

**Calendar No. 165**

114TH CONGRESS }  
*1st Session* }

SENATE

{ REPORT  
114-93

ELIMINATING GOVERNMENT-FUNDED  
OIL-PAINTING ACT

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R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS  
UNITED STATES SENATE

TO ACCOMPANY

S. 310

TO PROHIBIT THE USE OF FEDERAL FUNDS FOR THE COSTS OF  
PAINTING PORTRAITS OF OFFICERS AND EMPLOYEES OF THE  
FEDERAL GOVERNMENT



JULY 27, 2015.—Ordered to be printed

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U.S. GOVERNMENT PUBLISHING OFFICE

49-010

WASHINGTON : 2015

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### ELIMINATING GOVERNMENT-FUNDED OIL-PAINTING ACT

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Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, submitted the following

### R E P O R T

[To accompany S. 310]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 310) 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, reports favorably thereon without amendment and recommends that the bill do pass.

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#### I. PURPOSE AND SUMMARY

In response to lavish spending on portraits for government officials, S. 310, the Eliminating Government-funded Oil-painting Act (or EGO Act), would prohibit the use of funds appropriated or otherwise made available to the federal government to pay for an official 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.

## II. BACKGROUND AND THE NEED FOR LEGISLATION

When the heads of federal agencies leave government service, the agencies routinely commission oil paintings to commemorate their time in office. Portraits can cost taxpayers tens of thousands of dollars. Media reports indicate that since 2010, federal agencies have spent more than \$400,000 on portraits that are displayed within agency buildings, often in secure locations which are not open to the public.<sup>1</sup>

According to reports, in recent years federal agencies have authorized lavish spending on portraits ranging in cost from \$19,000 to \$50,000 each. Examples include:

- \$38,350 by the Environmental Protection Agency (EPA) for a portrait of former Administrator Lisa Jackson;<sup>2</sup>
- \$22,500 by the Department of Commerce for a portrait of John Bryson, who served as Secretary for only eight months;<sup>3</sup>
- \$41,200 by the Department of Defense (DoD) for a portrait of former Air Force Secretary Michael B. Donley;<sup>4</sup>
- \$22,500 by the United States Department of Agriculture for a portrait of Secretary Thomas J. Vilsack;<sup>5</sup>
- More than \$40,000 by the United States Department of Justice for a portrait of former Attorney General John Ashcroft;<sup>6</sup>
- \$30,500 by the USDA for a portrait of former Secretary Ed Schaefer;<sup>7</sup>
- \$34,425 by the USDA for a portrait of former Secretary Mike Johanns;<sup>8</sup>
- \$19,500 by the Department of Housing and Urban Development (HUD) for a portrait of Steve Preston, who served as HUD Secretary for only seven months;<sup>9</sup>
- \$46,790 by the DoD for a portrait of the former Secretary of Defense, Donald H. Rumsfeld, his second official portrait bought by the American taxpayers;<sup>10</sup>
- \$23,500 by the Department of Homeland Security for a portrait of former Commandant Adm. Thomas H. Collins;<sup>11</sup>
- \$25,000 by the National Aeronautics and Space Administration for a portrait of former Administrator Daniel S. Goldin;<sup>12</sup>
- \$29,500 by the EPA for a portrait of the former Administrator Stephen L. Johnson;<sup>13</sup>

<sup>1</sup>Boyle, Katherine, *The government pays tens of thousands of dollars for portraits of high officials. Should it?*, WASHINGTON POST, June 20, 2013, available at <http://www.washingtonpost.com/blogs/wonkblog/wp/2013/06/20/the-government-pays-tens-of-thousands-of-dollars-for-portraits-of-high-officials-should-it/>.

<sup>2</sup>Kerley, David, *Taxpayer Dollars Spent on Official Government Portraits*, ABC NEWS, Mar. 4, 2013, available at <http://abcnews.go.com/blogs/politics/2013/03/taxpayer-dollars-spent-on-official-government-portraits/>.

<sup>3</sup>*Id.*

<sup>4</sup>McElhatton, Jim, *Picture this: Cabinet portraits for big bucks*, WASHINGTON TIMES, Nov. 11, 2012, available at <http://www.washingtontimes.com/news/2012/nov/11/picture-this-cabinet-portraits-for-big-bucks/?page=all>.

<sup>5</sup>*Id.*

<sup>6</sup>*Id.*

<sup>7</sup>*Id.*

<sup>8</sup>*Id.*

<sup>9</sup>*Id.*

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

<sup>11</sup>*Id.*

<sup>12</sup>*Id.*

<sup>13</sup>*Id.*

- \$19,000 by the National Institute of Health for a portrait of former National Cancer Institute Director Andrew C. von Eschenbach.<sup>14</sup>

Reports indicate that official portraits for the President, the First Lady and certain Members of Congress (including committee chairs) are commissioned with private funding,<sup>15</sup> though House practice has traditionally allowed appropriation of funds for portraits of the Speaker of the House.<sup>16</sup> By prohibiting federal spending on official portraits, the bill would encourage Congress as well as federal agencies to adopt this same fiscally responsible approach of relying on private donations.

In response to concerns raised by sponsors of the legislation and reports about excessive spending on portraits, Congress enacted a ban on taxpayer support for official portraits as part of the Consolidated and Further Continuing Appropriations Act, 2015.<sup>17</sup> S. 310 ensures that the ban on this waste of taxpayer funds is made permanent.

### III. LEGISLATIVE HISTORY

Senator Bill Cassidy introduced S. 310 with Deb Fischer on January 29, 2015.<sup>18</sup> The bill was referred to the Committee on Homeland Security and Governmental Affairs. Senators Steve Daines and Pat Roberts joined as cosponsors on February 3, 2015. Chairman Ron Johnson joined as a cosponsor on June 24, 2015.

The Committee considered S. 310 at a business meeting on June 24, 2015. The Committee ordered the bill reported favorably en bloc by voice vote. Members present for the vote were Senators Johnson, McCain, Lankford, Ayotte, Ernst, Sasse, Carper, Tester, Baldwin, Heitkamp, and Peters.

### IV. SECTION-BY-SECTION ANALYSIS OF THE ACT, AS REPORTED

#### *Section 1. Short title*

This section provides the bill's short title, the "Eliminating Government-funded Oil-painting Act" or "EGO Act".

#### *Section 2. Prohibition on use of funds for portraits*

Subsection (a) states that 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.

<sup>14</sup>*Id.*

<sup>15</sup>Siddons, Andrew, *A Casualty of the Spending Truce: Official Portraits*, NEW YORK TIMES, Dec. 11, 2014, available at <http://www.nytimes.com/politics/first-draft/2014/12/11/a-casualty-of-the-spending-truce-official-portraits/>.

<sup>16</sup>Resnick, Brian, *Why Doesn't Nancy Pelosi Have an Oil Painting? John Boehner Has One*, NATIONAL JOURNAL, January 19, 2013, available at <http://www.nationaljournal.com/congress/why-doesn-t-nancy-pelosi-have-an-oil-painting-john-boehner-has-one-20130109>.

<sup>17</sup>P.L. 113-235, Sec. 736 ("None of the funds made available in this or any other Act 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 (including a Delegate or a Resident Commissioner to Congress), the head of an executive branch agency (as defined in section 133 of title 41, United States Code), or the head of an office of the legislative branch.")

<sup>18</sup>This bill was previously introduced in the 113th Congress by then-Representative Bill Cassidy as H.R. 1594.

Subsection (b) defines “executive agency” and “Member of Congress”.

#### V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this act and determined that the act will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office’s statement that the act contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

#### VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

JULY 9, 2015.

Hon. RON JOHNSON, *Chairman,*  
*Committee on Homeland Security and Governmental Affairs,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 310, 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.

Enclosure.

#### *S. 310—EGO Act*

CBO estimates that implementing S. 310 would have no significant effect on the federal budget. The legislation would amend federal law to 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 prohibited the use of federal funds for such portraits in fiscal years 2014 and 2015. CBO is unaware of any comprehensive information on spending for official portraits before 2014, but we expect that most portraits about 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.

CBO estimates that any savings from implementing S. 310 would total less than \$500,000 annually because we expect that fewer than 20 portraits would be purchased in most years. Enacting S. 310 could affect direct spending by some agencies (such as the Tennessee Valley Authority) because they are authorized to use receipts from the sale of goods, fees, and other collections to cover their operating costs. Therefore, pay-as-you-go procedures apply. Because most of those agencies can make adjustments to the amounts they collect as operating costs change, CBO estimates that any net changes in direct spending by those agencies would be negligible. Enacting the bill would not affect revenues.

S. 310 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

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

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

Because S. 310 would not repeal or amend any provision of current law, it would make no changes in existing law within the meaning of clauses (a) and (b) of paragraph 12 of rule XXVI of the Standing Rules of the Senate.

