

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We believe the current classification and declassification systems are outdated and incapable of dealing adequately with the large volumes of classified information generated in an era of digital communication and information systems.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 Outdated systems for managing classified information must be modernized to provide greater public access to information about the Federal Government's policies and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

(2) in subsection (b), by amending paragraph (1) to read as follows:

“(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.”.

#### SEC. 5. MISAPPROPRIATION OF FUNDS AMENDMENTS.

(a) REINSTATEMENT IN THE SENIOR EXECUTIVE SERVICE.—Section 3593 of title 5, United States Code, is amended—

(1) in subsection (a)(2), by inserting “misappropriation of funds,” after “malfeasance,”; and

(2) in subsection (b), by striking “or malfeasance” and inserting “malfeasance, or misappropriation of funds”.

(b) PLACEMENT IN OTHER PERSONNEL SYSTEMS.—Section 3594(a) of title 5, United States Code, is amended by striking “or malfeasance” and inserting “malfeasance, or misappropriation of funds”.

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.

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

Earlier this year, the Committee on Government Oversight and Reform held a hearing concerning the wasteful spending that occurred during the planning and execution of the General Services Administration 2010 Western Regional Conference. As you may recall, the GSA spent more than \$820,000 on a conference originally budgeted at \$250,000. The GSA has no triggers or controls in place to stop this flagrant overspending. GSA employees, including Jeff Neely, a career member of the Senior Executive Service, failed to follow GSA policy, Federal procurement law, and basic common sense.

H.R. 6016 helps ensure Senior Executive Service, or SES, employees are held accountable for their actions. It allows an SES employee to be fired for misappropriation of funds and gives the agency head discretion to place an SES on unpaid leave, all while maintaining that employee’s existing due process rights.

I’d like to commend my colleague, Mr. KELLY, for his work on this bill, and urge all Members to support its adoption.

I reserve the balance of my time.

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

Mr. Speaker, I thank the majority for working with us to make additional improvements to H.R. 6016, the Government Employee Accountability Act, as amended. I thank the gentleman, Mr. KELLY from Pennsylvania, who introduced this bill to address an unfortunate instance where a few Senior Executive Service officials at the GSA received a lot of attention regarding their extravagant spending on a Las Vegas conference.

While I fully support the purpose and intent of this legislation to prevent misappropriation and misuse of taxpayer dollars, we need to be careful not to allow the bad actions of a few government employees to take away from the good work that our Federal workers do every day. I have the greatest respect and appreciation for our Federal workers, and I think we all need to be reminded that these men and women devote their professional lives to serving all Americans. This is especially important to note given all the recent legislation attacking these middle class Federal workers’ pay and benefits. I believe in the importance of safeguarding taxpayer dollars and holding our public servants accountable. For this reason, I support this bill.

I reserve the balance of my time.

Mr. FARENTHOLD. At this time I yield such time as he may consume to my friend, colleague, and neighbor on the Government Oversight and Reform Committee, the gentleman from Pennsylvania (Mr. KELLY).

Mr. KELLY. Mr. Speaker, I do rise today in support of the Government Employee Accountability Act, H.R. 6016, and I thank the gentleman from Texas and the gentleman from Missouri (Mr. CLAY).

As a result of this, I think when we had that hearing last spring, both sides were outraged. I remember Chairman ISSA speaking out very strongly and also Ranking Member CUMMINGS speaking out very strongly. Because we truly are the stewards of the taxpayer money. And what we said at that time was that we’re going to get to the bottom of this, and we’re going to find out how this happened and why it happened. When I got back to my office, our switchboard was lighting up and people from back home in western Pennsylvania said, Why is this happening?

I stress exactly what you said—we have a lot of wonderful people working very hard for this country, for this government, and we don’t want to paint them all with the same brush. But by the same token, when there is some wrongdoing, it is up to us in the Congress to step forward and do things that make sense.

□ 1620

So this is just a commonsense solution to a situation that has to be addressed. I would say that working to-

gether, this is a bipartisan effort to make sure that we have great accountability for those taxpayer dollars that are being spent.

This piece of legislation, as it goes forward today—let’s make sure that we understand this—these are the senior executives, these are the creme de la creme, these are the top people that we rely on. That Western Region Conference, as Mr. FARENTHOLD pointed out, was \$600,000 over budget, and at some point you’ve got to wonder why. When we asked the GSA, when we asked Ms. Johnson, Why is Mr. Neely on leave with pay, she said, Well, we don’t have any mechanism to prevent that from happening; we don’t have the tools to do that. So what we said was, let’s go back into the regular world, let’s go back into commonsense rules and let’s give them a tool to use that makes sense for the American people.

So, I applaud what you’re saying, Mr. CLAY. It’s nice working with you on this. I want to especially thank the committee. We did work very hard on this to come up with something that makes sense for America and makes sense also for the people that work for us. So I thank you.

Mr. CLAY. I continue to reserve.

Mr. FARENTHOLD. At this point, Mr. Speaker, I yield 2 minutes to the chairman of the Transportation and Infrastructure Committee and my colleague on the Government Oversight and Reform Committee, the gentleman from Florida (Mr. MICA).

Mr. MICA. I thank the gentleman for yielding. I thank him for his leadership. Particularly, I want to thank Mr. KELLY for his perseverance, his introduction and sponsorship of H.R. 6016, and encourage my colleagues to support that legislation today.

Most often when you hear about scandals in the Federal Government, there’s a little bit of a flurry and then not much is done. Mr. KELLY has stepped forward and introduced legislation that will correct one of the most egregious actions against the Federal taxpayer that we’ve seen.

Our committee, the Transportation Committee, does oversee the General Services Administration. Within that agency, we heard about the conduct of one senior executive employee, the Senior Executive Services, one of the highest levels of administration in our government. That person thumbed his nose in a hot tub at the taxpayers, at the Congress, and at everyone else.

Today, this is taxpayers’ revenge. This is a little gift hopefully we can put under the Christmas tree for the taxpayers so that people in those positions will not receive their pay and can be removed from office. We had to change the law—and we will change the law—to make certain that people who are supposed to be good stewards of the taxpayer dollars are held accountable. So I thank everyone in a bipartisan manner in bringing this legislation forward and strongly support its adoption.

Mr. CLAY. At this time I have no further speakers, and I yield back the balance of my time.

Mr. FARENTHOLD. As we have heard from both sides of the aisle, this is a bill designed to prevent the worst kind of overspending, one of the worst examples that we've seen.

I understand Mr. CLAY and agree with his concerns that we cannot violate the due process rights of government employees. We've worked to protect that, but we've also worked very hard to do the job that we were elected to do, and that is to be good stewards of the taxpayers' money. This bill, the Government Employees Accountability Act, H.R. 6016, Mr. KELLY's bill, does just that; and I urge my colleagues to support the bill.

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, H.R. 6016, as amended.

The question was taken.

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

#### NELSON "MAC" MACWILLIAMS POST OFFICE BUILDING

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4062) to designate the facility of the United States Postal Service located at 1444 Main Street in Ramona, California, as the "Nelson 'Mac' MacWilliams Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4062

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

#### SECTION 1. NELSON "MAC" MACWILLIAMS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1444 Main Street in Ramona, California, as the "Nelson 'Mac' MacWilliams Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Nelson 'Mac' MacWilliams Post Office Building".

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.

#### GENERAL LEAVE

Mr. FARENTHOLD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within

which to revise and extend their remarks and include extraneous materials on H.R. 4062.

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

There was no objection.

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

H.R. 4062, introduced by the gentleman from California (Mr. HUNTER), would designate the facility of the United States Postal Service located at 1444 Main Street in Ramona, California, as the Nelson "Mac" MacWilliams Post Office Building. The bill was introduced on February 16.

Mr. Speaker, Mr. MacWilliams served in the U.S. Navy for 22 years and retired as a Navy chief in 1999. Upon returning to civilian life, he was a small business owner.

Mr. MacWilliams served his community in San Diego in many ways, including with the Ramona Chamber of Commerce. He is responsible for assisting local fire victims and military personnel in Mr. HUNTER's district office. Sadly, nearly a year ago, on December 20, 2011, Mr. MacWilliams passed away. He is remembered fondly by his wife, brother, sons, daughters, and several grandchildren.

Mr. Speaker, Mr. MacWilliams is a very worthy designee of this postal facility naming, and I urge all Members to join me in support of this bill.

I reserve the balance of my time.

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

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H.R. 4062, to designate the facility of the U.S. Postal Service located at 1444 Main Street in Ramona, California as the Nelson "Mac" MacWilliams Post Office Building.

The bill before us was introduced by Representative DUNCAN HUNTER. Nelson MacWilliams graduated from Calverton High School in Huntington, Maryland. Nelson MacWilliams would attend Salisbury State University in Salisbury, Maryland, before enlisting in the U.S. Navy in 1977. Upon his retirement from the Navy, he would begin serving his community in California.

His work with the Ramona Chamber of Commerce would establish him as a respected member within the community. He was called on by Representative HUNTER to help small businesses within the community. His tireless efforts would help local small businesses succeed in cutting bureaucratic red tape.

Mr. Speaker, I urge passage of the underlying measure, and I reserve the balance of my time.

Mr. FARENTHOLD. At this time I'd like to yield such time as he may consume to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. I thank the gentleman from Texas. And my good friend from

Missouri, thank you for your kind words about Mac—Nelson "Mac" MacWilliams. See, he passed away about a year ago on December 20, 2011, in an unfortunate car accident that cost him his life on one of the most dangerous roads in San Diego County. He was a dedicated public servant, proud Navy veteran, an all-around great guy to be around.

San Diego is not just the city part where there's the ocean and the beach. There's the back country in San Diego. You have small towns like Ramona where everybody knows each other. There is literally a place called Cheers. It's a bar in Ramona where everybody does know your name. You could find Mac there after work on Sundays.

He was a member of the VFW. Like my friend said, he was in the Navy from 1977 to 1999, where he became a Navy chief. Anybody who knows the Navy or knows the U.S. military, they understand that the Navy runs on its chiefs. The chiefs are the ones that actually get things done, the ones that you look to when you need to cut through the red tape and cut through the bureaucracy.

Mac was also a member of the Veterans of Foreign Wars Post 7783 in Ramona, California. It was because of their request, along with others in Ramona, that I introduced this bill to name the post office in Ramona for Mac.

When the devastating wildfires hit San Diego in 2007, Mac answered the call to service again, working tirelessly helping victims get assistance to rebuild their homes. As we can see from Hurricane Katrina or Hurricane Sandy, when natural disasters happen, the bureaucracy is sometimes hard to get through, but Mac specialized at that as a Navy chief.

□ 1630

He did the same thing working as the executive director of the Ramona, California, Chamber of Commerce for 4 years. In his position, he advocated for businesses and built lasting relationships across the region.

But Mac wasn't a big business guy. He came out of the Navy. The reason he was chosen for that position was because he was great to be with, he knew how to get along with people of differing views and ideologies, and he simply knew how to get things done.

The VFW said in their letter:

One of Mac's traits was that he was always "on duty." There was never a problem too small which did not dictate 100 percent effort to have it corrected.

In fact, on the day he died, Mac was coming into my office because he was in the middle of some casework for a constituent and didn't want to wait until he got back from Christmas vacation.

At his funeral, one of my constituents and VFW Post member, Dale Smith, described Mac by saying:

Mac was a gentle, intelligent individual and a "get-it-done" kind of guy, no matter what obstacles stood in his way.