

confirm that the per attendee cost of government conferences is nearly half that of similar private sector conferences, but these cities should not suffer from poor judgment by a handful of government workers.

Again, I strongly support the efforts to eliminate the waste and abuse of taxpayer funds. Federal travel and conference participation benefits our economy when done appropriately and responsibly. So I support this legislation, and I ask to continue to work together to encourage accountability and transparency for government travel to ensure conference cities like Las Vegas, Henderson, and others can continue to provide their valuable services.

Mr. CUMMINGS. Mr. Speaker, I urge Members to support the legislation, and I yield back the balance of my time.

Mr. MEADOWS. Mr. Speaker, I yield 2 minutes to my distinguished colleague from the State of Florida (Mr. ROSS).

Mr. ROSS. Mr. Speaker, I rise today in support of the Government Spending Accountability Act, which will rein in out-of-control government spending by providing much-needed reforms and transparency for Federal employee travel and government-sponsored conferences.

As someone who introduced similar legislation last year, I want to thank Chairman FARENTHOLD for his continued work on this important issue.

Mr. Speaker, reports of lavish and out-of-control spending by various Federal agencies, most notably by the General Services Administration, have highlighted the need for serious reform for these types of fiscally irresponsible practices. However, other agencies have been responsible for carelessly wasting taxpayer funds as well.

One example of this waste took place an hour from my home in Lakeland, Florida. In 2011, the Department of Veterans Affairs held two human resources training conferences in Orlando, Florida, at a cost of \$6.1 million to the taxpayers. Last year, an inspector general report published within the Department of Veterans Affairs found that the Department conference planners allowed up to \$762,000 in unauthorized or wasteful spending. This included gifts, spa treatments, tickets for helicopter rides, and golf packages.

Mr. Speaker, the men and women in uniform are some of the best and proudest that America has to offer. They take an oath to uphold not only the Constitution of this United States but also to give the ultimate sacrifice of their lives. Here, the veterans administration agency, which is charged with making sure that their benefits are adequately and appropriately provided, has been indicted with wasting these taxpayer dollars. Unfortunately, at a time when veterans are waiting in line for benefits they fought and sacrificed to earn, taxpayers should not be subsidizing lavish hotel bills and golf outings.

Once again, I want to thank the chairman for introducing this legislation, and I encourage all of my colleagues to join me in passing this good government legislation.

Mr. MEADOWS. I want to thank the ranking member for his support of this legislation, and I urge all Members to support the passage of H.R. 313, as amended.

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

Mr. HOLT. Mr. Speaker, I thank the Chairman and the Ranking Member for making small changes to this legislation to address concerns that I raised about this bill last year. However, the premise of the bill remains the same and for that reason, I oppose H.R. 313, the so-called "Government Spending Accountability Act". H.R. 313 is fundamentally flawed because it would make significant changes to federal employees' ability to travel to conferences and meetings.

This bill institutes prohibitions and impediments that would hinder American scientists' ability to collaborate and communicate with scientists at other institutions and laboratories.

Although I appreciate the sponsors' efforts to ensure oversight on travel expenditures, I'm not sure they realize the impact that this legislation would have on science and technology, which is the engine of American innovation. The informal conversations, as well as the formal presentations and everything else that goes on between scientists from different institutions, from different countries, lead to new collaborations that have the promise of new discoveries. These are not fancy junkets.

Scientific conferences are critically important. For example, the American Chemical Society and, the American Physical Society have stated that the development of an anticancer drug was the result of collaboration between a team of scientists from three laboratories that took place at one of these conferences. This bill would hinder that kind of collaboration. In a time when the federal government should be making science a priority, passing a bill that would make scientists jump through hurdles and get around impediments would, in fact, weaken American scientists, weaken American science, and impede the ability of American scientists to innovate.

That is not wise. This is not the way to build our economy and to foster advancements in innovation. We should be investing more in research and development, which means, of course, investing in scientists, but also investing in their ability to pursue science.

Would Congress do better if we did not meet in person, if we stayed home and got on conference calls every once in a while? I don't think so. I think the gains that are made in good legislation that come from conferences, from working together as colleagues as we gather for votes, or in committees, are invaluable. The same can be said for scientific conferences—better innovation can occur when scientists meet together, face-to-face.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. MEADOWS) that the House suspend the rules and pass the bill, H.R. 313, as amended.

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

A motion to reconsider was laid on the table.

## GOVERNMENT EMPLOYEE ACCOUNTABILITY ACT

Mr. MEADOWS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2579) to amend title 5, United States Code, to provide for investigative 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. 2579

*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 EM- PLOYEES.

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 AND TERMINATION AUTHORITY 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, as prescribed in regulation by the Office of Personnel Management, that such employee's conduct is flagrant and that such employee intentionally engaged in such conduct, 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, as prescribed in regulation by the Office of Personnel Management, that the employee's conduct with respect to which an action covered by this subchapter is proposed is flagrant and that such employee intentionally engaged in such conduct;

“(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.

#### “SUBCHAPTER VII—REMOVAL OF SENIOR EXECUTIVE SERVICE EMPLOYEES

##### “§ 7561. Definition

“For purposes of this subchapter, the term ‘employee’ has the meaning given such term in section 7541.

##### “§ 7562. Removal of Senior Executive Service employees

“(a) Notwithstanding any other provision of law and consistent with the requirements of subsection (b), the head of an agency may remove an employee for serious neglect of duty, misappropriation of funds, or malfeasance if the head of the agency—

“(1) determines that the employee knowingly acted in a manner that endangers the interest of the agency mission;

“(2) considers the removal to be necessary or advisable in the interests of the United States; and

“(3) determines that the procedures prescribed in other provisions of law that authorize the removal of such employee cannot be invoked in a manner that the head of an agency considers consistent with the efficiency of the Government.

“(b) An employee may not be removed under this section—

“(1) on any basis that would be prohibited under—

“(A) any provision of law referred to in section 2302(b)(1); or

“(B) paragraphs (8) or (9) of section 2302(b); or

“(2) on any basis, described in paragraph (1), as to which any administrative or judicial proceeding—

“(A) has been commenced by or on behalf of such employee; and

“(B) is pending.

“(c) An employee removed under this section shall be notified of the reasons for such removal. Within 30 days after the notification, the employee is entitled to submit to the official designated by the head of the agency statements or affidavits to show why the employee should be restored to duty. If such statements and affidavits are submitted, the head of the agency shall provide a written response, and may restore the employee's employment if the head of the agency chooses.

“(d) Whenever the head of the agency removes an employee under the authority of this section, the head of the agency shall notify Congress of such termination, and the specific reasons for the action.

“(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 of this title.

“(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.

“(g) A removal under this section does not affect the right of the employee affected to seek or accept employment with any other department or agency of the United States if that employee is declared eligible for such employment by the Director of the Office of Personnel Management.

“(h) The authority of the head of the agency under this section may not be delegated.”

(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.

#### “SUBCHAPTER VII—REMOVAL OF SENIOR EXECUTIVE SERVICE EMPLOYEES

“7561. Definition.

“7562. Removal of Senior Executive Employees.”

#### 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, as prescribed in regulation by the Office of Personnel Management, that the employee's conduct with respect to which an action covered by this subchapter is proposed is flagrant and that such employee intentionally engaged in such conduct.”

#### 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 North Carolina (Mr. MEADOWS) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

#### GENERAL LEAVE

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

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

There was no objection.

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

From Jeff Neely at the GSA to Lois Lerner at the IRS, the Oversight and Government Reform Committee has uncovered numerous examples of high-ranking government employees engaging in behavior contrary to the principles of public service.

In the private sector, these behaviors would be grounds for serious disciplinary action or termination. In some cases, these employees could face civil or criminal penalties—but not in the Federal bureaucracy. Only in Washington would these employees not be terminated but, instead, be placed on administrative leave with pay.

H.R. 2579 helps ensure Senior Executive Service employees are held accountable for their actions while maintaining existing due process rights. This legislation was unanimously approved by the Oversight Committee last week, and a similar version of this bill was passed by the House by a vote of 402–2 last Congress.

I want to commend the gentleman from Pennsylvania (Mr. KELLY) for his work on this bill, and I urge all Members to support its adoption.

I reserve the balance of my time.

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

I am no longer surprised, but I am saddened that the Republicans are

wasting the last few days before the August recess to vote on bills to repeal the Affordable Care Act for the 40th time and to continue their campaign to blame our country's civil servants for the challenges we face. We could be addressing the many serious and important issues facing our country, such as appointing conferees to negotiate a balanced budget to replace the harmful sequester, or passing legislation that would create jobs for the middle class, or voting on comprehensive immigration reform. Instead, Republicans are more interested in playing partisan games and in advancing political messaging bills.

Americans want Congress to focus on creating jobs and on growing our economy. The Democrats have put forward a responsible budget that invests in the future and in the middle class while taking a balanced approach to deficit reduction. Yet, Republicans refuse to listen, with a record defined more by what they have failed to do than what they have actually achieved.

It has been 209 days since the start of this Congress, and the Republicans have failed to pass a single jobs bill. It has been 129 days since the Senate passed a budget, and the Republicans have refused to appoint conferees to complete negotiations and resolve final legislation. Now Senators JOHN MCCAIN, SUSAN COLLINS, LAMAR ALEXANDER, and BOB CORKER have joined House Democrats in our calls to go to conference. Yet, here we are today debating on H.R. 2579, a bill that would strip due process protections from Senior Executive Service employees accused of wrongdoing.

This bill would give a politically appointed agency head broad discretion to fire Senior Executive Service employees without advance notice. The bill would provide no opportunity for a proper investigation or for employees to address the agency's concerns before such action is taken. H.R. 2579 would eliminate due process protections that were put in place precisely to protect civil servants from partisan, political influence. It would shift the burden onto employees to prove their innocence and seek reinstatement. This is contrary to the core legal principle of the American justice system—the presumption that one is innocent until proven guilty.

My Republican colleagues would have you believe that this is a bill needed to hold senior executives in our Federal Government agencies accountable. Although abuses committed by government employees certainly need to be addressed, denying due process rights to employees is not the appropriate way to do it.

There are existing procedures in place to deal with these challenges. Under current law, agencies may take action against senior executives for misconduct, neglect of duty, malfeasance, or the failure to accept a reassignment or a transfer of function. However, current law requires agencies

to give Senior Executive employees 30 days' advance notice, among other rights, before disciplinary action is commenced unless there is reasonable cause to believe that the employee has committed a crime.

I believe that we need to strengthen and improve the agency implementation of existing disciplinary procedures rather than pass legislation that would abridge the fundamental rights of our public servants. This bill would fire accused employees first, then ask questions later. I am afraid agency heads could feel undue pressure in particularly high-profile cases to terminate employees without first conducting a thorough investigation to determine the facts. For these reasons, I strongly oppose H.R. 2579, and I urge my colleagues to join me in opposing this legislation.

With that, I reserve the balance of my time.

Mr. MEADOWS. Mr. Speaker, I yield such time as he may consume to my distinguished colleague from the State of Pennsylvania (Mr. KELLY).

Mr. KELLY of Pennsylvania. For those of you up in the gallery, please put on your seatbelts. Again, this room is spinning so fast right now that it's hard to determine what's being said or why it's even being said. So, please, put them on. I don't want you to fall out of the gallery in trying to keep up with what's being said.

The SPEAKER pro tempore. Members are advised to address their remarks to the Chair and to refrain from referring to occupants of the gallery.

Mr. KELLY of Pennsylvania. My comment, Mr. Speaker, is I'm concerned about the safety of those watching today from the gallery. I just wanted them to be aware that there is a definite turntable here, and I'm really surprised that anybody can walk straight when they leave this room because of the spin that's put on everything. So my concern is for the safety of those watching today.

In going back to February 6, 1788, James Madison said to us, "If angels were to govern men, neither external nor internal controls on government would be necessary."

I've got to tell you that Madison is still alive, and he is alive on both sides of the aisle. What amazes me sometimes is how we get so far away from what it is that we are trying to do and who it is we are trying to protect. Now, I've heard the terms that—do you know what?—we're not protecting those who work for America. Let me tell you about those who work for America.

When I come out of my church on Sunday morning—out of St. Paul's, the 8 o'clock mass—I see all kinds of people who work for America. When I'm down at the Kmart, doing my shopping, I see all kinds of people who work for America. When I'm in Erie, Pennsylvania, I see all kinds of people who work for America—the same in Meadville, Pennsylvania, and the same in Butler, Pennsylvania. So I'm some-

times confused about who it is we're trying to protect. If it's truly those who work for America, it is those who work for America.

All of these folks behind me work for America. All of the people at our homes work for America, do they not?

Now the question is: Who looks after those people, those American taxpayers? When there is an abuse, my goodness, have we gotten to the point at which our only concern is for those who get a check that says it came from the United States Government?

I know who funds America. It is hardworking American taxpayers. That is why it's so unbelievable for me to sit here and listen to how we're not protecting those who work for America.

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This is not about the men and women, the guys and gals that go to work every day for the government. The ranking member knows that this is not about stripping them of their rights. It truly is not. In fact, if you go to page 8, lines 15 through 17:

An employee against whom an action is taken under this section is entitled to appeal to the Merit Systems Protection Board under section 7701 of this title.

Nobody is being stripped of anything. What we're doing is taking care of all those people who elected us to come here. I've got to tell you, I wasn't just elected as a Republican to come and take care of only those folks in my district that are registered Republican. I was sent here to represent everybody. I've never sat back and said, You know what? This isn't in the best interest of my Republican constituents. It helps my Democrat constituents. Since I'm a Republican, I'll game it, I'll spin it so that I can't vote that way. That's absolutely stupid.

Again, how far have we gotten from the initial message of what it is we're trying to do? The Government Employee Accountability Act—when we had the GSA hearing and the ranking member sat there, I said, Why is Mr. Neely on leave with pay when you know the IG had him under investigation? In fact, you bonused him money for the very same event that he's being investigated for. You bonused him, and then you let him go home to do what he wants to do. He's on leave with pay.

When I go back home, people ask me all the time, and I see their faces, and I can't look at them and say, You know what? What you don't understand is that in Washington, you can do the wrong thing and there's no accountability. Now, if you're back home in the private sector and you do the wrong thing, you're held accountable. What you have to understand is that you work in the private sector, not the public sector. They cry out for equal treatment. Not special treatment, not to be handled differently than anybody else. But they say, Mr. KELLY, if it's good for the goose, it's good for the gander.

Should not both sides of this aisle be concerned with what's right for the

American taxpayer? Should we not be concerned with what's right for American citizens? Should we not say to these same people who run these agencies, Look, we know you don't have the tools that you need—and that's what I was told by the GSA, that they put Mr. Neely on leave because they don't have any mechanism to do otherwise.

I don't want to keep beating up Jeff Neely, but by the same token, I refuse to keep beating up American taxpayers. If I don't have the stomach, if I don't have the backbone to do what's right, and if I can't walk a straight line when I leave here—this is not about taking the rights away from people who work for the government. Come on, guys. You know that.

Oh, my goodness. We've got to get together on this because this is not making sense to me. This looks like the back end of a frat party where everybody's kind a walking crooked coming out, trying to figure out what it is they did for the last 3 or 4 hours. I've got to tell you that this is common sense for America. If we cannot protect those who sent us here, if we cannot restore the trust of those who sent us here, if we're going to come here and debate and make a mockery and spin it to the point where it confuses the American people—this is not about taking anybody's rights away. This is about reinforcing the responsibilities of those who work for the American taxpayer, and that is all of us, both Republican and Democrat.

I've got to tell you what I've said before. There is no way I'll ever go back to northwest Pennsylvania and tell them, You just don't get it. See, the problem with you people is you're so busy working trying to make ends meet, you don't understand how government works. We can twist it. We can turn it. We can say anything we want. What we ask you is to believe. You know what the American people are telling us? I don't believe you any more. I don't trust you any more. I don't understand why I can be held accountable for everything I do, but other folks that work for me can do pretty much anything they want. Then we'll redeploy them. We'll push them off to another area. They won't lose a penny. We'll bring them back in under some other title, some other agency. All I want to do is give those managers of those agencies the tools that they have requested of us in Congress, give them the ability to hold people accountable.

Who am I talking about? I'm talking about the senior executives. I'm not talking about every gal and guy who walks into an office every day that does great work for the American people. Let's not get confused. So, please, don't spin it. My days of riding a merry-go-round are over, and so should yours be. We can fix this. We have to put things in there that make it possible to hold people accountable. The people that raised me, the people that I've worked for, the people that I have

played under as coaches, hold you accountable for everything you do, and there are repercussions for doing the wrong thing. You don't give them a pat on the back and say, You know what? Go home for a while. Don't worry about your pay. The American taxpayer is going to pick up the tab on that. We'll keep you safe. We'll keep you covered.

Senior executive, this is the creme de la creme, This is the top of the bunch. This isn't all those people you see walking in and out. I don't want to get it confused with the gentleman from Maryland about sequestration. This is about what's fair for this Nation. I'm sick and tired of having everyone else throwing in and saying, No, you don't understand. Let's all put it in a blender, we'll pour it out, and they'll drink it. No, they won't. The American people are choking now on the rhetoric that comes out of this House because we don't talk straight. We talk Washingtonese, which nobody understands. We wouldn't allow it in our public sector, and we shouldn't allow it here.

If it's about accountability, listen, I will tell you what, I would like to see accountability not just in the government employee, but also in Members of this great legislature. My goodness, if we don't understand what Madison said and we are truly not ruled by angels, as we know, we are obliged to put in elements that force us—because we won't do the right thing on our own—force us to do the right thing for the American taxpayers and those men and women who get up every day, throw their feet out over the bed, and go to work. Do you know why they do it? Because they love their families and they love their country, and they know they have to do it.

Mr. Speaker, thank you so much for allowing this piece of legislation to come forward. I can't tell you how proud I am to be a Member of this body. We may disagree on some things, but people tell me, Kelly, you don't understand. I say, No, no, no. The problem is I do understand; I just don't agree. I understand it so well that if we don't right these wrongs, this great country will never be what it was supposed to be. For us to sit here as a body and allow it to happen and say, Too tough a vote. Man, some people are not going to like me for this. I may not get elected the next time. I just say, Get a stomach, get a stronger back, and do what's right for America. This is about what's right for the true Americans that keep this great organization going. That is the American taxpayer.

So having said that, Mr. Speaker, I thank you so much for allowing me to get up and speak, and please, "If angels were to govern men, neither external nor internal controls on government would be necessary." Isn't it amazing that over 225 years ago, the same thing rings true today? If it were really angels that were running the organization, we wouldn't be having these conversations, and we would just go ahead with every day and say it's all right.

We're not. We're ruled by men. Men make mistakes. Men need to be held accountable when they make a mistake. I want to make sure that each of us, no matter what party you represent, is able to go to their home district and say, I did what was right for you today. I did what was right for you, your children, and your grandchildren. I did what was right for America.

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

Before yielding to Mr. LYNCH, I just want to say one thing. I listened to the gentleman, and I have the utmost respect for him. But I remind him that this is American jurisprudence that has had the concept of "innocent until proven guilty" for as long as he just talked about.

Mr. KELLY. Will the gentleman yield?

Mr. CUMMINGS. I just want to finish this. I listened to you very carefully. You had an outstanding speech, but I want to just make sure we're clear on something.

The senior executives suspected right now of criminal activity may already be removed or placed in indefinite suspension without pay. We need to focus on improving agency implementation.

You talk about the Neely case. Rather than passing legislation that would deprive employees of their due process rights—I do want to keep in mind that there is a little thing called the Constitution of the United States of America that every 2 years we come and swear we're going to uphold. Part of that Constitution is about due process, and that's what we are trying to adhere to here.

I think we have to be very careful when we start looking at just individual cases. We're making legislation for Federal employees throughout this country, and I just want to provide some caution there.

I now yield such time as he may consume to the distinguished gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. I thank the gentleman for yielding.

Mr. Speaker, first of all, I want to say that I have the utmost affection and respect for the gentleman from Pennsylvania. He and I are friends. But I must say that he's wrong on this case.

It's ironic that you choose James Madison as the one person that you rely upon in your argument, because it was James Madison that actually drafted the due process clause. He was the one that took the recommendations from the delegates from New York and actually drafted the text. He made his own amendments to the due process clause that we today rely upon to protect constitutional rights.

Let me also talk about the Senior Executive Service in our Federal government. Those are the employees that rise to the top. They do after years of serving in many cases because of their expertise in protecting our veterans at

the VA hospitals. But the Senior Executive Service is an experienced corps of dedicated Federal employees who provide institutional stability and continuity across administrations, and they serve as a vital link between political appointees, frontline managers, and the Federal workforce. We don't want each administration coming in and saying for no reason, Well, I'm a Republican. I'm going to fire all the Democratic executives in the Senior Executive Service. We don't want a Democrat coming in and saying, I'm going to fire all these Republicans who are in senior positions.

One of the protections we provide is due process of law. Despite the important role that Senior Executive Service employees play in the Federal Government, this bill that's on the floor today would deprive these employees of the basic due process rights available to them under existing law. The legislation would give agency heads the broad discretion to just fire people, fire senior executives that are suspected of misconduct, and employees would bear the burden of proving their reinstatement. This is called "ready, fire, aim." It would allow firing employees for basically any reason that in the discretion of the senior management is required. As the gentleman from Maryland and I—and I congratulate him on his advocacy here—it presumes guilt before we get all the facts. That is completely inconsistent with the principles of our Constitution.

I am deeply concerned that this legislation may cause irreparable reputational damage if an individual is wrongly accused and forced to seek reinstatement. The person may eventually be vindicated, but the damage to the individual's reputation, their financial stability, and their career may be beyond repair. Moreover, there are effective tools already existing to hold senior executives accountable for performance and conduct issues. These disciplinary procedures provide very simply, 30 days' notice. You have to have notice why you're fired in writing. That's not a lot to ask, 30 days' notice of why you're being fired. This is what you're eliminating from the law right now. It gives that person 30 days to scramble to get a representative to put a case together to say, No, these aren't the facts. It allows them, if they are able, to get an attorney or a representative, which includes the right to that written decision and the right to appeal to the Merit Systems Protection Board.

Those are the basic due process rights that James Madison has supported. You're right, James Madison is still here today. He's on this side. He's on the side of due process. He doesn't want a kangaroo court. He wanted protections for constitutional rights, and he thought it was so important that he incorporated those in the text of the Constitution.

During committee consideration of H.R. 2579, I offered an amendment to

apply these existing due process protections to the expedited removal provisions in the bill, but my amendment was rejected. For these reasons—and I say again I have great respect for the gentleman from Pennsylvania—I urge my colleagues to vote against this measure in support of due process, in support of the principles that James Madison advocated. Also, I want to say the previous bill that the gentleman talked about earlier that we voted on, 410 votes, that had the "ready, aim, then fire" provision.

□ 1415

It gave the due process rights. The bill that we supported in the previous session, it wasn't exactly the same, as the gentleman acknowledged; it had due process rights. It allowed employees to have 30 days to have a written decision to know what the charges were against them and to respond. So this is a very, very different bill than passed the House overwhelmingly in the previous session.

This bill does not allow the employee the 30 days' notice of what they did wrong. It does not allow them to defend themselves against the charges. It does not allow them to have a representative. It does not allow them the ability to protect their reputation in real-time. This bill fires them first and then asks questions later. For those reasons, it should be rejected.

Mr. MEADOWS. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. MARCHANT). The gentleman has 8½ minutes remaining.

Mr. MEADOWS. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. KELLY).

Mr. KELLY of Pennsylvania. Mr. Speaker, my colleagues on the other side, I do have great respect for both of the gentlemen. It is not a question of respect for other Members of Congress. The question is: How much respect do we have for American taxpayers?

I think sometimes we get too confused right here about the collegial atmosphere that has to exist. You know, if you don't talk nicely to each other, it can cause a problem. And I understand that. But we know each other. I have shared some very emotional moments with Mr. CUMMINGS when he lost his nephew. I understand that. Steve—Mr. LYNCH—and I know each other. It's not about the spin. Nobody is losing their due process under this. You know that.

Again, I refer back to page 8, lines 15 through 17:

An employee against whom an action is taken under this section is entitled to appeal to the Merit Systems Protection Board under section 7701 of this title.

There is no reason for us to be having a conversation that again divides the Nation; and it divides people because we constantly want to make sure that everybody understands that one party is for one type of philosophy, the other

party is not. You know, they don't ever want to take care of everybody.

I'm talking about the American taxpayer here. I'm talking about the agencies.

Mr. CUMMINGS and I sat and listened to the people from the GSA; and when we asked them why are they placed on leave with pay when there is obviously an investigation going on, you knew about it. The IG came to you and told you that, in spite of that, you still bonused this gentleman. They gave him extra money for doing exactly what he was being investigated for.

And we said: My goodness, why would you do that?

And they said: Because we don't have any tools to do anything about it. We don't have the mechanism to do that.

Why is it that we have to constantly widen the gap between what's right for America and what's just flat out right?

This isn't about Democrats and Republicans trying to protect our friends who work here in the government. Of course I want to protect them. And I will guarantee you that if this is going to pass today, I guarantee you will not see a mass exodus of people who work for the government saying, oh, my gosh, let me get my resume together; I've got to get out of here.

They're not leaving. And why aren't they leaving? Because these are good jobs. We're talking about the senior executives. We're not talking about every gal and guy. We're not talking about those in uniform who protect us. We're talking about the senior executives, those to whom we have given the most responsibility and authority. We're talking about giving them a tool to hold those who work under them responsible. They don't have it now.

I don't want to walk away or turn my back on people who work every day for this government. These are darn good jobs. Please tell me, if it's such a terrible place to work, why do so many people apply for work?

Mr. LYNCH. Will the gentleman yield?

Mr. KELLY of Pennsylvania. No, I will not yield.

Mr. LYNCH, we've been yielding for far too long, and I will be glad to yield to you when I'm done here, and that's up to the chairman.

But I have to tell you, why do we constantly put this spin on to divide this body?

If I were a manager and I were put in charge and given the responsibility to do things, but then told, Look, you have the responsibility, you better perform to the right level here, but by the way, when you have people who are not acting appropriately, you don't have any tool to change that. You don't have any way to reprimand them, to call them forward.

It just doesn't make sense. And I'll tell you who it doesn't make sense to. It doesn't make sense to all those folks I described before. I've got people back in western Pennsylvania working two jobs. This is mom and dad working a

job. Why? Because they have this tremendous ability to self-reliance, and they know they have children they've got to take care of. They want to feed them, they want to clothe them, they want to educate them. They want to be part of the system that has made sense to so many people for so long.

Why do people come to this country? My goodness, they come across the ocean in inner tubes to try to get here. They crawl across the desert to get here. They don't get here because they don't like us. They get here because they love the opportunity.

All I want to do is give the managers of these agencies the same tools that everybody else has. This is not about trying to make an employee look bad. This is about holding an employee accountable. When is it that we got to the point that accountability is a political agenda? Really? Really?

And we're going to take any time we can get to try and make the other party look bad, because I've watched here for 2½ years. It's not enough to win the vote. You've got to make the other side look really, really bad. It's not enough to say we just didn't agree on this and we moved to something else. No, the point is to say, you know what, this is how horrible these people are. They don't care about you. They don't care about your kids or your grandchildren. They really want to hurt you.

No, we've shared too much time together. I don't sit in any committee with anybody, whether from our party or from your party, that says, I came here to destroy America. They don't say that. They don't say, I came here to divide America. They don't say that. They say, I came here because I thought I had a calling and I want to make a difference.

This bill is so simple. It is so much common sense. Really, this is a problem, to hold people accountable for a job they're not doing right? We didn't strip them of anything in due process. They still have their rights, everything. And it's not for everybody; it's for the senior executives at the top. The top. That's all it's about.

So, Mr. Chairman, I've got to tell you, this is so common sense. It's what we do in the private sector every day. I don't want it to become a political battle over something that makes sense to the American people.

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Mr. CUMMINGS. Mr. Speaker, how much time do we have?

The SPEAKER pro tempore. The gentleman from Maryland has 8 minutes remaining.

Mr. CUMMINGS. I yield 3 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the gentleman from Maryland for yielding.

You know, it has been sad to have to sit here for so long and hear the Kafkaesque understanding of due proc-

ess by the gentleman from Pennsylvania. In a word, due process has to come before the sanction, not after; before the loss of job, not after, or it means nothing.

Today, of course, I rise in strong opposition to H.R. 2579 that would eliminate due process protections for senior executive servicemembers by allowing agency heads, political appointees, for the first time since the passage of the great civil service reforms in the early part of the 20th century, to fire Federal employees without giving them advance notice or an opportunity to address allegations against them before they are dismissed.

This bill, in particular, gives real credence to the view that the series of bills on the floor today are an attack on Federal employees. H.R. 2579 would reverse the long-settled principle of "innocent until proven guilty" to "guilty until proven innocent."

Employees could be immediately fired by the politically appointed agency head. They could get their job back only by accepting the burden of proof to prove their innocence. It's not enough that employees would be notified of the reasons of their removal and would have 30 days to respond. They're gone. They're fired immediately. No due process rights like those currently in place: at least 30 days notice; representation by an attorney; a written decision; a right to appeal to the Merit Systems Protection Board.

The absence of due process and of standards that the political appointee must use in making the decision to fire is nothing short of breathtaking. Under this bill, the agency head, one person, one political appointee, determines whether the employee knowingly acted in a manner that—get this—"endangers the interest of the agency mission." What could be broader than that? You could be fired for anything under that standard.

One person decides whether the employee's removal is "necessary in the interest of the United States." Wow, let's rein that in somewhat.

One person decides that other procedures prescribed in other provisions of law just can't be invoked; they're not good enough. There you have it—judge and jury—exactly what the civil service system was developed to avoid, exactly what the Constitution says we must avoid. If you believe in the Constitution, it is important not to demagogue, but rather to explain to the public why every State, local, and Federal government puts employees—

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

Mr. CUMMINGS. I yield an additional 2 minutes to the gentlelady.

Ms. NORTON. I thank the gentleman.

Why is it that every unit of government puts employees they want to fire, they know they want to fire them, on administrative leave with pay while due process proceeds, even when the person is accused of serious offenses? Because the employer, my friends, is

the government. That's the difference. The employee has certain due process rights that the same employee would not have if the employer were a private business. That is civics 101, gentlemen.

Justice Powell, writing in *Arnett v. Kennedy* about due process rights of employees said:

Due process is conferred not by legislative grace, but by constitutional guarantee.

This bill comes from a Republican House that requires that Members state the constitutional basis for every bill introduced in this House. This bill expresses a Republican frustration that Lois Lerner of the IRS was placed on administrative leave with pay. Sorry folks, you're not allowed to support the Constitution only when you like the results. Let's defeat this "prove your innocence" departure from the Constitution of the United States.

Mr. MEADOWS. Mr. Speaker, I continue to reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I just want to say first of all that I associate myself with the words of the gentlelady from the District of Columbia. I think she said it quite well.

Mr. Speaker, we must be about the business of guarding this thing we call the Constitution. We are here only for a moment—only for a moment—and in that moment we have already been given a document by which we should govern ourselves. It has been interpreted by courts over and over again, and one of the things that has stood the test of time is due process. That very due process, I have said many a time, has allowed me to be a Member of this Congress of the United States and so many others who would have never had an opportunity. And so no matter when we are here, no matter what time we are here for, we must guard it.

□ 1430

Mr. LYNCH was very clear when he talked about how we are in a situation where we fire somebody first, and then suddenly we say, okay, we're going to give them some due process.

Going back to Ms. NORTON, due process comes before the firing. That's the way it's supposed to be.

And we all care about every employee. We care about how every American is treated, and that's what this argument is all about—fairness.

Mr. Speaker, I reserve the balance of my time.

Mr. MEADOWS. Mr. Speaker, I continue to reserve the balance of my time.

Mr. CUMMINGS. How much time do we have, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Maryland has 2 minutes remaining.

Mr. CUMMINGS. I yield 1¼ minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. I thank the gentleman, and I appreciate his advocacy.

Mr. Speaker, I do want to point out some inconsistencies in the argument



by my friend from Pennsylvania. In the case of Mr. Neely and in the case of Lois Lerner, under existing law, all that was required before they fired either of those individuals is to give them 30 days' notice, 30 days' written notice of the charges against them, give them the 30 days to put together a defense or to offer their version of the facts.

That's all that was required, and then we could have fired them or put them on administrative leave without pay. That was within the discretion of GSA.

So when GSA tells Mr. KELLY they can't do anything, there's plenty they could do. They could have taken both those employees, put them on administrative leave without pay—talk about protecting the taxpayer. I'm for that. They had the power to do that in these cases.

They could have taken both those employees, under current law, with due process in place, put them both on administrative leave without pay, and we could have protected the taxpayer. That was the discretion on the part of the administration and the folks that made the decision in that place. It was not a fault of the law.

But interestingly enough, it also protected us to have the second version of the facts put forward to bring more light to this.

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

Mr. CUMMINGS. Mr. Speaker, I'm going to yield the 45 seconds we have remaining to Mr. LYNCH to close.

Mr. LYNCH. Think about this. That due process right would allow an employee who might be the fall guy, it might be a person that they're trying to fire to shut them up, it gives them an opportunity to come before the public and say, while they're still in their job, to say, no, that's not the way it went down.

Now, it might be to the benefit of the Republican, it might be to the benefit of the Democrat, whatever position you have, whoever that individual might be. But it brings truth, it brings facts, and it brings the ability of that individual employee to protect themselves.

That's what we're asking for here, that 30 days' opportunity. And it can be without pay. We can protect the taxpayer and still give due process rights to our employees. This bill should be opposed for all those reasons.

I thank the gentleman from Maryland (Mr. CUMMINGS) for yielding.

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

Mr. MEADOWS. Mr. Speaker, facts are a stubborn thing, and what we are hearing today are a number of assertions that truly are not the facts.

Let me read from the bill, because the opposing arguments would be that we can fire them for any particular reason, but that's not what the bill says. The bill says we may remove an employee for serious neglect of duty,

misappropriation of funds—which, I might add, was the case in point that we were just talking about—or malfeasance. And the head of the agency has to know that it was knowingly done.

This gives just another tool in the toolbox. It doesn't do away with due process. It doesn't do away with a number of the facts that we already have today, but it adds another tool.

What it really does is allow our managers to manage. What a novel concept. We're going to actually allow and trust Federal employees to manage the people under them.

We have been in hearing after hearing that says, Well, why didn't you do something about it? Why did you not address this? And they said, Well, our hands are tied. We didn't have the tools to do it.

This bill, as Mr. KELLY has so eloquently put it, gives them the tool to do exactly that. It doesn't do away with due process.

We've accepted amendments, three different amendments that protect the rights of employees—they are embedded in this bill—and yet we still find that my colleagues opposite want to say that they're not in support of this.

I just find it just appalling that we can continue to allow employees to stay on the taxpayers' dollars when we know that there has been malfeasance, misappropriation of funds, and the neglect of duty.

With that, I encourage all my colleagues to support this particular piece of legislation.

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

Mr. GINGREY of Georgia. Mr. Speaker, I rise today as a proud cosponsor of H.R. 2579, the Government Employee Accountability Act, offered by my good friend Mr. KELLY of Pennsylvania.

I applaud this commonsense legislation that was initially developed in response to a senior GSA employee orchestrating the infamous GSA conference in Las Vegas that cost taxpayers \$800,000. He was placed on administrative leave with pay. Under current law, this is not only permitted, but there is little other recourse. There is no current mechanism for agencies to take away the pay of Senior Executive Service (SES) employees under investigative review for misconduct. Rather, employees can be placed on administrative leave or suspension, both with the opportunity for pay.

Mr. Speaker, the necessity of the legislation before us today is again highlighted by the recent scandals plaguing the IRS and its targeting of conservative groups. Despite the continued emergence of compelling facts detailing Ms. Lerner's involvement with discriminatory targeting and her refusal to cooperate with Congressional investigations, Ms. Lerner continues to draw a \$180,000 salary from the federal government. When she refused to resign, she was placed on administrative leave, so rather than being punished for targeting Americans based on their political beliefs, she is taking a well-paid vacation on the taxpayer dime.

H.R. 2579 would authorize all federal agencies to place an employee on investigative

leave without pay if the employees conduct was serious or flagrant. I believe that this legislation is critical in regaining the trust of Americans. Paid leave is a slap on the wrist, and simply does not sufficiently restore the public's trust that the federal government will hold those responsible for serious misconduct accountable.

Mr. Speaker, Americans deserve real answers and solutions to ensure that high-ranking federal employees are reprimanded and held responsible for unacceptable behavior. For that reason, I urge my colleagues to join me in supporting H.R. 2579.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. MEADOWS) that the House suspend the rules and pass the bill, H.R. 2579, 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.

#### COMMON SENSE IN COMPENSATION ACT

Mr. MEADOWS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1541) to establish limitations, during any sequestration period, on the total amount in awards or other discretionary monetary payments which may be paid to any Federal employee, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1541

*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 "Common Sense in Compensation Act".

#### SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "employee" means an employee (as defined by section 2105(a) of title 5, United States Code) holding a position in or under an Executive agency;

(2) the term "Executive agency" has the meaning given such term by section 105 of title 5, United States Code;

(3) the term "discretionary monetary payment" means—

(A) any award or other monetary payment under chapter 45, or section 5753 or 5754, of title 5, United States Code; and

(B) any step-increase under section 5336 of title 5, United States Code;

(4) the term "covered compensation", as used with respect to an employee in connection with any period, means the sum of—

(A) the basic pay, and

(B) any discretionary monetary payments (excluding basic pay), payable to such employee during such period;

(5) the term "basic pay" means basic pay for service as an employee; and

(6) the term "sequestration period" means a period beginning on the first day of a fiscal year in which a sequestration order with respect to discretionary spending or direct