

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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MEMORANDUM

September 11, 2020

To: Members of the Committee on Oversight and Reform

Fr: Majority Staff

Re: Committee Business Meeting

On **Wednesday, September 16, 2020, at 10:00 a.m. ET, in room 2154 of the Rayburn House Office Building and over WebEx**, the Committee will hold a business meeting to consider the following:

1. H.R. 7936, the Federal Employee Access to Information Act;
2. H.R. _____, the GAO Mandates Revision Act;
3. H.R. 4382, the Integrity Committee Transparency Act;
4. H.R. 7107, the Plum Act;
5. H.R. 4774, the Internet of Things Cybersecurity Training for Federal Employees Act;
6. H.R. 5901, the Technology Modernization Centers of Excellence Program Act;
7. H.R. 7340, the Chai Suthammanont Remembrance Act;
8. H.R. 7496, the COVID PREPARE Act;
9. H.R. 7548, the Made in America: Preparation for a Pandemic Act;
10. H.R. 8109, the Nonpartisan Postmaster General Act; and
11. Several postal naming measures.

I. H.R. 7936, THE FEDERAL EMPLOYEE ACCESS TO INFORMATION ACT

A. Summary

H.R. 7936 was introduced by Chairwoman Carolyn B. Maloney and Subcommittee on Government Operations Chairman Gerald E. Connolly on August 4, 2020. Senator Patrick Leahy has introduced a companion bill in the Senate, S. 4438.

The legislation would protect federal employees from retaliation for filing Freedom of Information Act (FOIA) or Privacy Act requests. It would prohibit a government employer from taking or failing to take, or threatening to take or fail to take, any personnel action against any employee or applicant for employment in retaliation for requesting information under FOIA or the Privacy Act, or for pursuing any administrative or judicial action related to such a request.

B. Amendments

A substitute amendment may be offered, and additional amendments are possible

Staff contact: Brandon Rios at (202) 225-5051.

II. H.R. ____, THE GAO MANDATES REVISION ACT

A. Summary

H.R. ____, the Government Accountability Office (GAO) Mandates Revision Act, was introduced on September 11, 2020, by Representatives Jody Hice and Brenda Lawrence.

The Act would shift the responsibility for annual audits of Troubled Asset Relief Program (TARP), Federal Housing Finance Agency (FHFA) and Consumer Financial Protection Bureau (CFPB) financial statements from GAO to other auditing entities. Congress has required GAO to audit the financial statements of certain entities when, for example, a new entity is established. Now that these entities have been in existence for almost a decade, the financial management challenges and risks are lower. GAO issued clean opinions on recent audits of these agencies.

The bill also would amend the Federal Civil Penalties Inflation Adjustment (FCPIA). Because agencies have completed their initial “catch-up” civil penalties inflation adjustment and generally met the reporting requirements in agency annual reports, the benefits from additional audits are limited.

B. Amendments

A substitute amendment may be offered.

Staff contact: Erinn Saur at (202) 225-5051.

III. H.R. 4382, THE INTEGRITY COMMITTEE TRANSPARENCY ACT

A. Summary

H.R. 4382 was introduced by Subcommittee on Government Operations Chairman Connolly, then-Chairman Elijah J. Cummings, and then-Ranking Member Mark Meadows on September 18, 2019.

The bill would require the Integrity Committee within the interagency Council of the Inspectors General on Integrity and Efficiency (CIGIE)—the entity that holds Inspectors General (IGs) themselves accountable—to operate in a more open and transparent manner. The Act would ensure that the Integrity Committee expeditiously provides thorough information in requests and reports to Congress regarding allegations of wrongdoing against senior officials in any of the 74 federal IG offices. The IG community, which roots out waste, fraud, abuse, and gross mismanagement throughout the federal government, should consistently operate in a manner that instills trust and professionalism.

Specifically, the Act would require more regular reporting requirements for requests of deadline extensions for ongoing investigations and require the Integrity Committee to make available to Members of Congress descriptions and evaluations of allegations of wrongdoing that are not referred for further investigation. Mandatory semi-annual reports to Congress on the nature and number of allegations received by the Integrity Committee would further increase accountability to Congress and the public. To further the independence of the Integrity Committee—which is comprised of three current IGs, an official from the Office of Government Ethics, and an official from the Federal Bureau of Investigation—the bill also would require the appointment of a former Inspector General to serve as a member of the Integrity Committee.

B. Amendments

A substitute amendment will be offered.

Staff contact: Wendy Ginsberg at (202) 225-5051.

IV. H.R. 7107, THE PLUM ACT

A. Summary

H.R. 7107, the Periodically Listing Updates to Management Act of 2020 (PLUM Act), was introduced by Chairwoman Maloney, Subcommittee on Government Operations Chairman Connolly, and Rep. John Sarbanes on June 4, 2020. Senator Thomas Carper introduced a companion bill in the Senate, S 3896, and the bill was amended and reported favorably by the Committee on Homeland Security and Government Affairs (HSGAC) on July 22, 2020.

The PLUM Act would increase the transparency of senior leaders of the Executive Branch by requiring the Office of Personnel Management (OPM) to establish and maintain a current, publicly available directory of senior government leaders online. Currently, a

comprehensive list of positions appointed by the President is available only once every four years in a publication referred to as the “Plum Book.” The Plum Book provides only a snapshot in time and does not reflect changes that occur between publications, often making current information about senior Administration officials outdated and difficult to find.

The PLUM Act would implement recommendations made by GAO and the Administrative Conference of the United States. It would require OPM to develop and maintain a publicly accessible website with data on senior leaders in government that meets modern data standards, require all federal agencies to share data with OPM on senior officials, and require OPM to coordinate with the White House every six months to confirm that information is complete, accurate, reliable, and up-to-date.

B. Amendments

A substitute amendment may be offered, and additional amendments are possible.

Staff contact: Erinn Sauer at (202) 225-5051.

V. H.R. 4774, THE INTERNET OF THINGS CYBERSECURITY TRAINING FOR FEDERAL EMPLOYEES ACT

A. Summary

H.R. 4774 was introduced by Representative Ro Khanna on October 21, 2019. The legislation would require each federal agency to ensure that its personnel have been trained in cybersecurity and the risks related to internet-connected devices.

B. Amendments

The majority will offer a substitute amendment which may make the following changes.

Within one year of enactment, the legislation would require the Office of Management and Budget (OMB), in coordination with the Office of Electronic Government, to establish a five-year pilot program to enhance remote cyberthreat training.

The program would be established and operated jointly with at least six Federal CFO agencies through an interagency agreement. The program would provide virtual, scenario-based, and hands-on training and certification to employees of the participating agencies. Topics would include the implementation of information security policies, operational and technical cybersecurity, and laws and regulations that address government-wide cybersecurity risks or incidents, cyber-readiness of federal employees, and agency preparedness.

The program would be required to use industry recognized certification for training on operational and technical cybersecurity skills. It also would assist each agency with tools to conduct the training on an ongoing basis, ensuring employees have uninterrupted access to up-to-

date cybersecurity information. The program would conduct real-time tracking and monitoring of employee certification and preparedness.

Within one year of enactment, OMB would submit to Congress a report on the pilot program that details its results and any recommendations to expand the program government-wide.

The legislation also would amend section 3554 of title 44 to direct the head of each agency to consider threats from emerging technologies when developing the agency's information security program, and to provide leadership development training to ensure effective use and management of such technologies.

The legislation would further amend section 3554 to require agency-wide information security awareness training to cover cyber-hygiene best practices. This training requirement would apply to federal employees, contractors, and other users of agency information systems. OMB would be required to publish guidelines associated with sections 3553 and 3554 of title 44 and to define the terms "cyber-hygiene," "emerging technology," "emerging information security technology," and "emerging information security practice." Such guidelines could not be updated more than annually and should include information on cybersecurity risks posed by emerging applications of Internet of Things devices, artificial intelligence, cloud-based services, mobile devices, and network architecture.

The legislation would authorize the appropriation of such funds as may be necessary to carry out the purposes of the Act.

Staff contact: Emily Burns at (202) 225-5051.

VI. H.R. 5901, THE TECHNOLOGY MODERNIZATION CENTERS OF EXCELLENCE PROGRAM ACT

A. Summary

H.R. 5901 was introduced by Representative Ro Khanna and then-Ranking Member Meadows on February 13, 2020. Senators Rob Portman and Margaret Wood Hassan introduced a companion bill in the Senate, S. 4200, and the bill was reported favorably with an amendment in the nature of a substitute by the HSCAG on July 22, 2020.

The General Services Administration (GSA) established Centers of Excellence (CoE) in 2017. The centers collect best technological and modernization practices and expertise to assist information technology modernization at executive agencies. There are currently six centers: artificial intelligence, cloud adoption, contact center, customer experience, data and analytics, and infrastructure optimization.

The bill would codify the CoE program by authorizing GSA, upon request by an executive agency, to provide the following services: modernizing information technology and customer service; improving cooperation between commercial and executive agency information

technology sectors; assisting executive agencies with planning and adoption of a more efficient commercial cloud computing system; efficient use of data management, analysis, and reporting; and optimizing infrastructure (including data centers) to reduce operating costs.

B. Amendments

The majority will offer a substitute amendment to align the bill with the version reported by HSGAC.

Staff contact: Emily Burns at (202) 225-5051.

VII. H.R. 7340, THE CHAI SUTHAMMANONT REMEMBRANCE ACT

A. Summary

H.R. 7340 was introduced by Subcommittee Chairman Connolly, Chairwoman Maloney, and Representatives John Sarbanes, Brenda Lawrence, Stephen Lynch, Eleanor Holmes Norton, Jamie Raskin, and Jackie Speier on June 25, 2020.

The bill would require federal agencies to create evidence-based reentry plans for employees required to return to federal offices. The bill would require agency officials to develop and make public the requirements and specifications for how the government would protect the health and safety of federal employees while continuing operations and providing vital service to the public.

The Chai Suthammanont Remembrance Act, named for a civil servant who died after contracting coronavirus at work, would require each federal agency to publish online a plan to reopen a federal office building at least 30 days prior to the return of federal employees. This plan would detail the personal protective equipment provided, health and safety efforts taken by the agency, and the contingencies the agency would take to return employees to telework or other options, if needed. The bill also would require the IG of each agency to provide to Congress a review of the agency's office reopening policies to ensure compliance with the law and other best practices within six months of enactment.

B. Amendments

A substitute amendment may be offered.

Staff contact: Wendy Ginsberg at (202) 225-5051.

VIII. H.R. 7496, THE COVID PREPARE ACT

A. Summary

H.R. 7496 was introduced by Representatives Brad Schneider, John Katko, and ten additional original cosponsors on July 6, 2020.

The legislation would require each Federal agency, within 30 days of enactment, to submit to Congress an initial report with an action plan for addressing and managing any resurgence in coronavirus cases. The plan would be informed by research and best practices learned from the onset of the coronavirus crisis, as well as from previous presidentially declared emergencies.

This plan would include agency priorities for preparing for and responding to a coronavirus resurgence, measurable goals and timelines for each priority, plans for addressing anticipated challenges, plans for issuing relevant guidance to entities under the jurisdiction of the agency, and plans for consulting with Congress, the public, state and local governments, and relevant stakeholders while working remotely.

Within 60 days of enactment of this Act, and quarterly until the end of the emergency, each agency would be required to submit a subsequent report containing an update on the items in the initial report, including the status of each priority, an explanation for why any specified goals have not been met, and any changes or updates.

B. Amendments

A substitute amendment may be offered.

Staff contact: Emily Burns at (202) 225-5051.

IX. H.R. 7548, THE MADE IN AMERICA: PREPARATION FOR A PANDEMIC ACT

A. Summary

H.R. 7548 was introduced by Chairwoman Maloney on July 9, 2020.

The bill would ensure availability of personal protective equipment (PPE) by requiring the Strategic National Stockpile to keep enough PPE available to sustain the nation through a year-long global pandemic or other public health emergency. This requirement would go into effect six months after the date of enactment.

To secure the associated domestic supply chains necessary to protect the country from life-threatening PPE shortages, 25 percent of this new supply would be produced in America. This requirement could be waived if it is deemed to be inconsistent with public or national security interests, if the items are not available, or if the items are too costly.

If one or more waivers is granted and the Strategic National Stockpile is not in compliance with the “Made in America” requirement of this Act, Congress would receive a quarterly report until compliance is restored. The report would include a current inventory of PPE in the stockpile, a list of waivers granted in the prior quarter, and any actions taken to contract with domestic manufacturers. A notice also would be posted publicly, providing transparency to allow domestic manufacturers to more readily identify opportunities for growth.

An item would count as “produced in America” if it is manufactured or assembled in the United States and if at least 75 percent of the total value of its parts or components is domestically sourced. The legislation would allow this requirement to increase the cost of purchases by up to 50 percent over foreign-produced items for the first five years after enactment of the Act. After five years, the “Made in America” requirement could increase the cost of purchases by up to 25 percent over foreign-produced items.

The legislation also would create a tax credit for 20 percent of the costs associated with developing or expanding domestic sources for the end-to-end production of PPE in the United States that would qualify for inclusion in the Strategic National Stockpile under this Act. The credit would be available for the domestic supply chains of raw materials used to manufacture American-made PPE and would apply to taxable years beginning after the date of enactment of this Act.

B. Amendments

A substitute amendment may be offered.

Staff contact: Emily Burns at (202) 225-5051.

X. H.R. 8109, THE NONPARTISAN POSTMASTER GENERAL ACT

A. Summary

H.R. 8109 was introduced by Chairwoman Maloney on August 25, 2020.

The bill would prohibit the Postal Service Board of Governors, the Postmaster General, and the Deputy Postmaster General from holding any political position while in office. It also would restrict nominees for Postmaster General and Deputy Postmaster General to those who have not engaged in political activities in the four years prior to their appointments, ensuring that these positions are filled by qualified experts rather than political operatives.

B. Amendments

A substitute amendment may be offered, and additional amendments are possible.

Staff contact: Ethan Van Ness at (202) 225-5051.

XI. POSTAL NAMING MEASURES

- H.R.2277 - To designate the facility of the United States Postal Service located at 1715 Linnerud Drive in Sun Prairie, Wisconsin, as the “Fire Captain Cory Barr Post Office Building” (Rep. Pocan).

- H.R.5562 - To designate the facility of the United States Postal Service located at 4650 East Rosedale Street in Fort Worth, Texas, as the “Dionne Phillips Bagsby Post Office Building” (Rep. Veasey).
- H.R.5972 - the Mary Ann Shadd Cary Post Office Dedication Act (Rep. Blunt Rochester).
- H.R.5983 - To designate the facility of the United States Postal Service located at 4150 Chicago Avenue in Riverside, California, as the “Woodie Rucker-Hughes Post Office Building” (Rep. Takano).
- H.R.7502 - To designate the facility of the United States Postal Service located at 101 South 16th Street in Clarinda, Iowa, as the “Jessie Field Shambaugh Post Office Building” (Rep. Axne).
- H.R.5451 - To designate the facility of the United States Postal Service located at 599 East Genesee Street in Fayetteville, New York, as the “George H. Bacel Post Office Building” (Rep. Katko).
- H.R.6016 - To designate the facility of the United States Postal Service located at 14955 West Bell Road in Surprise, Arizona, as the “Marc Lee Memorial Post Office Building” (Rep. Lesko).
- H.R. 6418 - To designate the facility of the United States Postal Service located at 509 Fairhope Avenue in Fairhope, Alabama, as the “William ‘Jack’ Jackson Edwards III Post Office Building” (Rep. Byrne).
- H.R.7088 - To designate the facility of the United States Postal Service located at 111 James Street in Reidsville, Georgia, as the “Senator Jack Hill Post Office Building” (Rep. Carter).
- H.R.7810 - To designate the facility of the United States Postal Service located at 3519 East Walnut Street in Pearland, Texas, as the “Tom Reid Post Office Building” (Rep. Olson).