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## Bill Text and Background for the Week of March 12, 2007

(Click on Bill to go to Relevant Section in Whip Pack)

- [H.R. 985 – Whistleblower Protection Enhancement Act of 2007](#) (*Subject to a Rule*)
- [H.R. 1362 – Accountability in Contracting Act](#) (*Subject to a Rule*)
- [H.R. 1309 – The Freedom of Information Act Amendments of 2007](#)
- [H.R. 1254 – Presidential Library Donation Reform Act of 2007](#)
- [H.R. 1255 – Presidential Records Act Amendments of 2007](#)

**H.R. 985-WHISTLEBLOWER PROTECTION ENHANCEMENT ACT OF 2007** (*Rep. Waxman – House Oversight and Government Reform*) (*Subject to a Rule*)

**Bill Text:** [HTML Version](#), [PDF Version](#)  
[Bill Summary and Status](#)

**Rules Committee Meeting:** Tuesday, March 13 at 3:30 p.m. in H-313 Capitol,  
[Amendment Process](#), [Summary of Amendments Submitted](#)

**Committee:** [House Oversight and Government Reform](#), Committee on Armed Services (Discharged)

**Committee Staff Contact:** 5-5051

### LEGISLATION AT A GLANCE: H.R. 985

- Bipartisan – H.R. 985 was introduced February 12, 2007, by Reps. Henry A. Waxman, Todd Platts, Chris Van Hollen, and Tom Davis and currently has 29 cosponsors. Moreover, it was reported out of the Committee unanimously.
- Protecting National Security Whistleblowers – H.R. 985 would extend whistleblower protections to federal workers who specialize in national security issues.
- Protecting Contractor Whistleblowers – H.R. 985 would ensure that employees who work for companies with government contracts are protected when they report waste, fraud, and abuse of U.S. taxpayer dollars.
- Protecting Scientific Whistleblowers – H.R. 985 would extend whistleblower protections to federal employees who disclose actions relating to the validity of federally funded scientific research and analysis.
- Protecting All Whistleblowers – H.R. 985 would override several court and administrative decisions that undermined existing whistleblower protections; and provide whistleblowers access to federal district courts if the Merit Systems Protection Board (MSPB) or the Inspector General (IG) does not take action on their claims within 180 days.

**Committee Summary:**

[HTML Version](#), [PDF Version](#)

**House Report 110-42 Part 1:**

[HTML Version](#), [PDF Version](#)

**Committee Mark-up:**

[House Oversight and Government Reform Markup](#), February 14, 2007

[National Journal Report](#)

- **Rep. Van Hollen/Rep. Platts Federal Jurisdiction Amendment** – Allows a whistleblower to file an appeal of a whistleblower case in the Federal Circuit or the court of appeals for the circuit where the alleged prohibited personnel practice occurred, where the employment records are maintained and administered, or where the whistleblower resides. **Adopted by Voice Vote.**
  - [Rep. Issa Point of Order](#) – Argued that amendment was not germane because it regarded issues in the jurisdiction of the Committee on Judiciary.
  - [Chair Ruled Against Point of Order](#) – Explained that the entire bill dealt with rights of redress and appeal and the amendment did not amend title 18 of the U.S. Code but only granted a right to appeal.
- **Rep. Braley Amendment** – Clarified that the bill allows for jury trials at the district court level. **Adopted by Voice Vote.**
- **Rep. Braley Amendment** – Clarified what types of damages a whistleblower can recover if the MSPB or a district court rules in his or her favor. Under the original text, the words “compensatory damages” were used in one section but not in another. The Braley amendment clarifies that compensatory damages are available to all federal employees and contractors. Further, it details some of the items the MSPB or a district court could award including interest and expert witness fees. **Adopted by Voice Vote.**
- **Ordered Reported, as Amended, by Recorded Vote of 28-0 (D-20, R-8).**

**CBO Report:**

(TBA)

**Committee Hearing:**

[Reform Acts Will Increase Transparency and Encourage Discovery of Waste](#), February 13, 2007

[Chairman Waxman's Opening Statement](#)

[Testimony of Dr. James A. Thurber](#), American University

[Testimony of Fred Wertheimer](#), Democracy 21

[Testimony of Craig Holman](#), Public Citizen

[Testimony of William G. Weaver](#), National Security Whistleblowers Coalition

[Testimony of Nick Schwellenbach](#), Project on Government Oversight

[Testimony of Tom Devine](#), Government Accountability Project

[Testimony of Mark S. Zaid](#)

**Legislative History:**

Similar Measures Introduced with No Floor Action.

**Press Releases & News Articles:**

[Open - Government Bills Mark Sunshine Week](#) – New York Times  
[House Committee Unanimously Approves Whistleblower Protections](#)  
[Committee Approves Two Essential Reform Bills](#)  
[Davis Lauds Quick Action on Two Reform Bills](#)  
[Speaking Up for the Whistle-Blowers](#) – Washington Post

**Organizational Statements:**

[American Federation of Government Employees \(AFGE\)](#)  
[Concerned Foreign Service Officers](#)  
[Government Accountability Project](#)  
[National Employment Lawyer's Association](#)  
[National Treasury Employees Union \(NTEU\)](#)  
[National Whistleblower Center](#)

**Other Resources:**

[Cosponsors of H.R. 985](#)  
[Survey of "Likely Voters" Demonstrates Support for "Strong" Whistleblower Protection Law](#)

**H.R. 1362 — ACCOUNTABILITY IN CONTRACTING ACT** (*Rep. Waxman— House Oversight and Government Reform*) (*Subject to a Rule*)

**Bill Text:** [HTML Version](#), [PDF Version](#)  
[Bill Summary and Status](#)

**Rules Committee Meeting:** Wednesday, March 14, 2007 at 2:00 p.m. in H-313 Capitol, Amendments due by 1 p.m. March 13, [Amendment Process](#)

**Committee:** [House Oversight and Government Reform](#), [Committee on Armed Services](#)

**Committee Staff Contact:** 5-5051

**LEGISLATION AT A GLANCE: H.R. 1362**

- [Minimizing No-Bid and Cost-Plus Contracts](#) – H.R. 1362 would limit the length of certain non-competitive contracts and requires large federal agencies to develop and implement plans to minimize the use no-bid and cost-plus Contracts.
- [Public Disclosure of Justifications for No-Bid Contracts](#) – Section 201 would require the public disclosure of “justification and approval” documents required for non-competitive contracts.
- [Disclosing Contractor Overcharges](#) – Section 202 would promote transparency in federal contracting by requiring that contract overcharges in excess of \$1 million be disclosed to Congress.
- [Funding Contract Oversight](#) – Section 203 would require each agency to use an additional 1% of its procurement budget for hiring and training acquisition workforce personnel, contract planning, contract administration and oversight, and contract audits and enforcement.

- Closing the Revolving Door – Section 301 would close loopholes in the current “revolving door” laws applicable to government contracting officials by requiring that former federal procurement officers wait one year before seeking employment at a lobbying or contracting firm. The bill also would add a requirement that current federal procurement officers who formerly worked for a private contractor wait one year before becoming involved in a contract given to a former employer. The bill would allow an agency's ethics officer to issue a waiver for an employee to become involved in a procurement or contract with a former employer.

**Committee Summary:**

[HTML Version](#), [PDF Version](#)

**House Report:**

(TBA)

**Committee Mark-up:**

[House Armed Services Committee Full Committee Markup](#), March 13, 8:30 a.m., 2118 Rayburn

**Committee Mark-up:**

[House Oversight and Government Reform Markup](#), March 08, 2007  
[Chairman Waxman Opening Statement on H.R. 1362](#)

- **Chairman Waxman Amendment in the Nature of a Substitute** – Added sections 204 and 205 and added a new requirement that the Administrator for Federal Procurement Policy issue guidelines to implement the funding provisions of section 203. **Adopted by Voice Vote.**
- **Rep. Davis Employment Restriction Amendment** – Would have struck section 301. **Rejected by Voice Vote.**
- **Rep. Davis Auditing Reports Amendment** – Would have deleted the requirement in the bill that agencies report on questioned costs over one million dollars, and replaced it with a requirement that unallowable costs be reported. **Rejected by Voice Vote.**
- **Rep. Davis Professional Exchange Program Amendment** – Would have created a government/industry exchange program. **Ruled Not Germane.**
- **Rep. Davis Employment Restrictions Amendment** – Amended section 301 of the bill to strike the two-year post-employment restrictions on contracting officers and permit a waiver of the bill's requirement that an individual can not be involved in acquisitions that involve their former private sector employers. **Adopted by Voice Vote.**
- **Ordered Bill Reported to House, as Amended, by Voice Vote.**
- Referred to House Armed Services.

**CBO Report:**

(TBA)

**Committee Hearings:**

[Hearings on Waste, Fraud, and Abuse of Taxpayer Dollars](#), February 6-9, 2007  
[Hearing Questions Waste, Fraud, and Abuse In Iraq Reconstruction](#), February 6, 2007  
[Iraqi Reconstruction: Reliance on Private Military Contractors](#), February 7, 2007  
[Hearing Questions Management of Homeland Security Contracts](#), February 8, 2007  
[Financial Impacts of Waste, Fraud, and Abuse in Pharmaceutical Pricing](#), February 9, 2007  
[Committee Holds Hearing on Iraq Reconstruction Overview](#), February 15, 2007  
[Committee Holds Hearing on Political Influence on Government Climate Change Scientists](#), January 30, 2007

**Legislative History:**

No Relevant Legislative History.

**Press Releases & News Articles:**

[Chairman Waxman Introduces the Accountability in Contracting Act](#)  
[Chairman Waxman Requests Additional Information on GSA Procurement](#), January 19, 2007  
[Letter to GSA Administrator Doan](#), [Letter to Ms. Edie Fraser](#), [Letter to White House Office of Administration Director Swendiman](#)  
[One Page Fact Sheet on Restoring Honesty and Accountability in Washington](#)  
[Restoring Honesty and Accountability in Washington](#)  
[GAO Finds Millions in Overpayments to Iraq Contractors](#), December 19, 2006  
[GAO Report: Contractor Oversight](#); [Letter to General Benjamin S. Griffin from Rep. Waxman](#)

**Organizational Statements:**

(TBA)

**Other Resources:**

[Cosponsors of H.R. 1362](#)

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**BILLS CONSIDERED UNDER SUSPENSION OF THE RULES**

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**H.R. 1309 — FREEDOM OF INFORMATION ACT AMENDMENTS OF 2007** (*Rep. Clay— House Oversight and Government Reform*)

**Bill Text:** [HTML Version](#), [PDF Version](#)  
[Bill Summary and Status](#)  
**Committee:** [House Oversight and Government Reform](#)  
**Committee Staff Contact:** 5-5051

**LEGISLATION AT A GLANCE: H.R. 1309**

- [Bipartisan](#) – H.R. 1309 was introduced by Reps. William Lacy Clay, Todd Russell Platts, and Henry A. Waxman to promote and enhance public disclosure of government information pursuant to the Freedom of Information Act (FOIA).
- [Restoring the Presumption of Disclosure to FOIA](#) – The bill would reaffirm the presumption that records should be released to the public if disclosure is allowable under law and the agency cannot reasonably foresee harm from such a disclosure.

- Helping FOIA Requesters Obtain Timely Responses – H.R. 1309 would clarify that the 20-day time limit by which an executive branch agency must respond to a Freedom of Information Act (FOIA) request begins on the date the agency receives the request. If the agency fails to comply in the allotted time it would not be allowed to charge any fees to the requester. The bill also would require agencies to provide requesters with individualized tracking numbers for each request and access to a telephone or internet hotline with information about the status of requests. Additionally, independent journalist would not be barred from obtaining fee waivers solely because they lack an institutional affiliation with a recognized news media organization.
- Improving Transparency in Agency Compliance with FOIA – The bill would strengthen agency reporting requirements to identify excessive delays and requires each agency to make the raw data used to compile its annual reports publicly available. The bill also would require the Government Accountability Office to report annually on the Department of Homeland Security's use of the broad disclosure exemption for "critical infrastructure information."
- Providing an Alternative to Litigation – H.R. 1309 would establish an Office of Government Information Services within the Administrative Conference of the United States to act as a non-exclusive alternative to litigation to requesters that will help requesters by providing informal guidance and nonbinding opinions regarding rejected or delayed FOIA requests.
- Providing Accountability for FOIA Decision – H.R. 1309 would make it more feasible for citizen groups to challenge the improper withholding of government information by expanding access to attorneys' fees for FOIA requesters who successfully challenge an agency's denial of information. The bill also would hold agencies accountable for their decisions by enhancing the authority of the Office of Special Counsel to take disciplinary action against government officials who arbitrarily and capriciously deny disclosure.

**Committee Summary:**

[HTML Version](#), [PDF Version](#)

**House Report:**

(TBA)

**Subcommittee Mark-up:**

[House Oversight and Government Reform Information Policy, Census, and National Archives](#)

[Subcommittee Markup](#), March 6, 2007

[National Journal Report](#)

- **Reported to Full Committee by Voice Vote.**

**Committee Mark-up:**

[House Oversight and Government Reform Markup](#), March 08, 2007

[Chairman Waxman Opening Statement on H.R. 1309](#)

- **Ordered Bill Reported to House, as Amended, by Voice Vote.**

**CBO Report:**

(TBA)

**Subcommittee Hearing**

[Subcommittee on Information Policy, Census, and National Archives hearing on The State of FOIA: Assessing Agency Efforts to Meet FOIA Requirements](#), February 14, 2007

[Testimony of Ms. Linda Koontz](#), Government Accountability Office

[Testimony of Ms. Melanie Ann Pustay](#), U.S. Department of Justice

[Testimony of Mr. Clark Hoyt](#), McClatchy Newspapers

[Testimony of Ms. Carolyn Frederickson](#), American Civil Liberties Union

[Testimony of Ms. Meredith Fuchs](#), National Security Archive at George Washington University

**Legislative History:**

Similar Measures Introduced with No Floor Action.

**Press Releases & News Articles:**

[Report: Secrecy in the Bush Administration](#), September 14, 2004

**Organizational Statements:**

(TBA)

**Other Resources:**

[Cosponsors of H.R. 1309](#)

**H.R. 1254 — PRESIDENTIAL LIBRARY DONATION REFORM ACT OF 2007** (*Rep. Waxman— House Oversight and Government Reform*)

**Bill Text:** [HTML Version](#), [PDF Version](#)

[Bill Summary and Status](#)

**Committee:** [House Oversight and Government Reform](#)

**Committee Staff Contact:** 5-5051

**LEGISLATION AT A GLANCE: H.R. 1254**

- Bipartisan – H.R. 1254 was introduced March 1, 2007, by Reps. Henry A. Waxman, John Duncan, Wm. Lacy Clay, Todd Russell Platts, and Rahm Emanuel and currently has 15 cosponsors.
- Requiring Disclosure of Donations – H.R. 1254 would require that all organizations established for the purpose of raising funds for presidential libraries or their related facilities report on a quarterly basis all contributions of \$200 or more.
- Duration of the Disclosure Requirement – H.R. 1254 would require organizations fundraising for presidential libraries to disclose their donations while the president is in office and during the period before the federal government has taken possession of the library. The bill would set a minimum reporting period of four years after the end of a president's term.
- Making Information about Donations Publicly Accessible – H.R. 1254 would require presidential library fundraising organizations to disclose to Congress and the Archivist the amount and date of each contribution, the name of the contributor, and if the contributor is an individual, the occupation of the contributor. The National Archives would be required to make the information available to the public through a free, searchable, and downloadable database on the internet.

**Committee Summary:**

[HTML Version](#), [PDF Version](#)

**House Report 110-43:**

(TBA)

**Committee Mark-up:**

[House Oversight and Government Reform Markup](#), March 08, 2007

[Opening Statement of Chairman Waxman on H.R. 1254](#)

- **Ordered Bill Reported to House by Voice Vote.**

**CBO Report:**

(TBA)

**Committee Hearing**

[Reforming the Presidential Library Donation Disclosure Process](#), February 28, 2007

[Opening Statement of Chairman Henry A. Waxman](#)

[Testimony of Sharon Fawcett, National Archives and Records Administration](#)

[Testimony of Celia Viggo Wexler, Common Cause](#)

[Testimony of Sheila Krumholz, Center for Responsive Politics](#)

**Legislative History:**

H.R. 1254 is similar to legislation introduced by Rep. Duncan in the 107th Congress, [H.R. 577](#), which the House approved by a vote of 392-3.

**Press Releases & News Articles:**

[House Oversight Panel OKs Four Government Transparency Bills](#) – RollCall

[Bills Aim for More Transparency in Presidential Records, FOIA Requests](#) – CQ

**Organizational Statements:**

(TBA)

**Other Resources:**

[Cosponsors of H.R. 1254](#)

**H.R. 1255 — PRESIDENTIAL RECORDS ACT AMENDMENTS OF 2007** (Rep. Waxman– House Oversight and Government Reform)

**Bill Text:** [HTML Version](#), [PDF Version](#)

[Bill Summary and Status](#)

**Committee:** [House Oversight and Government Reform](#)

**Committee Staff Contact:** 5-5051

**LEGISLATION AT A GLANCE: H.R. 1255**

- Bipartisan – Introduced by Reps. Henry A. Waxman, Todd Russell Platts, Wm. Lacy Clay, and Dan Burton and currently has 14 cosponsors. This bill would overturn President Bush's Executive Order 13233 dealing with presidential records.
- Establishing a Deadline for Review of Records – Under the Bush executive order, the Archivist must wait for both the current and former president to approve the release of presidential records, a review process that can continue indefinitely. Under the bill, the current and former president would have a set time period of no longer than 40 business days to raise objections to the release of these records by the Archivist.

- Limiting the Authority of Former Presidents to Withhold Presidential Records – Under the Reagan executive order, a former president could request that the incumbent president assert a claim of executive privilege and thereby stop the release of the records. If the incumbent president decided not to assert executive privilege, however, the records would be released unless the former president could persuade a court to uphold the former president's assertion of the privilege. The Bush executive order reversed this process and required the incumbent president to sustain the executive privilege claim of the former president unless a person seeking access could persuade a court to reject the claim. In effect, the Bush order gave former presidents virtually unlimited authority to withhold presidential records through assertions of executive privilege. H.R. 1255 would restore the Reagan approach, giving the incumbent president the discretion to reject ill-founded assertions of executive privilege by former presidents.
- Requiring the President to Make Privilege Claims Personally – Under the Bush executive order, designees of the former president could assert privilege claims after the death of the president, in effect making the right to assert executive privilege an asset of the former president's estate. The bill would make clear that the right to claim executive privilege is personal to current and former presidents and cannot be bequeathed to assistants, relatives, or descendants.
- Eliminating Executive Privilege Claims for Vice Presidents – In an unprecedented step, the Bush executive order authorized former vice presidents to assert executive privilege claims over vice presidential records. The bill would restore the long-standing understanding that the right to assert executive privilege over presidential records is a right held only by presidents.

**Committee Summary:**

[HTML Version](#), [PDF Version](#)

**House Report 110-44:**

(TBA)

**Subcommittee Mark-up:**

[House Oversight and Government Reform Information Policy, the Census and National Archives Subcommittee Markup](#), March 6, 2007  
[National Journal Report](#)

- **Reported to Full Committee by Voice Vote.**

**Committee Mark-up:**

[House Oversight and Government Reform Markup](#), March 8, 2007  
[National Journal Report](#)  
[Chairman Waxman Opening Statement on H.R. 1255](#)

- **Ordered Bill Reported to House, as Amended, by Voice Vote.**

**CBO Report:**

(TBA)

**Subcommittee Hearing**

[Subcommittee Holds Hearing on The Presidential Records Act of 1978](#), March 1, 2007  
 Opening Statement of Chairman Henry A. Waxman  
[Testimony of Allen Weinstein](#), Archivist of the United States  
[Testimony of Harold C. Relyeas](#), Congressional Research Service

[Testimony of Scott L. Nelson](#), Public Citizen  
[Testimony of Thomas Blanton](#), National Security Archive, George Washington University  
[Testimony of Steven L. Hensen](#), Society of American Archivists  
[Testimony of Robert Dallek](#)  
[Testimony of Dr. Anna K. Nelson](#), American University  
[Joint Statement of Robert Axelrod and Lori Cox Han](#)  
[Statement of David A. Zeeck](#), American Society of Newspaper Editors

**Legislative History:**

Similar Measures Introduced with No Floor Action.

**Organizational Statements:**

(TBA)

**Other Resources:**

[Cosponsors of H.R. 1255](#)