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Legislative Bulletin.....June 3, 2008

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Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 1

Total Cost of Discretionary Authorizations: \$27 million in FY 2009 and \$124 million over the FY 2009—FY 2013 period

Effect on Revenue: \$0

Total Change in Mandatory Spending: Increased Slightly

Total New State & Local Government Mandates: \$0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 2

Number of Reported Bills that Don’t Cite Specific Clauses of Constitutional Authority: 0

H.Con.Res. 138—Supporting National Men’s Health Week (Cummings, D-MD)

Order of Business: The resolution is scheduled to be considered on Tuesday, June 3, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Con.Res. 138 would express the sense that Congress:

- “Supports the annual National Men’s Health Week; and
- “Requests that the President of the United States issue a proclamation calling upon the people of the United States and interested groups to observe National Men’s Health Week with appropriate ceremonies and activities.”

The resolution lists a number of findings, including:

- “Despite the advances in medical technology and research, men continue to live an average of almost 6 years less than women and African-American men have the lowest life expectancy;
- “All 10 of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage than women;
- “Between ages 45-54, men are 3 times more likely than women to die of heart attacks;
- “Men die of heart disease at almost twice the rate of women;
- “Men die of cancer at almost one and a half times the rate of women;
- “Testicular cancer is one of the most common cancers in men aged 15-34, and when detected early, has a 95 percent survival rate;
- “Men who are educated about the value that preventive health can play in prolonging their lifespan and their role as productive family members will be more likely to participate in health screenings;
- “Men and their families are encouraged to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical checkups; and
- “June 11 through 17, 2007, is National Men’s Health Week, which has the purpose of heightening the awareness of preventable health problems and encouraging early detection and treatment of disease among men and boys.”

Committee Action: H.Con.Res. 138 was introduced on May 1, 2007, and referred to the Committee on Oversight and Government Reform, which held a mark up on May 15, 2008, and reported the resolution by voice vote.

Cost to Taxpayers: The resolution does not authorize expenditures.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

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**H.Res. 923—Recognizing the State of Minnesota’s 150th anniversary
(Bachmann, R-MN)**

Order of Business: The resolution is scheduled to be considered on Tuesday, June 3, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 923 would express the sense that House of Representatives “congratulates the State of Minnesota on its 150th anniversary and the contributions it continues to make to America’s economy and heritage.”

The resolution lists a number of findings, including:

- “Minnesota was established as a territory on March 2, 1849, and became the 32nd State on May 11, 1858;
- “Minnesota is also known as the ‘Gopher State’, the ‘North Star State’, and the ‘Land of 10,000 Lakes’;
- “Minnesota’s name comes from the Dakota word ‘minnesota’, meaning ‘water that reflects the sky’, and Native Americans continue to play a defining role in Minnesota’s proud heritage;
- “The cities of Minneapolis and St. Paul were established after the completion of nearby Fort Snelling, a frontier outpost and training center for Civil War soldiers;
- “The Mall of America located in Bloomington, Minnesota, is the Nation’s largest retail and entertainment complex, spanning 9,500,000 square feet and providing more than 11,000 jobs;
- “Minnesota has 90,000 miles of lake and river shoreline, which includes the coast of Lake Superior, the largest of North America’s Great Lakes;
- “The Minneapolis-St. Paul area is nationally recognized for its parks, museums, and cultural events; and
- “The people of Minnesota have a timeless reputation of compassion, strength, and determination.”

Committee Action: H.Res. 923 was introduced on January 6, 2008, and referred to the Committee on Oversight and Government Reform, which held a mark up on May 1, 2008, and reported the resolution by voice vote.

Cost to Taxpayers: The resolution does not authorize expenditures.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

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H.Res. 1114—Supporting the goals and ideals of the Arbor Day Foundation and National Arbor Day (Fortenberry, R-NE)

Order of Business: The resolution is scheduled to be considered on Tuesday, June 3, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1114 would express the sense that House of Representatives:

- “Supports the goals and ideals of the Arbor Day Foundation; and
- “Requests that the President issue a proclamation calling upon the people of the United States to observe National Arbor Day with appropriate activities.”

The resolution lists a number of findings, including:

- “The Arbor Day Foundation was founded in 1972 and now has nearly 1,000,000 members;
- “These members and the countless supporters of the Arbor Day Foundation continue to further the mission of the Foundation, which is to ‘inspire people to plant, nurture, and celebrate trees’;
- “The Arbor Day Foundation manages the 260-acre Arbor Day Farm to serve as a model of environmental stewardship;
- “The Arbor Day Foundation distributes more than 10,000,000 trees annually through its Trees for America program;
- “The Arbor Day Foundation has worked with the Department of Agriculture’s Forest Service since 1990, helping to plant nearly 12,000,000 trees in national forests damaged by fire, insects, or other causes;
- “J. Sterling Morton recognized the need for trees in Nebraska and proposed a tree-planting holiday called ‘Arbor Day’ in 1872;
- “The observation of Arbor Day soon spread to other States and is now observed nationally and in many other countries; and
- “National Arbor Day, the last Friday in April, will be celebrated on April 25, 2008.”

Committee Action: H.Res. 1114 was introduced on April 16, 2008 and referred to the Committee on Oversight and Government Reform, which held a mark up on May 1, 2008, and reported the resolution by voice vote.

Cost to Taxpayers: The resolution does not authorize expenditures.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

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H.R. 1734—To designate the facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the “Dr. Martin Luther King, Jr. Post Office” (*Blumenauer, D-OR*)

Order of Business: H.R. 1734 is scheduled for consideration on Tuesday, June 3, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1734 would designate the facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the “Dr. Martin Luther King, Jr. Post Office.”

Committee Action: H.R. 1734 was introduced on March 28, 2007, and referred to the Committee on Oversight and Government Reform, which held a mark-up and reported the bill by voice vote on April 9, 2008.

Cost to Taxpayers: A CBO score for H.R. 1734 is unavailable, but the only costs associated with a U.S. post office renaming are those for sign and map changes, none of which significantly affect the federal budget.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits was not available. Such a report is not required because the bill is being considered under a suspension of the rules.

Constitutional Authority: Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to establish Post Offices and post roads.

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H.R. 5477—To designate the facility of the United States Postal Service located at 120 South Del Mar Avenue in San Gabriel, California, as the “Chi Mui Post Office Building” (*Schiff, D-CA*)

Order of Business: H.R. 5477 is scheduled for consideration on Tuesday, June 3, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5477 would designate the facility of the United States Postal Service located at 120 South Del Mar Avenue in San Gabriel, California, as the “Chi Mui Post Office Building.”

Additional Information: According to the City of San Gabriel, California, Chi Mui immigrated to the United States with his family from China in 1963. Mui first moved to New York City, where he and his family lived in China Town, and where he first learned to speak English. In 1980 he graduated from New York’s Polytechnic University with a degree in civil engineering. As an adult, Mui worked to integrate Chinese immigrants into American culture by teaching them English and helping them gain their citizenship. Mui served as the President of the Los Angeles Chinese American Citizens Alliance and was eventually elected as the first Asian mayor of the city of San Gabriel. Chi Mui died after a long battle with cancer in 2006.

Committee Action: H.R. 5477 was introduced on February 21, 2008, and referred to the Committee on Oversight and Government Reform, which held a mark-up and reported the bill by voice vote on April 16, 2008.

Cost to Taxpayers: A CBO score for H.R. 5477 is unavailable, but the only costs associated with a U.S. post office renaming are those for sign and map changes, none of which significantly affect the federal budget.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits was not available. Such a report is not required because the bill is being considered under a suspension of the rules.

Constitutional Authority: Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to establish Post Offices and post roads.

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S. 2420—Federal Food Donation Act of 2008 *(Schumer, D-NY)*

Order of Business: The bill is scheduled to be considered on Tuesday, June 3, 2008, under a motion to suspend the rules and pass the bill.

Summary: S. 2420 would revise the Federal Acquisition Regulation (FAR) to encourage federal agencies and their contractors to donate excess, wholesome food to non-profit organizations that

provide food assistance to needy people in the U.S. The bill would apply to any contract above \$25,000.

S. 2420 would stipulate that the head of the agency would not be responsible for the cost or logistics of transporting the food and that the agency or contractor of the agency could not be held criminally or civilly liable for food donations under the Good Samaritan Food Donation Act.

Additional Information: The Federal Acquisition Regulation (FAR) are a series of regulations issued by the federal government that concern the requirements of contractors for selling to the government, the terms under which the government obtains ownership, title and control of the goods or services purchased, and rules on specifications, payments and conduct and actions regarding solicitation of proposals or bids and payment of invoices. Most government agencies are required to use FAR, however, some agencies are exempt from its use (i.e. the United States Postal Service).

According to [Senate Report 110-338](#), the USDA reports that more than 25% of all food produced in the U.S. for human consumption is wasted. Further, there are numerous charity organizations devoted to retrieving excess food from places like restaurants and wholesalers and distributing food that would otherwise be discarded to needy people. This bill would amend the FAR to encourage agencies and agency contractors to make excess foods available to such organizations. The House passed a similar measure, H.R. 4220, on December 17, 2007, by voice vote.

Committee Action: S. 2420 was passed in the Senate on May 22, 2008, by unanimous consent. The following day, the bill was received in the House, which took no official action.

Cost to Taxpayers: According to CBO, “S. 2420 would have no significant impact on the federal budget, and would not affect direct spending or revenues.”

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? [Senate Report 110-338](#) does not cite compliance with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits.

Constitutional Authority: [Senate Report 110-338](#) does not cite constitutional authority.

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H.R. 3774—Senior Executive Service Diversity Assurance Act *(Davis, D-IL)*

Order of Business: The bill is scheduled to be considered on Tuesday, June 3, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3774 would make several changes to the Senior Executive Service (SES), a department of the Office of Personnel Management (OPM) that oversees executive level employees in federal agencies. H.R. 3774 would establish new offices within the SES and establish new standards for diverse hiring practices.

The bill would establish the SES Resource Office to make recommendations regarding the structure, management, and diverse composition of the SES. The goal of the Resource Office would be to improve efficiency within the SES through policy formulation and oversight. The SES Resource Office would also be required to “ensure that, in seeking to achieve a Senior Executive Service reflective of the Nation’s diversity, recruitment is from qualified individuals from appropriate sources.”

H.R. 3774 would also require that the agency evaluation panels that review and oversee career appointment processes be as diverse as possible. The bill stipulates that, when making career appointments, consideration should be given to “improving diversity by including members of racial and ethnic minority groups, women, and individuals with disabilities on qualifications review boards.”

Finally, H.R. 3774 would require each agency to submit a plan to OPM to “enhance and maximize opportunities for the advancement and appointment of minorities, women, and individuals with disabilities in the agency to the Senior Executive Service.” The plans would have to be issued within one year of the enactment of H.R. 3774.

Additional Information: The SES was created by the Civil Service Reform act of 1978 as a means for the OPM to provide special managerial and oversight supervision to the federal government’s most highly trained, skilled, and paid employees. The SES includes nearly 7,000 federal employees that are above the general schedule (GS), of which approximately 6,000 are career appointees. These career appointees are selected on a basis of qualification and are chosen by each individual agency, usually through a process that involves an agency review panel which judges each candidate.

According to [House Report 110-672](#),

Minorities made up 22.5% of the individuals serving at the GS-15 and GS-14 levels and 15.8% of the career SES in 2007; women made up 34.3% of the individuals at the GS-15 and GS-14 levels and 29.1% of the career SES in 2007; and despite an increase in the number of SES members from 6,110 in 2000 to 6,555 in 2007, the representation of African-American men in the career SES declined from 5.5% to 5%. According to OPM, in 2007: black employees represented 6.1% of employees at senior pay levels and 17.8% of the federal workforce compared to 10.1% in the civilian workforce; Hispanic employees represented 4% of employees at the senior pay levels and 7.8% of the permanent federal workforce

compared to 13.3% of the civilian labor force; and women represented 28.2% of employees at the senior pay levels and 43.9% of the permanent federal workforce compared to 45.7% of the civilian labor force.

Possible Conservative Concerns: Some conservatives may be concerned that H.R. 3774 would require the Senior Executive Service (SES) to promulgate regulations that could potentially base federal hiring practices on ethnicity, gender, or race rather than performance. Some conservatives may be concerned that terms such as “appropriate sources” may be construed as a reference ethnic or racial background and result in federal hiring practices that are not based on merit.

Committee Action: H.R. 3774 was introduced on October 9, 2007, and referred to the Committee on Oversight and Government Reform Subcommittee on Federal Workforce, Post Office, and the District of Columbia. On April 15, 2008, the subcommittee forwarded the bill to the full committee by voice vote. On May 1, 2008, the full committee held a mark-up and reported the bill, as amended, by voice vote.

Cost to Taxpayers: According to CBO, H.R. 3774 would cost \$2 million in FY 2009 and \$22 million over the FY 2009—FY 2013 period for the SES to establish the SES Resource Office and for other executive agencies to formulate plans with respect to diversity in hiring practices.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, H.R. 3774 would create the Senior Executive Service Resource Office, a new federal department within the Office of Personnel Management.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? According to the Committee on Oversight and Government Reform, in [House Report 110-672](#), “H.R. 3774 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.”

Constitutional Authority: The Committee on Oversight and Government Reform, in [House Report 110-672](#), cites constitutional authority in Article I, Section 8, Clause 18 (the “necessary and proper” clause).

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H.R. 4106—Telework Improvements Act of 2008 *(Davis, D-IL)*

Order of Business: The bill is scheduled to be considered on Tuesday, June 3, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4106 would require each executive level federal agency to establish a policy to

allow employees to engage in “teleworking.” Teleworking is defined in the bill as “a work arrangement under which an employee regularly performs the duties and responsibilities of such employee’s position, and other authorized activities, from home or another worksite removed from the employee’s regular place of employment.” The bill also establishes guidelines for implementing and reporting the teleworking requirement as follows.

Requirement

- Requires each agency, within 180 days to establish and implement a teleworking policy that allows employees to engage in remote working to the maximum extent possible without diminishing performance. This section gives the head of an agency authority to restrict teleworking for certain employees and stipulates that no employee will be forced to telework without their consent.

Implementation

- Requires that the head of each agency must ensure that appropriate training is provided to supervisors and managers who oversee workers authorized to telework. The bill would stipulate that no distinction can be made between teleworkers and non-teleworkers with regard to performance evaluations. The bill would also require relevant agencies to prescribe regulations to protect information and other systems used outside the office by authorized teleworkers within 120 of the enactment of H.R. 4106.

Telework Managing Officer

- Establishes the position of “Telework Managing Officer” within every agency. The Telework Managing Officer would be appointed by the chief of human resources or the head of the agency and be compensated as no less than a GS-15 on the general schedule. The Telework Managing Officer would serve as the agency’s head of teleworking and be the agency’s primary point of contact on teleworking matters.

Annual Telework Agency Rating

- Requires the Comptroller General to annually evaluate and report on each agency’s teleworking policies and a participation rates.

Chief Human Capital Officers Council

- Establishes the Chief Human Capital Officers Council consisting of the Director of the Office of Personnel Management, the Deputy Director for Management of the Office of Management and Budget, the Administrator of General Services, and the Chief Human Capital Officers of Executive departments. The council would meet periodically to advise and coordinate agency activities regarding modernized human resources systems. The bill would also require that the Chief Human Capital Officers Council ensured that representatives of Federal employee labor organizations are present at a minimum of one meeting of the Council each year.

Reporting

- Requires the General Services Administration to issue a report within one year of enactment of H.R. 4106 regarding the extent to which teleworking has been incorporated by federal agencies.

Additional Information: According to the Committee on Oversight and Government Reform, teleworking’s benefits include “reduced energy consumption and traffic congestion, competitive hiring and retention, cost savings, and emergency preparedness.” Under current law, executive level agencies are required to promote and facilitate telework to “the maximum extent possible without diminishing employee performance.”

According to [House Report 110-663](#), 6% of all federal employees participated in some form of telework in 2006. On May 7, 2007, Representatives Danny Davis, Marchant, Waxman, and Tom Davis sent a letter to 25 federal agencies inquiring as to the current status of each agency’s telework program. The House Report states that the information that was collected demonstrated that agencies are without a consistent definition of “telework” and often vary in how they track employees that participate in telework. H.R. 4106 is an attempt to produce an agency wide standard for telework and require additional participation.

Possible Conservative Concerns: Some conservatives may be concerned that H.R. 4106 would require all federal agencies to establish policies and procedures to allow employees to “telework.” Some conservatives may be concerned that teleworking—working from home or a remote locating—may disincentivize efficiency among federal employees and reduce the productivity of the federal government. Further, some conservatives may believe that it is unnecessary to abandon the current standard, which allows teleworking to “the maximum extent possible without diminishing employee performance,” by requiring agencies to enhance participation in the program.

Committee Action: H.R. 4106 was introduced on November 7, 2007, and referred to the Committee on Oversight and Government Reform Subcommittee on Federal Workforce, Post Office, and the District of Columbia. On February 28, 2008, the subcommittee held a mark-up and forwarded the bill to the full committee by voice vote. On March 13, 2008, the full committee held a mark-up and reported the bill, as amended, by voice vote.

Cost to Taxpayers: According to CBO, H.R. 4106 would cost \$5 million in FY 2009 and smaller amount each additional year. Those costs would be subject to appropriation. However, CBO estimates that the bill could slightly increase direct spending by requiring agencies that are not funded through appropriations to participate in updated telework activities.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? According to the Committee on Oversight and Government Reform, in [House Report 110-663](#), “H.R. 4106 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.”

Constitutional Authority: The Committee on Oversight and Government Reform, in [House Report 110-663](#), cites constitutional authority in Article I, Section 8, Clause 18 (the “necessary and proper” clause).

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H.R. 4791—Federal Agency Data Protection Act *(Clay, D-MO)*

Order of Business: The bill is scheduled to be considered on Tuesday, June 3, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4791 would amend the Federal Information Security Management Act of 2002 (FISMA) by codifying current agency data security practices and requiring agencies to follow additional procedures. In addition, the bill would require the Office of Management and Budget (OMB) to establish minimum data security standards and system requirements.

H.R. 4791 broadens the definition of “personally identifiable information” with regards to agency data protection standards. Under the bill, the term would mean any information regarding a person’s education, finances, medical, criminal, employment history or any information that can be used to trace an individual’s identity, including name, social security number, or date and place of birth. Any information within this category would be subject to agency data protection.

The bill requires the OMB to establish minimum agency-wide requirements with respect to the personally identifiable data that is transmitted via mobile device. The OMB would be required to establish technology standards for agencies and agency contractors that transmit personally identifiable information. The OMB would also be required to keep all information regarding information security breaches and establish standard procedures for agencies to follow in the event of a breach.

Additional Information: In December of 2002, the Federal Information Security Management Act (FISMA) became law. The purpose of the bill was to secure sensitive personal information held by the government from security breaches, including identity theft or fraud. The bill set groundwork for agencies to implement updated practices to provide data security in keeping with technological advances. According to [House Report 110-664](#), however, weaknesses in FISMA have raised concerns over security vulnerabilities regarding personal information maintained by the federal government. The report states that, “These weaknesses put federal operations and assets at risk of fraud, misuse, and destruction. In addition, they place financial data at risk of unauthorized modification or destruction, sensitive information at risk of inappropriate disclosure, and critical operations at risk of disruption.”

Not all parties concerned agree with the Committee on Oversight and Government Reform’s assessment of FISMA. According to Karen S. Evans, the Administrator for E-Government and Information Technology at the Office of Management and Budget (OMB), the current laws

under FISMA give the OMB and other federal agencies the flexibility to update their security more rapidly than could be done under H.R. 4791. In a letter to Rep. Clay regarding H.R. 4791, Ms. Evans wrote, “While we support the intent of H.R. 4791, we do not support the bill because we believe that certain provisions would not achieve our shared goal of enhancing Federal information security and could disrupt the progress agencies are making within the current framework of FISMA.” Specifically, the letter cites potential problems with statutorily defining terms like “personally identifiable information” and “mobile digital device” arguing that they may make it difficult to update security practices in a timely manner in the future. The letter also notes that the “updated” version of the definition is nearly identical to the definition that is already used by agency guidance standards.

Indeed, in the CBO score of H.R. 4791, CBO states that “Under the provisions of the Federal Information Security Management Act (FISMA), the Privacy Act, and OMB memoranda, federal agencies are already required to protect information about individuals, maintain standards for notifications of security breaches, and perform annual reviews to evaluate the security of their information systems.” Yet, according to CBO, the bill would raise the cost of data protection that already occurs by an average of \$20 million annually. Further, in his additional remarks on H.R. 4791, Committee on Oversight and Government Reform Ranking Member Tom Davis suggests that many of the new provisions may be unnecessary and arduous, stating “Most of the provisions contained in this bill are a grab bag of vague requirements, additional mandates, and misplaced priorities. It casts dynamic concepts in stone. And it gives agency personnel more boxes to check.”

Possible Conservative Concerns: Some conservatives maybe concerned that H.R. 4791 may actually hamper the ability of federal agencies to protect personally identifiable information by making ever-changing, technology-based protection guidelines permanent statutes. Some conservatives may also be concerned that H.R. 4791 would cost \$102 million over five years to impose additional requirements on federal agencies that the OMB has stated are unnecessary and could disrupt progress that has been made in protecting personal information.

Committee Action: H.R. 4791 was introduced on December 18, 2007, and referred to the Committee on Oversight and Government Reform Subcommittee on Information Policy, Census, and National Archives. On April 16, 2008, the subcommittee held a mark-up and forwarded the bill, as amended, by voice vote. On May 21, 2008, the full committee held a mark-up and reported the bill, as amended, by voice vote.

Cost to Taxpayers: According to CBO, H.R. 4106 would cost \$20 million in FY 2009 and \$102 million over the FY 2009—FY 2013 period.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? According to the Committee on Oversight and Government Reform, in [House](#)

[Report 110-664](#), “H.R. 4791 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.”

Constitutional Authority: The Committee on Oversight and Government Reform, in [House Report 110-664](#), cites constitutional authority in Article I, Section 8, Clause 18 (the “necessary and proper” clause).

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