

|                     |                  |               |
|---------------------|------------------|---------------|
| Luján, Ben Ray (NM) | Petri            | Simpson       |
| Lummis              | Pingree (ME)     | Sinema        |
| Lynch               | Pittenger        | Sires         |
| Maffei              | Pitts            | Slaughter     |
| Maloney,            | Pocan            | Smith (MO)    |
| Carolyn             | Poe (TX)         | Smith (NE)    |
| Maloney, Sean       | Polis            | Smith (NJ)    |
| Marchant            | Pompeo           | Smith (TX)    |
| Marino              | Posey            | Smith (WA)    |
| Massie              | Price (GA)       | Southerland   |
| Matheson            | Price (NC)       | Speier        |
| Matsui              | Quigley          | Stewart       |
| McCarthy (CA)       | Radel            | Stivers       |
| McCaul              | Rahall           | Stockman      |
| McClintock          | Rangel           | Stutzman      |
| McCollum            | Reed             | Swalwell (CA) |
| McDermott           | Reichert         | Takano        |
| McGovern            | Renacci          | Terry         |
| McHenry             | Ribble           | Thompson (CA) |
| McIntyre            | Rice (SC)        | Thompson (MS) |
| McKeon              | Rigell           | Thompson (PA) |
| McKinley            | Roby             | Thornberry    |
| McMorris            | Roe (TN)         | Tiberi        |
| Rodgers             | Rogers (AL)      | Tierney       |
| McNerney            | Rogers (KY)      | Tipton        |
| Meadows             | Rohrabacher      | Tipton        |
| Meehan              | Rokita           | Titus         |
| Meng                | Rooney           | Tonko         |
| Messer              | Ros-Lehtinen     | Tsongas       |
| Mica                | Roskam           | Turner        |
| Michaud             | Ross             | Upton         |
| Miller (MI)         | Rothfus          | Valadao       |
| Miller, Gary        | Roybal-Allard    | Van Hollen    |
| Moore               | Royce            | Vargas        |
| Moran               | Ruiz             | Veasey        |
| Mullin              | Runyan           | Vela          |
| Mulvaney            | Rush             | Velázquez     |
| Murphy (FL)         | Ryan (OH)        | Visclosky     |
| Murphy (PA)         | Ryan (WI)        | Wagner        |
| Nadler              | Salmon           | Walberg       |
| Napolitano          | Sánchez, Linda   | Walden        |
| Neal                | T.               | Walorski      |
| Negrete McLeod      | Sanchez, Loretta | Walz          |
| Neugebauer          | Sanford          | Waters        |
| Noem                | Sarbanes         | Watt          |
| Nolan               | Scalise          | Weber (TX)    |
| Nugent              | Schakowsky       | Webster (FL)  |
| Nunes               | Schiff           | Welch         |
| Nunnelee            | Schneider        | Wenstrup      |
| O'Rourke            | Schock           | Westmoreland  |
| Olson               | Schrader         | Whitfield     |
| Palazzo             | Schwartz         | Williams      |
| Pascrell            | Schweikert       | Wilson (FL)   |
| Pastor (AZ)         | Scott (VA)       | Wilson (SC)   |
| Paulsen             | Scott, Austin    | Wittman       |
| Payne               | Scott, David     | Wolf          |
| Pearce              | Serrano          | Womack        |
| Perlmutter          | Sessions         | Woodall       |
| Perry               | Sewell (AL)      | Yarmuth       |
| Peters (CA)         | Shea-Porter      | Yoder         |
| Peters (MD)         | Sherman          | Yoho          |
| Peterson            | Shimkus          | Young (AK)    |
|                     | Shuster          | Young (IN)    |

NAYS—3

|                 |                |               |
|-----------------|----------------|---------------|
| Broun (GA)      | Jones          | Meeks         |
| Butterfield     | Hudson         | Richmond      |
| Campbell        | King (IA)      | Rogers (MI)   |
| Cleaver         | Lewis          | Ruppersberger |
| Collins (GA)    | McCarthy (NY)  | Sensenbrenner |
| Garrett         | Miller (FL)    | Wasserman     |
| Goodlatte       | Miller, George | Schultz       |
| Herrera Beutler | Owens          | Waxman        |
| Holt            | Pallone        | Young (FL)    |
| Horsford        | Pelosi         |               |

□ 1612

MICHELLE LUJAN GRISHAM of New Mexico changed her vote from “nay” to “yea.”

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

STOP GOVERNMENT ABUSE ACT

Mr. ISSA. Madam Speaker, pursuant to House Resolution 322, I call up the bill (H.R. 2879) to provide limitations

on bonuses for Federal employees during sequestration, to provide for investigative leave requirements for members of the Senior Executive Service, to establish certain procedures for conducting in-person or telephonic interactions by Executive branch employees with individuals, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill. The SPEAKER pro tempore (Ms. FOXX). Pursuant to House Resolution 322, the bill is considered read.

The text of the bill is as follows:

H.R. 2879

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the “Stop Government Abuse Act”.

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—COMMON SENSE IN COMPENSATION**

Sec. 101. Definitions.

Sec. 102. Limitations.

Sec. 103. Regulations.

**TITLE II—GOVERNMENT EMPLOYEE ACCOUNTABILITY**

Sec. 201. Suspension for 14 days or less for Senior Executive Service employees.

Sec. 202. Investigative leave and termination authority for Senior Executive Service employees.

Sec. 203. Suspension of Senior Executive Service employees.

Sec. 204. Misappropriation of funds amendments.

**TITLE III—CITIZEN EMPOWERMENT**

Sec. 301. Amendments.

**TITLE I—COMMON SENSE IN COMPENSATION**

**SEC. 101. DEFINITIONS.**

For purposes of this title—

(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 spending is issued under section 251A or section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 and ending on the last day of the fiscal year to which the sequestration order applies.

**SEC. 102. LIMITATIONS.**

(a) IN GENERAL.—Notwithstanding any other provision of law—

(1) no discretionary monetary payment may be made to an employee during any sequestration period to the extent that such payment would cause in a fiscal year the total covered compensation of such employee for such fiscal year to exceed 105 percent of the total amount of basic pay payable to such individual (before the application of any step-increase in such fiscal year under section 5336 of title 5, United States Code) for such fiscal year; and

(2) except as provided in subsection (b), during any sequestration period, an agency may not pay a performance award under section 5384 of title 5, United States Code, to the extent that such payment would cause the number of employees in the agency receiving such award during such period to exceed 33 percent of the total number of employees in the agency eligible to receive such award during such period.

(b) WAIVERS.—For the purposes of any sequestration period—

(1) the head of any agency may, subject to approval by the Director of the Office of Personnel Management, waive the requirements of subsection (a)(2); and

(2) the head of any agency may waive the requirements of subsection (a)(1) with respect to any employee if the requirements of such subsection would violate the terms of a collective bargaining agreement covering such employee, except that this paragraph shall not apply to any employee covered by a collective bargaining agreement that is renewed on or after the date of enactment of this title.

(c) NOTIFICATION.—In the case of an agency for which the Director of the Office of Personnel Management grants a waiver under subsection (b)(1), the agency shall notify the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate of the percentage of career appointees receiving performance awards under section 5384 of title 5, United States Code, and the dollar amount of each performance award.

(d) APPLICATION.—This section shall apply to any discretionary monetary payment or performance award under section 5384 of title 5, United States Code, made on or after the date of enactment of this title.

**SEC. 103. REGULATIONS.**

The Office of Personnel Management may prescribe regulations to carry out this title.

**TITLE II—GOVERNMENT EMPLOYEE ACCOUNTABILITY**

**SEC. 201. SUSPENSION FOR 14 DAYS OR LESS FOR SENIOR EXECUTIVE SERVICE EMPLOYEES.**

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

“(1) ‘employee’ means—

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

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

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

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

**SEC. 202. 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 Service employees.”.

**SEC. 203. 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. 204. 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”.

**TITLE III—CITIZEN EMPOWERMENT**

**SEC. 301. 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 section, 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 section, 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. The gentleman from California (Mr. ISSA) and the gentleman from Maryland (Mr. CUMMINGS) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. ISSA).

#### GENERAL LEAVE

Mr. ISSA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2879 and include extraneous materials thereon.

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

There was no objection.

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

Madam Speaker, H.R. 2879, the Stop Government Abuse Act, combines three

ills that were each voice voted out of my committee. They are H.R. 1541, the Common Sense in Compensation Act; H.R. 2579, the Government Employee Accountability Act; and H.R. 2711, the Citizen Empowerment Act.

The Common Sense in Compensation title of this bill brings common sense to the policies of governing employee bonuses while still providing agencies flexibility to recognize outstanding performance.

Madam Speaker, 75 percent of senior executives will receive bonuses of at least \$6,000 while more than 650,000 defense employees are in the midst of 11 furlough days. This sends the wrong message to our Federal workforce. The men and women of the Federal workforce work hard—all of them.

Some of them do exceptional work, and bonuses are not only an incentive but a recognition. But these bonuses come on top of annual salaries ranging from \$119,554 to over \$179,000. Going in the range of \$30,000 or more sends a message to many of our Federal workforce—in fact, Madam Speaker, most of our Federal workforce—that people at the top get even more.

Following the President’s decision to impose a 2-year pay freeze, the administration issued a memo limiting the amount available to pay bonuses for fiscal years 2011 and 2012. Moreover, this past February, the administration issued a memo limiting bonuses to those legally required. In June, the administration suspended rank awards for senior leaders. H.R. 1541 builds on the President’s initiatives.

The Government Employee Accountability title of the bill helps ensure Senior Executive Service employees are held accountable for their actions while maintaining due process rights. From Jeff Neely at GSA to Lois Lerner at the IRS, the Oversight and Government Reform Committee has uncovered numerous examples of high-ranking government officials engaging in behavior that certainly seems to be contrary to the principles of public service.

When people come before Congress and cannot even answer questions as to what they have done in their official capacity by “taking the Fifth” and find themselves fully paid for not working, it sends the wrong message to the vast majority of Federal workers. In some cases, these employees could face civil or criminal penalties.

In the private sector, these behaviors would be grounds for serious disciplinary action and, likely, termination. But in the Federal bureaucracy, that isn’t what happened. Only in Washington could these employees be not terminated but, instead, placed on administrative leave with full pay, full benefits, and accruing additional retirement.

This bill provides agencies with additional tools to use when senior managers behave badly. It does not require these tools be used, but it makes them available. A similar version of this bill

was passed by the House by a vote of 402–2 in the last Congress.

The final title of the bill before us today consists of the text of House Resolution 2711, the Citizen Empowerment Act, as reported from my committee. This legislation protects individual citizens from harassment, intimidation, and inappropriate behavior by a few Federal officials representing agencies such as the IRS, EPA, and the SEC.

Unfortunately, these few bad actors at agencies have, from time to time, threatened, intimidated, coerced, lied, or violated the public trust. And yet, in 12 out of our 50 States, citizens are not empowered to unilaterally record these conversations for their own protection. In 38 States, they may. We simply seek, in this bill, to harmonize across the government a predictability. When intimidation and wrong behavior happens, we need to make sure that there is a simple solution that every American can avail themselves of.

This bill ensures individuals have a right to record in-person meetings and telephone calls with Federal employees, including regulatory officials engaged in enforcement activities that can lead to the imposition of fines and penalties. In essence, what this bill does is provide consistency on behalf of the Federal employees acting in their official capacity. I want to make that very clear, Madam Speaker.

Federal employees today don’t have an easy answer. In some States—38 of them—they can be recorded; in one State, they may be recorded; and in 11 States, they are likely not to be recorded because, in fact, it requires their advance permission. Uniformity across the Federal workforce is a good thing. We believe that it also will tell every member to treat people the same, whether they live in a State where they may be recorded or not.

I encourage all Members to support these three bills and remind all that these passed on a voice vote out of our committee and were not considered controversial in the previous Congress.

I reserve the balance of my time.

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

Madam Speaker, I rise in strong opposition to H.R. 2879 and to the failure of this House to address the issues of real concern to the American people and the people of my district.

Congress has been in session now for more than 200 days, and yet we have not passed a single bill to create a single job. The government must be funded by October, yet House Republicans have refused to appoint conferees to resolve a budget resolution after repeatedly calling for regular order.

After bringing to the floor a farm bill that gutted the SNAP program on which tens of millions of hungry Americans depend, including 17 million children, the majority brought a T-HUD appropriations measure that would have gutted the Community Development Block Grant program, the HOME

program, Amtrak, and the effort to modernize our Nation's air traffic control system. It became clear this week, however, that the majority did not have the votes to pass it.

We could be working today to end the damaging cuts imposed by the Ryan budget, which the Republican chairman of the Appropriations Committee called "unrealistic and ill-conceived." That's the Republican chairman of the Appropriations Committee. Instead of working on any of these issues, we're wasting the last days remaining before a 5-week recess on a measure that threatens to impede our Nation's law enforcement efforts and continues senseless attacks on our Nation's civil servants.

H.R. 2879, the bill before us now, was thrown together last night from the ruins of three bills the majority did not have the votes to pass yesterday. The Rules Committee had to call an emergency meeting last night to push this bill through, and no amendments are being allowed.

So what would this legislation do? First and foremost, it would undermine our Nation's law enforcement activities. In fact, this bill should more appropriately be called the "Ignoring the Concerns of Law Enforcement Act." It would allow individuals to record telephone calls and in-person conversations with Federal employees, including Federal law enforcement agents, without their knowledge. The Federal Law Enforcement Officers Association, the National Association of Assistant United States Attorneys, and the Federal Bureau of Investigation Agents Association have all written letters opposing these provisions.

The Federal Law Enforcement Officers Association wrote:

This 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.

The Federal Bureau of Investigation Agents Association wrote:

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.

This morning, after listening to the debate we had here on this floor yesterday, and after this bill was filed last night, the National Association of Assistant United States Attorneys sent a letter to every Member of the House, opposing the bill. Their letter states:

Section 301 of H.R. 2879 will undermine Federal civil enforcement activities and criminal prosecutions during the investigative, pretrial, trial, and enforcement phases of litigation involving the interests of the United States.

The fact is that we have held no hearings on this legislation before we marked it up in committee last week. We had no testimony from law enforcement officials about their concerns

with the bill. Instead, the House Republicans rushed it to the floor without adequate consideration. In fact, in their rush to bring this bill to the floor, committee Republicans apparently did not even contact key law enforcement agencies to make sure this bill would not harm ongoing investigations.

This morning, I directed my staff to contact the Department of Justice, the FBI, and the Department of Homeland Security, including its operational components, the Secret Service and Immigration and Customs Enforcement. Officials from all of these entities have now reported that they have significant operational concerns with the bill.

Does that matter to the supporters of this bill? Don't you think it makes sense to hear from key stakeholders before changing Federal law in this extreme way?

The bill also would interfere with existing State laws prescribing the conditions under which conversations can be recorded. Thirty-six years ago, my home State of Maryland enacted a law that made it a felony to record a private conversation unless every party to the conversation consents to the recording or another exception applies. Maryland statute requires actual consent, not forced or assumed consent. The bill negates these protections—and the protections of 11 other States—by deeming Federal employees, including all law enforcement personnel, to have consented to the recording of their official conversations just by coming to work.

The bill has several other troubling provisions. It would remove due process protections from members of our Senior Executive Service by giving politically appointed agency heads broad discretion to fire these employees without providing advance notice, without conducting a proper investigation, and without giving employees an opportunity to respond to accusations against them.

Under this bill, employees could be fired and then forced to prove their innocence to seek reinstatement. This turns on its head the most basic protection guaranteed to all Americans by our Constitution: the right to be presumed innocent until proven guilty.

I urge Members to reject this senseless, ill-considered legislation that will impede law enforcement activities and eliminate constitutional protections for civil servants. I urge Members to vote "no" on H.R. 2879, and I reserve the balance of my time.

Mr. ISSA. This is probably Groundhog Day, because these were the same statements made yesterday by the ranking member from Maryland, who implied that somehow what happens in 38 States would be draconian if it happened in 12 more.

I yield 5 minutes to the gentlelady from Kansas (Ms. JENKINS).

□ 1630

Ms. JENKINS. I thank the chairman for yielding.

We have seen too many examples of our Nation's bureaucracy making life harder for Americans and their families. Every weekend, when I return to Kansas, I hear story after story of Federal regulators abusing their power. But far too often, many of these people are afraid to tell their stories in public because they fear retribution. What country do we live in where Americans are afraid to tell the truth because they fear what their government might do to them?

The recent revelations that IRS officials targeted conservative organizations has shown light on the immense power Federal bureaucrats from hundreds of different agencies have over matters both large and small. When these officials abuse their power and waste taxpayer dollars, liberty is eroded, the economy is slowed, trust is lost, and the rule of law is betrayed.

The most troubling part is, when Americans are confronted by agency officials, they have few rights and insufficient resources to protect themselves. Not only do Federal agencies get to write rules, but they get to enforce them too. In fact, a citizen is 10 times more likely to be tried by a Federal agency than an actual court, and citizens have fewer rights during agency proceedings than in a courtroom.

I introduced the Stop Government Abuse Act to allow citizens to protect themselves or their small businesses when a government official comes calling. Among other things, this bill gives Americans a new tool to fight back by allowing them to record any conversation with most Federal agencies and finally have proof of what happens in these interactions.

Is it any wonder why Americans have lost faith and trust in our government when the Feds have allowed the IRS to target Americans based on their personal beliefs; allowed the Federal General Services Administration regional commissioner, Jeff Neely, to spend nearly \$900,000 of taxpayer money on a conference in Las Vegas and then receive a bonus after being placed under investigation? And they have allowed high-ranking bureaucrats like Lois Lerner to still be on the government's payroll funded by taxpayers.

This stunning lack of accountability and transparency in our current system is unacceptable. And the Stop Government Abuse Act is a good first step to help level the playing field between the average American and Federal regulators.

The vast majority of Federal workers are good, patriotic people, but that doesn't mean that an additional check and balance can't help. This bill does not villainize Federal employees. And as long as they're doing their jobs properly, they have not a thing to worry about.

Unfortunately, with all the recent scandals, we have heard about far too many Federal employees who have had the luxury of playing by different rules than the rest of the hardworking men

and women in this country. This must end, and the Stop Government Abuse Act helps do just that.

Parts of this legislation already passed the House last year after news broke of the GSA scandal, but the Senate never acted on the legislation. It's time to do something about this, and today I demand action be taken.

While Americans are toiling across this country in factories, on farms, and elsewhere, to make ends meet, Lois Lerner is collecting her full paycheck. This bill would allow agencies to fire reckless employees on the spot and stop those under investigation from receiving salaries paid for by the very taxpayers they abused.

It's time to stand up against Big Government overreach and abuse. Americans deserve a government that expands their rights, not the rights of Big Government. Enacting the Stop Government Abuse Act will help restore trust in our government and get Big Government out of the way of our economy.

Mr. CUMMINGS. Madam Speaker, I yield 3 minutes to the distinguished gentlelady from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the gentleman for yielding and for the wise words of his opening statement. I also thank him for retrieving the views of law enforcement officials—inasmuch as we had no hearing on this bill. They were very informative.

Madam Speaker, with most of the business of the Nation languishing with no action in this House, Republicans have rushed to the floor with these so-called “messaging” bills. Let's make sure we get the message:

Republicans—the party that champions states' rights—want to preempt the States, to require Federal employees acting for the government to record conversations with clients. Republicans—the party that wants the Federal Government to operate like the private sector and pay people on the basis of merit—wants to deny bonuses to Federal employees who deserve them, regardless of merit. Perhaps worst of all, Madam Speaker, Republicans—who spent most of this term accusing IRS employees of denying due process to Republican organizations—now propose to fire SES employees without due process.

And get this: the Republican version of due process is to give the employee the right to apply for reinstatement to the political appointee who fired him. Then, after the fact, having never had a hearing, the dismissed employee can now appeal to the MSPB. This last one, of course, reverses the age-old principle of innocent until proven guilty, but it's much worse. Not only is there no due process, there's no process at all. You're fired. That one is embarrassingly unconstitutional.

These are messaging bills all right, Madam Speaker, and we get the message. Republican principles apply—except when they don't.

Mr. ISSA. Madam Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. MEADOWS).

Mr. MEADOWS. Madam Speaker, today I want to speak a little bit from the heart.

We've heard a lot of debate going back and forth about how we haven't talked about this and how we haven't debated it, but there have been a number of amendments. As this bill comes to the floor today, what it's about is about fairness; it's about fairness to employees; it's about fairness to those who manage. And what we're seeing is that there is a trend where we're not being fair with bonuses.

You know, I've had my colleagues opposite here talk about the fact that we need to continue to incentivize. But when 75 percent of senior executive employees receive bonuses at an average of \$11,000, it's out of control. This little chart shows that the Veterans Administration, 74 percent of those employees received bonuses of over \$11,000 apiece. Now, why is this a problem? Because back in my district, the veterans are having to wait over 600 days, Madam Speaker, to get a determination on benefits, and yet we continue to give bonuses. I find that appalling.

The other part of that is we talk about being for small businesses, and small businesses are hurting. So what do we do with the Small Business Administration? Ninety-two percent of those employees are getting over \$13,000 a year in bonuses. It's appalling, Madam Speaker. We need to make sure that we bring it back.

We've got Mr. Spock there that was part of the “Star Trek” parody that received a bonus of almost \$31,000 the same year that he spent over \$5 million on a conference. Where is the sanity?

When we really talk about Federal employees, the rank and file, the blue collar Federal employees, are going with pay freezes while we pay out ridiculous bonuses. Madam Speaker, I think it's time that we really turn back the tide.

You know, if the Democrats are going to vote against this particular bill, the headline tomorrow should read that the Democrats have embraced the 1 percenters, because that's what it is. It is 1 percent getting all the bonuses while the rest of the Federal workers are not receiving the benefits that they deserve.

It is time that we bring some sanity to this situation. I strongly urge support of this bill.

Mr. CUMMINGS. Madam Speaker, I yield 4 minutes to the distinguished gentleman from Massachusetts (Mr. LYNCH), a member of our committee.

Mr. LYNCH. I thank the gentleman from Maryland for yielding.

I rise in strong opposition to H.R. 2879, the so-called “Stop Government Abuse Act.” This legislation is simply a rehash of the three attacks on Federal workers that were incorporated in the bills that the Republican leadership abruptly pulled from the suspen-

sion calendar yesterday due to a lack of support from the required two-thirds majority of this House.

The fact that these anti-Federal worker suspension bills have now been reconstituted into a single anti-Federal worker bill does not make this legislation any less misguided or any less harmful to our Federal workers than it was yesterday. After all, H.R. 2879 is based on the same message that has been continually reflected in a series of Republican legislative attacks on our Federal workers throughout this Congress. That message from the Republican leadership has been that our hardworking Federal employees cannot be trusted, and they are the primary source of our deficit burden.

On the heels of repeated attempts to freeze Federal employee pay beyond the current 3 years, efforts to increase Federal pension contributions and slash our Federal workforce across the board, we are now considering legislation that would only add insult to injury by depriving Federal employees of their constitutional rights to due process of law.

In particular, I'm deeply concerned about the expedited termination provisions in H.R. 2879. These provisions would give agency heads broad discretion, without limitation, to immediately fire senior executives accused of misconduct without notifying the employees of the charges against them and without giving them a reasonable opportunity to defend themselves. Instead, it places the burden on the employee, after they fire them, to prove that their reinstatement is required. This “ready, fire, aim” approach by my Republican colleagues, where they fire the employee first and ask questions later, flies in the face of the rights guaranteed to all Americans under our Constitution.

The “guilty until proven innocent” framework violates the due process protections envisioned by James Madison and guaranteed under the Constitution. In 1985, in *Loudermill v. Cleveland Board of Education*, the United States Supreme Court held that public employees, Federal employees, who are facing discipline are entitled to certain due process rights. The U.S. Supreme Court held that public servants had a property right in the jobs that they held and in continued employment, and that such employment could not be denied to employees unless they were given a meaningful opportunity to have notice of the allegations against them, to have a fair hearing and an opportunity to respond against the charges against them. Notably, that must occur prior to being deprived of their right to employment. The court stated:

An essential principle of due process is that a deprivation of life, liberty, or property be preceded by notice and opportunity for hearing appropriate to the nature of the case.

The court goes on further and it says:

This principle requires some kind of a hearing prior to discharge of an employee

who has a constitutionally protected property interest in his employment.

Now, this is unconstitutional. This provision is flatly unconstitutional, and there's a long line of Federal cases under the Supreme Court that declares it so. The one saving grace, in my opinion, in this bill is that there's no severability clause, and that after this provision is struck down by the Supreme Court, these employees will all be reinstated with back pay. And the whole bill that they're offering will be struck down because of the lack of a severability clause in the bill.

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

Mr. CUMMINGS. I yield the gentleman an additional 30 seconds.

Mr. LYNCH. I thank the gentleman.

Look, this Nation was founded on the principle that every person, every man and woman is entitled to due process before he or she is deprived of life, liberty, or property. Our Supreme Court in the *Loudermill* case understood the injustice of depriving a person of their livelihood, and I hope that my colleagues understand that H.R. 2879 unfortunately would do just that.

Due process demands that we oppose H.R. 2879. I urge my colleagues to join me in voting "no" on this legislation.

I thank the ranking member for his advocacy and his courtesy.

Mr. ISSA. Madam Speaker, the gentleman is entitled to his opinion, but not his facts.

In the bill itself, which I read yesterday, it says:

An employee removed under this section shall be notified of the reasons for such removal within 30 days.

□ 1645

I yield 5 minutes to the gentleman from Pennsylvania (Mr. KELLY).

Mr. KELLY of Pennsylvania. Madam Speaker, I rise today to explain a little bit about what's going on.

The other day we talked a little bit about the dizzying effects of being on this floor, and somehow things get twisted around, so when you see people bumping off the walls you know it's because of the spin.

Let me tell you what I'm talking about here today. When I walked on the floor today—and some of my friends did also—we passed the Capitol Police, passed all these people on the dais, we passed so many people on the way, and you would think that we are talking about every single person that works for the government.

Now, the truth of the matter is that there are over 2.1 million people working for the government. That doesn't include the Army. It doesn't include the post office. That includes people who are out there. So the people that we are talking about that we want to hold accountable—and, my goodness, what an unusual effort for Congress to try and hold people accountable. Why in the world would you do that? Half of us wouldn't be back here.

So we are talking about four-tenths of 1 percent. And as the President is

fond of saying: "Just do the arithmetic. Just do the arithmetic." It isn't everybody that you talked about. It's not all these folks that are sitting here tonight. It's not the Capitol Police that we walk by. It's not the people that clean our offices every night. It's none of those folks. It's the senior executives.

Now, these poor people are going to be under such great duress by this that they're probably going to get their resumes together and that loud "whoosh" you hear is them running away from \$199,000 a year jobs. Are you kidding me? You can't say that with a straight face about how are we ever going to keep qualified people here.

I got to tell you something. I've got a lot of unemployed people back in northwest Pennsylvania that will line up for these jobs. Now, the \$199,000, of course, is the top of it. But the real kicker is they can't go over \$230,000 with their bonuses. These are people that are going to walk away from these jobs because we have the unmitigated gall to hold them accountable to the people who pay those wages, and that's the American taxpayers. That's who we are talking about. My goodness, have we fallen that far away from what this country was supposed to be?

Now, here's all we are saying to them—and we came about this because in a hearing on the GSA we asked about why is Mr. Neely on leave with pay. The people at the GSA say: "Well, you see, you don't understand, Congress. We don't have any mechanism to put them on leave without pay." I said: "I have never heard anything like that." Of course I haven't heard it because I come from the private sector. We don't do that in the private sector. But what I did find out was they would love to have that.

The people we put in charge of these agencies would actually love to be able to hold those that work for them accountable and responsible. So what did we give them? We gave them the ability to do that. They can fire somebody on the spot. But we didn't do anything about their due process. That person is still entitled to come back and any protections under the law he or she still gets.

We can create an investigation on a leave without pay, but we also require that the agencies report to Congress every 45 days to let us know where the investigation is. My goodness, there's nothing harder in this body than trying to get information when there's an investigation under way. I just think that we've seen that the last couple of months, of: "You want to get the information? Well, we can't talk about it now because there's an investigation going on." It doesn't make sense to me. It doesn't make sense to the people I represent.

Now, you know when we talk about protecting American workers and we talk about what our duty is here, we were elected by a group of people from districts all over this country to come

and represent them. According to the IRS, there are 145 million Americans who pay taxes. They file their taxes every year. There's 300 million out there, but 145 million pay taxes.

That's who it is that we are trying to protect. They're the ones that pay for every single thing that happens here. Or they cosign the note on the loan to keep this place floating.

So I want you to look at this now. There are "total Federal employees"—2.1 million. Now, this little red sliver—and it's really hard to see—remember, this represents four-tenths of 1 percent. As the President would say: "It's all about the arithmetic. It's all about the arithmetic." I would say to my colleagues on both sides, it's all about the people we represent.

I appreciate the spin. I appreciate the fact that you like to make every Capitol policeman think that he's unappreciated or she's unappreciated, or that everyone that works in our office is unappreciated, or that everybody from the private sector that works for this great Nation is unappreciated, but you know it's not true and you know what you are saying is not true.

What I would love to see is for you to stand up on this floor and look at people and say, this is what's going on, and you know it's not true. You absolutely know it's not true, but you say it anyway. And why? Because it wears well.

Thank you for bringing this legislation up, and thank you for protecting the American taxpayer.

The SPEAKER pro tempore. Members are reminded that they are to address their remarks to the Chair and not to other Members in the second person.

Mr. CUMMINGS. Madam Speaker, may I inquire as to how much time both sides have remaining?

The SPEAKER pro tempore. The gentleman from Maryland has 15½ minutes remaining. The gentleman from California has 10½ minutes remaining.

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

The Supreme Court *Loudermill* case, which Mr. LYNCH cited, says that the employee must be given notice before they are fired and an opportunity to respond. This bill, basically you're fired and then you appeal trying to get your job back, so you don't really truly have notice.

I yield 3 minutes to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY. I thank my friend from Maryland.

Madam Speaker, the distinguished manager on the other side of this bill says you are entitled to your own opinion, but not your own facts, in taking to task my friend from Massachusetts (Mr. LYNCH) in his reading of this bill. And I've got the bill in front of me. It says that "at least 30 days' advance written notice stating specific reasons for the proposed action"—that is to

say, the removal or suspension of an employee—“unless there’s a reasonable cause to believe the employee has committed a crime or the agency determines, as prescribed in regulation, that the employee’s conduct with respect to an action covered by the subchapters proposed is flagrant and such employee intends to engage in such contact,” and then you can be removed without that notice.

So Mr. LYNCH was right: facts are stubborn things.

If we really wanted to understand the motivation behind the legislation in front of us, it is a cynical political ploy before this Congress goes out on recess to allow one whole party and its Members to go home and avoid discussing the tough issues of the day and make the Federal employee the bogeyman. That Federal employee, whoever he or she is, vaguely abuses you, and you need to be protected against them.

So we are going to pass a bunch of bills that had no hearings, that are flawed in their drafting, that had to be removed from the floor yesterday and redrafted in order to come back today to qualify for a vote, because they otherwise wouldn’t have passed on a suspension rule, and it is all part of this consistent and flagrant and, in my opinion, reckless campaign to demonize the public servants who serve us. And the loser ultimately in this game, this political game, will be the constituents they serve and we are supposed to serve.

It is not right to demonize Federal employees, and we’ve done that. We’ve cut their pay. We’ve frozen their pay for 3 years. We’ve raided their pensions to try to finance things that have no relationship whatsoever to Federal employment per se, and we’ve characterized them in disparaging and negative ways that are not worthy of this body.

So it’s all right. Go home, campaign against the Federal employee, and maybe you will make some headway. Maybe, in fact, it’s a brilliant move short term, in terms of short-term political gain. But it’s at long-term expense—expense at the truth and expense of the men and women who serve this country ably every day and who deserve better from their elected representatives.

Mr. ISSA. Madam Speaker, I wonder if the gentleman from Virginia would have kept this person on for how long—weeks, months, more than a year? This individual received a bonus after more than a year.

When this bill came through our committee, the amendment to say “in all cases 30 days” could have been offered; it wasn’t. This came through in regular order of the committee. The language was published. There was every opportunity.

When the gentleman from Virginia said “redrafted,” with all due respect, not a word was changed in any of these three bills from the time it left our committee until today when it’s being considered.

I yield 2 minutes to the gentleman from Michigan (Mr. BENTIVOLIO).

Mr. BENTIVOLIO. I thank the gentleman from California.

Madam Speaker, Federal agencies not only get to write rules, they get to enforce them. It was recently noted that a citizen is ten times more likely to be tried by an agency than by an actual court. In any given year, Federal judges conduct roughly 95,000 adjudicatory proceedings, including trials, while Federal agencies complete more than 939,000—939,000.

In these agency proceedings, citizens have fewer rights than in a courtroom. And unfortunately, there are some bad actors who intimidate, coerce, or even lie, violating public trust and potentially breaking laws. Far too often, the public is left without evidence to help prove Federal employees mistreated them.

For example, the SEC bowing to political pressure to scrutinize donations to tax-exempt groups; IRS employees targeting Tea Party groups applying for tax-exempt status; and other agencies that are writing and enforcing rules and regulations written in legalese to confuse and frustrate the public.

Title III of this bill ensures that individuals have the right to record their meetings and telephone exchanges with Federal regulatory officials engaged in enforcement activities.

The manager’s amendment adopted in committee ensures that law enforcement would not be impacted adversely. Undercover investigations and wiretap surveillance would not be interfered with.

This legislation does not supersede any State laws, and it has no impact on citizen interactions with non-Federal officials such as State and local police officers.

Madam Speaker, it is the duty of Congress to protect rights, not take them away. This legislation is just another step in protecting the rights of our citizens.

Mr. CUMMINGS. Madam Speaker, I yield 30 seconds to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY. I thank my friend.

Madam Speaker, the distinguished chairman of this committee throws a picture up on the floor and, of course, doesn’t allow me to respond when he demands “is this what the gentleman from Virginia is talking about.”

It is wrong for the chairman of the distinguished committee to suggest or allow the inference to be drawn that somehow that picture represents all Federal employees. And the gentleman who just spoke, talking about rights, what about the rights of the employees who serve our country, what about their rights that are being trampled on in this legislation?

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

Mr. CUMMINGS. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding.

Madam Speaker, I was not going to speak. I was constrained to speak, to come to the floor, when we had this chart about 2 million employees.

But only adversely affecting just a small sliver. The premise seems to be you can undermine—as long as they’re a small minority—the rights of people.

And those Capitol policemen of which the gentleman spoke, and the people at the desk of whom the gentleman spoke, people who serve in our committees of whom the gentleman spoke, people who serve as nurses—not necessarily in VA hospitals because they’re exempt—zero COLA 4 years in a row. All 2 million have been affected.

□ 1700

Every new employee has been affected—everyone—not just that small, little sliver that apparently the SES is. They don’t get rights. If it were 1.98 million, well, then, that’s a different story, but as long as it’s only a small sliver, undermine their rights.

I came to the floor to say that, if we undermine the rights of one, frankly, the rights of all are soon at risk. We have learned that throughout history. So I would hope that we would reject this bill, which was seven or eight bills to start out with, which were put up here in a way that you could not amend them—suspension—in this transparent, open, “let the House work its will” process, and we now come back with a closed rule, putting all the bills in one—a rule covering all seven bills—and the chairman shakes his head and shows pictures and believes those are facts.

My friends, we ought to reject these bills because they are about all employees. They may affect only a small few at this juncture, but they are about all employees; and it’s about undermining their rights and the respect we ought to accord to them for the service they give to the people of the United States of America.

Mr. ISSA. At this time, I yield 1 minute to the gentleman from North Carolina (Mr. MEADOWS).

Mr. MEADOWS. Mr. Speaker, I would like to address the gentleman from Maryland as he talks about its being about all employees. Indeed, it is, because, if we allow this continued behavior to go on, it will tarnish the good reputation of Federal workers who day in and day out serve this country and the citizens so well.

What we are talking about is giving a tool, a management tool, to let managers manage. We are talking about not giving bonuses to those who are of the very highest—the 1 percent—while the rank and file goes so many times without being recognized or compensated for what it deserves. We are talking about employees who make an average salary of \$168,000 a year, and yet we are talking about a privileged few whom we need to make sure we address. So, Mr. Speaker, it is about all

of the employees, and it is about being fair.

Mr. CUMMINGS. I yield 30 seconds to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, there is so much I would like to say, particularly as to the extraordinary discrepancy between those folks who make far less than their counterparts in the private sector and those who work in the private sector, who, perhaps, have less responsibility on their shoulders. Look it up. See the statistics. That's the case.

The other thing I want to say to my friend is that the law now provides for procedures to remove bad actors. Do we have some bad actors in the Federal service? We do. That's human life. That's the human experience.

Mr. MEADOWS. Will the gentleman yield?

Mr. HOYER. I don't have anymore time, but if the gentleman from California will yield you some time, I will be glad to yield you some time.

The SPEAKER pro tempore (Mr. HULTGREN). The time of the gentleman has expired.

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

Mr. Speaker, the distinguished minority whip presumes to tell me about the private sector and how much people make. The problem is that I came from the private sector. I know the difference between management and labor, and I know the difference between people who elect to be the top-paid management of entities and who typically serve at will in the private sector. Those of the Senior Executive Service are, in fact, people who choose to get additional pay for these special responsibilities, and they know what they're doing when they get into it. We are proud of most of them, the vast majority of them.

The fact is that Mr. HOYER has people who serve at will. He fires them without notice if he chooses to. Yet he cannot understand the fact by that picture I held up—I won't hold it up again; it's reprehensible even though it has been well seen—that that man continued to work and get a bonus during the 10 months in which the GSA Administrator knew wrongdoing had occurred on his watch. It wasn't until he decided to retire—to be honest, my understanding is with criminal allegations—that he even left and stopped getting his pay, and, today, he enjoys a very comfortable retirement.

I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, may I ask how much time we have remaining.

The SPEAKER pro tempore. The gentleman from Maryland has 9 minutes remaining, and the gentleman from California has 5 minutes remaining.

Mr. CUMMINGS. I yield 2 minutes to the gentlelady from California (Ms. SPEIER).

Ms. SPEIER. I thank the gentleman for yielding.

Mr. Speaker, this bill is truly astonishing. We have serious issues before

us. We should be focused on job creation, on comprehensive immigration reform, on providing nutrition assistance to children and seniors, on postal reform or on funding the government; but we are again debating partisan bills that stand no chance of becoming law, including the 40th vote to defund or to repeal the Affordable Care Act.

Now, as kids, we are told that people in glass houses shouldn't throw stones, so I sure hope that my colleagues on the other side of the aisle have not given one bonus to one of their senior staff members.

I hope that that is the case, that you have not given one bonus to a senior staff member. I hope, furthermore, that each of you is recording all of your staff members when they answer the phones because you want to know how they are treating your constituents.

This particular bill is the height of hypocrisy. It is a blatant attack on Federal employees that reinforces the fact that current leadership is only interested in political messaging, including through repeated attacks on hard-working Federal employees. It is simply shameful to say that we will belittle public service like that. I am a public servant, and I am proud to be a public servant. Every Federal employee who works in this building and virtually every Federal employee who is out there in our communities is doing so because he believes in public service. I think that a Federal employee today is pretty crazy to be doing this job. He basically is being told, You're not worth very much. His integrity is constantly being questioned. He has had 3 years of pay freezes and furloughs, and he is supposed to continue to do public service.

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

Mr. CUMMINGS. I yield the gentlelady an additional 30 seconds.

Ms. SPEIER. I thank the gentleman.

I want to address one section of this bill that would now allow individuals to record telephone and in-person conversations with Federal employees. This would preempt the law in my State of California and in the chairman's State of California and in 11 other States that require the consent of all parties to a conversation. It contains no exceptions for law enforcement, sensitive communications, the military or anything else.

The FBI has already indicated to us that it strongly opposes this bill because, in its words, "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."

I think this is ill-founded.

Even the ACLU, which strongly supports the principle of allowing citizens to record law enforcement interactions, does not support the provision

in this bill because it "threatens to impermissibly interfere with government workers' constitutional liberties."

So this is a bill in search of a problem that actually makes it harder to go after real criminals, and this bill does not apply to this body, to Members of Congress. Maybe it's time for this bill's authors to look a little closer to home.

Mr. ISSA. I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. DANNY DAVIS), a member of the committee.

Mr. DANNY K. DAVIS of Illinois. I thank the gentleman from Maryland for yielding.

Mr. Speaker, I rise in strong opposition to this legislation, the Stop Government Abuse Act. I would feel much better about it if it were labeled the Promotion of Government Abuse Act, because it encourages government to roll back the clock and take away rights that workers have earned from working hard.

Can you imagine being fired after you've worked up to the ranks of the SES, which is very difficult to get to, and being told that you've been let go on the basis of an IG report? Where is the equal protection under the law there? There is none. I think that it's unfortunate that we would treat our Federal workforce this way. They work hard, deserve better; and I oppose this legislation.

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

Mr. CUMMINGS. I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. Mr. Speaker, this is one more bill designed to punish the Federal workforce and to discourage the very people whom we need to join the Federal workforce. It's singling it out for harsher treatment than we would apply to ourselves or to our workforces, frankly. You need to be able to reward your best workers. If this were a private sector corporation, our revenue would have dried up; our stock value would have imploded; and our employees would have left.

Federal employees stick with it because they believe in this government. They hope that, one day, the legislative branch will appreciate what they do. I worked for the Federal Government 40 years ago; and while I worked 10 or 12 hours a day, there were people working longer than that. They did that for about 40 years, and they worked very hard and in a dedicated way.

This legislation isn't even properly thought through. No congressional hearing has been held on this measure that, in fact, jeopardizes law enforcement. It would intrude upon and disrupt sensitive phases of many Federal civil and criminal investigations and law enforcement efforts, as well as litigation involving the government. We

hear that from the National Association of Assistant United States Attorneys. We hear from the FBI employees that this proposal risks undermining criminal investigations by reducing the willingness of individuals to cooperate with law enforcement. It would result in the creation of recordings of law enforcement conversations that could jeopardize sensitive and important criminal counterterrorism investigations. We hear from Federal law enforcement officers that it 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.

This is bad legislation. We know why it is being offered. We also trust that it's not going to become law. So you have to ask, Why are we doing it? We are doing it to send a message.

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

Mr. CUMMINGS. I yield the gentleman an additional 30 seconds.

Mr. MORAN. The message it's sending is that our Federal employees are not to be valued, that our managers are not to reward people for good work, that, in fact, we want the government to shrink, that we don't want it to be able to carry out its necessary activities. When we do that, we do a disservice to our constituents and to this country. This stuff has got to stop.

FEDERAL LAW ENFORCEMENT  
OFFICERS ASSOCIATION,  
Washington, DC, July 29, 2013.

Hon. DARRELL ISSA,  
Chairman, Committee on Oversight & Government Reform, Washington, DC.

Hon. ELLIJAH CUMMINGS,  
Ranking Member, Committee on Oversight & Government Reform, Washington, DC.

DEAR CHAIRMAN ISSA AND RANKING MEMBER CUMMINGS: On behalf of the membership of the Federal Law Enforcement Officers Association (FLEOA), I am writing to oppose H.R. 2711—the “Citizen Empowerment Act,” as amended by the Committee and urge you to further amend the bill to ensure that law enforcement and other public safety activities are not covered by its provisions.

As originally written, the legislation contained general exceptions for situations where classified information, public safety or an on-going law enforcement investigation would be at risk. This language was necessary to ensure that federal law enforcement officers and the critical work they perform are not adversely impacted by this bill. In fact, the original language should have gone even farther to make clear that law enforcement activities would not be jeopardized in any way.

For incomprehensible reasons the committee approved an amended bill that removed even basic exceptions.

When a federal law enforcement officer is conducting a criminal investigation via telephone, i.e. on a suspect of terrorism, the officer should not have to notify the suspect of the right to record the conversation and whether the officer is recording the conversation. Obviously, conventional wisdom tells us that any thought of conducting a successful investigation after disclosure of this type is impossible. There is no logical reason why criminal investigations shouldn't be exempted from the proposal.

This 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. FLEOA opposes any actions by Congress that lessens the ability of our Citizenship to remain safe and secure and jeopardizes the ability of federal law enforcement officers to continue to perform their sworn duties to protect them.

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 from its provisions. Until that time, FLEOA will continue to strongly oppose this legislation.

Respectfully,

FRANK TERRERI,  
National Vice President for  
Legislative Affairs.

NATIONAL ASSOCIATION OF ASSISTANT UNITED STATES ATTORNEYS,  
Lake Ridge, VA.

VOTE “NO” ON H.R. 2879, “THE STOP GOVERNMENT ABUSE ACT”

THE NATIONAL ASSOCIATION OF ASSISTANT UNITED STATES ATTORNEYS OPPOSES H.R. 2879, “THE STOP GOVERNMENT ABUSE ACT,” AND URGES HOUSE MEMBERS TO VOTE NO ON THIS LEGISLATION

Section 301 of H.R. 2879 will undermine federal civil enforcement activities and criminal prosecutions during the investigative, pretrial trial and enforcement phases of litigation involving the interests of the United States.

Section 301 is the former “Citizen Empowerment Act” (H.R. 2711), as amended by the House Oversight and Government Reform Committee on July 24. The provision contains no exemption for litigation involving the United States or the activities of federal law enforcement personnel. No Congressional hearing has been held on the measure.

Section 301 requires the Government broadly to inform an individual of the right to record in-person and telephonic interactions with Government employees—including law enforcement officers, investigative agents and Assistant United States Attorneys and other federal prosecutors—whenever an Executive Agency provides “any written material . . . 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.”

This notice requirement would reach to a myriad of legal and law enforcement-related documents regularly issued by the federal government, including subpoenas, search warrants, arrest complaints and forfeiture notices. This mandate is far more expansive than requiring the government to post notice of the right to record on agency websites, as also included in section 301.

The notice mandate of H.R. 2879 would intrude upon and disrupt sensitive phases of many federal civil and criminal investigations and law enforcement efforts, as well as litigation involving the government. The breadth of the “written material” trigger could undermine undercover investigations, given its potential to “tip off” witnesses, suspects and targets of investigations. The bill also would permit defense counsel to insist upon recording all interactions with federal prosecutors and law enforcement personnel in all phases of litigation with the government, including sensitive settlement and plea-bargain discussions. Even federal court proceedings, whose rules prohibit recording by individuals, could be impacted by this bill.

Citizens already may record their interactions with federal government officers and employees in most states within a carefully balanced set of legal and practical concerns. There is no compelling need for a measure like H.R. 2879, especially considering its incalculable damage on law enforcement efforts. At the very least, an exception should be included in the measure that exempts law enforcement-related activity involving government agents, investigators and Assistant United States Attorneys.

FEDERAL BUREAU OF INVESTIGATION  
AGENTS ASSOCIATION,  
Alexandria, VA, July 31, 2013.

Hon. DARRELL ISSA,  
Chairman, Comm. on Oversight & Government Reform, Washington, DC.

Hon. ELLIJAH CUMMINGS,  
Ranking Member, Comm. on Oversight & Government Reform, Washington, DC.

Re: H.R. 2711, the Citizen Empowerment Act

DEAR CHAIRMAN ISSA AND RANKING MEMBER CUMMINGS: On behalf of the FBI Agents Association (“FBIAA”), a voluntary professional association currently representing approximately 13,000 active duty and retired FBI Special Agents, I write to express the FBIAA's concerns about H.R. 2711, the Citizen Empowerment Act.

H.R. 2711 creates a broad right to record conversations with federal employees, and requires that notices of the right to record conversations be provided to individuals engaged in discussions 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.

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 resources available to Agents are already stretched too thin, and new administrative burdens make it more difficult for Agents to protect the public.

For these reasons, the FBIAA opposes H.R. 2711 as currently written, and hopes that the House will make significant changes to H.R. 2711 before considering the legislation.

Sincerely,

REV TARICHE,  
President.

Mr. ISSA. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Pennsylvania (Mr. KELLY).

Mr. KELLY of Pennsylvania. I thank the chairman.

Mr. Speaker, I've heard so much about pay being frozen that I've got to tell you: the people that I represent in the Third Congressional District of western Pennsylvania wish their pay had been frozen. It has gone down steadily since 2010.

We talk about the inability to get the economy going. I feel the same way—it's embarrassing—but at the end of the day, we are not benevolent monarchs. We are stewards of the taxpayers' moneys. All we are doing is talking about accountability. Only in Washington is “accountability” a bad word. In the private sector, “accountability” reigns. The market determines my accountability. That's what holds me accountable in coming from the private sector.

Why is that so foreign here to, all of a sudden, have bills—to have things in front of us—that will help us to say to people in charge to hold people responsible and to hold people accountable?

Mr. CUMMINGS. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Maryland has 3 minutes remaining, and the gentleman from California has 4½ minutes remaining.

Mr. CUMMINGS. I yield myself the balance of my time.

Mr. Speaker, as I've listened to all of these arguments, I cannot help but think about the many employees whom we see every day—the hardworking employees who give their blood, sweat, and tears to keep our country together.

When we talk about our senior executives, I will remind this body of something that Mr. HOYER talked about and, that is, under current law, senior executives may be disciplined for misconduct, neglect of duty, malfeasance, or of the failure to accept reassignment or transfer. There is a current statutory list of reasons for which actions may be taken against senior executives that covers a broad variety of situations, and they are adequate to deal with the problems that we are addressing today.

□ 1715

Senior executives suspected of criminal activity may already be removed or placed on indefinite suspension without pay. We need to focus on improving agency implementation rather than passing legislation that would deprive employees of their due process.

I know Mr. MORAN is right. There has been a relentless attack on Federal employees. The fact is that they're in their third year of pay freezes. They've been asked to pay more for their pensions and get less. We constantly hear negative comments about them, still folks say, We love them; we appreciate them. They are often the ones that aren't seen, unnoticed, unappreciated, and unapplauded.

We have a bill here that takes away something very fundamental, and that is their due process rights. A lot of people may think about due process and say, Oh, it's no big deal. Later, we'll take a little bit of due process here and take a little bit there. It is that due process that is the basic foundation of our Constitution and of our democracy. What we're talking about here is making sure that employees are afforded that due process.

So you get somebody who says, Okay. Fine. Fire them, and then let them appeal to get their job back. That's not how it's supposed to work. They're to be given some type of notice and given an opportunity to simply address whatever the accusations are. A lot of times we may look at folks and say we don't like what they allegedly did, but the fact is that we still have that little document—which, to me, is a big document—that we must adhere to.

Mr. Speaker, I would urge all Members of the Congress to vote against this bill and give us a chance to come back, perhaps, and make the appropriate amendments so that it will be one that is suitable for the Congress to vote on.

I yield back the balance of my time.

Mr. ISSA. Mr. Speaker, I yield 15 seconds to the gentleman from North Carolina (Mr. MEADOWS).

Mr. MEADOWS. Mr. Speaker, I want to clarify one thing.

When we talk about a freeze, when is a freeze not a freeze? Only in Washington, D.C.

Over the last 3 years, 99.4 percent of Federal employees got increases. Out of every 1,000 employees, only six were denied an increase. I think the record needed to be clarified.

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

The SPEAKER pro tempore. The gentleman from California has 4¼ minutes remaining.

Mr. ISSA. Then I will close at this time and yield myself such time as I may consume.

Mr. Speaker, controversy comes in all forms. Sometimes it's legitimate; sometimes there are differences that are unresolved; sometimes, though, you find yourself befuddled.

These three bills passed on a voice vote. It didn't mean that they would have been authored by any of my colleagues on the other side of the aisle or that they loved them. It meant that they were given a full opportunity to evaluate these, to offer amendments, to have up-or-down votes on them. Many of the suggestions they made were taken into account on many of the bills marked up during that long day. Many of the things being brought up here today simply were not brought up, and it's not because they didn't know about this.

When you have a version of this bill that's almost identical to that passed on December 19 of last year by a vote of 402-2, that means that you have people that today are vehemently opposed to provisions that they already voted for. I repeat, they're vehemently opposed to provisions they already voted for. I don't have the names of the two people that voted "no." They certainly have a right to express why they voted "no" last December.

I can tell you that when you have to only terminate 4/100 of 1 percent of the workforce, if you do it at all, the head of the agency has to determine that the employee has done something seriously wrong in regards to negligence of duty or misappropriation of funds or malfeasance. They have to determine that the employee did it knowingly, and they have to consider it necessary and advisable to protect this enterprise.

On top of that, the employee does have to be told why they're being terminated. I think that's important, because the ranking member and I heard from a woman in a hearing who left me

feeling absolutely shocked. She's been on leave without pay, and to this day, an investigation that is ongoing, months into it, she's never been told why she's on leave without pay. To be honest, she's a member of the Senior Executive Service.

Maybe she would fall under this bill. But in order to fall under this bill, some things would have to happen. First of all, the head of the agency would have to make a decision of wrongdoing, and it would be held by that decision being reasonable after the fact. They'd have to have told her why she's being removed, and she would already have had an opportunity in front of the Merit Systems Protection Board and the U.S. Court of Appeals, known as the Fed circuit. She already would have had all this due process, except months go by and she doesn't know and she's on administrative leave.

The fact is this is a tool. They don't have to use it. If they use it, they have to make sure that it's only for serious violations: neglect of duty, misappropriation of funds, or malfeasance. These are very serious. An extremely small part, highly compensated, respected people, and a few bad actors for neglect of duty, misappropriation of funds, or malfeasance can be removed. They still have their rights. We knew this was constitutional. To be honest, the complaint we seemed to have in committee for hours was something that I want to share with you, Mr. Speaker.

Members of my committee, when talking about the idea that only one-third without special exception of employees in any agency could receive bonuses rather than the 75 or 80 percent you heard about here today, they said, But this is their right. They've negotiated that. You're interfering with their contracts.

Mr. Speaker, the U.S. Government does not allow negotiation in collective bargaining or otherwise for wages. We have a standard scale. Bonuses were created for only one purpose, and that was, in fact, to reward good behavior as an incentive.

These bills are well thought out and are only controversial today because the minority wants to make them controversial to create a controversy.

I urge support, and I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 322, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 239, nays 176, not voting 18, as follows:

[Roll No. 436]

YEAS—239

|               |                |               |
|---------------|----------------|---------------|
| Aderholt      | Gosar          | Pearce        |
| Alexander     | Govdy          | Perry         |
| Amash         | Granger        | Peters (CA)   |
| Amodi         | Graves (GA)    | Peterson      |
| Bachmann      | Graves (MO)    | Petri         |
| Bachus        | Griffin (AR)   | Pittenger     |
| Barber        | Griffith (VA)  | Pitts         |
| Barletta      | Grimm          | Poe (TX)      |
| Barr          | Guthrie        | Pompeo        |
| Barrow (GA)   | Hall           | Posey         |
| Barton        | Hanna          | Price (GA)    |
| Benishek      | Harper         | Reed          |
| Bentivolio    | Harris         | Reichert      |
| Bera (CA)     | Hartzler       | Renacci       |
| Billrakis     | Hastings (WA)  | Ribble        |
| Bishop (UT)   | Heck (NV)      | Rice (SC)     |
| Black         | Hensarling     | Rigell        |
| Blackburn     | Holding        | Roby          |
| Bonner        | Hudson         | Roe (TN)      |
| Boustany      | Huelskamp      | Rogers (AL)   |
| Brady (TX)    | Huizenga (MI)  | Rogers (KY)   |
| Bridenstine   | Hultgren       | Rogers (MI)   |
| Brooks (AL)   | Hunter         | Rohrabacher   |
| Brooks (IN)   | Hurt           | Rokita        |
| Broun (GA)    | Issa           | Rooney        |
| Buchanan      | Jenkins        | Ros-Lehtinen  |
| Bucshon       | Johnson (OH)   | Roskam        |
| Burgess       | Johnson, Sam   | Ross          |
| Calvert       | Jordan         | Rothfus       |
| Camp          | Joyce          | Royce         |
| Cantor        | Kelly (PA)     | Ruiz          |
| Capito        | King (NY)      | Runyan        |
| Carter        | Kingston       | Ryan (WI)     |
| Cassidy       | Kinzinger (IL) | Salmon        |
| Chabot        | Kline          | Sanford       |
| Chaffetz      | Labrador       | Scalise       |
| Coble         | LaMalfa        | Schock        |
| Coffman       | Lamborn        | Schweikert    |
| Cole          | Lance          | Scott, Austin |
| Collins (NY)  | Lankford       | Sensenbrenner |
| Conaway       | Latham         | Latham        |
| Cook          | Latta          | Shimkus       |
| Cotton        | LoBiondo       | Shuster       |
| Cramer        | Long           | Simpson       |
| Crawford      | Lucas          | Sinema        |
| Crenshaw      | Luetkemeyer    | Smith (MO)    |
| Cuellar       | Lummis         | Smith (NE)    |
| Culberson     | Maffei         | Smith (NJ)    |
| Daines        | Marchant       | Smith (TX)    |
| Davis, Rodney | Marino         | Southerland   |
| Denham        | Massie         | Stewart       |
| Dent          | Matheson       | Stivers       |
| DeSantis      | McCarthy (CA)  | Stockman      |
| DesJarlais    | McCaul         | Stutzman      |
| Diaz-Balart   | McClintock     | Terry         |
| Duffy         | McHenry        | Thompson (PA) |
| Duncan (SC)   | McIntyre       | Thornberry    |
| Duncan (TN)   | McKeon         | Tiberi        |
| Ellmers       | McKinley       | Tipton        |
| Farenthold    | McMorris       | Turner        |
| Fincher       | Rodgers        | Upton         |
| Fitzpatrick   | McNerney       | Valadao       |
| Fleischmann   | Meadows        | Wagner        |
| Fleming       | Meehan         | Walberg       |
| Flores        | Messer         | Walden        |
| Forbes        | Mica           | Walorski      |
| Fortenberry   | Miller (MI)    | Weber (TX)    |
| Fox           | Miller, Gary   | Webster (FL)  |
| Franks (AZ)   | Mullin         | Wenstrup      |
| Frelinghuysen | Mulvaney       | Westmoreland  |
| Gallego       | Murphy (FL)    | Whitfield     |
| Garcia        | Murphy (PA)    | Williams      |
| Gardner       | Neugebauer     | Wilson (SC)   |
| Garrett       | Noem           | Wittman       |
| Gerlach       | Nugent         | Womack        |
| Gibbs         | Nunes          | Woodall       |
| Gibson        | Nunnelee       | Yoder         |
| Gingrey (GA)  | Olson          | Yoho          |
| Gohmert       | Palazzo        | Young (AK)    |
| Goodlatte     | Paulsen        | Young (IN)    |

NAYS—176

|             |               |              |
|-------------|---------------|--------------|
| Andrews     | Braley (IA)   | Carlson (IN) |
| Bass        | Brown (FL)    | Cartwright   |
| Beatty      | Brownley (CA) | Castor (FL)  |
| Becerra     | Bustos        | Castro (TX)  |
| Bishop (GA) | Butterfield   | Chu          |
| Bishop (NY) | Capps         | Cicilline    |
| Blumenauer  | Capuano       | Clarke       |
| Bonamici    | Cardenas      | Clay         |
| Brady (PA)  | Carney        | Clyburn      |

|                |                     |                   |
|----------------|---------------------|-------------------|
| Cohen          | Kaptur              | Quigley           |
| Connolly       | Keating             | Rahall            |
| Cooper         | Kelly (IL)          | Rangel            |
| Costa          | Kennedy             | Roybal-Allard     |
| Courtney       | Kildee              | Ruppersberger     |
| Cummings       | Kilmer              | Rush              |
| Davis (CA)     | Kind                | Ryan (OH)         |
| Davis, Danny   | Kirkpatrick         | Sanchez, Linda T. |
| DeFazio        | Kuster              | Sanchez, Loretta  |
| DeGette        | Langevin            | Sarbanes          |
| Delaney        | Larsen (WA)         | Schakowsky        |
| DeLauro        | Larson (CT)         | Schiff            |
| DelBene        | Lee (CA)            | Schneider         |
| Deutch         | Levin               | Schrader          |
| Dingell        | Lipinski            | Schwartz          |
| Doggett        | Loebsack            | Scott (VA)        |
| Doyle          | Lofgren             | Scott, David      |
| Duckworth      | Lowenthal           | Serrano           |
| Hall           | Lowe                | Sewell (AL)       |
| Edwards        | Lujan Grisham (NM)  | Shea-Porter       |
| Ellison        | Lujan, Ben Ray (NM) | Sherman           |
| Engel          | Eshoo               | Sires             |
| Enyart         | Eshoo               | Slaughter         |
| Engel          | Eshoo               | Smith (WA)        |
| Enyart         | Eshoo               | Speier            |
| Eshoo          | Eshoo               | Swalwell (CA)     |
| Esty           | Eshoo               | Takano            |
| Farr           | Eshoo               | Thompson (CA)     |
| Fattah         | Eshoo               | Thompson (MS)     |
| Foster         | Eshoo               | Tierney           |
| Frankel (FL)   | Eshoo               | Titus             |
| Fudge          | Eshoo               | Tonko             |
| Gabbard        | Eshoo               | Tsongas           |
| Garamendi      | Eshoo               | Van Hollen        |
| Grayson        | Eshoo               | Vargas            |
| Green, Al      | Eshoo               | Veasey            |
| Green, Gene    | Eshoo               | Vela              |
| Grijalva       | Eshoo               | Velázquez         |
| Gutiérrez      | Eshoo               | Visclosky         |
| Hahn           | Eshoo               | Walz              |
| Hanabusa       | Eshoo               | Wasserman         |
| Hastings (FL)  | Eshoo               | Schultz           |
| Heck (WA)      | Eshoo               | Waters            |
| Higgins        | Eshoo               | Watt              |
| Himes          | Eshoo               | Waxman            |
| Hinojosa       | Eshoo               | Welch             |
| Honda          | Eshoo               | Wilson (FL)       |
| Hoyer          | Eshoo               | Wolf              |
| Huffman        | Eshoo               | Yarmuth           |
| Israel         | Eshoo               |                   |
| Jackson Lee    | Eshoo               |                   |
| Jeffries       | Eshoo               |                   |
| Sessions       | Eshoo               |                   |
| Johnson (GA)   | Eshoo               |                   |
| Johnson, E. B. | Eshoo               |                   |
| Jones          | Eshoo               |                   |

NOT VOTING—18

|                 |               |                |
|-----------------|---------------|----------------|
| Campbell        | Holt          | Miller, George |
| Cleaver         | Horsford      | Pallone        |
| Collins (GA)    | King (IA)     | Pelosi         |
| Conyers         | Lewis         | Radel          |
| Crowley         | McCarthy (NY) | Richmond       |
| Herrera Beutler | Miller (FL)   | Young (FL)     |

□ 1749

Ms. BROWN of Florida and Mr. PAYNE changed their vote from “yea” to “nay.”

Mr. CHAFFETZ changed his vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. CONYERS. Mr. Speaker, this afternoon, I attended a meeting at the White House with the President of the United States. As such, I was unfortunately not able to be present for the following vote:

On final passage of H.R. 2879, had I been present, I would have voted “nay.”

PERSONAL EXPLANATION

Mr. GOODLATTE. Mr. Speaker, I regret that a meeting at the White House caused me to miss the first vote series on August 1, 2013. Had I been present, my intention was to vote as follows on the amendments to H.R. 1582, the Energy Consumers Relief Act: “no” on the Waxman Amendment, “no” on the Connolly Amendment, and “yes” on the Murphy (PA) Amendment. I would have voted “no” on the Motion to Recommit H.R. 1582 and “yes” on

Passage on H.R. 1582. Further I would have voted “yes” on the previous question, “yes” on the combined rule for the REINS Act, Keep IRS Off Health Care Act, and the Stop Government Abuse Act. Finally, I would have voted “yes” on the passage of H.R. 1897, the Vietnam Human Rights Act.

The SPEAKER pro tempore. Pursuant to section 9 of House Resolution 322, H.R. 1541, H.R. 2579, and H.R. 2711 are laid on the table.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 319

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H. Res. 319. It was put on that resolution inadvertently.

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

There was no objection.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2783

Mr. RYAN of Ohio. Mr. Speaker, I ask unanimous consent to remove the name of the gentlewoman from California (Mrs. DAVIS) as a cosponsor from H.R. 2783.

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

There was no objection.

#### REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY ACT OF 2013

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 367.

The SPEAKER pro tempore (Mr. MARCHANT). Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 322 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 367.

The Chair appoints the gentleman from Illinois (Mr. HULTGREN) to preside over the Committee of the Whole.

□ 1757

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 367) to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law, with Mr. HULTGREN in the chair.

The Clerk read the title of the bill.