

Full Committee Business Meeting
Committee on Oversight and Accountability
10:00 AM, Wednesday, April 10, 2024
Rep. Gerald E. Connolly (D-VA)

H.R. 7109, the Equal Representation Act

When Democrats took the majority in the House in 2018, I was asked what our top oversight projects were going to be. Initially, when I said the Census, it elicited surprise and even laughs, but today we know an accurate Census is essential to ensure we fairly represent each and every person in America. In March of 2018, the Trump Administration and its partisan Census Bureau attempted to undermine this critical endeavor. Former Secretary Wilbur Ross planned to add a citizenship question which would have violated the Constitution, targeted minorities, and reduced response rates. I joined my colleague and friend, the late Chairman Elijah Cummings, in leading the fight against this question and later, partnered with then-Chairwoman Maloney to block the Trump Administration from cutting off the census deadline early which would have excluded undocumented immigrants from the Census count. Our Committee's dogged oversight work prevented these illegal and immoral attempts to subvert democracy. Rep. Edwards's bill is yet another unconstitutional effort to deter immigrant communities' participation and degrade its accuracy. The 14th Amendment of the Constitution clearly states that the apportionment of seats in the House of Representatives is based on a count of "the whole number of persons in each State." There is no mention of citizenship or immigration status, and there is no need to change the way our nation allocates House seats since its ratification in 1868. Furthermore, an inaccurate census will skew the fair distribution of federal resources for the next decade and deprive cities and towns of their fair share of federal support. I urge my colleagues to join me in voting "nay" against this bill that is cynical and counterproductive to the mission of the Census.

H.R. 7867, Renewing Efficiency in Government by Budgeting Act

I am strongly against Rep. Fallon's Renewing Efficiency in Government by Budgeting Act, which will ultimately undermine public health, safety, and environmental protections. The bill amends the Unfunded Mandates Reform Act of 1995 (P.L. 104-4), which already requires federal agencies to publish a detailed statement—including assessments of the anticipated costs and benefits, as well as alternatives—before promulgating a notice of proposed rulemaking expected to cost state, Tribal, or local governments or the private sector more than \$100 million in a year. The REG Budgeting Act continues the Majority's crusade against federal regulations by effectively prohibiting new regulations without the approval of Congress, focusing only on the costs of rules without considering the corresponding benefits, and creating duplicative and onerous new hurdles in the rulemaking process. Furthermore, the bill would require the Office of Management and Budget (OMB) to establish a limit on the total cost to states, Tribal governments, local governments, and the private sector of new regulations promulgated by the federal government in the next fiscal year, as well as individual limits for each agency and if such limits on new costs are above zero, Congress would need to approve them. As a result, OMB would be required to submit reports to Congress on both the governmentwide and agency-specific limits explaining their bases and purposes, which would be made publicly available on a website and generally, agencies would be prohibited from finalizing rules with any associated costs until such reports are provided to Congress. This law would impose sweeping limits against all agency rules no matter their content, require burdensome reporting requirements, limit agencies' ability to respond to emerging issues or adapt regulations to changing circumstances, and ultimately gridlock Congress – something we are already very familiar with in the 118th.

H.R. 7868, a bill to Require the Director of the Office of Personnel Management to take Certain Actions with Respect to the Federal Employee Health Benefits Program

While transparency and oversight are critical to the health and wellness of government programs, I cannot support Rep. Waltz's bill. H.R. 7868 fails to allocate the Office of Personnel Management (OPM) any additional funds, and yet directs the agency to establish a mandatory program for employing agencies to verify new enrollees and individuals added for a qualifying life event (marriage, birth or adoption of a child, death, etc). The bill would also require the OPM Director to conduct a comprehensive audit of existing enrollees to verify the eligibility of dependents and spouses. Without additional resources, these provisions are not just unrealistic, they are impossible. OPM's estimates from 2022 indicate that an audit of the Federal Employees Health Benefits (FEHB) Program could cost between \$40M and \$120M due to the size and nature of the program. To put this in perspective, the total operating budget for OPM's Health and Insurance (HI) division, the program office that manages the FEHB program, is approximately \$40M annually, meaning the audit required by the H.R. 7868 could cost up to three times the current operating budget of the program office that would need to conduct it. Then, from an organizational perspective, we cannot forget that the FEHB program has been a decentralized enrollment model since its inception. Employing agencies are responsible for enrolling participants and therefore are also responsible for the verification of enrollment. OPM recognizes that this decentralized system has challenges and contributes to the issues underlying improper enrollments, which is why OPM has a vision to modernize the FEHB program by centralizing enrollment. However, in the interim, the current legislative language would require a centralized audit of an inherently decentralized system. I urge my colleagues to provide OPM with the necessary resources before directing them to undertake such an immense this endeavor.

H.R. 7524, the GSA Technology Accountability Act

The General Services Administration (GSA) has hardly covered itself in glory. On issues ranging from the FBI headquarters to the Old Post Office to ascertainment of the winner of the 2020 Presidential election, GSA has repeatedly made misrepresentations to Congress, sidestepped agency policy and the Constitution, and disregarded both the letter and spirit of the law. As the Ranking Member of the Cybersecurity, Information Technology, and Government Innovation Subcommittee, I am familiar with GSA's strong IT leadership; so was deeply disappointed when the GSA Office of Inspector General (OIG) found that employees at the Technology Transformation Services and 18F misled customers and stakeholders about the security capabilities of its Login.gov project. And that is not even the most recent incident. This past February, the OIG released yet another report uncovering "egregiously flawed" market research that led to the procurement of security compromised cameras that were connected to the heart of our government's procurement center. For these reasons, I am cosponsoring the GSA Technology Accountability Act, in hopes that it will provide an opportunity for GSA to regain the trust of the American people. H.R. 7524 would require the GSA to submit a yearly report to the House Committee on Oversight and Accountability and the Senate Committee on Homeland Security and Governmental Affairs regarding spending from two funds: the Citizen Services Fund and the Acquisition Services Fund. The bill would prohibit GSA from expending funds from the Citizen Services Fund or the Acquisition Services Fund unless such a report has been submitted which would include information on the nature of the project, project progress and timeline, costs, and any applicable reimbursements or an explanation for any lack of reimbursements. I look forward to continuing to ensure that future federal IT work is done safely, securely, and efficiently.

H.R. ____, the Allowing Contractors to Choose Employees for Select Skills (ACCESS) Act

While I have supported numerous efforts to reform our federal hiring process and welcome the diversity of our country into the federal workforce, this bill would create a blanket reporting requirement that would be unnecessarily burdensome for federal agencies in the many instances in which minimum education or experience requirements are commonly understood to be necessary. Beginning 180 days after enactment, the ACCESS Act would prohibit federal agencies from specifying minimum experience or educational requirements for contractor personnel in solicitations without a written justification explaining why such requirements are necessary; contracting officers would be required to determine, justify, and review each education or experience requirement separately; within 60 days of enactment, OMB would be required to issue guidance for implementing the prohibition, including instructions on how alternative certifications, industry-recognized credentials, and work-based learning programs may satisfy education and work experience requirements when they are included in solicitations; and the Government Accountability Office would also be required to submit a report to Congress on agency compliance with the prohibition 18 months after enactment. Simply put, we cannot attempt to get rid of one set of inefficiencies by immediately replacing it with another. As a co-lead of the Chance to Compete Act of 2023 alongside Rep. Virginia Foxx, I hope members on this committee can come together to support a more tailored approach that creates accountability when warranted without imposing an unhelpful check-the-box hurdle in the federal contracting process.

H.R. 272, the Astronaut Safe Temporary Ride Options (ASTRO) Act

As a champion of federal workers, their safety, and the safety of our roads, I am proud to support H.R. 272, Astronaut Safe Temporary Ride Options (ASTRO) Act. This bill would allow astronauts returning from space to receive home-to-work transportation which is already permitted on a case-by-case basis. The National Aeronautics and Space Administration (NASA) gathers and analyzes data on how humans change in zero-gravity and how they re-acclimate upon return to Earth. As NASA has already determined that astronauts should not drive motor vehicles for two weeks, though in some cases more time is needed, we should respect this finding and provide our space travelers with the necessary accommodations to continue to safely serve.

H.R. 3019, the Federal Prison Oversight Act

Rep. Lucy McBath's bill, the Federal Prison Oversight Act, would increase transparency and oversight of the Bureau of Prisons (BOP) by requiring the Department of Justice Office of Inspector General (DOJ OIG) to conduct periodic inspections of policies, procedures, and activities at BOP-operated correctional facilities. These inspections may include: reviews of facility policies and procedures; inmate confinement conditions; working conditions and staffing capabilities; policies and procedures related to housing, confinement, and other restrictive housing; health care programs and services for incarcerated people; and complaints of violence and abuse against incarcerated people and staff. This bill would also require the Inspector General to develop and submit a report with recommendations to address identified facility issues to Congress and other entities and establish an Ombudsman within the DOJ that would be charged with receiving complaints related to issues at BOP-operated facilities that may "adversely affect the health, safety, welfare, or rights of incarcerated people or staff." The Ombudsman would refer complaints where necessary to appropriate entities, and direct or recommend investigations and additional actions to appropriate entities. Federal prisons have experienced systemic problems that have contributed to significant consequences on the health and safety of incarcerated people. National Public Radio has reported that more than 4,950 incarcerated people died in BOP-operated facilities in the last ten years, and many incarcerated people either experienced delayed care or postponed care for serious medical issues. I strongly support this bill to improve the health and safety of both staff and incarcerated people.

H.R. 7869, the U.S. Customs and Border Protection Officer Retirement Technical Corrections Act

As the former Chairman of Government Operations, I strongly support the U.S. Customs and Border Protection Officer Retirement Technical Corrections Act. H.R. 7869 would address a U.S. Customs and Border Protection (CBP) error involving approximately 1,200 officers after in 2008, CBP erroneously told these officers they were eligible for an enhanced retirement benefit without certain mandatory retirement requirements, also known as a proportional annuity. Several years later, OPM issued guidance with a different interpretation of the law's requirements. Over a decade later, CBP finally realized its retirement policy toward this group of officers did not align with the law and CBP rescinded these officers' eligibility for a proportional annuity in 2021. The bill directs CBP to rightfully reinstate the proportional annuity for the affected officers and includes a retroactive annuity adjustment for eligible individuals who retire before the date of enactment of this bill.