

ELIMINATING GOVERNMENT-FUNDED OIL-PAINTING ACT

JANUARY 11, 2018.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GOWDY, from the Committee on Oversight and Government Reform, submitted the following

R E P O R T

[To accompany H.R. 1701]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Government Reform, to whom was referred the bill (H.R. 1701) to prohibit the use of Federal funds for the costs of painting portraits of officers and employees of the Federal Government, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

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The amendments are as follows:
 Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Eliminating Government-funded Oil-painting Act” or the “EGO Act”.

SEC. 2. PROHIBITION ON USE OF FUNDS FOR PORTRAITS.

(a) IN GENERAL.—Subchapter III of chapter 13 of title 31, United States Code, is amended by adding at the end the following:

“§ 1355. Prohibition on use of funds for portraits

“(a) No funds appropriated or otherwise made available to the Federal Government may be used to pay for the painting of a portrait of an officer or employee of the Federal Government, including the President, the Vice President, a Member of Congress, the head of an executive agency, or the head of an office of the legislative branch.

“(b) In this section—

“(1) the term ‘executive agency’ has the meaning given the term in section 133 of title 41; and

“(2) the term ‘Member of Congress’ includes a Delegate or Resident Commissioner to Congress.”.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter III of chapter 13 of title 31, United States Code, is amended by adding after the item relating to section 1354 the following new item:

“1355. Prohibition on use of funds for portraits.”.

Amend the title so as to read:

A bill to amend title 31, United States Code, to prohibit the use of Federal funds for the costs of painting portraits of officers and employees of the Federal Government, and for other purposes.

COMMITTEE STATEMENT AND VIEWS

PURPOSE AND SUMMARY

H.R. 1701, the Eliminating Government-funded Oil-painting Act (or EGO Act), prohibits the use of appropriated funds for painting portraits of officers and employees of the federal government.

BACKGROUND AND NEED FOR LEGISLATION

The White House Historical Association commissions paintings of the President and the First Lady. These paintings commemorate former presidents and are often hung in the White House and at the National Portrait Gallery.¹ The cost of the paintings can be large, but is covered by private money from the Association, not taxpayers.²

There are, however, portraits paid for using federally appropriated money. Federal agencies spent tens of thousands of dollars per painting of agency heads and other executive branch officials. Cumulatively, the federal government spent more than \$100,000 on portrait paintings in recent years.³

While this amount of money is only a fraction of a percentage of the federal budget, it represents a failure to exercise fiscal restraint. Portraits of agency heads tucked away in government buildings provide no return on the taxpayers’ investment in the federal government. Taxpayers have funded dozens of portraits at agencies throughout the executive branch, including:

¹ Emily Heil, *Don’t look for Obama’s official portrait anytime soon*, WASH. POST, June 13, 2017, <https://www.washingtonpost.com/news/reliable-source/wp/2017/06/13/dont-look-for-obamas-official-portrait-anytime-soon>.

² *Id.*

³ Jim McElhatton, *Picture this: Cabinet portraits for big bucks*, WASH. TIMES, Nov. 11, 2012, <http://www.washingtontimes.com/news/2012/nov/11/picture-this-cabinet-portraits-for-big-bucks/>.

1. \$52,450 by the Department of State for a portrait of former Secretary Condoleezza Rice;⁴
2. \$38,350 by the Environmental Protection Agency (EPA) for a portrait of former Administrator Lisa Jackson;⁵
3. \$25,000 by the National Aeronautics and Space Administration for a portrait of former Administrator Daniel S. Goldin;⁶ and
4. \$22,500 by the Department of Commerce for a portrait of former Secretary John Bryson.⁷

This bill does not prohibit portraits outright; instead portraits of government officials must be paid for with private funds. The President, Members of Congress, and heads of agencies are free to raise money for their portraits as they see fit. This cost should not be paid by the American taxpayer.

Congress previously enacted a ban on federally funded paintings in the Consolidated Appropriations Act of 2014.⁸ H.R. 1701 would make that ban permanent and ensure that taxpayer funds will not be used for expensive paintings of government officials.

LEGISLATIVE HISTORY

On March 23, 2017, Representative Matt Cartwright (D-PA) introduced H.R. 1701, the Eliminating Government-funded Oil-painting Act (the EGO Act), with Representatives Jim Bridenstine (R-OK), Cheri Bustos (D-IL), Walter Jones, Jr. (R-NC), Leonard Lance (R-NJ), David McKinley (R-WV), Pete Olson (R-TX), and Tom Rice (R-SC). H.R. 1701 was referred to the Committee on Oversight and Government Reform and in addition to the Committee on House Administration. The Committee on Oversight and Government Reform considered H.R. 1701 at a business meeting on September 13, 2017, and ordered the bill reported favorably, as amended, by voice vote.

On January 23, 2017, Senator Bill Cassidy (R-LA) introduced S. 188, the Eliminating Government-funded Oil-painting Act (the EGO Act), with Senators Ron Johnson (R-WI), Claire McCaskill (D-MO), and Deb Fisher (R-NE). The Committee on Homeland Security and Governmental Affairs considered S. 188 at a business meeting on March 15, 2017, and ordered the bill reported favorably, without amendment, by voice vote. On September 18, 2017, the Senate passed S. 188 without amendment by Unanimous Consent.

As discussed above, Congress previously enacted a ban on federally funded paintings in the Consolidated Appropriations Act of 2014.⁹

⁴Richard Simon, *The art of saving: Bill would cut funds for official portraits*, LOS ANGELES TIMES, Sept. 7, 2013, <http://articles.latimes.com/2013/sep/07/nation/la-na-hometown-portraits-20130908>.

⁵*Id.*

⁶Christopher Lee, *Official Portraits Draw Skeptical Gaze*, WASH. POST, Oct. 21, 2008, <http://www.washingtonpost.com/wp-dyn/content/article/2008/10/20/AR2008102003627.html>.

⁷Jennifer Steinhauer, *Capitol Portraits, a Perk of Access, Become a Symbol of Excess Instead*, N.Y. TIMES, Feb. 5, 2016, <https://www.nytimes.com/2016/02/06/us/politics/capitol-portraits-a-perk-of-access-become-a-symbol-of-excess-instead.html>.

⁸Consolidated Appropriations Act, 2014, Pub. L. No. 113-76, 128 Stat. 238, § 736.

⁹Consolidated Appropriations Act, 2014, Pub. L. No. 113-76, 128 Stat. 238, § 736.

SECTION-BY-SECTION

Section 1. Short title

Section 1 establishes the short title as the “Eliminating Government-funded Oil-painting Act” or “EGO Act.”

Sec. 2. Prohibition on use of funds for portraits

Section 2 creates a new section 1355 in chapter 13 of title 31, United States Code. The new section 1355 prohibits the use of federal funds for the painting of a portrait of any officer or employee of the federal government. This includes portraits of the President, the Vice President, a Member of Congress, the head of an executive agency, or the head of an office of the legislative branch. This section also defines the terms “executive agency” and “Member of Congress.”

EXPLANATION OF AMENDMENTS

Representative Matt Cartwright of Pennsylvania offered an Amendment in the Nature of a Substitute. The amendment places the provisions of the EGO Act into United States Code.

COMMITTEE CONSIDERATION

On September 13, 2017, the Committee met in open session and, with a quorum being present, ordered the bill favorably reported, as amended, by voice vote.

ROLL CALL VOTES

There were no roll call votes requested or conducted during Committee consideration of H.R. 1701.

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SEAN MORAN, STAFF DIRECTOR

Congress of the United States

**House of Representatives
COMMITTEE ON HOUSE ADMINISTRATION**

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JAMIE FLEET, MINORITY STAFF DIRECTOR

December 6, 2017

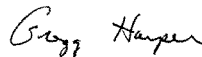
The Honorable Trey Gowdy
Chairman
Committee on Oversight and Government Reform
2157 Rayburn HOB
Washington, DC 20515

Dear Mr. Chairman:

Thank you for your letter regarding H.R. 1701. As you know, the bill was received in the House of Representatives on March 23, 2017, and referred primarily to the Committee on Oversight and Government Reform and in addition to the Committee on the Committee on House Administration. The bill seeks to restrict funds appropriated or otherwise made available to the Federal Government from being used to pay for the painting of a portrait of an officer or employee of the Federal Government, including the President, the Vice President, a Member of Congress, the head of an executive agency, or the head of an office of the legislative branch. On September 13, 2017, your Committee ordered H.R. 1701 to be reported with an amendment by voice vote.

I realize that discharging the Committee on House Administration from further consideration of H.R. 1701 will serve in the best interest of the House of Representatives and agree to do so. It is the understanding of the Committee on House Administration that forgoing action on H.R. 1701 will not prejudice the Committee with respect to appointment of conferees or any future jurisdictional claim. I request that your letter and this response be included in the bill report filed by your Committee, as well as in the *Congressional Record*.

Sincerely,



Gregg Harper
Chairman

GH/cf

cc: The Honorable Paul D. Ryan, Speaker
The Honorable Elijah E. Cummings
The Honorable Robert Brady
The Honorable Thomas J. Wickham, Jr., Parliamentarian

TREY GOWDY, SOUTH CAROLINA
CHAIRMAN

ONE HUNDRED FIFTEENTH CONGRESS

ELIJAH E. CUMMINGS, MARYLAND
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House of Representatives

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December 6, 2017

The Honorable Gregg Harper
Chairman, Committee on House Administration
U.S. House of Representatives
Washington, D.C. 20515

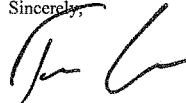
Dear Mr. Chairman:

On September 13, 2017, the Committee on Oversight and Government Reform ordered reported H.R. 1701, the "Eliminating Government-funded Oil-painting Act" with an amendment, by voice vote. The bill was referred primarily to the Committee on Oversight and Government Reform, with an additional referral to the Committee on House Administration.

I ask that you allow the Committee on House Administration to be discharged from further consideration of the bill so that it may be scheduled by the Majority Leader. This discharge in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on House Administration represented on the conference committee. Finally, I would be pleased to include this letter and any response in the bill report filed by the Committee on Oversight and Government Reform, as well as in the *Congressional Record* during floor consideration, to memorialize our understanding.

Thank you for your consideration of my request.

Sincerely,



Trey Gowdy

cc: The Honorable Paul D. Ryan, Speaker
The Honorable Elijah E. Cummings
The Honorable Robert A. Brady
The Honorable Thomas J. Wickham, Parliamentarian

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch where the bill relates to the terms and conditions of employment or access to public services and accommodations. This bill prohibits the use of Federal funds for the costs of painting portraits of officers and employees of the Federal government. As such, this bill does not relate to employment or access to public services and accommodations.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goal or objective of this bill is to prohibit the use of Federal funds for the costs of painting portraits of officers and employees of the Federal government.

DUPLICATION OF FEDERAL PROGRAMS

In accordance with clause 2(c)(5) of rule XIII no provision of this bill establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

This bill does not direct the completion of any specific rule makings within the meaning of section 551 of title 5, United States Code.

FEDERAL ADVISORY COMMITTEE ACT

The Committee finds that the legislation does not establish or authorize the establishment of an advisory committee within the definition of Section 5(b) of the appendix to title 5, United States Code.

UNFUNDED MANDATES STATEMENT

Pursuant to section 423 of the Congressional Budget and Impoundment Control Act (Pub. L. 113–67) the Committee has included a letter received from the Congressional Budget Office below.

EARMARK IDENTIFICATION

This bill does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the House of Representatives.

COMMITTEE ESTIMATE

Pursuant to clause 3(d)(2)(B) of rule XIII of the Rules of the House of Representatives, the Committee includes below a cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the House of Representatives, the cost estimate prepared by the Congressional Budget Office and submitted pursuant to section 402 of the Congressional Budget Act of 1974 is as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 20, 2017.

Hon. TREY GOWDY,
*Chairman, Committee on Oversight and Government Reform,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1701, the EGO Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

KEITH HALL,
Director.

Enclosure.

H.R. 1701—EGO Act

H.R. 1701 would prohibit the use of federal funds to pay for official painted portraits of any officer or employee of the federal government, including the President, Vice President, Cabinet members, and Members of Congress. The legislation would not apply to the judicial branch.

Appropriation laws have prohibited the use of federal funds for such portraits since fiscal year 2014. CBO is unaware of any comprehensive information on spending for official portraits before 2014, but we expect that most portraits of federal officials are for those in the line of succession to the presidency, members of the legislative branch, and military service personnel. The cost of such portraits appears to be about \$25,000 per portrait, based on contract awards for a few federal portraits.

Implementing H.R. 1701 could reduce future discretionary costs because the prohibition on using appropriated funds for such portraits is not in permanent law. However, those effects would be less than \$500,000 annually because CBO expects that fewer than 20 portraits would be purchased with federal funds in most years.

Enacting H.R. 1701 could affect direct spending by some agencies not funded through annual appropriations; therefore, pay-as-you-go procedures apply. CBO estimates, however, that any net changes in spending by those agencies would be negligible. Enacting the bill would not affect revenues.

CBO estimates that enacting H.R. 1701 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 1701 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no budgets of state, local, or tribal governments.

On March 24, 2017, CBO transmitted a cost estimate for S. 188, the EGO Act, as ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on March 15, 2017. The two pieces of legislation are similar, and CBO's estimates of their budgetary effects are the same.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

TITLE 31, UNITED STATES CODE

* * * * *

SUBTITLE II—THE BUDGET PROCESS

* * * * *

CHAPTER 13—APPROPRIATIONS

SUBCHAPTER I—GENERAL

Sec.

1301. Application.

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SUBCHAPTER III—LIMITATIONS, EXCEPTIONS, AND PENALTIES

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1355. *Prohibition on use of funds for portraits.*

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SUBCHAPTER III—LIMITATIONS, EXCEPTIONS, AND PENALTIES

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§ 1355. *Prohibition on use of funds for portraits*

(a) *No funds appropriated or otherwise made available to the Federal Government may be used to pay for the painting of a por-*

trait of an officer or employee of the Federal Government, including the President, the Vice President, a Member of Congress, the head of an executive agency, or the head of an office of the legislative branch.

(b) In this section—

(1) the term “executive agency” has the meaning given the term in section 133 of title 41; and

(2) the term “Member of Congress” includes a Delegate or Resident Commissioner to Congress.

* * * * *

