

that's why the House Republicans will continue to fight it.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 31, 2013.

Hon. JOHN A. BOEHNER,
The Speaker, U.S. Capitol,
House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 31, 2013 at 9:45 a.m.:

That the Senate passed without amendment H.R. 2167.

That the Senate passed without amendment H.R. 2611.

That the Senate agreed to without amendment H. Con. Res. 44.

With best wishes, I am
Sincerely,

KAREN L. HAAS.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

CITIZEN EMPOWERMENT ACT

Mr. ISSA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2711) to amend title 5, United States Code, to establish certain procedures for conducting in-person or telephonic interactions by Executive branch employees with individuals, and for other purposes, as amended.

The Clerk read the title of the bill.
The text of the bill is as follows:

H.R. 2711

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 "Citizen Empowerment Act".

SEC. 2. AMENDMENTS.

(a) IN GENERAL.—Part III of title 5, United States Code, is amended by inserting after chapter 79, the following:

"CHAPTER 79A—SERVICES TO MEMBERS OF THE PUBLIC

"Sec.

"7921. Procedure for in-person and telephonic interactions conducted by Executive Branch employees.

"§7921. Procedure for in-person and telephonic interactions conducted by Executive Branch employees

"(a) PURPOSE.—The purpose of this section is to ensure that individuals have the right to

record in-person and telephonic interactions with Executive agency employees and to ensure that individuals who are the target of enforcement actions conducted by Executive agency employees are notified of such right.

"(b) DEFINITIONS.—For purposes of this section—

"(1) the term 'telephonic' means by telephone or other similar electronic device; and

"(2) the term 'employee' means an employee of an Executive agency.

"(c) CONSENT OF EXECUTIVE AGENCY EMPLOYEES.—Participation by an employee, acting in an official capacity, in an in-person or telephonic interaction shall constitute consent by the employee to a recording of that interaction by any participant in the interaction.

"(d) NOTICE OF RIGHTS WHEN FEDERAL EMPLOYEES ENGAGED IN CERTAIN ACTIONS.—A notice of an individual's right to record conversations with employees shall be included in any written material provided by an Executive agency to the individual concerning an audit, investigation, inspection, or enforcement action that could result in the imposition of a fine, forfeiture of property, civil monetary penalty, or criminal penalty against, or the collection of an unpaid tax, fine, or penalty from, such individual or a business owned or operated by such individual.

"(e) OFFICIAL REPRESENTATIVE.—Any person who is permitted to represent before an Executive agency an individual under this section shall receive the same notice as required under subsection (d) with respect to such individual.

"(f) NO CAUSE OF ACTION.—This section does not create any express or implied private right of action.

"(g) DISCIPLINARY ACTION.—An employee who violates this section shall be subject to appropriate disciplinary action in accordance with otherwise applicable provisions of law.

"(h) PUBLIC INFORMATION CONCERNING RIGHT TO RECORD.—

"(1) POSTING ON AGENCY WEB SITES.—Within 180 days after the date of the enactment of this Act, each Executive agency shall post prominently on its Web site information explaining the right of individuals to record interactions with employees.

"(2) OMB GUIDANCE.—Within 90 days after the date of the enactment of this Act, the Office of Management and Budget shall issue guidance to Executive agencies concerning implementation of paragraph (1)."

(b) CLERICAL AMENDMENT.—The analysis for part III of title 5, United States Code, is amended by inserting after the item relating to chapter 79 the following:

"79A. Services to members of the public 7921".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ISSA) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ISSA. 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 material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, we have the author of this legislation before us, a principled Member of Congress who saw a problem

and sought to fix it, and we brought it before you today. We brought it before you today because we hear, and hear rightfully, horror stories of harassment that includes Federal officials at the IRS, the EPA, the SEC, the FEC, and a list of other ABCs.

The truth is that in 39 out of 50 States, every Member on a phone, every American has a right to record that conversation without asking permission of that Federal officer on the other end. But in 11 States, States that most people don't know which is which, that is muddled. When a conversation occurs between two States, it is muddled.

The gentlewoman from Kansas (Ms. JENKINS), as the author of this bill, sought, in principle, to fix that, and I'd like to yield 2 minutes to her to explain her bill.

Ms. JENKINS. Mr. Speaker, I thank the gentleman for yielding, and I thank him for his leadership on this very important issue.

Whether I'm talking to Kansans back home or listening to witnesses at Ways and Means hearings, I've heard story after story of Federal regulators abusing their power.

What is worse, many people are afraid to share their stories of harassment or other inappropriate behavior by government officials out of fear of retaliation. The Citizen Empowerment Act will give them certified proof and help to alleviate this fear.

This bill will give Americans a new tool to protect themselves and their businesses from government overreach and abuse by expanding the rights of all citizens to allow them to record meetings and telephone conversations with Federal regulators and officials. The Citizen Empowerment Act will also ensure individuals are made aware of this right by requiring government agencies to notify them of this right.

Not only do Federal agencies get to write rules, they get to enforce them, too. In fact, a citizen is 10 times more likely to be tried by a Federal agency than by an actual court, and citizens have fewer rights during agency proceedings than in a courtroom.

The Citizen Empowerment Act will give Americans a tool to even the playing field with Federal regulators by increasing transparency and accountability within the system.

Americans deserve a government who puts its citizens first, and this is exactly what this bill does. We spend far too much time in this body debating bills to empower the government. This bill empowers Americans.

Enacting the Citizen Empowerment Act and the other nine Stop Government Abuse bills will be a positive step toward getting Big Government out of the way of our economy and rebuilding trust that has been broken by rampant abuse of Federal power.

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

Mr. Speaker, I rise today in opposition to H.R. 2711. This legislation

would have a significant impact on law enforcement, and it would interfere with laws in a dozen States.

The Federal Law Enforcement Officers Association sent a letter to Chairman ISSA and me opposing this bill. This is part of what they wrote, and I quote:

As the chair and ranking member with jurisdiction over H.R. 2711, we urge you to ensure that the bill is not considered on the floor unless it is amended to exempt law enforcement in its provisions. Until that time, FLEOA will continue to strongly oppose this legislation.

They also wrote, and I quote:

The legislation puts law enforcement activities at risk and does a disservice to the brave men and women who are asked to put their lives on the line to protect us from terrorists and criminals.

They're not the only law enforcement organizations that oppose the legislation. The National Association of Assistant U.S. Attorneys also sent a letter opposing H.R. 2711. Here's part of what they wrote, and I quote:

The most disturbing aspect of the legislation involves its dramatically negative impact on civil and criminal law enforcement investigative efforts.

They went on to say, and I quote:

The version of legislation approved by the House Committee on Oversight and Government Reform on July 24 did not contain any exceptions. Clearly, this measure raises a magnitude of administrative and legal concerns that should be addressed before the House gives further consideration to approval of this legislation.

The committee held no hearings on the legislation and heard testimony from no law enforcement officials before marking up the bill, and now it is being rushed onto the floor in record speed with apparently no regard to its consequences to law enforcement.

The bill also would interfere with the laws put in place by 12 States to protect their citizens. For example, my home State of Maryland enacted a law in 1977 that made it a felony to record a private conversation unless every party to the conversation consents to the recording or another exception applies. This law was deliberately crafted to provide greater protection to Maryland residents.

H.R. 2711 preempts the laws of Maryland and other States that require all parties to consent to a recording. The bill deems Federal employees to have consented to a recording just by performing their official duties and does not even require that they be notified.

Maryland's statute requires actual consent, not forced or assumed consent. To assume a person consents to having their conversation recorded just by participating in the conversation undermines the State's laws, as well as those in California, Massachusetts, Michigan, Pennsylvania, and other States that require multiple-party consent for recordings.

Mr. Speaker, H.R. 2711 is a dangerous and poorly considered piece of legislation. I oppose this bill, and I urge all of my colleagues to do the same.

I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I would ask what day it is, what day of the month it is.

Mr. Speaker, is it the 31st day of July? Can you verify that for me? Because on the 24th of July, we amended this bill to send it to the House, and the ranking member knows full well, as I'm sure the National Association of Assistant U.S. Attorneys and the Federal Law Enforcement Officers Association know full well; and I'm shocked that they would write and that, in fact, the ranking member would write in a Dear Colleague, citing them, things that just aren't so in this bill.

Before us today we do not preempt States. As the ranking member rightfully so said, we make a statement on behalf of the Federal Government for our employees that we hereby consent that you may record us.

In 39 out of 50 States—there's a little ambiguity in that Montana allows these recordings; it just doesn't broadly allow them, but does recording for a law enforcement officer. But having said that, whether it's 11 or 12, the gentleman cited a portion of that letter from the National Association of U.S. Attorneys, but let me give you a portion that I want to make sure gets on the record.

It says, H.R. 2711 requires any employee of an executive agency, before or at a personal interview or telephonic interchange with an individual, to allow the individual to make an audio recording of the in-person or telephonic interaction.

We'll let that one slide. We'll go to the next sentence.

In addition, the legislation requires the executive branch employee to first provide notice to the individual of their right to make such a recording.

Mr. Speaker, that's just not true. We went through a long markup and, in that markup, in a manager's amendment, we made it very clear that the only notice the Federal Government would give would be a notice in its publications, Web sites, and so on letting Americans know that they no longer had to ask, if they were in Idaho, if, in fact, somebody calling them from Maryland did or didn't need to know that they were recording.

This interstate situation is one in which the American people deserve to know that they have a right to document when someone calls them, and if they trip up in that answer, they could go to jail or get a fine or lose their business.

Thirty-nine out of 50 States recognize it, and all we're saying, very clearly, is the Federal Government gives its approval.

These documents, sadly, were accurate, if you looked at the bill on the 23rd of July. The ranking member knows full well these documents are somewhat inaccurate. And his own letter implies that law enforcement will somehow be crippled by having to give notice. It's just not true.

In 39 out of 50 States, law enforcement would already know that somebody could be recording and not telling them. That's the law of those States.

□ 1300

But, more importantly, we're not affecting the ranking member's Maryland law enforcement. We're affecting Federal officers, such as the EPA, OSHA, and the IRS, when they call and ask you questions. And those questions could lead to real harm to you. And you would be able to document it. And if you're harassed, you'll be able to document it. That's what we're doing here today. We're empowering Americans to know that their Federal Government will never answer the question of, "May I record this to protect myself? No."

And in no way, shape, or form are these personal calls. This only affects when a member of our Federal employment is doing their official duty and calling a private citizen. Of course, the private citizen should have the rights since this isn't a personal call and one in which you should expect to be able to say whatever you want. These are not private. These are public conversations. These are public investigations. And the public should have a right to protect itself.

I reserve the balance of my time.

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

The gentleman is inaccurate. The fact is that when the bill came in, at first, we did apparently have certain exceptions for law enforcement, consistent with these concerns. That's not in the bill. As a matter of fact, just today, July 31, 2013, we have a letter from the Federal Bureau of Investigation Agents Association talking about the bill that's on the floor right now:

H.R. 2711 creates a broad right to record conversations with Federal employees and requires that the notices of the right to record conversations be provided to individuals engaged in discussion with Federal employees without any exceptions related to criminal investigations. This proposal risks undermining criminal investigations by reducing the willingness of individuals to cooperate with law enforcement and would result in the creation of recordings of law enforcement conversations that could jeopardize sensitive and important criminal and counterterrorism investigations.

That's from the Federal Bureau of Investigation Agents Association.

I yield 2 minutes to a distinguished member of the committee, the Congressman from the great State of Missouri, LACY CLAY.

Mr. CLAY. I thank the gentleman for yielding.

Mr. Speaker, I rise today in opposition to the bill, also. This bill would compromise the privacy rights of Federal employees and it would negatively impact law enforcement. The bill would assume that every Federal employee consents to having any conversation recorded as long as they are acting in an official capacity. The bill contains no exceptions for law enforcement or military personnel.

This bill is opposed by the National Association of Assistant U.S. Attorneys. In their letter, they said:

Passage of this legislation, as approved by the House Committee on Oversight and Government Reform on July 24, will disserve the dedicated and brave public servants in United States Attorneys Offices and law enforcement who work tirelessly to pursue justice on behalf of the United States.

The National Treasury Employees Union also wrote in opposition to this bill. They said:

H.R. 2711 provides that every official interaction by any executive branch employee, whether by telephone or in person, shall be allowed to be recorded by the other party. And in certain circumstances, these executive branch employees must notify the other party of their right to record or be subject to appropriate disciplinary action. No exceptions are made in the bill for law enforcement or other sensitive communications.

The Oversight Committee did not hold a single hearing on this bill. The bill was rushed through just to get it on the floor this week in time to fit the House leadership's message agenda. This is irresponsible legislating and should be defeated.

I urge my colleagues to vote "no."

Mr. ISSA. I yield 2 minutes to the gentleman from Pennsylvania (Mr. KELLY), a longtime businessman and someone who knows firsthand about abusive governments.

Mr. KELLY of Pennsylvania. I thank the chairman.

Mr. Speaker, I rise in strong support of H.R. 2711. Let me tell you why.

I hear about protecting rights all the time and how important it is for the government to be able to do the things that they need to do. Let me tell you what it's like as a private citizen to be sitting in your office and getting a phone call from somebody that says, I'm sitting here in Detroit, I'm recording this, and I have a lawyer sitting beside me because we're going to put you out of business today.

And my response was, Give me a little bit of time. Let me get my lawyer, and let me get a tape recorder and tape what you're saying to me.

Now what's right anymore? Boy, have we confused things. Is this a government that works for the people or people that work for the government? My goodness, have we gotten things out of focus here.

We think we are so powerful, we are so intelligent. We have reached a level of arrogance that is unbelievable to the American people. Why do they no longer trust us? I can record you but you can't record me. I can have a whole list of everything that you've done, but God help you if you ever try to look into what I'm doing to you. Baloney. It's time for it to stop.

If we're really going to restore trust in this government, it's going to take both sides. This is not a Republican or a Democrat issue. This is an American issue. My goodness, how can we be so far from what the Founders envisioned when they had absolutely nothing to work for, nothing to work with—noth-

ing but the providence and the hand of God in helping to form a government that is absolutely phenomenal?

We're sitting here today and saying it's not okay for a private citizen to record what this government is saying to them. Now the government can do just the opposite. And I don't want to get mixed up with what's legal, because we all know that what's legal has nothing to do with what's right. We've seen that too many times. We've watched it pushed back and forth.

And while it may be funny to some, I've got to tell you, it may be funny when you sit here, but I would love you to meet me in the private sector and get a phone call from somebody from the government. It is truly not just chilling; it is freezing. You have got to sit back and listen to these folks, and they're recording every single thing you say. God help you if you stumble or stutter. That's what they're looking for.

This gives the private citizens the same rights that they should have. This is a government that's supposed to work for the people and not the people working for the government. It's time to restore trust in this government.

Mr. CUMMINGS. I yield 5 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding.

Mr. Speaker, I'm going to only speak once, even though there's seven bills. Time is short. We have just a few days left in the legislature until we shut down the government if we don't act. We passed three of the appropriations bills. My understanding is that the one we've had under consideration is not going to be brought to final passage. I may be incorrect in that, but that's the understanding. At least there's some talk about that.

This Congress has been the worst Congress for Federal employees that I have ever served in. The gentleman who spoke before me says he ran a business. If you treated your employees as we're treating our employees, they would have all quit. They would have all walked out. They would talk about the epithets that are used and that "bureaucrats" spit out as a pejorative term to the people who make this government run.

I don't know whether the gentleman read this in the paper today, but two of our largest financial institutions were fined very heavily for misconduct. Do people do things wrong? They do. They do them wrong in the private sector. They do them wrong from time to time in the public sector. Should we be concerned about that? We should be. Should we excise that kind of behavior from private and public sectors? Absolutely.

But I will tell you that these bills—and some of them are okay; they're somewhat redundant. The bill the gentleman speaks of—I just got on the floor when the gentleman was speaking

so I don't know exactly what the circumstances are in terms of his being, obviously, from his perspective, threatened by the fact that somebody was going to record him. I understand his concern about that. Frankly, if they'd called me and done that, I would have said, very frankly, I'm going to hang up, and I'll talk to you later with my lawyer, and you're welcome to meet with me. I'm a lawyer so I would have advised him to do that.

That does not explain the torrent of antigovernment workers that we have seen from this Congress and, frankly, to some degree, from the last Congress. They can't strike. And because they have to support their families, they can't walk out. They don't have many tools. They have us, of course, who represent many of them, to stand up for their rights. But much more importantly, for respect from their employer, which they're not getting.

I would tell my friend that he can come with me. I was down at Pax River, a big naval base, talking about the 20 percent cut that we've asked people to take. They perceive it's because of our dysfunction and because we can't get our job done here, not because of anything they did wrong, not because of a lack of performance.

And I will tell my friend, Mr. KELLY, that an awful lot of my folks are saying, We want to be at work. We've got guys at the point of the spear relying on it, and we're not able to work on Fridays. But they're still fighting on Fridays. They're still at risk on Fridays.

And so when they see these bills, I tell my friend, it's a "gotcha" reaction they have. We'll get 'em. You didn't like being recorded, so your response is to do what you didn't like to them. Now my response, if I were them, is to say, Sorry, Mr. KELLY, I can't talk to you. If you're going to record me, I'm not going to talk to you. We'll put it down on paper, we'll do whatever. As you were concerned about that effort, understand their concern as well.

As I said, out of eight of these bills, four of them aren't too bad. Three of them, obviously, go to undermining due process. The gentleman talks about being concerned. One of the bills says: no due process. You're fired because I think you did something wrong. Not because I proved you did something wrong, not because maybe you did do something wrong. But because I think you did something wrong, you're off—and you're off with no pay.

Maybe the gentleman is asking Mr. Issa whether in fact that's one of the bills, but I assure him it is.

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

Mr. CUMMINGS. Mr. Speaker, I yield the gentleman an additional 1 minute.

Mr. HOYER. Mr. Speaker, I would suggest we're the employer, we're the board of directors. And I think, frankly, in the IRS case, we haven't proved

any wrong yet. There's been a lot of assertions but not much proof. We shouldn't go head-over-heels denigrating those folks on whom we rely to carry out the very policies we adopt.

Do we need oversight? Of course. Do we need honesty in performance of public duties? Absolutely. But we also need respect and consideration shown for those who work for America—the best civil service in the world. It's the most competent, best-educated civil service in the world, and we treat them as second-rate citizens. We ought not to do that.

We ought to reject this bill and a number of others of these bills. Let us think of our Federal employees. Because if we don't, we won't have the kind of government that America deserves and wants.

□ 1315

Mr. ISSA. I yield myself 10 seconds simply to say, you know, if two people take the Fifth when asked about their official conduct and there isn't a scandal, I'd be surprised to find that the gentleman from Maryland would find a scandal no matter what we find there.

Mr. HOYER. Will the gentleman yield on that?

Mr. ISSA. My 10 seconds has expired.

Mr. HOYER. I didn't think you would.

Mr. ISSA. Pardon me?

Mr. HOYER. I didn't think you would.

Mr. ISSA. I yield myself an additional 10 seconds and yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman.

Her lawyer, or the lawyers, because there was a criminal investigation underway, did what lawyers do in an abundance of caution. That, by the way, is provided for in the Constitution of the United States—I know the gentleman's read it. I've read it as well. So they were availing themselves of their constitutional right.

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

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

Mr. Speaker, the minority whip knows the Constitution. All of us have taken time to understand it. But when we investigate real wrongdoing—wrongdoing like the IRS, wrongdoing that the American people understand, it was just wrong. Even the President started off agreeing with that. Then somehow, whether it's IRS, Benghazi, Fast and Furious, or just somebody at the IRS putting a half-billion-dollar contract out to their buddy and then claiming that, as they got them to contract, that they didn't really know them well, somehow these become phony scandals.

There's only one scandal in Washington, and that's when we find things that are wrong and we don't fix them. We don't have to worry about who at the top is in charge, but we have an obligation to fix them. When people take the Fifth when you're asking simply

questions about their official conduct, yes, that's the beginning of a scandal here in Washington—and if not here in Washington, around the rest of America.

I yield 1½ minutes to the gentleman from Texas (Mr. FARENTHOLD) to speak on the bill before us.

Mr. FARENTHOLD. Mr. Speaker, I'm troubled by the assertion that we don't treat our Federal employees right because we're asking them to do their job correctly and give their employers—we, the people, we, the taxpayers—the authority to make sure they're doing their job right when they call us by recording it, by giving us as taxpayers and as citizens the opportunity to avoid a he says-she says when a Federal agency, who has the power to fine us and get us through all kinds of trouble, calls us. We want to keep our evidence and we want to know.

The gentleman on the other side of the aisle talks about not treating the employees the same as the private sector. There are very few large companies I don't call that the first thing I hear is: "This call is going to be recorded for quality assurance purposes." Well, we're giving the employers of the Federal employees—the taxpayers—the power to record those calls for quality assurance purposes.

Federal employees who are doing their job right, who are not intimidating taxpayers, have nothing to hide. We don't want to record their private conversations on their cell phones. We don't even want to get that metadata. We just want to record what the Federal employee is saying to us in the course and scope of his employ at our tax dollars' expense.

Mr. CUMMINGS. Mr. Speaker, may I inquire as to how much time each side has remaining?

The SPEAKER pro tempore. The gentleman from Maryland has 7 minutes remaining, and the gentleman from California has 7½ minutes remaining.

Mr. CUMMINGS. I yield myself 10 seconds.

Just listening to the arguments, this is why, Mr. Speaker, it would have been quite helpful to have had a hearing on the bill so that we could flesh through some of these concerns.

With that, I yield 2 minutes to my distinguished colleague, a member of the committee, the gentleman from the great State of Virginia (Mr. CONNOLLY).

Mr. CONNOLLY. I thank my friend and colleague from Maryland.

Mr. Speaker, I want to echo what the distinguished minority whip had to say. These bills were rushed to the floor. They've been long in the planning on the Republican side of the aisle. They passed out of our committee on a party-line vote. Hearings were not held. And little niceties like the fact that there wasn't a law enforcement exemption on this particular bill get overlooked in drafting when you rush to the floor like this.

But of course the purpose of these bills is not really to protect American

citizens, though we could have done that. Because I would say to my friend from Pennsylvania (Mr. KELLY), I'm deeply sympathetic to the plight he found himself in. I think we probably could have worked out a bipartisan set of proposals today that would have protected people like Mr. KELLY, now a Member of Congress and my friend from Pennsylvania. What he described is not acceptable and we do need to protect people from it, but that's not the purpose of these bills today.

The purpose of these bills is cynically political. It is to allow one side of the aisle, the majority, to go home and talk about an abusive government that they're standing up to. And in that narrative, you do terrible damage to the courageous men and women, the diligent men and women who serve our constituents, known as Federal employees.

It is part of a relentless—and I think reckless and inexcusable—attack on Federal employees, on public servants because it serves a political agenda. But the long-term cost is the disparagement of public service and the difficulty we are going to have in the out-years in recruiting and retaining talent for the workforce of the future. That's why I oppose these bills, because of the content.

We could have made them better. We could have made them bipartisan. We could have actually worked together. But there was a cynical calculation not to do that, because the purpose of these bills is to continue to use Federal employees as a political punching bag and to make some cheap, short-term political gains.

I thank the Ranking Member for yielding me time . . . and I appreciate his comments in support of our dedicated Federal workforce.

Mr. Speaker, I rise today in opposition to H.R. 2711, 2579, and 1541.

These misguided, anti-Federal workforce bills are just the latest partisan jab at the dedicated Federal employees who serve on the front lines, protecting and helping our constituents every day.

Yet, House Republicans routinely use them as a punching bag—chipping away at their pay and benefits; stripping them of due process rights and Constitutional Protections; while denigrating the very concept of public service on behalf of our fellow citizens.

Take H.R. 2711, the so-called Citizen Empowerment Act. This hastily drafted measure was introduced a mere 14 days ago, and is now being rushed to the floor without a single hearing examining the bill, or the issue it purports to address.

It is ironic that on a day when Republicans are pushing an anti-Federal Government message, they are seeking to ram through a partisan messaging bill that would actually empower the Federal Government to pre-empt 12 existing State privacy laws.

Further, it is simply inexcusable that in the Republicans' rush to produce a political press release, they have slapped together a measure that does not contain any law enforcement or sensitive information exemptions that may be necessary to protect ongoing law enforcement or intelligence investigations.

To be clear, I do not oppose the principle of allowing citizens to record conversations with Federal employees in the course of official business—in fact, in many situations that can already be done today.

What I am certain of is that this measure—which is opposed by the Federal Law Enforcement Officers Association and the National Association of Assistant United States Attorneys—is not ready for prime time.

Of course, this is not even the worst bill the majority is attempting to jam through. H.R. 2579, or as I call it, the “Fire First and Ask Questions Later Act,” is even more egregious and indefensible than H.R. 2711.

Republicans are intent on pushing one’s tolerance for cruel irony when one considers that again, under the auspices of an anti-Obama Administration messaging effort—Republicans have carelessly drafted provisions in this bill that would vastly strengthen the power of Obama agency leaders to unilaterally, and arbitrarily, fire career civil servants under a “guilty until you prove yourself innocent” construct.

H.R. 2579 makes a mockery of our Nation’s long-held principles embodied in the Due Process Clause of the Fifth Amendment, and no Member of Congress would dare hold him or herself to a similar Kangaroo Court procedure that presumes an American is guilty until proven innocent.

It is the height of hypocrisy that some of my colleagues are willing to foist such a disgraceful system on our civil servants to score political points.

And finally, last, but certainly not least damaging, we have H.R. 1541, the Preventing Government from Acting Like a Business Act.

As I noted at last week’s markup, if this bill were purely standing on its own merits, it may make sense in tough times.

However, H.R. 1541 must be seen in the context of the relentless assault on Federal employees that commenced when Republicans assumed the majority in the House.

My colleagues on the other side of the aisle appear unaware that SES pay is discretionary under a Republican-instituted pay-for-performance system.

Contrary to the Republican rhetoric of lavish, unearned bonuses for undeserving members of the SES—the reality is that Senior Executives receive performance awards, and do not receive guaranteed annual increases, cost-of-living increases, locality pay, or overtime compensation.

Almost across the board, members of the SES receive significantly lower compensation than their private sector counterparts. For example, the maximum salary for a Federal VA hospital director is \$179,900, while the average salary of a private sector hospital director is \$800,000.

This bill is a slap in the face to thousands of career Senior Executives who excel in their fields and serve our Nation with distinction. From winning Nobel prizes, to hunting down Osama bin Laden, members of the SES are an incredibly valuable resource that our Nation should cultivate—not demean and tear down.

And for my colleagues who would profess a concern for the deficit, I would, simply close by noting that in 2012, the 46 winners of the Presidential Distinguished Rank award collectively saved American taxpayers \$94 billion in cost-savings and avoidances. Their bonuses were most definitely merited.

I urge House Republicans to finally relent in scoring cheap political points at the expense of our dedicated Federal workforce.

I hope all my colleagues will join me in standing up for our civil servants and opposing these cynical bills.

Mr. ISSA. I yield myself 15 seconds.

Mr. Speaker, there was only one amendment offered by the minority, and this bill passed unanimously on a voice vote. The gentleman on the other side could have asked for a recorded vote if he objected to it; he did not.

We are trying to give the 2 million men and women who are Federal workers the right to record when they’re called. This is a right every American gets, including the Federal worker.

I reserve the balance of my time.

Mr. CUMMINGS. I yield 2 minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. I thank the ranking member for yielding me this time.

I rise in strong opposition to H.R. 2711, the so-called Citizen Empowerment Act, that has been brought to this floor without a hearing.

While I do understand that the legislation purports to address accountability and transparency in the Federal Government, I am greatly concerned that H.R. 2711, in its current form, will actually have quite the opposite effect.

In particular, this bill would allow the recording of any telephonic or in-person conversation with a Federal employee that is conducted in an official capacity. Regrettably, however, the bill does not include critical exemptions pertaining to the discussion of classified information or conversations relating to sensitive Federal law enforcement or public safety investigations.

In light of this significant flaw in the bill, our Federal Law Enforcement Officers Association has underscored that, rather than enhance accountability in government, this bill would actually have a chilling effect on the ability of Federal law enforcement officers to perform their duties.

According to the association—and I’ll quote them:

Put simply, this legislation does not work in the context of Federal law enforcement and does a disservice to the brave men and women who are asked to put their lives on the line to protect us from terrorists and criminals.

For this same reason, the bill is also opposed by the National Association of Assistant United States Attorneys. Moreover, this legislation actually is evidence of a shift away from a greater transparency by failing to include a requirement that Federal employees receive fair notice that their official conversations are being recorded.

Importantly, 12 States, including my home State of Massachusetts, have enacted State laws requiring the consent of both parties to a conversation to give their consent. These States’ efforts have been undertaken in the interest of government transparency. Regrettably, this legislation would unfor-

tunately serve to undermine them and preempt them.

In addition, I would note that this bill would also serve to promulgate the severely misguided notion that our Federal workforce is not to be trusted. The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CUMMINGS. I yield the gentleman an additional 45 seconds.

Mr. LYNCH. I thank the gentleman.

Let us remember that our Federal employees are dedicated public personnel who work at our veterans hospitals. I have three hospitals in my district. I know how hard they work. They protect our borders. They research cures for deadly diseases and provide key services in support of our Departments of Defense, State, and Treasury. They deserve better than this, Mr. Speaker. They deserve better than this legislation. I hope my colleagues vote against it.

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

I will read from the actual language, as amended, the bill before us today that says, “Notice of rights when Federal employees engage in certain actions.” It says:

A notice of an individual’s right to record conversations with employees shall be included in any written material provided by an executive agency.

Mr. Speaker, that’s the only notice that’s required in this bill. And that’s simply, quite frankly, to let people know that it’s a 50-State right, where today it’s a 39-State right.

I appreciate the fact that unions and associations representing Federal employees have made statements. I just don’t appreciate the fact that they’ve gotten the details of the actual bill wrong—and knowingly wrong, based on the dates of their letter.

More importantly, let’s understand, this bill does not require verbal notice of a right to record given by a Federal official. It does not compromise that. More importantly, in 39 States, the public has this right; and in the other States, in most cases, the worst that would happen would be, if a person pulled it out, they might not be able to use it when trying to defend themselves.

But most important, this bill does not override existing Federal wiretap laws. Of course, if somebody’s talking classified on an open telephone, yes, I’d like it recorded because I’d like them to be able to make the case that classified information is being inappropriately talked for. But it does not override the right to go into a classified session. But that better not be with the public generally. If you’re discussing classified information, please understand that’s a secure location.

So I won’t accept these canards, these false statements as to what could happen, because it simply isn’t in the four squares of the bill.

Mr. LYNCH. Will the gentleman yield?

Mr. ISSA. I yield to the gentleman from Massachusetts.

Mr. LYNCH. The gentleman misunderstands. The Federal employee doesn't know what is going to come out of the caller's mouth next, so classified information can come without notice.

Mr. ISSA. Reclaiming my time, classified information said by a Federal employee has an obligation to be said in a secure location. Of course, under the law, they can say no recording devices can be here in this secure location. But of course you go into a classified briefing, one, because you're cleared, and two, you go there knowingly. So let's not accept these kinds of things.

And let's understand, in 39 States, law enforcement is recording without the permission of the public—and more importantly, so is the IRS, the EPA, OSHA, Fish and Wildlife in many cases, or they're simply taking notes and holding you accountable. Remember, in America, if you answer the IRS wrong over the phone, you might very well get a bill; and your only ability to appeal that bill is to the IRS, and you must pay that bill before you can then go to the courts.

Let's understand, we're dealing in all kinds of agencies, and there are good people, lots of good people there. But on behalf of the 2 million Americans who work for the Federal Government, I want them to have the right to protect themselves by being able to have a right to record in all 50 States.

I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, as I close, let me say this. The chairman has made some allegations that things were not true—and I guess he's not talking about us, but I guess he's talking about the Federal Bureau of Investigation Agents Association in a letter that, just today, referring to what he just talked about, says—and I further quote from this letter of July 31, 2013:

Also, by requiring written notices under the threat of disciplinary action, H.R. 2711 would create new administrative and bureaucratic requirements for agents conducting investigations. The time and the resources available to agents are already stretched too thin, and new administrative burdens make it more difficult for agents to protect the public.

That's from them.

By the way, the letters from the Association of Assistant U.S. Attorneys and the Federal Law Enforcement Officers Association, their opposition to this bill goes to the bill that is on the floor right now, so they have their concerns.

Again, I wish that this was something that we could have had testimony so that we could hear from those law enforcement agencies so that we could come to some type of agreement with regard to their concerns, but we did not have that opportunity.

□ 1330

Mr. Speaker, based upon the arguments that we've already made, I would urge Members to vote against this legislation.

I yield back the balance of my time.

Mr. ISSA. In closing, Mr. Speaker, we hold these truths to be self-evident: one of them clearly is our right of free speech; another, free association. But protecting from our government is what our Constitution is all about.

My Democratic friends want to talk about the good workers; but the ranking member knows well there are good workers, and there are some that aren't good. There are workers who would never call and harass somebody, and there are people who have threatened Americans repeatedly. We have whistleblowers, and we have proof of that. We have wrongdoing.

When you get harassed by the government or you simply want to make sure that you know what you said, you have the right to do it in 39 States. You have the right to do it in your State, but you may or may not have the right to do it in the other State which the Federal agency is calling you from. If you are a rancher—Fish and Wildlife, EPA, OSHA—these are not just names on a board; these are people who really affect your life and your liberty and your very commerce, your very ability to feed your family.

The minority whip talked about the Federal workforce not having a choice except to keep working because they need the money and they can't strike. We are not going to that issue. In the vast majority of States, this is already the law. They don't need the Federal Government's approval to record.

When we look at harmonizing how people in every State in the Union look to their government and expect their government to look to them, that is a solemn responsibility. We don't preempt States in any way, shape, or form. We simply make it clear that Americans have a relationship with their government that they can count on. One of them is if they get a harassing call from somebody, somebody who is out of line, or they're asked inappropriate questions, it won't be a "he said, he said, she said, he said." They'll have the ability to record it if they choose.

Around here, we know that fact-based documentation and recordings have made a huge difference in finding out the truth about things that have happened. We also know that what people say is often discounted here, even when they're talking about horrific things that happened to them.

If we didn't have documents, not coming very quickly and usually blacked out, about the IRS's abuse of Americans simply trying to teach the Constitution or in some other way assert their rights of free speech, if we didn't have any documentation, it would just be a "he said, she said." It shouldn't be a "he said, he said." It should be absolutely something where you have that right.

I want all 2 million American Federal workers, I want State workers, I want everyone to know that they have this ability. And, yes, I want Federal work-

ers to have an understanding that when they send an email out on the government email system, they, in fact, are sending out a public document, and it is going to be discovered potentially and used and they should be careful what they say or do, because they represent us, they represent the American people.

So, Mr. Speaker, this is a bill that didn't need a long set of hearings. I suspect that the same groups would object to it no matter how many hearings we had about Americans' right to life and liberty, their ability to assert what people would consider to be unalienable rights. We are not talking about a complex issue. We are talking about the vast majority of States have one rule, a few have a different rule, and as to Federal workers we are making the statement that we, their government, have decided that the answer if you're asked if you can record is, yes, and you don't even have to be asked.

Mr. Speaker, I thank you for your consideration, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill, H.R. 2711, 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. CUMMINGS. 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 motion will be postponed.

GOVERNMENT SPENDING ACCOUNTABILITY ACT OF 2013

Mr. MEADOWS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 313) to amend title 5, United States Code, to institute spending limits and transparency requirements for Federal conference and travel expenditures, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 313

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 Spending Accountability Act of 2013" or the "GSA Act of 2013".

SEC. 2. LIMITS AND TRANSPARENCY FOR CONFERENCE AND TRAVEL SPENDING.

(a) AMENDMENT.—Chapter 57 of title 5, United States Code, is amended by inserting after section 5711 the following:

"§ 5712. Limits and transparency for conference and travel spending

"(a) CONFERENCE TRANSPARENCY AND SPENDING LIMITS.—

"(1) PUBLIC AVAILABILITY OF CONFERENCE MATERIALS.—Each agency shall post on the