

able to enforce its own Hatch Act to be fully accountable and responsible for local violations, with which only a local objective body would be familiar.

The present treatment of District employees under the Hatch Act, as if these employees of a local government were employees of a Federal agency, has led to confusion for the Office of Special Counsel, or OSC, which enforces the Hatch Act.

In a recent case, an advisory neighborhood commissioner, elected by the people of the District of Columbia, was cited for violations of the Hatch Act when he ran for higher office, even though these commissioners are elected officials under local D.C. law.

Or to cite another absurdity, the District of Columbia will have its first election for a partisan attorney general in 2014. Under current law, the winner of that election would be treated as if he were a Federal employee. That would mean that the person who won the office of attorney general for the District of Columbia would have to resign that office in order to seek reelection in 2018. And this is not what the Federal Hatch Act, let alone a local Hatch Act, would have intended.

As a result of the failure to clear up the confusion between local and Federal jurisdictions, the application of the Hatch Act to D.C. government employees has been inconsistent by the OSC. The present law leaves the OSC with local responsibility when Federal jurisdiction is not indicated. This fix, therefore, is long overdue.

Our second bill, the Hatch Act National Capital Region Parity Act, allows OPM to permit Federal employees who reside in the District to run as independent candidates in local partisan elections. Under the Hatch Act, Federal employees generally may not be candidates in partisan elections.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CLAY. I yield an additional minute to the gentlewoman.

Ms. NORTON. In the 1940s, Congress gave OPM the authority to exempt Federal employees living in towns in Maryland, Virginia, and the immediate vicinity of the District from the Hatch Act's prohibition on Federal employees running in partisan elections, so that towns with a high concentration of Federal employees would not be deprived by having a significant percentage of their residents unable to participate in local affairs.

However, OPM was not given the authority to exempt Federal employees living in D.C. because the city did not have local elections before the Home Rule Act of 1973. The Hatch Act Modernization Act includes these two bills and brings the District one step closer to equal treatment and self-government, and implements these and other commonsense revisions to the Hatch Act.

I applaud the chairman and the ranking member for the entire Act, and I thank them very much that our bills are included.

Mr. FARENTHOLD. Mr. Speaker, I have no other speakers at this time, and continue to reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I have no further speakers on this bill. I yield back the balance of my time.

Mr. FARENTHOLD. Mr. Speaker, I'd like to take this one final opportunity to urge my colleagues to support the Hatch Act Modernization Act of 2012. We've heard from speakers on both sides of the aisle indicating some of the absurd results that we have seen as a result of this act, none more glaring than the officer whose canine partner, a Labrador named Haynes, was prohibited from running for office.

With that, and all the other examples, I think it's clear we need to support passage of S. 2170.

I see the chairman has asked for some time. If my colleague on the other side of the aisle doesn't object, I would like to yield 2 minutes to the chairman, Mr. ISSA.

Mr. ISSA. Mr. Speaker, I want to thank my colleagues on both sides of the aisle, particularly my friend, Mr. CLAY.

It is not often that we get to come here as a committee and talk about something that, in fact, affects perceived government cronyism and misconduct, a law that protects the American people against politics getting into your government, and then say, but we need to reduce it a little. We need to make it a little tighter.

This is an example where, as many of my colleagues have said, unintended consequences have made a good bill into a bill that stifles the opportunity and legitimate political activity that occurs by people serving in State and local office.

So I join with my colleagues on both sides of the aisle, with my good friend from the District of Columbia, and say this is the time in which we're making small technical changes that make a big difference to our political landscape around the country, and in a good way.

We want to make sure that we have the opportunity to have everyone participate, and I want to thank Members of both parties for bringing this bill. And I want to particularly thank my colleague, Mr. CUMMINGS, for his effort throughout the entire Congress to get us where we are here today.

Mr. FARENTHOLD. I do urge all Members to join me in support of this bill. I yield back the remainder of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, S. 2170.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## PUBLIC INTEREST DECLASSIFICATION BOARD REAUTHORIZATION ACT OF 2012

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3564) to extend the Public Interest Declassification Act of 2000 until 2014 and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3564

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Interest Declassification Board Reauthorization Act of 2012".

### SEC. 2. PUBLIC INTEREST DECLASSIFICATION BOARD.

(a) SUBSEQUENT APPOINTMENT.—Section 703(c)(2)(D) of the Public Interest Declassification Act of 2000 (Public Law 106-567; 50 U.S.C. 435 note) is amended by striking the period at the end and inserting "from the date of the appointment."

(b) VACANCY.—Section 703(c)(3) of the Public Interest Declassification Act of 2000 (Public Law 106-567; 50 U.S.C. 435 note) is amended by striking "A member of the Board appointed to fill a vacancy before the expiration of a term shall serve for the remainder of the term."

(c) EXTENSION OF SUNSET.—Section 710(b) of the Public Interest Declassification Act of 2000 (Public Law 106-567; 50 U.S.C. 435 note) is amended by striking "2012." inserting "2014."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

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### GENERAL LEAVE

Mr. FARENTHOLD. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FARENTHOLD. I yield myself such time as I may consume.

S. 3564, the Public Interest Declassification Board Act, reauthorizes the Public Interest Declassification Board, or PIDB, for an additional 2 years. Without congressional action, the PIDB will sunset on December 31, 2012.

The PIDB is an advisory committee tasked with improving and modernizing the process used to classify and declassify government information. The volume of classified information has skyrocketed in recent years, due to the rapid increase in electronic communications, as well as an institutional bias that prefers overclassification as a risk-avoidance strategy. Overclassification can unduly hinder much-needed public transparency and the ability to rapidly share information across the government.

The chief goals of the PIDB are to help develop effective modern standards and processes for classification and declassification to address the problems by overclassification and promote the fullest possible public access to national security records through efficient and timely declassification systems. S. 3564 will further the cause of transparency by maintaining an expert advisory group to ensure the executive branch is classifying and declassifying records in a timely and responsible manner.

I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of this important legislation. This bill renews the authorization of the Public Interest Declassification Board. The PIDB is an advisory committee whose purpose is to promote the fullest possible public access to significant national security decisions and activities. The PIDB advises the President on policies related to classification and declassification of national security information. The Board also advises the President on the declassification and release of classified records with historical value. The authorization for the PIDB is set to expire at the end of this month. It is important that we reauthorize the authority for this panel so that their important work is not jeopardized.

Just last month, the PIDB issued a report to the President, titled "Transforming the Security Classification System." The report made a number of recommendations for improving the classification system. The report criticized our current system. It stated:

We believe the current classification and declassification systems are outdated and incapable of dealing adequately with the large volumes of classified information generated in an era of digital communication and information systems. Overcoming the entrenched practices that no longer serve the purpose of protecting our national security will prove difficult.

Transparency and access to information are essential tools for effective oversight of the executive branch. Outdated systems for managing classified information must be modernized to provide greater public access to information about the Federal Government's policies and activities. Reauthorizing the PIDB is critical to that effort, and I support this bill. I urge my colleagues to do the same.

Mr. Speaker, I yield back the balance of my time.

Mr. FARENTHOLD. As we've heard, this bill promotes bipartisan-supported transparency in the government. I urge my colleagues to support the passage of the Public Interest Declassification Board Reauthorization Act of 2012, S. 3564, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, S. 3564.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. FARENTHOLD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### GOVERNMENT EMPLOYEE ACCOUNTABILITY ACT

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6016) to amend title 5, United States Code, to provide for administrative leave requirements with respect to Senior Executive Service employees, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6016

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Employee Accountability Act".

#### SEC. 2. SUSPENSION FOR 14 DAYS OR LESS FOR SENIOR EXECUTIVE SERVICE EMPLOYEES.

Paragraph (1) of section 7501 of title 5, United States Code, is amended to read as follows:

"(1) 'employee' means—

"(A) an individual in the competitive service who is not serving a probationary or trial period under an initial appointment or who has completed 1 year of current continuous employment in the same or similar positions under other than a temporary appointment limited to 1 year or less; or

"(B) a career appointee in the Senior Executive Service who—

"(i) has completed the probationary period prescribed under section 3393(d); or

"(ii) was covered by the provisions of subchapter II of this chapter immediately before appointment to the Senior Executive Service;"

#### SEC. 3. INVESTIGATIVE LEAVE FOR SENIOR EXECUTIVE SERVICE EMPLOYEES.

(a) IN GENERAL.—Chapter 75 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VI—INVESTIGATIVE LEAVE FOR SENIOR EXECUTIVE SERVICE EMPLOYEES

#### "§ 7551. Definitions

"For the purposes of this subchapter—

"(1) 'employee' has the meaning given such term in section 7541; and

"(2) 'investigative leave' means a temporary absence without duty for disciplinary reasons, of a period not greater than 90 days.

#### "§ 7552. Actions covered

"This subchapter applies to investigative leave.

#### "§ 7553. Cause and procedure

"(a)(1) Under regulations prescribed by the Office of Personnel Management, an agency may place an employee on investigative leave, without loss of pay and without charge to annual or sick leave, only for misconduct, neglect of duty, malfeasance, or misappropriation of funds.

"(2) If an agency determines that such employee's conduct is serious or flagrant, the agency may place such employee on investigative leave under this subchapter without pay.

"(b)(1) At the end of each 45-day period during a period of investigative leave implemented under this section, the relevant agency shall review the investigation into the employee with respect to the misconduct, neglect of duty, malfeasance, or misappropriation of funds.

"(2) Not later than 5 business days after the end of each such 45-day period, the agency shall submit a report describing such review to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

"(3) At the end of a period of investigative leave implemented under this section, the agency shall—

"(A) remove an employee placed on investigative leave under this section;

"(B) suspend such employee without pay; or

"(C) reinstate or restore such employee to duty.

"(4) The agency may extend the period of investigative leave with respect to an action under this subchapter for an additional period not to exceed 90 days.

"(c) An employee against whom an action covered by this subchapter is proposed is entitled to, before being placed on investigative leave under this section—

"(1) at least 30 days' advance written notice, stating specific reasons for the proposed action, unless—

"(A) there is reasonable cause to believe that the employee has committed a crime for which a sentence of imprisonment can be imposed; or

"(B) the agency determines that the employee's conduct with respect to which an action covered by this subchapter is proposed is serious or flagrant as prescribed in regulation by the Office of Personnel Management;

"(2) a reasonable time, but not less than 7 days, to answer orally and in writing and to furnish affidavits and other documentary evidence in support of the answer;

"(3) be represented by an attorney or other representative; and

"(4) a written decision and specific reasons therefor at the earliest practicable date.

"(d) An agency may provide, by regulation, for a hearing which may be in lieu of or in addition to the opportunity to answer provided under subsection (c)(2).

"(e) An employee against whom an action is taken under this section is entitled to appeal to the Merit Systems Protection Board under section 7701.

"(f) Copies of the notice of proposed action, the answer of the employee when written, and a summary thereof when made orally, the notice of decision and reasons therefor, and any order effecting an action covered by this subchapter, together with any supporting material, shall be maintained by the agency and shall be furnished to the Merit Systems Protection Board upon its request and to the employee affected upon the employee's request."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 75 of title 5, United States Code, is amended by adding after the item relating to section 7543 the following:

"SUBCHAPTER VI—INVESTIGATIVE LEAVE FOR SENIOR EXECUTIVE SERVICE EMPLOYEES

"7551. Definitions.

"7552. Actions covered.

"7553. Cause and procedure."

#### SEC. 4. SUSPENSION OF SENIOR EXECUTIVE SERVICE EMPLOYEES.

Section 7543 of title 5, United States Code, is amended—

(1) in subsection (a), by inserting "misappropriation of funds," after "malfeasance,"; and