

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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MEMORANDUM

July 15, 2021

To: Members of the Committee on Oversight and Reform

Fr: Committee Staff

Re: Committee Business Meeting

On Tuesday, July 20, 2021, at 10:00 a.m., in room 2154 of the Rayburn House Office Building and remotely on the Zoom video platform, the Committee on Oversight and Reform will hold a hybrid business meeting to consider the following:

1. H.R. 564, the Comprehensive Paid Leave for Federal Employees Act;
2. H.R. 1508, the Guidance Clarity Act;
3. H.R. 2994, the Accountability for Acting Officials Act;
4. H.R. 3533, “To establish occupational series for Federal positions in software development, software engineering, data science, and data management”;
5. H.R. 4125, the Keep the Watchdogs Running Act;
6. H.R. 4393, “To require the Directors of the Courts Services and Offender Supervision Agency of the District of Columbia and the District of Columbia Pretrial Services Agency to reside in the District of Columbia”;
7. H.R. _____, the Administrative Law Judge Competitive Service Restoration Act;
8. H.R. _____, the Artificial Intelligence for Agency Impact Act;
9. H.R. _____, the AI in Counterterrorism Oversight Enhancement Act;
10. H.R. _____, the National Strategy for the Global Information Domain Act;
11. H.R. _____, the Federally Funded Research and Technology Development Protection Act;

12. H.R. _____, the Made in America Pandemic Preparedness Act; and

13. Several postal naming measures.

I. H.R. 564, THE COMPREHENSIVE PAID LEAVE FOR FEDERAL EMPLOYEES ACT

Chairwoman Maloney introduced H.R. 564, the Comprehensive Paid Leave for Federal Employees Act, on January 28, 2021. The Committee held a legislative hearing on H.R. 564 on June 24, 2021. The bill would provide federal employees, including U.S. Postal Service employees, up to 12 weeks of paid leave during a 12-month period for the following qualifying reasons specified in the Family and Medical Leave Act of 1993 (FMLA):

- To care for a spouse, child, or parent with a serious health condition;
- An employee's own serious health condition; or
- Qualifying circumstances resulting from a spouse, child, or parent being deployed or soon to be deployed to covered military active duty.

II. H.R. 1508, THE GUIDANCE CLARITY ACT

H.R. 1508 was introduced by Representatives Blaine Luetkemeyer and Jared Golden on March 2, 2021. Senator James Lankford introduced a companion bill (S. 355) the same day. The Senate Homeland Security and Governmental Affairs Committee (HSGAC) considered S. 355 on July 14, 2021, and ordered the bill reported favorably with an amendment.

The bill would require federal agencies to include guidance clarity statements on the first page of all guidance documents stating that the guidance does not have the force of law and is intended only to provide clarity to the public regarding existing requirements under the law or agency policies. An amendment in the nature of a substitute will be offered to conform the bill to the version passed by HSGAC.

III. H.R. 2994, THE ACCOUNTABILITY FOR ACTING OFFICIALS ACT

H.R. 2994, the Accountability for Acting Officials Act, was introduced by Representative Katie Porter on May 4, 2021. The Committee held a legislative hearing on this bill on May 3, 2021.

Agencies need permanent and steady leadership to meet their missions. Excessive use of acting or non-Senate-confirmed leadership circumvents constitutional requirements and leaves

acting officials less accountable to both Congress and the American people. In addition, the temporary nature of acting officials can limit long-term planning and erode employee morale.¹

To serve as an acting official for a position requiring Senate confirmation, a government official or employee must be authorized to perform the duties of a vacant office by the Federal Vacancies Reform Act of 1998.²

The bill would strengthen requirements for the “first assistant” in an office or agency serving as an acting official, limit acting agency heads to serving a maximum of 120 days from the date of the vacancy, require acting officials to testify before Congress at least once every 60 days, and close other loopholes that allow the president to appoint acting officials without experience in the agencies they lead.

IV. H.R. 3533, THE FEDERAL CAREER OPPORTUNITIES IN COMPUTER SCIENCE WORK ACT

H.R. 3533, the Federal Career Opportunities in Computer Science Work Act, was introduced by Representatives Jay Obernolte and Peter Welch on May 25, 2021. It would require the Office of Personnel Management (OPM) to update or establish occupational series for federal government positions in software development, software engineering, data science, and knowledge management within 270 days of enactment. The bill would implement a recommendation that was included in the final report of the National Security Commission on Artificial Intelligence (NSCAI).³

V. H.R. 4125, THE KEEP THE WATCHDOGS RUNNING ACT

H.R. 4125, the Keep the Watchdogs Running Act, was introduced by Subcommittee Chairman Connolly and Subcommittee Ranking Member Hice on June 24, 2021. The Subcommittee on Government Operations discussed the important role that inspectors general play in providing oversight of government operations during a hearing on April 20, 2021.

The bill would amend the Inspectors General Act of 1978 to authorize inspectors general to continue operating during a lapse in appropriations, to the extent necessary to provide oversight of agency operations that continue during such a lapse. Senators Mike Braun and Tom Carper introduced a companion to this legislation on June 24, 2021 (S. 2273).

¹ Partnership for Public Service, *The Replacements: Why and How “Acting” Officials Are Making the Senate Confirmation Process Obsolete* (Sept. 2020) (online at <https://ourpublicservice.org/wp-content/uploads/2020/09/The-Replacements-1.pdf>).

² 5 U.S.C. §§ 3345–3349c.

³ National Security Commission on Artificial Intelligence, *Final Report* (Mar. 1, 2021) (online at www.nscai.gov/wp-content/uploads/2021/03/Full-Report-Digital-1.pdf).

VI. H.R. 4393, “TO REQUIRE THE DIRECTORS OF THE COURTS SERVICES AND OFFENDER SUPERVISION AGENCY OF THE DISTRICT OF COLUMBIA AND THE DISTRICT OF COLUMBIA PRETRIAL SERVICES AGENCY TO RESIDE IN THE DISTRICT OF COLUMBIA”

H.R. 4393 was introduced by Congresswoman Norton on July 9, 2021. The bill would require the Director of the Court Services and Offender Supervision Agency for the District of Columbia (CSOSA) and the Director of the Pretrial Services Agency for the District of Columbia (PSA) to reside in the District of Columbia. The bill would apply to directors appointed on or after the date of the enactment of the bill.

CSOSA is a federal agency that supervises offenders on probation, parole, and supervised release pursuant to D.C. law, as well as offenders sentenced by states and residing in D.C. PSA is a federal agency that provides recommendations regarding pretrial release and supervises defendants granted pretrial release or pending sentencing for the D.C. Superior Court and the U.S. District Court for D.C.

VII. H.R. _____, THE ADMINISTRATIVE LAW JUDGES COMPETITIVE SERVICE RESTORATION ACT

H.R. _____, the Administrative Law Judges Competitive Service Restoration Act, will be introduced by Subcommittee Chairman Connolly and Representative Brian Fitzpatrick prior to the business meeting. The Subcommittee on Government Operations discussed excepted service schedules and the importance of upholding competitive service rights and protections in a hearing on February 23, 2021.

Although administrative law judges (ALJs) were previously appointed as part of a competitive hiring process, Executive Order 13843, issued on July 10, 2018, placed them into the excepted service, outside of normal hiring and employment protections and not subject to requirements for minimum qualifications. This bill would reestablish ALJs as members of the competitive civil service who are appointed by the heads of executive departments or agencies and who meet minimum specified qualifications, including a license to practice law and seven years of applicable experience.

VIII. H.R. _____, THE ARTIFICIAL INTELLIGENCE FOR AGENCY IMPACT ACT

H.R. _____, the Artificial Intelligence for Agency Impact Act, will be introduced by Chairwoman Maloney prior to the business meeting. It would require, consistent with and harmonizing Executive Order 13690 and the AI in Government Act, that each federal agency develop a Strategy, Objectives, and Metrics Plan for trustworthy artificial intelligence (AI) adoption to ensure equitable, responsible use and to better achieve agency missions.⁴

⁴ Exec. Order No. 13960, 85 Fed. Reg. 78939 (Dec. 3, 2020); AI in Government Act of 2020, Pub. L. No. 116-260, div. U, title I, Dec. 27, 2020.

Elements of the Plan would include defined roles, responsibilities, and authorities for the use and oversight of AI systems by the agency, as well as defined values, ethics, and principles to foster public trust and responsible use of such systems by the agency. The Plan also would include written procedures for the responsible use of AI, specific performance objectives and accompanying metrics demonstrating the intended purpose of each system, and a process for continuous or routine monitoring of each system. In addition, the Plan would include documentation to ensure that any data associated with the use of AI by the agency is high-quality, reliable, and representative, and a description of how information is made available to the public for transparency purposes. Each Agency's Plans, along with an inventory of AI systems in use and an assessment of options to use AI to better achieve agency missions, would be submitted to the Office of Management and Budget (OMB), the inspector general of the agency, and Congress.

The bill is adapted from recommendations included in the NSCAI final report.⁵ It also incorporates recommendations included in a recent report by the Government Accountability Office on an accountability framework to govern artificial intelligence use by federal agencies.⁶

IX. H.R. _____, THE AI IN COUNTERTERRORISM OVERSIGHT ENHANCEMENT ACT

H.R. _____, the AI in Counterterrorism Oversight Enhancement Act, will be introduced by Chairwoman Maloney prior to the business meeting. The bill would strengthen the ability of the Privacy and Civil Liberties Oversight Board (PCLOB) to provide meaningful oversight and governance related to the use of artificial intelligence technologies for counterterrorism purposes. PCLOB was established by the 9/11 Commission Act of 2007 with a mission to ensure that our nation's counterterrorism efforts consider privacy and civil liberties protections. The bill would strengthen the ability of PCLOB to provide meaningful oversight and governance related to the use of artificial intelligence technologies for counterterrorism purposes.

X. H.R. _____, THE NATIONAL STRATEGY FOR THE GLOBAL INFORMATION DOMAIN ACT

H.R. _____, the National Strategy for the Global Information Domain Act, will be introduced by Subcommittee Chairman Lynch prior to the business meeting. It would establish an interagency working group within the Executive Office of the President to develop a National Strategy for the Global Information Domain.

The National Strategy would address the global information domain as an arena of competition vital to the national security of the United States and particularly vulnerable to the use of artificial intelligence by adversaries to manipulate global opinion and outcomes to their

⁵ National Security Commission on Artificial Intelligence, *Final Report* (Mar. 1, 2021) (online at www.nscai.gov/wp-content/uploads/2021/03/Full-Report-Digital-1.pdf).

⁶ Government Accountability Office, *Artificial Intelligence: An Accountability Framework for Federal Agencies and Other Entities* (June 2021) (GAO-21-519SP) (online at www.gao.gov/assets/gao-21-519sp.pdf).

advantage. The bill would implement a recommendation that was included in the section of the NSCAI final report specifically designed to combat malign information operations enabled by artificial intelligence.⁷

XI. H.R. _____, THE FEDERALLY FUNDED RESEARCH AND TECHNOLOGY DEVELOPMENT PROTECTION ACT

H.R. _____, the Federally Funded Research and Technology Development Protection Act, will be introduced by Subcommittee Chairman Lynch prior to the business meeting. It would require OMB to enhance transparency and accountability measures in federal grantmaking to safeguard federally funded research and technology development.

Specifically, the bill would require that federal grantmaking agencies maintain compliance operations to guard against malign foreign-talent recruitment programs, as well as the establishment of standardized disclosure and accountability measures to support these compliance operations governmentwide. The bill would implement a recommendation for countering foreign-talent recruitment programs that was included in the section of the NSCAI final report dedicated to technology protection.⁸

XII. H.R. _____, THE MADE IN AMERICA PANDEMIC PREPAREDNESS ACT

H.R. _____, the Made in America Pandemic Preparation Act, will be introduced by Chairwoman Maloney prior to the markup. The bill was first introduced in the 116th Congress and was reported favorably by voice vote by the Committee on Oversight and Reform on September 16, 2020.

To incentivize the development and stabilization of the domestic supply chains necessary to protect the country from life-threatening shortages of personal protective equipment (PPE) during pandemics or other public health emergencies, the bill would require that PPE procured for the Strategic National Stockpile be produced in America. This requirement could be waived if it is inconsistent with public or national security interests, if the items are not available from domestic sources, or if the items are too costly.

The legislation also would require quarterly reporting on waivers granted and any actions taken to contract with domestic manufacturers. A notice would also be posted publicly, providing transparency to allow domestic manufacturers to more readily identify opportunities for growth. The legislation would also create a tax credit for 20% of the costs associated with developing or expanding domestic sources for the end-to-end production of PPE in the United States.

⁷ National Security Commission on Artificial Intelligence, *Final Report* (Mar. 1, 2021) (online at www.nscai.gov/wp-content/uploads/2021/03/Full-Report-Digital-1.pdf).

⁸ *Id.*

XIII. POSTAL NAMING MEASURES

- H.R. 2842, “To designate the facility of the United States Postal Service located at 120 4th Street in Petaluma, California, as the ‘Lynn C. Woolsey Post Office Building.’”
- H.R. 3539, “To designate the facility of the United States Postal Service located at 223 West Chalan Santo Papa in Hagatna, Guam, as the ‘Atanasio Taitano Perez Post Office.’”
- H.R. 3579, “To designate the facility of the United States Postal Service located at 200 East Main Street in Maroa, Illinois, as the ‘Jeremy L. Ridlen Post Office.’”
- H.R. 3613, “To designate the facility of the United States Postal Service located at 202 Trumbull Street in Saint Clair, Michigan, as the ‘Corporal Jeffrey Robert Standfest Post Office Building.’”
- H.R. 4030, “To designate the facility of the United States Postal Service located at 800 6th Street in Paso Robles, California, as the ‘Reverend Ruben Franklin Tate, Jr., Post Office Building.’”
- H.R. 4168, “To designate the facility of the United States Postal Service located at 6223 Maple Street, in Omaha, Nebraska, as the ‘Petty Officer 1st Class Charles Jackson French Post Office.’”

XIV. 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 will likely be grouped together at a time determined by the Chair, pursuant to Committee Rules.