee on Natural Resources favorable reported the bill.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: According to the Congressional Budget Office [cost estimate](#) “implementing H.R. 3110 would have no significant impact on the federal budget.”

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: According to the sponsor, Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, Clause 3.” Congressman Young’s statement in the Congressional Record can be viewed [here](#).

RSC Staff Contact: Scott Herndon, Scott.Herndon@mail.house.gov, (202) 226-2076.

H.R. 1501 – Prison Ship Martyrs’ Monument Preservation Act (Jeffries, D-NY)

Order of Business: The bill is scheduled to be considered on April 28, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: [H.R. 1501](#) requires the Secretary of the Interior to conduct a feasibility study for the

potential designation of the Prison Ship Martyr's Monument in Fort Green Park in Brooklyn, New York, as part of the National Park System. The study must include an analysis of the effect that such a designation would have on existing recreational and commercial activities and the effect it would have on energy production and infrastructure. In addition, the study must also include an analysis of the feasibility of administering the monument including an annual cost estimate. The study must also include an analysis of operations issues and the educational and economic impact the designation would have. In addition, the study must also identify the authorities that would allow the Secretary of the Interior to participate in local land use decisions, including condemnation, affecting non-federal lands if the designation took place. Land owners of adjacent property must be informed of the completion of the study and its size and scope.

Additional Information: The monument marks the site of a crypt for over 11,000 men and women who died as a result of being held on prison ships by the British during the American Revolutionary War. More information is available from the New York City Parks website [here](#).

Committee Action: The bill was introduced on April 11, 2013, and referred to the House Committee on Natural Resources. On April 1, 2014, the House Committee on Natural Resources favorably reported the bill.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: According to the Congressional Budget Office cost estimate “carrying out the study required by H.R. 1501 would cost about \$150,000.”

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: According to the bill's sponsor, “Congress has the power to enact this legislation pursuant to the following: The bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 18 of the United States Constitution.” Congressman Jeffries statement in the Congressional Record can be viewed [here](#).

RSC Staff Contact: Scott Herndon, Scott.Herndon@mail.house.gov, (202) 226-2076.

H.R. 298 — To direct the Secretary of the Interior to conduct a special resource study to evaluate the significance of the Mill Springs Battlefield located in Pulaski and Wayne Counties, Kentucky, and the feasibility of its inclusion in the National Park System (Rogers, R-KY)

Order of Business: The bill is scheduled to be considered on April 28, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: [H.R. 298](#) requires the Secretary of the Interior to conduct a feasibility study of the Mill Springs Battlefield in Kentucky for possible inclusion as a unit of the National Park System.

Committee Action: The bill was introduced on January 15, 2013 and referred to the House Committee on Natural Resources. On December 2, 2013, the Committee favorably reported the bill.

Cost to Taxpayers: According to the Congressional Budget Office [cost estimate](#) “conducting the study would cost about \$250,000 over the next three years.”

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: According to the sponsor, “Congress has the power to enact this legislation pursuant to the following: Article 4, 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.” Mr. Rogers’ statement in the Congressional Record can be viewed [here](#).

RSC Staff Contact: Scott Herndon, Scott.Herndon@mail.house.gov; 6-2076.

H.R. 4032 — North Texas Invasive Species Barrier Act of 2014 (Hall, R-TX)

Order of Business: H.R. 4032 is expected to be considered on April 28, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: H.R. 4032 would exempt the North Texas Municipal Water District from prosecution under the Lacey Act.

Additional Background: The Lacey Act prohibits the interstate transportation of certain types of “[injurious wildlife](#)” that would be harmful to interests of humans, agriculture, and native wildlife.

The North Texas Municipal Water District draws water from the Lake Texoma reservoir project that borders Texas and Oklahoma. A portion of the Texoma Pump Station is located in Oklahoma after the two states agreed to redraw their borders in 1999.

In 2010, the Fish and Wildlife Service advised the Water District that it could be in violation of the Lacey Act because [zebra mussels](#) would be transported along with the water across state lines from the pump station in Oklahoma to the water treatment facility in Texas. The Water District voluntarily suspended use of the Lake Texoma Pump Station, restricting the water supply for residents in North Texas. In December 2012, the Congress passed and the President signed into law S. 3687, the Lake Pontchartrain Basin Restoration Program Authorizations and Federal Building Designations Act, which provided relief from the Lacey Act for the Water District with respect to zebra mussels.

Because the Fish and Wildlife Service has proposed listing additional species found in Lake Texoma, including the quagga mussel, as injurious wildlife, the additional relief for the Water District offered by H.R. 4032 is necessary.

Committee Action: H.R. 4032 was introduced on February 11, 2014, and referred to the House Natural Resources Committee as well as the House Judiciary Committee. The Natural Resources Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs [held a hearing](#) on the bill on February 27, 2014. On March 13, 2014, the Natural Resources Committee [marked up](#) H.R. 4032 and reported the bill by unanimous consent. The House Judiciary Committee discharged the bill on April 10, 2014.

Cost to Taxpayers: According to [the CBO](#), H.R. 4032 “would have no significant effect on the federal budget.”

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?: According to the [Committee Report](#), H.R. 4032 “does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits.”

Constitutional Authority: “Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, Clause 18.

RSC Staff Contact: Matt Dickerson, matthew.dickerson@mail.house.gov, 6-9718

H.R. 4120 — To amend the National Law Enforcement Museum Act to extend the termination date. (Hoyer, D-MD)

Order of Business: H.R. 4120 is expected to be considered on April 28, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: H.R. 4120 extend the authority of the National Law Enforcement Officers Memorial Fund to construct a museum until November, 2016.

Committee Action: H.R. 4120 was introduced on February 28, 2014, and referred to the House Natural Resources Committee. The Natural Resources Subcommittee on Public Lands and Environmental Regulation [held a hearing](#) on the bill on March 25, 2014. On April 9, 2014, the Natural Resources Committee [marked up](#) H.R. 4120 and reported the bill by unanimous consent.

Cost to Taxpayers: According to [the CBO](#), H.R. 4120 “would have no significant effect on the federal budget.”

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?:

Constitutional Authority: “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: Matt Dickerson, matthew.dickerson@mail.house.gov, 6-9718

H.R. 930 —To authorize the Secretary of the Interior to conduct a special resource study of the archeological site and surrounding land of the New Philadelphia town site in the State of Illinois (Schock, R-IL)

Order of Business: The bill is scheduled to be considered on April 28, 2014, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: [H.R. 930](#) requires the Secretary of the Interior to conduct a feasibility study of the New Philadelphia archeological site in Illinois for possible inclusion as a unit of the National Park System.

Committee Action: The bill was introduced on February 28, 2013, and referred to the House Committee on Natural Resources. On September 20, 2013, the Committee favorably reported the bill.

Cost to Taxpayers: According to the Congressional Budget Office [cost estimate](#) “conducting the study would cost about \$250,000 over the next three years.”

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: According to the sponsor, Congress has the power to enact this legislation pursuant to the following: Article I, Section VIII of the United States Constitution.” Congressman Schock’s statement in the Congressional Record can be viewed [here](#).

RSC Staff Contact: Scott Herndon, Scott.Herndon@mail.house.gov; 6-2076.

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.*

###