



1. [H. J. Res. 3 – Approving the location of a memorial to commemorate and honor the members of the Armed Forces that served on active duty in support of Operation Desert Storm or Operation Desert Shield](#)
2. [H.R. 71 – Taxpayers Right-To-Know Act](#)
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H. J. Res. 3 — Approving the location of a memorial to commemorate and honor the members of the Armed Forces that served on active duty in support of Operation Desert Storm or Operation Desert Shield (Rep. Roe, R-TN)

CONTACT: [Nicholas Rodman](#), 202-226-8576

FLOOR SCHEDULE:

Scheduled for consideration on January 4, 2016 under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H. J. Res. 3](#) would approve the location of a memorial to commemorate and honor the members of the Armed Forces that served on active duty in support of Operation Desert Storm or Operation Desert Shield.

COST:

No Congressional Budget Office (CBO) estimate is available.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H. J. Res. 3 would approve the location of a memorial to commemorate and honor the members of the Armed Forces that served on active duty in support of Operation Desert Storm or Operation Desert Shield. The memorial was previously authorized in section 3093 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 ([Public Law 113-291](#)).

COMMITTEE ACTION:

H. J. Res 3 introduced on January 3, 2017 and was referred to the House Committee on Natural Resources.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 17 of the United States Constitution.”

H.R. 71 — Taxpayers Right-To-Know Act (Rep. Walberg, R-MI)

CONTACT: [Rebekah Armstrong](#), 202-226-0678

FLOOR SCHEDULE:

Scheduled for consideration January 4, 2017 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 71](#) would require the Office of Management and Budget (OMB) to make public an inventory of certain federal programs to increase information and taxpayer transparency on their cost and performance.

COST:

No Congressional Budget Office (CBO) estimate is available.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

In the 114th Congress, the Congressional Budget Office (CBO) estimated that implementing H.R. 598 would cost \$82 million over the 2016-2020 period, assuming appropriation of the necessary amounts.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

This bill would require the OMB to include a program inventory on their website of each federal program with \$1,000,000 or more in annual budget authority. For each identified program, the OMB must disclose the amount of funding for the current fiscal year and the two previous fiscal years, the statute that authorizes the program, and a description of individuals served by the program or who received financial assistance under the program. If an agency head is unable to provide information on the beneficiaries served by a program, an explanation of why the data is not available and measures that can be taken to gather data for future estimates must be included in the disclosure. In addition, a description of the federal employees who administer the program or other individuals whose salaries are paid through the grant or program would be disclosed in the inventory. Finally, any information regarding the program's performance or reviews by an inspector general or the Government Accountability Office would be linked to the inventory.

A similar bill, H.R. 598, passed the House in the 114th Congress by a vote of [413-0](#).

COMMITTEE ACTION:

This bill was introduced by Representative Walberg and referred to the House Committee on Oversight and Government Reform where it awaits further action.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: Congress has the power to enact this legislation pursuant to the following: Article 1, Section 9, clause 7--No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

H.R. 73 — Presidential Library Donation Reform Act of 2017 (Rep. Duncan, R-TN)

CONTACT: [Rebekah Armstrong](#), 202-226-0678

FLOOR SCHEDULE:

Scheduled for consideration January 4, 2017 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 73](#) would require a presidential library fundraising organization to submit to the Archivist of the United States donor contributions totaling more than \$200 per quarterly period.

COST:

No Congressional Budget Office (CBO) estimate is available.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

In the 114th Congress, the Congressional Budget Office (CBO) estimated that, assuming availability of appropriated funds, the agency would spend about \$1 million over the FY 2016-2020 period. CBO estimates that any increases in federal spending to enforce penalties would be insignificant

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

This bill would require presidential library fundraising organizations to submit quarterly records to the Archivist of the United States disclosing contributions totaling more than \$200 in an applicable reporting period. This period would last until the president leaves office or the government takes possession of the library. The archivist would be required to publish the amount, source and date of each contribution on the National Archives and Records Administration website. This bill would establish legal penalties for individuals who purposely falsify information when making contributions.

A similar bill, H.R. 1069, passed the House in the 114th Congress by voice vote.

COMMITTEE ACTION:

This bill was introduced by Representative Duncan and referred to the House Committee on Oversight and Government Reform where it awaits further action.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: Congress has the power to enact this legislation pursuant to the following: Article IV, Section 3, Clause 2. The Congress shall have Power to dispose of and make all needful Rules and

Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

H.R. 70 — Federal Advisory Committee Act Amendments of 2017 (Rep. Clay, D-MO)

CONTACT: [Rebekah Armstrong](#), 202-226-0678

FLOOR SCHEDULE:

Scheduled for consideration January 4, 2017 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 70](#) would amend the Federal Advisory Committee Act to improve the transparency and accountability of federal advisory committees.

COST:

No Congressional Budget Office (CBO) estimate is available.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

In the 114th Congress, the Congressional Budget Office (CBO) estimated that, assuming availability of appropriated funds, the agency would spend about \$1 million over the FY 2016-2020 period. CBO estimates that any increases in federal spending to enforce penalties would be insignificant

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
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- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

This bill would amend the Federal Advisory Committee Act by increasing transparency in the appointment of candidates to advisory committees. Agencies would be required to publish potential candidates in the Federal Register and provide a mechanism for comment which must be considered prior to appointment. Appointed committee members who are not federal government employees would be designated as a special government employee if they are providing advice based on their expertise or a representative if they are representing views from outside entities. Agencies would not be allowed to deem members a representative in order to avoid subjecting them to federal ethics rules and requirements. The head of each agency would be prohibited from interfering with committee member participation. Individuals who regularly attend committee meetings, and are not federal government employees, will be considered a member of the committee even if they do not have the right to vote on committee recommendations.

Each advisory committee would be required to make publically available: (1) its charter; (2) how it appointed members; (3) a list of current members; (4) a list of members designated as special government employees; (5) any recusals made during the work of the committee; (6) how the committee made decisions; (7) detailed minutes of the meetings; (8) reasoning behind the closing of a meeting; and, (9) notices of future meetings. An advisory committee is not allowed to meet until a charter has been filed with the head of the agency it reports to. The charter would include its official designation and a description of the duties for which it is responsible.

The head of each agency that has an advisory committee would be directed to designate an advisory committee management officer who would be responsible for the establishment and management of the advisory committees. The Comptroller General would review compliance and ensure agencies are appropriately appointing advisory committee members.

A similar bill, H.R. 2347, passed the House in the 114th Congress by voice vote.

COMMITTEE ACTION:

This bill was introduced by Representative Clay and referred to the House Committee on Oversight and Government Reform where it awaits further action.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, clause 18 of the Constitution of the United States grants the Congress the power to enact this law.

H.R. 72 — GAO Access and Oversight Act of 2017 (Rep. Carter, R-GA)

CONTACT: [Rebekah Armstrong](#), 202-226-0678

FLOOR SCHEDULE:

Scheduled for consideration January 4, 2017 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 72](#) would ensure the Government Accountability Office (GAO) has the ability to obtain agency information to discharge the duties of the Comptroller General, including by authorizing the GAO to bring a civil action against an agency in order to obtain information.

COST:

No Congressional Budget Office (CBO) estimate is available.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

In the 114th Congress, the Congressional Budget Office (CBO) estimated that enacting this bill would have no significant effect on the federal budget. Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

This bill would ensure the Government Accountability Office (GAO) has the ability to obtain agency information and records to complete their duties. This could include bringing civil action. No provision in the Social Security Act could be construed to limit or supersede the authority of the Comptroller General to obtain any information.

Agency statements or actions that were taken due to a recommendation by the Comptroller General would require a written statement of action taken or planned and must be submitted to GAO and all relevant Congressional committees.

A similar bill, H.R. 5690, passed the House in the 114th Congress by a vote of [404-0](#).

COMMITTEE ACTION:

This bill was introduced by Representative Carter and referred to the House Committee on Oversight and Government Reform where it awaits further action.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: Congress has the power to enact this legislation pursuant to the following: Article I, Section 8. No specific enumerating clause was included.

H.R. 69 — Thoroughly Investigating Retaliation Against Whistleblowers Act (Rep. Blum, R-IA)

CONTACT: [Rebekah Armstrong](#), 202-226-0678

FLOOR SCHEDULE:

Scheduled for consideration January 4, 2017 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 69](#) would reauthorize the Office of Special Counsel for fiscal years 2017-2021, and make changes to the office to improve its efficiency and effectiveness.

COST:

No Congressional Budget Office (CBO) estimate is available.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

In the 114th Congress, the Congressional Budget Office (CBO) estimated estimates that implementing this legislation would cost \$106 million over the 2017-2021 period, assuming appropriation of the estimated amounts. Because enacting H.R. 4639 could affect the amount of revenues collected from civil fines imposed on federal employees who violate the Hatch Act, pay-as-you-go procedures apply. However, CBO expects that any change in revenues collected would not be significant in any year. Enacting the bill would not affect direct spending.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

First, this bill would reauthorize the Office of Special Counsel (OSC) for fiscal years 2017-2021. The last time the OSC was authorized was in 2002. The OSC is an independent federal investigative and prosecutorial agency that protects federal employees from prohibited personnel practices, especially reprisal from whistleblowing.

This bill would amend current whistleblower provisions to extend the amount of time the OSC has to determine if there is any merit to whistleblower complaints made by agency employees. If an agency substantiates the allegations in a disclosure, yet does not take any action, the agency head must send a detailed response to the OSC explaining why no action was taken. If in the response the agency head includes the intent to take actions, a supplemental report must be sent within 180 days to confirm the action has occurred.

This bill would also allow the OSC to have access to any record or other information of any agency under its jurisdiction for an investigation, unless disclosure of the information would interfere with an ongoing criminal investigation. This bill would allow the OSC to terminate an investigation if: (1) the same allegation

had been previously made by the person and investigated; (2) the OSC does not have jurisdiction to investigate the allegation; or, (3) is in violation of a statute of limitations.

The OSC would be required to submit an annual report to Congress on its activities. This would include the number and type of prohibited personnel practices filed, number of investigations, number of stays or disciplinary actions, the number of cases in which the OSC did not make a determination, a description of the recommendations and reports, and the number of actions initiated before the Merit System Protection Board.

This bill would direct the OSC to design and establish a survey pilot program for fiscal years 2017-2018 to survey individuals who have filed a complaint or disclosure. During this time the annual survey required under current law would be suspended. According to the committee report, the current survey provides a low response rate, and provides little insight into how the OSC can improve.

This bill would clarify that an individual who violates the Hatch Act, which prohibits federal employees from abusing their positions for political purposes, may be subject to a combination of penalties found in statute. An employee or individual who is found in violation could be, "subject to removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, reprimand, or an assessment of a civil penalty not to exceed \$1,000."

No later than two years after enactment, the OSC would be required to prescribe regulations concerning whistleblower disclosure.

A similar bill, H.R. 4639, passed the House in the 114th Congress by voice vote.

COMMITTEE ACTION:

This bill was introduced by Representative Blum and referred to the House Committee on Oversight and Government Reform where it awaits further action.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, clause 18.

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