

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM
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MEMORANDUM

July 11, 2022

To: Members of the Committee on Oversight and Reform

Fr: Committee Staff

Re: Committee Business Meeting

On Thursday, July 14, 2022, at 9:30 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. H.R. 4258, the Improving Digital Identity Act;
2. H.R. _____, the Strengthening Tools to Obstruct and Prevent Fraud Act of 2022;
3. H.R. 7602, the Preventing Organizational Conflicts of Interest in Federal Acquisition Act;
4. H.R. _____, the Restoring a Fair and Accurate Census Act;
5. H.R. _____, the Preventing Personal Conflicts of Interest in Federal Acquisition Act;
6. H.R. 6548, the Justice in Power Plant Permitting Act; and
7. Several postal naming measures.

I. H.R. 4258, THE IMPROVING DIGITAL IDENTITY ACT

A. Summary

H.R. 4258, the Improving Digital Identity Act, was introduced on June 30, 2021, by Representatives Bill Foster, John Katko, James R. Langevin, and Barry Loudermilk.

Recent estimates place the cost of identity fraud in the U.S. at \$52 billion in 2021, impacting 42 million consumers and threatening access to both public and private sector

services.¹ Experts have recognized the need for a streamlined approach across federal, state, and local governments, in coordination with the private sector, to strengthen the country's digital identity infrastructure against this threat.²

In 2017, the General Services Administration (GSA) launched Login.gov to provide simplified sign-in and identity verification for the public across multiple government websites.³ GSA has also advocated for the development of attribute verification capabilities by leveraging authoritative sources across government agencies, including the U.S. Postal Service, the State Department, and the Social Security Administration.⁴ One such model is the electronic Consent Based Social Security Number Verification Service recently developed by the Social Security Administration to provide Social Security number verification services to financial institutions.⁵

While seeking to enhance security and improve the customer experience, it is also imperative that digital identity management protect privacy and civil liberties and ensure equitable access to government services. On these measures, the effectiveness of existing government digital identity approaches presents cause for concern, particularly with the use of facial recognition technology in federal, state, and local government contracts with companies like ID.me.⁶

To address these issues, H.R. 4258 would establish the Improving Digital Identity Task Force (Task Force) to facilitate a government-wide effort to protect and verify digital identity. The Task Force would be led by a director appointed by the President, and would be composed of representatives from federal, state, and local government.

The Task Force would be responsible for identifying government entities that issue or possess information related to identity, as well as their ability to contribute to coordinated, improved processes for identity verification. The Task Force would be required to issue

¹ Javelin, *2022 Identity Fraud Study: The Virtual Background* (Mar. 28, 2022) (online at <https://javelinstrategy.com/2022-Identity-fraud-scams-report>).

² Commission on Enhancing National Cybersecurity, *Report on Securing and Growing the Digital Economy* (Dec. 1, 2016) (online at <https://nsarchive.gwu.edu/document/22389-document-12-commission-enhancing-national>); Better Identity Coalition, *Better Identity in America: A Blueprint for Policymakers* (July 2018) (online at https://static1.squarespace.com/static/5a7b7a8490bade8a77c07789/t/5d07cd2eca832a0001656624/1560792371066/Better_Identity_Coalition%2BBlueprint%2B-%2BJuly%2B2018.pdf).

³ Login.gov, *About Us* (online at <https://login.gov/about-us/>) (accessed July 7, 2022).

⁴ *Agencies Look to Bring Cohesion to Digital Identity Projects*, Federal News Network (Jan. 24, 2022) (online at <https://federalnewsnetwork.com/big-data/2022/01/agencies-look-to-bring-cohesion-to-digital-identity-projects/>).

⁵ Social Security Administration, *Information About eCBSV* (online at www.ssa.gov/dataexchange/eCBSV/) (accessed July 7, 2022).

⁶ Committee on Oversight and Reform, *Press Release: Maloney and Clyburn Launch Investigation into Use of ID.me Facial Recognition Technology in Public Services* (Apr. 14, 2022) (online at <https://oversight.house.gov/news/press-releases/maloney-and-clyburn-launch-investigation-into-use-of-idme-facial-recognition>).

recommendations to improve digital identity verification services in ways that enhance security and privacy while prioritizing consumer consent, and to assess the risks associated with digital identity verification.

Additionally, H.R. 4258 would establish a program at the Department of Homeland Security to provide innovation grants to states to support the development of secure, interoperable identity credentialing systems used in digital identity verification.

B. Amendments

The Chairwoman will offer an amendment in the nature of a substitute (ANS).

Staff contact: Emily Burns.

II. H.R. _____, THE STRENGTHENING TOOLS TO OBSTRUCT AND PREVENT FRAUD ACT OF 2022

A. Summary

The Strengthening Tools to Obstruct and Prevent Fraud Act of 2022 was introduced by Chairman Gerald E. Connolly on July 11, 2022. The bill seeks to foster a federal government focus on the reduction of improper payments and fraud by removing unnecessary compliance requirements and incentivizing use of data analytics and other tools to proactively prevent waste, fraud, and abuse.

Despite rigorous annual reporting requirements related to identifying improper payments and their causes, they have steadily risen from \$35 billion in 2004 to \$281 billion in 2021, according to the Government Accountability Office. The STOP Fraud Act would establish a dedicated antifraud office, known as the Federal Real Antifraud Unified Directorate (FRAUD), within the Office of Management and Budget. The Office would assist agencies in using best practices to prevent and reduce fraud and provide technical support to all agencies to help them create outcome-focused initiatives that save taxpayer dollars. It would also establish an online, public dashboard to tracks cost savings, cost avoidance, and burden reduction those who qualify for federal program funding.

The bill would set new, clearer standards for designating programs as high risk or lower risk for fraud and improper payments. It would also require agencies operating programs with a high fraud risk to implement proactive, preventative, and analytics-driven programs to prepare for, detect, and respond to fraud threats and to demonstrate meaningful progress over a two-year period in measuring and reducing improper payments.

The bill requires agencies with programs that have a lower fraud risk to identify and develop at least one data analytics project aimed at reducing fraud and improper payments in those programs. To incentivize agencies, the bill would authorize them to retain and reinvest a portion of dollars retrieved through anti-fraud activities in technologies and activities related to preventing and combating fraud and reducing improper payments.

B. Amendments

The Chairwoman will offer an ANS.

Staff contact: Ethan Van Ness and Wendy Ginsburg.

III. H.R. 7602, THE PREVENTING ORGANIZATIONAL CONFLICTS OF INTEREST IN FEDERAL ACQUISITION ACT

A. Summary

H.R. 7602, Preventing Organizational Conflicts of Interest in Federal Acquisition Act, was introduced by Chairwoman Carolyn B. Maloney on April 27, 2022. The bill was introduced as a companion to S. 3905, which was introduced by Senator Peters with bipartisan support. The Senate bill was reported favorably out of the Homeland Security and Government Affairs Committee on May 25, 2022, as amended. The bill would update and strengthen the rules governing the organizational conflicts of interest (OCIs) of government contractors.

OCIs may exist when a contractor's competing interests raises questions on their ability to render impartial advice to the government, which is particularly significant for consulting contracts and for other professional services. The bill would require regulatory updates to the definitions, rules, and contract clauses governing OCIs that apply to the procurements of almost all executive agencies through the Federal Acquisition Regulation.

B. Amendments

The Chairwoman will offer an ANS.

Staff contact: James Rhodes.

IV. H.R. _____, THE ENSURING A FAIR AND ACCURATE CENSUS ACT

A. Summary

The Ensuring a Fair and Accurate Census Act was introduced by Chairwoman Carolyn B. Maloney on July 11, 2022. The bill takes important steps to enhance the independence and transparency of the Census Bureau. Decennial census results govern the distribution of \$1.5 trillion in federal spending, apportionment of seats in the House of Representatives, and allocation of an enormous amount of private sector investments.

The bill would provide transparency into the budgetary and operational planning of the Bureau, by requiring five-year projections with every submitted budget. The Secretary of Commerce would be required to submit the budget of the Census Bureau to the Committee when it is transmitted to the President. The Secretary would also be required to biannually submit a report to Congress on the operational plans for the next decennial census. Taken together, these measures promote accountability regarding the decennial census.

The Ensuring a Fair and Accurate Census Act would vest operational decisions solely with the Director of the Census Bureau. It would require the appointment of a Deputy Director of the Bureau with career experience and technical expertise. The bill would also permit the Census Bureau to have no more than three political appointees.

The bill would codify the Census Bureau's advisory committees—including those on statistical and scientific standards. The Secretary of Commerce would be required to certify that any new questions on a decennial census have been researched, studied, and tested in accordance with best practices—with subsequent GAO review of the Secretary's certification.

B. Amendments

The Chairwoman will offer an ANS.

Staff contact: Courtney Miller.

V. H.R. _____, THE PREVENTING PERSONAL CONFLICTS OF INTEREST IN FEDERAL ACQUISITION ACT

A. Summary

The Preventing Personal Conflicts of Interest in Federal Acquisition Act will be introduced by Chairwoman Maloney before the July 14, 2022, business meeting. The bill would expand the current rules governing personal conflicts of interest (PCIs), which are conflicts that are unique to the individual employees of a covered government contractor. Specifically, the bill would extend coverage to employees of contractors that support the regulatory, policymaking, and adjudicative functions of an executive agency, as well as other key functions with increased risks of conflicts.

The bill would also:

- Prohibit contractors from advising an executive agency on sensitive matters while concurrently working with entities regulated by the agency;
- Require these contractors to disclose their recent work for clients regulated by the agency; and
- Set civil penalties for certain violations of these rules.

B. Amendments

The Chairwoman will offer an ANS.

Staff contacts: James Rhodes.

VI. H.R. 6548, THE JUSTICE IN POWER PLANT PERMITTING ACT

A. Summary

H.R. 6548, the Justice in Power Plant Permitting Act, was introduced on February 1, 2022, by Chairwoman Carolyn B. Maloney.

Minority communities are disproportionately harmed by pollution across the United States, and recent studies reveal that Black Americans and low-income communities face significantly higher exposure to fine particulate matter air pollution, which is responsible for up to 200,000 deaths per year.⁷

H.R. 6548 would advance the equitable transition to a clean energy economy by preventing the permitting of major sources of air pollution like fossil fuel-fired power plants, as well as other fossil fuel-fired sources within one mile of a major source, if the cumulative effects of such pollution would harm local communities. This would be accomplished by requiring a cumulative impacts analysis to determine the burden of pollution on the health and well-being of local communities. The bill would also establish a \$10 billion Just Energy Transition Fund to support clean energy projects to replace plants that cannot be permitted or re-permitted under the new law.

The Committee will consider Section 3 of the bill, which would ensure that the federal government is a partner in reducing greenhouse gas emissions and hazardous air pollutants by requiring it to use 100% renewable, air pollution-free energy by 2030. The bill would accomplish this by amending the federal purchasing requirement for renewable energy in Section 203 of the Energy Policy Act of 2005, and by prioritizing the transition to air pollution-free renewable energy impacting susceptible subpopulations or environmental justice communities.⁸

Section 3 would also authorize federal agencies to enter into contracts of up to 40 years for air pollution-free renewable energy or battery storage powered by such energy. Currently, contracts for public utility services are generally limited to ten years, but the Select Committee on the Climate Crisis has recommended extended contract lengths of up to 40 years as a strategy to incentivize investments in clean electricity.⁹

⁷ Maninder P.S. Thind, et al., *Fine Particulate Air Pollution from Electricity Generation in the US: Health Impacts by Race, Income, and Geography*, Environmental Science & Technology (Nov. 20, 2019) (online at <https://pubs.acs.org/doi/10.1021/acs.est.9b02527>); Christopher W. Tessum, et al., *PM_{2.5} Polluters Disproportionately and Systematically Affect People of Color in the United States*, Science (Apr 28, 2021) (online at www.science.org/doi/10.1126/sciadv.abf4491).

⁸ 42 U.S.C. §15825.

⁹ House Select Committee on the Climate Crisis, *Solving the Climate Crisis: The Congressional Action Plan for a Clean Energy Economy and a Healthy, Resilient, and Just America* (June 2020) (online at <https://climatecrisis.house.gov/sites/climatecrisis.house.gov/files/Climate%20Crisis%20Action%20Plan.pdf>).

B. Amendments

The Chairwoman will offer an amendment in the nature of a substitute (ANS).

The Select Committee on the Climate Crisis also recommended that extended contracts for public utility services “should meet high-road labor standards and should provide local benefits to economically disadvantaged and historically marginalized communities, including tribal communities.”¹⁰ In keeping with this recommendation, the ANS would, among other things, amend Section 3 to require the newly-authorized 40-year contracts to pay prevailing wages and to prioritize project labor agreements that advance employment for dislocated energy workers, members of impacted susceptible communities, and residents of environmental justice communities.

Staff contact: Emily Burns and Harry Manin.

VII. POSTAL NAMING MEASURES

- H.R. 7873, “To designate the facility of the United States Postal Service located at 400 Southern Avenue Southeast in Washington, District of Columbia, as the ‘District of Columbia Servicemembers and Veterans Post Office.’”
- H.R. 8025, “To designate the facility of the United States Postal Service located at 100 South 1st Street in Minneapolis, Minnesota, as the ‘Martin Olav Sabo Post Office.’”
- H.R. 8026, “To designate the facility of the United States Postal Service located at 825 West 65th Street in Minneapolis, Minnesota, as the ‘Charles W. Lindberg Post Office.’”
- H.R. 8217, “To designate the facility of the United States Postal Service located at 430 South Knowles Avenue in New Richmond, Wisconsin, as the ‘Captain Robert C. Harmon and Private John R. Pierson Post Office Building.’”
- H.R. 8218, “To designate the facility of the United States Postal Service located at 619 Hewett Street in Neillsville, Wisconsin, as the ‘Corporal Mitchel Red Cloud, Jr. Post Office.’”
- H.R. 8248, “To designate the facility of the United States Postal Service located at 609 Portsmouth Avenue in Greenland, New Hampshire, as the ‘Chief Michael Maloney Post Office Building.’”

¹⁰ *Id.*

VIII. 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.

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.