



**THE REPUBLICAN
STUDY COMMITTEE**

LIBERTY. OPPORTUNITY. SECURITY.
MARK WALKER, CHAIRMAN

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H.R. ____ – the National Flood Insurance Program Further Extension Act of 2018 (Rep. MacArthur, R-NJ)

FLOOR SCHEDULE:

Expected to be considered on November 29, 2018, under a suspension of the rules which requires 2/3 majority for final passage.

TOPLINE SUMMARY:

[H.R. ____](#) would extend the National Flood Insurance Program (NFIP) until December 7, 2018.

COST:

The Congressional Budget Office (CBO) estimate is not yet 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:

Some conservatives may be concerned that in reauthorizing the NFIP yet again, with only a date change, will further exasperate the financial difficulties of the NFIP. The NFIP is operating on a [\\$1.4 billion-plus](#) annual deficit. In September of 2017, the NFIP hit its borrowing cap of \$30.425 billion. Soon after, in the [disaster supplemental](#), Congress voted to vacate \$16 billion in NFIP debt, without including structural reforms requested by the president and without offset. The [NFIP](#) then proceeded to borrow a further \$6.1 billion as of November 2017, currently leaving the program \$20.5 billion in debt. [Since](#) 2004, when the program held no debt, the NFIP has [borrowed](#) almost \$40 billion from tax payers, repaying only \$2.82 billion on that principle.

Some conservatives may be concerned that this bill will be the eighth date-change reauthorization vote since the expiration of the NFIP on September 30, 2017. [Of](#) the 42 previous reauthorizations, 39 have been clean extensions with no reform.

While many members have been supportive of flood insurance reform for some time, others had concerns based on specific geographical issues. Conservatives from all sides came together to pass [H.R. 2874, the 21st Century Flood Reform Act](#), on November 14, 2017, by a 237-139 [vote](#). H.R. 2874 would have provided for a five-year reauthorization of the NFIP, reformed the program to improve NFIP financial stability, improved flood risk estimates and flood maps, and increased the role of private markets in the flood insurance industry. While some conservatives believed the legislation was not perfect, as certain provisions of the bill had been scaled back, including provisions addressing the phase out of subsidies for multiple-loss properties, it represented a much greater step toward sound financial footing than another date-change reauthorization.

Some conservatives may be concerned that reauthorizing the program without reforms will continue the debt spiral of the NFIP. Some conservatives may be concerned that this legislation does nothing to

address the fact that the premiums charged are not actuarially sound and do not reflect an actual risk of flooding. While [multiple loss properties represent](#) under two percent of insured properties, they are responsible for roughly 24 percent of flood insurance claims and 1/3 of all claims filed. [Moreover](#), the practice of grandfathering and subsidizing certain policy holders prevents the NFIP from achieving fiscal solvency with full risk rates. Some may further be [concerned](#) that many of the individuals impacted by flood loss in Hurricanes are not currently in mapped flood zones and did not have flood insurance. Those individuals need flood coverage in a solvent program as well. Some may be concerned that these individuals will not get coverage until flood maps are updated. It was [estimated](#) that up to 40 million people in the U.S. have flood risk exposure, which is three times that depicted by the current flood maps.

Taxpayers are paying over and over for houses that repeatedly flood – according to an [article](#) in The Hill, a house in Baton Rouge, Louisiana worth roughly \$56,000 has flooded 40 times, and has been paid roughly \$430,000 in flood claims. According to the same [article](#), a house in Houston, Texas worth just over \$72,000 has flooded multiple times and has received more than \$1 million in flood claim payouts. The same [article](#) states that of the roughly 30,000 repetitive loss properties, roughly 22,500 have taken no action to mitigate their flood vulnerability.

Some conservatives may be concerned that this legislation is yet another temporary band aid, doing nothing to build a robust private market, leaving the current government-run [monopoly](#) on flood insurance in place. While people have choices for other forms of property insurance, private insurers are essentially boxed out of the flood insurance market, leaving the NFIP as the only option for those in need. Some conservatives may be further concerned that this legislation does not do anything to move toward the creation of better Flood Insurance Rate Maps which inform the accuracy of premiums. It further does nothing to address the effective tax-payer subsidization of properties that are in the most severe flood zones.

Some may be [concerned](#) that Congress repeatedly reauthorized flood insurance without reform out of fear of a lapse during hurricane season. However, hurricanes have failed to press Congress to pass flood insurance reform. While Congress reauthorized the NFIP for four months in July as hurricane season was underway, we have again reached the close of the season with no meaningful reforms to the program on the horizon.

Some conservatives may believe that by providing yet another extension of the program without reform, there may be an opportunity to include reforms at some later date. Unfortunately, that reasoning does not stand up to history, as each extension since September has been made in order to give Congress an opportunity to include meaningful reforms at a later date.

Statements from Chairman Hensarling on past clean reauthorizations can be found [here](#) and [here](#).

- **Expand the Size and Scope of the Federal Government?** The bill would provide for an extension of the NFIP with no reforms.
- **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:

The National Flood Insurance Program (NFIP) was established nearly 50 years ago as an effort of provide insurance to those at risk of damage from flooding. The program is set to expire on November 30, 2018, absent reauthorization.

H.R. ___ would extend the National Flood Insurance Program until December 7, 2018.

COMMITTEE ACTION:

This legislation has yet to be introduced.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available at this time on H.R. ___

Both [OMB Director Mulvaney](#) and the [Administration](#) have indicated that Congress needs to pass meaningful flood insurance reforms.

CONSTITUTIONAL AUTHORITY:

A constitutional authority statement is not yet available.

H.R. 2846 – Federal Agency Customer Experience Act of 2017 (Rep. Fitzpatrick, R-PA)

FLOOR SCHEDULE:

Scheduled for consideration on November 29, 2018, under a suspension of the rules which requires a 2/3 majority for final passage.

TOPLINE SUMMARY:

[H.R. 2846](#) require the director of the Office of Management and Budget to issue guidance implementing certain requirements for the solicitation of feedback on customer service.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 2846 would have no significant cost. The bill could affect direct spending, so paygo would 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. 2846 would express the sense of Congress that all agencies should strive to provide high-quality, and efficient services and measure metrics related to the customer service experience to improve those services.

The bill would require the Director of the Office of Management and Budget (OMB) to issue guidance requiring agencies that solicit customer service feedback to ensure that responses are anonymous, no more than 10 questions, and only used to improve customer service. The bill would require the OMB director to issue standardized questions.

The bill would require agencies to publish on the agency's website and submit to the Director a report on the feedback and how the agency will use the feedback. The Director is required to maintain website links to the information.

The Comptroller General of the United States is required to submit to Congress and make publically available a scorecard report that assesses the collected data.

The bill would express the sense of Congress that adequate federal funding is needed to ensure agency staffing levels that can provide appropriate customer service.

COMMITTEE ACTION:

H.R. 2846 was introduced on June 8, 2017, by Rep. Blake Farenthold (R-TX) and referred to the House Committee on Oversight and Government Reform. The bill was marked-up on March 15, 2018, and

reported by voice vote. On June 5, 2018, Rep. Brian Fitzpatrick (R-PA) assumed primary sponsorship of the bill.

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 1 of the U.S. Constitution
Article I, Section 8, Clause 18 of the U.S. Constitution."

H.R. 3121 – All-American Flag Act (Rep. Bustos, D-IL)

FLOOR SCHEDULE:

Scheduled for consideration on November 29, 2018, under a suspension of the rules which requires a 2/3 majority for final passage.

TOPLINE SUMMARY:

[H.R. 3121](#) would require the flags purchased by the federal government to be 100 percent manufactured in the United State from materials that been grown or 100 percent manufactured in the United States.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 3121 would not significantly change the cost of purchasing flags. The bill could affect direct spending, so paygo would apply, but the net increase in spending would be negligible.

CONSERVATIVE CONCERNS:

Some conservatives may be concerned that this is a protectionist policy for flag manufacturers.

- **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. 3121 would require the flags purchased by the federal government to be 100 percent manufactured in the United State from materials that been grown or 100 percent manufactured in the United States. The bill would allow for the following exceptions: (1) procurements by vessels in foreign waters; (2) procurements for resale in commissaries, military exchanges, or non-appropriated fund instrumentality operated by an agency; and (3) procurements under the [simplified acquisition threshold](#), which is currently \$250,000. Agencies are not required to comply with the requirement if the head of the agency determines that satisfactory quality and sufficient quality of American-made flags are not available at market prices within the necessary timeline. The President may also waive the requirement if necessary to comply with a trade agreement.

Some conservatives may be concerned that this is a protectionist policy for flag manufacturers.

COMMITTEE ACTION:

H.R. 3121 was introduced on June 29, 2018, and referred to the House Committee on Oversight and Government Reform. The bill was marked-up on November 2, 2017, and reported by voice vote.

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: Congress under Article I, Section 8, Clause 18 of the United States Constitution."

H.R. 3154 – Inspector General Access Act of 2017 (Rep. Richmond, D-LA)

FLOOR SCHEDULE:

Scheduled for consideration on November 29, 2018, under a suspension of the rules which requires a 2/3 majority for final passage.

TOPLINE SUMMARY:

[H.R. 3154](#) would eliminate a [provision](#) of current law that requires misconduct allegations that involve Department of Justice (DOJ) attorneys, investigators or enforcement personnel to be referred to the DOJ Office of Professional Responsibility.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 3154 would not significantly affect 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:

H.R. 3154 would eliminate a [provision](#) of current law that requires misconduct allegations that involve Department of Justice (DOJ) attorneys, investigators or enforcement personnel to be referred to the DOJ Office of Professional Responsibility.

COMMITTEE ACTION:

H.R. 3154 was introduced on June 29, 2018, and referred to the House Committee on Oversight and Government Reform. The bill was marked-up on September 27, 2018, and reported by unanimous consent.

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: This bill is introduced pursuant to the powers granted to Congress under the General Welfare Clause (Art. 1 Sec. 8 Cl. 1), the Commerce Clause (Art. 1 Sec. 8 Cl. 3), and the Necessary and Proper Clause (Art. 1 Sec. 8 Cl. 18).

Further, this statement of constitutional authority is made for the sole purpose of compliance with clause 7 of Rule XII of the Rules of the House of Representatives and shall have no bearing on judicial review of the accompanying bill."

H.R. 5759 – 21st Century IDEA (Rep. Khanna, D-CA)

FLOOR SCHEDULE:

Scheduled for consideration on November 29, 2018, under a suspension of the rules which requires a 2/3 majority for final passage.

TOPLINE SUMMARY:

[H.R. 5759](#) would require the modernization of newly created or redesigned websites, require a process for the modernization of existing websites and the digitization of public paper or in-person government services, and require digitization of digitization of paper forms.

COST:

The Congressional Budget Office (CBO) estimate is not yet 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.R. 5759 would require executive agencies that create or redesign a new public website to ensure that the site is accessible to those with disabilities, is consistent in appearance, is not duplicative, has a search bar, and is fully functional on mobile devices. The bill would require the head of each executive agency that maintains a website to review the websites and submit a report to Congress that includes a prioritization of websites that require modernization to meet the above requirements and an estimate of the cost and schedule of modernization.

The bill would require the director of the Office of Management and Budget to issue guidance that establishes a process for the agency to include in the agency's budget request a list of public paper or in-person government services that could be made available online, along with the cost and schedule of digitization.

The bill would require all forms to be available online within two years of enactment.

Agencies would be required to continue to provide in-person, paper-based services for those who do not have access to digital services.

The bill would require the agencies submit a plan to accelerate the use of electronic signatures.

The bill would require each agency to maintain standardization with other agencies when implementing this bill.

The General Services Administration is required to make the systems and services required to implement this bill under a federal supply schedule.

COMMITTEE ACTION:

H.R. 5759 was introduced on May 10, 2018, and referred to the House Committee on Oversight and Government Reform. The bill was marked-up on September 27, 2018, and reported by voice vote.

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 IX, clause VII, of the United States".

H.R. 6777 – Settlement Agreement Information Database Act of 2018 (Rep. Palmer, R-AL)

FLOOR SCHEDULE:

Scheduled for consideration on November 29, 2018, under a suspension of the rules which requires a 2/3 majority for final passage.

TOPLINE SUMMARY:

[H.R. 6777](#) 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:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 6777 would have no significant effect on the federal budget. The bill could affect direct spending 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. 6777 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.

COMMITTEE ACTION:

H.R. 6777 was introduced on September 12, 2018, and referred to the House Committee on Oversight and Government Reform. The bill was marked-up on September 27, 2018, and reported by unanimous consent.

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". No specific enumerating clause was cited.

H.R. 6901 – Federal CIO Authorization Act of 2018 (Rep. Hurd, R-TX)

FLOOR SCHEDULE:

Scheduled for consideration on November 29, 2018, under a suspension of the rules which requires a 2/3 majority for final passage.

TOPLINE SUMMARY:

[H.R. 6901](#) would rename the [Office of E-Government](#) as the Office of Chief Information Officer, and establish a Federal Chief Information Security Officer to direct OMB's cybersecurity efforts. The bill would require agencies to submit a report to the Chief Information Officer on information technology expenditures.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 6901 would cost up to \$2 million. The bill could affect direct spending, so paygo would apply, though the net changes in direct spending would not be significant.

The bill does not authorize additional funds to carry out the provisions.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** The bill would establish a Federal Chief Information Security Officer (CISO) within OMB.
- **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. 6901 would rename the [Office of E-Government](#) as the Office of Chief Information Officer. The Federal Chief Information Officer (CIO) would be appointed by the president and report directly to the director of the Office of Management and Budget (OMB).

The bill would also establish a Federal Chief Information Security Officer (CISO) within OMB. The CISO would be a presidential appointee that reports directly to CIO, directs OMB's cybersecurity efforts, and carries out the duties related to information security for agencies.

The bill would require agencies to submit a report to the CIO on information technology expenditures.

The bill would require the CIO to submit a proposal to congress for consolidating information technology across the federal government, and increasing the use of shared services.

The bill does not authorize additional funds to carry out the provisions.

The report accompanying H.R. 6901 (H. Rept. 115-987) can be found [here](#).

COMMITTEE ACTION:

H.R. 6901 was introduced on September 26, 2018, and referred to the House Committee on Oversight and Government Reform. The bill was marked-up on September 27, 2018, and reported by unanimous consent.

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 1, Section 8". No specific enumerating clause was cited.

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