

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM
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MEMORANDUM

May 6, 2022

To: Members of the Committee on Oversight and Reform

Fr: Committee Staff

Re: Committee Business Meeting

On Wednesday, May 11, 2022, at 10:00 a.m. ET, in room 2154 of the Rayburn House Office Building and over Zoom, the Committee on Oversight and Reform will hold a hybrid business meeting to consider the following:

1. HR ____, the Artificial Intelligence Training for the Acquisition Workforce Act;
2. H.R. 4176, the LGBTQI+ Data Inclusion Act;
3. H.R. 7331, the Improving Government for America's Taxpayers Act;
4. H.R. 7535, the Quantum Computing Cybersecurity Preparedness Act;
5. H.R. 521, the First Responder Fair Return for Employees on Their Initial Retirement Earned Act;
6. H.R. ____, the District of Columbia Code Returning Citizens Coordination Act;
7. H.R. ____, the Ensuring Oversight Access at the Postal Service Act;
8. H.R. 6104, the Building the Next Generation of Federal Employees Act;
9. H.R. _____, the Ensuring an Accurate Postal Fleet Electrification Act; and
10. Several Postal naming measures.

I. H.R. ____, THE ARTIFICIAL INTELLIGENCE TRAINING FOR THE ACQUISITION WORKFORCE ACT

A. Summary

The Artificial Intelligence Training for the Acquisition Workforce Act will be introduced prior to the business meeting by Chairwoman Maloney and Ranking Member Comer.

Advances in artificial intelligence (AI) technology are changing the nature of work. In order for federal workers to fully safeguard against the risks and realize the benefits of AI in the workplace, increased attention is needed at all stages of education, training, and workforce development.¹ The bill would provide acquisition employees training on ways AI can help automate routine and repetitive tasks and help them do so more safely, effectively, and efficiently.

The Act would require development and implementation of an AI training program. The training program would include information about how AI works, introductory concepts relating to the technological features of AI systems, ways AI can benefit the federal government, risks posed by AI and risk mitigation strategies, and future AI trends. The bill would require updates at least every two years to include new AI information and ensure the AI training program continues to meet the above-mentioned requirements.

B. Amendments

The Chairwoman will offer an ANS.

Staff contact: Emily Burns and Simone Herndon.

II. H.R. 4176, THE LGBTQ DATA INCLUSION ACT

A. Summary

H.R. 4176, the LGBTQ Data Inclusion Act was introduced by Rep. Raul Grijalva on June 25, 2021. The bill would require federal agencies that collect demographic survey data to assess methods for incorporating questions about sexual orientation and gender identity (SOGI) into existing surveys, where appropriate. Responses to SOGI inquiries would be voluntary.

Data on sexual orientation and gender identity would be published with the relevant agency data sets, ensuring maintenance of privacy and confidentiality standards. H.R. 4176 seeks to address existing data gaps in national SOGI information, which could expand needed funding and programmatic services to applicable demographics.

¹ National Artificial Intelligence Initiative Office, *Education and Training* (online at <https://www.ai.gov/strategic-pillars/education-and-training/>) (accessed May 2, 2022).

B. Amendments

The Chairwoman will offer an ANS.

Staff contact: Courtney Miller.

III. H.R. 7331, THE IMPROVING GOVERNMENT FOR AMERICA’S TAXPAYERS ACT

A. Summary

The Improving Government for America’s Taxpayers Act was introduced by Reps. Derek Kilmer and William Timmons on March 31, 2022. The bipartisan bill aims to improve implementation of recommendations from the Government Accountability Office (GAO) to improve government efficiency and save taxpayers money.

The bill would direct GAO to:

- Consolidate recommendations to Congress in one succinct report to be addressed to congressional leadership and relevant committees organized by topic, including the amount of time the matter has remained unimplemented;
- Include the estimated costs concerning unimplemented priority recommendations directed at agencies and anticipated cost-savings, upon implementation of those recommendations;
- Identify any additional congressional oversight actions that can help agencies implement open priority recommendations, as part of GAO’s annual reporting to agency heads and relevant congressional committees; and
- Publish the above items publicly.

B. Amendments

The Chairwoman will offer an ANS.

Staff contact: Erinn Sauer.

IV. H.R. 7535, THE QUANTUM COMPUTING CYBERSECURITY PREPAREDNESS ACT

A. Summary

The Quantum Computing Cybersecurity Preparedness Act was introduced by Reps. Ro Khanna, Nancy Mace, and Gerald Connolly on April 18, 2022.

Cryptography is the process of applying mathematical techniques to secure, or encrypt, data, preventing its access by unauthorized users.² Current cryptographic systems are resistant to decryption attempts made using classical computers but are not expected to be able to withstand the computing power of quantum computers currently under development. While the ability to decrypt data with quantum computing is still estimated to be a decade or more away, adversaries like China are expected to begin stealing sensitive encrypted data and intelligence now with the intent of decrypting it when such abilities are unlocked.³

To address this burgeoning cybersecurity threat to federal data, H.R. 7535 would require the Office of Management and Budget (OMB), within one year of the issuance of post-quantum cryptographic standards by the National Institute of Standards and Technology, to begin to prioritize the migration to post-quantum cryptography of agency information technology (IT) systems. OMB would conduct an assessment and designate and prioritize IT systems for migration using a risk-based approach. OMB would submit an annual report to Congress on progress toward transitioning federal agencies to post-quantum cryptography standards.

Within one year of enactment of the bill, OMB would be required to submit a report to Congress with a strategy to address the risk posed to federal agencies by future quantum computing decryption capabilities. The report would include the funding needed to secure federal IT systems from such risks and an analysis of coordination efforts underway with international standards development bodies to develop post-quantum cryptography standards.

B. Amendments

The Chairwoman will offer an ANS.

Staff contact: Emily Burns.

V. H.R. 521, THE FIRST RESPONDER FAIR RETURN FOR EMPLOYEES ON THEIR INITIAL RETIREMENT EARNED (RETIRE) ACT

A. Summary

The First Responder Fair Return for Employees on Their Initial Retirement Earned (RETIRE) Act was introduced by Government Operations Subcommittee Chairman Gerald Connolly on January 28, 2021. Senator Jon Tester is the sponsor of the Senate companion bill, S. 129. The bill has bipartisan support in both the House and Senate.

H.R. 521 would preserve the retirement benefits of law enforcement officers who become disabled in the line of duty and are reassigned to a different position in the civil service that is

² National Institute of Standards and Technology, *Cryptography* (online at <https://www.nist.gov/cryptography>) (accessed May 4, 2022).

³ *Report: China Likely to Steal Encrypted Data, Wait on Quantum Tech to Decrypt*, MeriTalk (Nov. 23, 2022) (online at www.meritalk.com/articles/report-china-likely-to-steal-encrypted-data-wait-on-quantum-tech-to-decrypt/).

not covered under the same retirement program. In addition to federal law enforcement personnel, the bill would apply to customs and border protection officers, firefighters, air traffic controllers, nuclear materials couriers, Capitol Police officers, Supreme Court Police, certain Central Intelligence Agency (CIA) employees, and State Department diplomatic security special agents.

The bill is endorsed by the Federal Law Enforcement Officers Association, the National Fraternal Order of Police, the National Federation of Federal Employees, the International Association of Firefighters, the National Association of Police Organizations, and the National Treasury Employees Union.

B. Amendments

The Chairwoman will offer an ANS.

Staff contact: Christina Parisi and Wendy Ginsberg.

VI. H.R. ____, THE DISTRICT OF COLUMBIA CODE RETURNING CITIZENS COORDINATION ACT

A. Summary

The District of Columbia Code Returning Citizens Coordination Act will be introduced prior to the business meeting by Rep. Eleanor Holmes Norton.. The bill would require the Federal Bureau of Prisons (BOP) to provide information to the District of Columbia government on individuals convicted of felonies under D.C. law in BOP custody. The bill is intended to improve reentry for these individuals upon release from prison.

B. Amendments

The Chairwoman will offer an ANS.

Staff contacts: Ethan Van Ness and Brad Truding.

VII. H.R. ____, THE ENSURING OVERSIGHT ACCESS AT THE POSTAL SERVICE ACT

A. Summary

The Ensuring Oversight Access at the Postal Service Act will be introduced prior to the business meeting by Congressman Gerald Connolly. The bill would prohibit the Postal Service from preventing Members of Congress from visiting Postal Service facilities for official purposes.

The Postal Service claims that the Hatch Act prevents Members of Congress from visiting Postal Service facilities within 45 days of an election. Several Members of Congress

have sought access to the Postal Service facilities in the districts they represent, only to be denied access on the basis of faulty legal reasoning.⁴

The Office of Special Counsel (OSC) wrote a letter to Committee on Oversight and Reform Chairwoman Maloney and Congressman Connolly on October 13, 2020, stating emphatically that the Hatch Act should not be used to prevent Members of Congress from executing their oversight responsibilities through tours or other actions. The OSC letter states:

OSC released an advisory opinion on February 15, 2018, concerning candidate visits to Federal agencies and generally cautioned employees that authorizing the use of Federal facilities for campaign purposes is prohibited by the Hatch Act. But the opinion made clear that Members of Congress, who are candidates for partisan political office, are not barred from visiting Federal facilities to execute their official, oversight responsibilities to include receiving briefings, tours, or other official information. This position remains unchanged.⁵

B. Amendments

The Chairwoman will offer an ANS.

Staff contacts: Ethan Van Ness and Wendy Ginsberg.

VIII. H.R. 6104, THE BUILDING THE NEXT GENERATION OF FEDERAL EMPLOYEES ACT (NEXTGEN FEDS ACT)

A. Summary

The Building the Next Generation of Federal Employees Act was introduced by Government Operations Subcommittee Chairman Gerald Connolly on December 1, 2021. It would establish a Federal Internship and Fellowship Center in the Office of Personnel Management (OPM) to improve the process of hiring individuals who have completed internships in federal agencies. The Center's head would be responsible for creating a publicly accessible website with information on executive branch internship and fellowship opportunities and to track and report on federal agency internship administration. The website would serve as a secure and interactive hub of information for prospective interns and for agencies seeking to hire them.

⁴ Letter from Chairman Gerald E. Connolly, Subcommittee on Government Operations, to Postmaster General Louis DeJoy, United States Postal Service (Oct. 13, 2020) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-10-13.GEC%20to%20DeJoy%20USPS%20Postmaster%20General%20Site%20Visit.pdf>).

⁵ Letter from Ana Galindo-Marrone; Chief, Hatch Act Unit; U.S. Office of Special Counsel; to Chairwoman Carolyn B. Maloney and Chairman Gerald E. Connolly, Committee on Oversight and Reform (Oct. 13, 2020) (online at https://oversight.house.gov/sites/democrats.oversight.house.gov/files/OSC%20Hatch%20Act%20Letter_October%202020.pdf).

The Center would be tasked with providing support for federal agency managers to improve intern and fellow recruitment, engagement and hiring. Every two years, agencies would provide their plans on administering internship programs, which the Center head would review for certification. Internship coordinators at each agency would annually report to the Center on the sponsoring agency's internship program operations and data on its participants, including feedback received through exit interviews with interns who have completed an internship. OPM would submit to Congress an annual report summarizing these reports received from agencies.

Attracting a younger cohort of federal employees is especially important as the federal workforce is aging. It is estimated that 30% of current employees are eligible for retirement in the next five years.

B. Amendments

The Chairwoman will offer an ANS.

Staff contacts: Christina Parisi and Wendy Ginsberg.

IX. H.R. ____, THE ENSURING AN ACCURATE POSTAL FLEET ELECTRIFICATION ACT

A. Summary

The Ensuring an Accurate Postal Fleet Electrification Act will be introduced prior to the business meeting by Chairwoman Maloney. This bill would invalidate the environmental impact statement (EIS) that the Postal Service filed as part of its contract with Oshkosh Defense to produce the Next Generation Delivery Vehicle and require the Postal Service to produce a new EIS.

The EIS produced by the Postal Service had substantial flaws. In a February 2, 2022, letter to the Postal Service, the Environmental Protection Agency (EPA) stated that “the final EIS remains seriously deficient.” EPA went on to state:

A contract for this proposal was awarded prior to the NEPA [National Environmental Policy Act] process, critical features of the contract are not disclosed in the EIS, important data and economic assumptions are missing in the EIS, and the EIS failed to consider a single feasible alternative to the proposed action. Specifically, the final EIS does not disclose essential information underlying the key analysis of Total Cost of Ownership (TCO), underestimates greenhouse gas (GHG) emissions, fails to consider more environmentally protective feasible alternatives, and inadequately considers impacts on communities with environmental justice concerns. These deficiencies render the final EIS inconsistent with the requirements of NEPA and its implementing regulations. For these reasons, EPA concludes that the relevant portions of the final EIS should be revised and made available for public comment in a supplemental EIS.⁶

⁶ Letter from Vicki Arroyo, Associate Administrator, U.S. Environmental Protection Agency, to Jennifer Beiro-Réveillé, Senior Director of Environmental Affairs and Corporate Sustainability, U.S. Postal Service (Feb. 2,

Despite these concerns, on March 24, 2022, the Postal Service placed its initial purchase order with Oshkosh for 50,000 vehicles, of which a minimum of 10,019 will be electric. The purchase order is worth \$2.98 billion. The first vehicles are expected to begin appearing on routes in late 2023.⁷

B. Amendments

The Chairwoman will offer an ANS.

Staff contacts: Ethan Van Ness.

X. POSTAL NAMING MEASURE

- H.R. 228, “To designate the facility of the United States Postal Service located at 2141 Ferry Street in Anderson, California, as the ‘Norma Comnick Post Office Building.’”
- H.R. 6494, “To designate the facility of the United States Postal Service located at 114 North Magnolia Street in Elmwood, Illinois, as the "Corporal Benjamin Desilets Post Office.””
- H.R.7417, “To designate the facility of the United States Postal Service located at 120 East Oak Avenue in Seminole, Oklahoma, as the "Sergeant Bret D. Isenhower Memorial Post Office Building.””
- H.R.7514, “To designate the facility of the United States Postal Service located at 345 South Main Street in Butler, Pennsylvania, as the "Andrew Gomer Williams Post Office Building.””
- H.R.5976, “To designate the facility of the United States Postal Service located at 101 West Walnut Street in Watseka, Illinois, as the "Sgt. Jeremy C. Sherman Post Office Building.””

XI. AMENDMENT PROCESS

Committee Rule 2(g) authorizes the chair of the Committee to prioritize the consideration of amendments filed 24 hours in advance of the consideration of matters before the Committee or subcommittees. Pursuant to this rule, and at the chair’s discretion, the Committee may consider amendments that are pre-filed with the Committee clerk prior to amendments offered at a markup.

2022) (online at <https://int.nyt.com/data/documenttools/epa-letter-usps/c3d0d76b005345e5/full.pdf>).

⁷ United States Postal Service, *Press Release: USPS Places Order for 50,000 Next Generation Delivery Vehicles; 10,019 to Be Electric* (Mar. 24, 2022) (online at <https://about.usps.com/newsroom/national-releases/2022/0324-usps-places-order-for-next-gen-delivery-vehicles-to-be-electric.htm>).

Members should pre-file amendments with the clerk of the Committee by emailing a searchable, electronic PDF copy of the amendment prepared by the House Legislative Counsel to Oversight_Clerks@mail.house.gov and to Christina Parisi at Christina.Parisi@mail.house.gov at least 24 hours before the scheduled start of the business meeting. Members should include in the email accompanying the amendment text:

1. The name(s) of the Member(s) who will offer the amendment;
2. The name and number of the measure to be amended;
3. A brief, one-sentence description of the amendment; and
4. The name and phone number of a staff member who will serve as the point of contact for the amendment.

Pre-filed amendments will be compiled into a single roster, and the roster will be made available to Committee members prior to business meetings. Any amendment to a measure or matter before the Committee or a subcommittee should be germane to the measure or matter, including in scope, subject matter, and Committee consideration. Votes on amendments likely will be grouped together at a time determined by the chair, pursuant to Committee Rules.