

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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**Opening Statement**  
**Rep. Gerald E. Connolly, Ranking Member of the Subcommittee on Government**  
**Operations**  
**Hearing on “Restoring the Power of the Purse: Legislative Options**

**December 1, 2016**

Thank you, Mr. Chairman, and welcome to our witnesses.

Today’s hearing will examine one of Congress’ most important Constitutional powers. Article I, Section 9 of the Constitution grants Congress the power of the purse—sole authority over the direction of public funds. The American people entrust Congress to wield this power in their best interest.

Over the course of history, Congress has at times appropriately delegated these powers to government agencies. It has not done so carelessly or without parameters. When Congress has authorized agencies to collect fines, fees, penalties, or settlements, it also has placed limitations on those agencies and exercised robust oversight over their use of collected funds.

Agency collection of fees is also not a new concept. The example of Customs comes to mind as one such authority that has existed since the beginning of the Republic. Agencies have retained import duty collections since the first United States Congress in 1789. The practice of agency retention of collections continued into the 20th Century with land grazing fees, an authority which has remained with the Bureau of Land Management for range improvement programs since the early 1900s.

Today, similar dedicated collections of funds available without further congressional action can be found in programs supporting the Department of Justice’s Crime Victims Fund, the National Park Service Fees, the Environmental Protection Agency’s Superfund Settlements, the Tennessee Valley Authority Collections, the Federal Protective Service Fees, and the Federal Aviation Administration Franchise Fund Customer Fees to name a few.

In all cases, Congress allows agencies to retain collections and self-sustain certain programs to make government more efficient.

Today's proposed legislative solution, H.R. 5499, the Agency Accountability Act, which has been referred to this Committee, is the antithesis of efficiency.

From my reading of the bill, it seems that it would require every single collection currently retained at agencies to instead be deposited into the General Fund and obligated by the Committee on Appropriations. Every victim compensation award and every whistleblower reward would require the Committee on Appropriations to act. How many times in recent history has Congress passed an omnibus appropriation bill or a Continuing Resolution because Congress could not reach an agreement on critical government funding?

H.R. 5499 will have unintended consequences, many of which would be detrimental to good governance mechanisms across the federal government.

One essential good governance mechanism to which this legislation would render serious harm is the protection of whistleblowers in the federal government. Much of government fraud detection relies upon whistleblowers. We will hear from an expert today how whistleblower funds sustained via agency collections are crucial to protecting and incentivizing those willing to shed a light on fraud, waste, and abuse in our government—a mission that goes to the very core of this Committee's mission.

We will hear that whistleblowers are only willing to risk their careers and blow the whistle if there is a certainty of an award—this is why Congress authorized agencies to issue awards to whistleblowers, to guarantee that one of the incentives for whistleblowers to come forward is never in doubt and never tied up in an uncertain appropriations process. The effects of this bill would be to gut guarantees to whistleblowers and the service they provide. That alone is reason enough to oppose H.R. 5499.

I believe the sponsors of H.R. 5499 intend to increase transparency.

That is a laudable goal, but H.R. 5499 is a sweepingly broad and radical proposal that would seriously hinder government efficiency.

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