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# H.R. 1063 — Presidential Library Donation Reform Act of 2019 (Rep. Cummings, D-MD)

## FLOOR SCHEDULE:

Expected to be considered February 11, 2019, under suspension of the rules, which requires a 2/3 majority for passage.

## TOPLINE SUMMARY:

[H.R. 1063](#) would require presidential library fundraising organizations to submit to the Archivist of the United States records of donor contributions totaling more than \$200 per quarterly period.

## COST:

A Congressional Budget Office (CBO) estimate is unavailable.

In the 114<sup>th</sup> Congress, the Congressional Budget Office (CBO) [estimated](#) that, assuming availability of Appropriated funds, the agency would have spent about \$1 million over the FY 2016-2020 period had the bill been enacted then. CBO estimated that any increases in federal spending to enforce penalties would have been insignificant.

## CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** Yes, the bill creates new reporting requirements and establishes new legal penalties for violations.
- **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.

H.R. 1063 contains similar language to H.R. 73, which passed the House in the 115th Congress by voice vote on January 4, 2017. The RSC's legislative bulletin for H.R. 73 can be found [here](#).

## COMMITTEE ACTION:

H.R. 1063 was introduced on February 7, 2019, and referred to the House Committee on Oversight and Government Reform.

## 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 cited.

# H.R. 1065 — Social Media Use in Clearance Investigations Act of 2019 (Rep. Lynch, D-MA)

## FLOOR SCHEDULE:

Expected to be considered February 11, 2019, under suspension of the rules, which requires a 2/3 majority for passage.

## TOPLINE SUMMARY:

[H.R. 1065](#) would require the Office of Management and Budget to submit a report to Congress regarding the review of a security clearance applicants' social media accounts during investigations.

## COST:

A Congressional Budget Office (CBO) estimate is unavailable.

In the 115<sup>th</sup> Congress, The Congressional Budget Office (CBO) [estimated](#) that implementing the bill would cost under \$500,000, subject to appropriation. The bill would not affect direct spending or revenues, so paygo would 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:

H.R. 1065 would require the director of Office of Management and Budget to submit a report to Congress within 6 months of enactment regarding the review of a security clearance applicants' social media accounts during investigations. The report must include:(1) a description of the current use of social media in security clearance background investigations; (2) any legal impediments, statutory or regulatory, to examining public social media accounts; (3) the results of any pilot programs aiming to incorporate social media reviews; (4) options for including social media during investigations; (5) cost estimates for including social media reviews in all Top Secret and Secret investigations.

H.R. 1065 contains similar language to H.R. 3737, which passed the House in the 115th Congress by voice vote on March 6, 2018. The RSC's legislative bulletin for H.R. 3737 can be found [here](#).

## COMMITTEE ACTION:

H.R. 1065 was introduced on February 7, 2019, and referred to the House Committee on Oversight and Government Reform.

## 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: Art. I, Section 8, Clause 18."

# H.R. 1064 — To amend title 5, United States Code, to allow whistleblowers to disclose information to certain recipients (Rep. Hill, D-CA)

## FLOOR SCHEDULE:

Expected to be considered February 11, 2019, under suspension of the rules, which requires a 2/3 majority for passage.

## TOPLINE SUMMARY:

[H.R. 1064](#) would extend whistleblower protections, that currently allow a federal government employee to make a disclosure to certain officials, to any of the supervisors in the employee's chain-of-command.

## COST:

A Congressional Budget Office (CBO) estimate is unavailable.

In the 115<sup>th</sup> Congress, the Congressional Budget Office (CBO) [estimated](#) that implementing the bill would have no significant costs. The bill could affect direct spending, so pay-as-you-go applies, however the costs 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:

H.R. 1064 would extend whistleblower protections, that currently allow a federal government employee to make a disclosure to certain officials, to any of the supervisors in the employee's chain-of-command. Under current [law](#), the prohibited personnel action only applies to disclosures made to the Special Counsel, Inspector General of the agency, or the head of the agency's designee.

H.R. 1064 contains similar language to H.R. 2196, which passed the House in the 115th Congress by voice vote on October 11, 2018. The RSC's legislative bulletin for H.R. 2196 can be found [here](#).

## COMMITTEE ACTION:

H.R. 1064 was introduced on February 7, 2019, and referred to the House Committee on Oversight and Government Reform.

## 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: U.S. Constitution--Article I, Section 8." No specific enumerating clause was cited.



# H.R. 995 — Settlement Agreement Information Database Act of 2019 (Rep. Palmer, R-AL)

## FLOOR SCHEDULE:

Expected to be considered February 11, 2019, under suspension of the rules, which requires a 2/3 majority for passage.

## TOPLINE SUMMARY:

[H.R. 995](#) would require the director of the Office of Management and Budget to establish and maintain a public, searchable database for agencies to upload information on settlement agreements entered into as a party to a lawsuit.

## COST:

A Congressional Budget Office (CBO) estimate is unavailable.

In the 115<sup>th</sup> Congress, the Congressional Budget Office (CBO) [estimated](#) that implementing the bill would have no significant effect on the federal budget. The bill could affect direct spending by some agencies (such as the Tennessee Valley Authority) that are authorized to use receipts from the sale of goods, fees, and other collections to cover their operating costs, so paygo would apply. CBO estimates that net changes in direct spending would be negligible.

## 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.R. 995 would require the director of the Office of Management and Budget to establish and maintain a public, searchable database for agencies to upload information on settlement agreements, as submitted by the agencies. The agencies would be required to submit a list of each settlement agreement entered into by the agency as a party to a lawsuit, along with details and a copy of the settlement agreement. This requirement does not apply to information that is subject to a nondisclosure agreement. The director of the Office of Management and Budget is required to issue guidance for agencies to implement the data submissions indicated above.

The bill would allow the head of an agency to determine that the sealing of a settlement agreement is necessary to protect the public interest of the United States. The agency must issue a public statement stating why this determination was made.

H.R. 995 contains similar language to H.R. 6777, which passed the House in the 115th Congress by voice vote on September 29, 2018. The RSC's legislative bulletin for H.R. 6777 can be found [here](#).

## COMMITTEE ACTION:



H.R. 995 was introduced on February 6, 2019, and referred to the House Committee on Oversight and Government Reform.

**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: The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

# H.R. 1079 — CASES Act (Rep. Graves, R-LA)

## FLOOR SCHEDULE:

Expected to be considered February 11, 2019, under suspension of the rules, which requires a 2/3 majority for passage.

### TOPLINE SUMMARY:

[H.R. 1079](#), the Creating Advanced Streamlined Electronic Services (CASES) for Constituents Act of 2019, would require the Office of Management and Budget (OMB) to issue guidance to ensure agencies accept electronic consent forms providing for the disclosure of an individual's records.

### COST:

A Congressional Budget Office (CBO) estimate is unavailable.

In the 115<sup>th</sup> Congress, the Congressional Budget Office (CBO) [estimated](#) that implementing similar legislation, H.R. 3076, as ordered reported, would cost \$15 million over the 2019 – 2023 period, with most of this funding being subject to appropriation. Extrapolated over a ten- year period, implementing the bill would cost \$30 million. Further, according to CBO, enacting the bill could affect direct spending by agencies that use fees, receipts from the sale of goods, and other collections to cover operating costs. Such collections are counted by CBO as negative mandatory spending. Therefore, pay-as-you-go procedures apply. Because most agencies can adjust the amounts collected as their operating costs change, CBO estimates that any net changes in direct spending by those agencies 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?** The bill would require OMB to development guidance for requiring agencies to accept electronic consent forms allowing the disclosure of records.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

## DETAILED SUMMARY AND ANALYSIS:

The bill would require the Office of Management and Budget (OMB) to issue guidance that: 1) requires federal agencies to accept electronic identity proofing and authentication processes for the purposes of allowing an individual to provide prior written consent for the disclosure of the individual's records or for individual access to records; 2) creates a template for electronic consent and access forms and requires each agency to post the template on the agency website; and 3) requires each agency to accept the electronic consent and access forms from any individual properly identity proofed and authenticated.

Agencies would be given one year to comply with the guidance. The bill stipulates that no additional funds are authorized to carry out the bill's requirements, and its requirements shall be carried out using amounts otherwise authorized

H.R. 1079 contains similar language to H.R. 3076, which passed the House in the 115th Congress by voice vote on July 16, 2018. The RSC's legislative bulletin for H.R. 3076 can be found [here](#).

**COMMITTEE ACTION:**

H.R. 1079 was introduced on February 7, 2019, and referred to the House Committee on Oversight and Government Reform.

**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: The constitutional authority on which this bill rests is the power of Congress as stated in Article I, Section 8, Clause 7 of the United States Constitution."

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**NOTE:** *RSC Legislative Bulletins are for informational purposes only and should not be taken as statements of support or opposition from the Republican Study Committee.*