

Mr. Speaker, I want to speak on behalf of the Political Appointee Burrowing Prevention Act. This important legislation addresses a problem affecting our Federal workforce.

Our Federal civil service hiring process is supposed to be a competitive, merit-based system where the best and brightest individuals are considered based on their qualifications and ability to do their job, not because of their political connections. However, we have seen a concerning trend where expected service employees, specifically political appointees, are converted into high-paying, lifelong civil service positions, bypassing the normal competitive hiring process.

This process, also known as “burrowing,” defeats the purpose of having a nonpartisan, merit-based civil service. In fact, the Government Accountability Office reports that the Obama administration converted 78 political appointments into career positions, while the Bush administration allowed 135 political appointees to burrow into career positions.

This trend raises significant concerns that individuals who were not chosen based solely on their merits may, at best, not be the most qualified candidate for the job, or, at worst, may not be willing to properly execute the law under a new administration.

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Political appointees are supposed to serve their appointing President's agenda for a temporary period of time. Part of their duty to the Nation is to know when it is time to step down from their position of power.

Congress must act to ensure this principle is upheld and to protect the independence of our merit-based civil service. That is why I, along with my friend and colleague, Representative TED LIEU, have offered an equitable solution to ensure this problem is stopped in its tracks.

Our bill, the Political Appointee Burrowing Prevention Act, places a 2-year ban on political appointees being hired for any job in the civil service after they depart a political position.

Additionally, the bill ensures that after the 2-year ban is completed, the head of the agency seeking to employ the individual must submit a written request to OPM detailing why hiring a former appointee is necessary to the agency's mission.

Furthermore, OPM is instructed to deny the application unless the agency head can prove why it is necessary to hire this individual instead of an applicant from the merit-based hiring pool.

This commonsense bill ensures that our Federal workforce is filled with career civil servants who are the most qualified, not the most politically connected.

Mr. Speaker, I urge my colleagues to support this commonsense legislation that ensures our Federal workforce is being selected by merit, not by political patronage.

Mr. CONNOLLY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I do support the bill in the spirit in which this bill is offered. I think we want to make sure we preserve the integrity of the civil service system that we have worked so hard to build in this country, where we build in integrity and we avoid nepotism and favoritism and political connections over merit.

One caveat, though, as I mentioned: once in a while, there may be a political appointee who is the best thing since sliced bread, who brings a level of expertise that we need, and we don't want to make it harder to look at those credentials on their merits. I know that is not the intention of the bill, but it may be one of the unintended consequences, and that is what we want to just make sure we are not doing as we move forward, but with that, I support the bill.

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

Mr. BLUM. Mr. Speaker, I urge adoption of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. BLUM) that the House suspend the rules and pass the bill, H.R. 1132, as amended.

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

A motion to reconsider was laid on the table.

SOCIAL MEDIA USE IN CLEARANCE INVESTIGATIONS ACT OF 2017

Mr. BLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3737) to provide for a study on the use of social media in security clearance investigations.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3737

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Social Media Use in Clearance Investigations Act of 2017”.

SEC. 2. STUDY ON USE OF SOCIAL MEDIA IN SECURITY CLEARANCE INVESTIGATIONS.

Not later than 6 months after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to Congress a report on the examination of social media activity during security clearance investigations, including—

(1) the current use of publicly available social media in security clearance background investigations;

(2) any legal impediments to examining publicly available social media activity, and whether those impediments are statutory or regulatory in nature;

(3) the results of any pilot programs to incorporate social media checks in such investigations, including the effectiveness and cost of such programs;

(4) options for widespread implementation of the examination of social media activity during such investigations; and

(5) estimates on the cost for such options as part of—

(A) all Top Secret investigations; or

(B) all Secret and Top Secret investigations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. BLUM) and the gentleman from Virginia (Mr. CONNOLLY) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 3737, the Social Media Use in Clearance Investigations Act of 2017, introduced by the gentleman from Florida, Representative DESANTIS.

According to the Pew Research Center, 7 in 10 Americans use social media today. A significant portion of those Americans' personal and professional interactions occur online. It is just common sense that the government should check the social media of individuals who apply for security clearances, but it doesn't.

H.R. 3737 will move the government toward implementing checks of social media for individuals we trust with our country's most sensitive information.

The bill requires a study of the use of social media in security clearance investigations to inform government-wide implementation of social media checks. The study will provide comprehensive information on existing pilot programs, lessons learned, and costs.

We must begin the process of strengthening the system now, and that starts with determining best practices for moving forward.

H.R. 3737 will help ensure that government checks social media before issuing security clearances.

Mr. Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

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

Mr. Speaker, I think this bill is long overdue and recognizes the internet world in which we live and operate.

This bill would require the Director of the Office of Personnel Management to issue a report to Congress on the use of social media checks in background investigations for security clearances.

In recent years, a number of agencies have begun pilot programs to help develop the best methods of incorporating social media into those background checks. For example, the Army initiated a pilot program that found that while checking social media is a

valuable tool, it can be costly and may raise some legal issues.

This bill would require that OPM conduct a comprehensive study on those issues and report back to the Congress. This one-time report would describe the current uses of social media postings for investigative purposes and any legal concerns or impediments that may arise. In addition, the report would summarize the results of any pilot programs on the use of social media conducted to date and provide cost estimates for implementing their widespread use in background investigative processes.

The report would greatly assist Congress, I believe, in determining whether further legislative action is needed when it comes to the Federal Government's use of social media in background investigations.

This bill was approved without opposition by our committee, the Committee on Oversight and Government Reform, last year, and I certainly commend it to our colleagues today.

Mr. Speaker, I want to thank Mr. DESANTIS and Mr. LYNCH for their leadership on what I think is a common-sense measure that will actually improve the process.

Mr. Speaker, I urge every Member to support the bill, and I reserve the balance of my time.

Mr. BLUM. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. DESANTIS), the sponsor of this bill.

Mr. DESANTIS. Mr. Speaker, in the private sector, if an employer is going to hire somebody, a lot of times they will do a Google search, they will check social media postings to try to learn a little bit more about this prospective employee.

It may be hard to believe, but the Federal Government often fails to conduct a simple internet search on individuals before they are trusted with a security clearance.

Publicly available social media is one of the best ways to understand an individual's interests and intentions, but our investigatory process still focuses on interviewing the applicant's family, friends, and neighbors. For over a decade, various agencies, including the Office of Personnel Management, have conducted studies and pilot programs to assess the effectiveness of social media checks in security clearance investigations. Congress has not been provided those results.

What this bill will do is it will require these agencies to identify best practices so that we can use this going forward to make sure that the people who are employed by this government, armed with a security clearance, who have access to sensitive information that puts the security of the country at risk, that these are people whom we want to have there and they are not folks who have ulterior designs.

A lot of times it is going to be much more informative to look at their publicly available writings than to talk to somebody who may have lived next

door to them in an apartment 10 years ago.

I think that this bill is overdue.

Mr. Speaker, I thank my colleague from Massachusetts (Mr. LYNCH) for co-sponsoring it for me, and I am proud to be here today as the sponsor. I think this should have bipartisan support. I think it will give us some good answers and we can move forward and modernize this process.

Mr. CONNOLLY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in closing, we think this is a commonsense bill. I agree with the sentiments just expressed by our friend from Florida that, in today's day and age, we can't not take cognizance of social media, and it can be a useful tool in evaluating someone's security clearance application.

We also understand it could be a tool that is used to invade people's privacy, and we want to avoid that. That is why what this bill does is call for a report looking at all of the legal ramifications and the practicality of utilizing this tool to get to a better outcome in the process of security clearances.

Mr. Speaker, I support the bill and commend it to our colleagues.

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

Mr. BLUM. Mr. Speaker, I urge adoption of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. BLUM) that the House suspend the rules and pass the bill, H.R. 3737.

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

A motion to reconsider was laid on the table.

WHISTLEBLOWER PROTECTION EXTENSION ACT OF 2017

Mr. BLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4043) to amend the Inspector General Act of 1978 to reauthorize the whistleblower protection program, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4043

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Whistleblower Protection Extension Act of 2017".

SEC. 2. REAUTHORIZATION.

(a) IN GENERAL.—Section 3(d) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1)(C)—

(A) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and adjusting the margins accordingly;

(B) by striking "Ombudsman who shall educate agency employees—" and inserting the following: "Coordinator who shall—

"(i) educate agency employees—";

(C) in subclause (I), as so redesignated, by striking "on retaliation" and inserting "against retaliation";

(D) in subclause (II), as so redesignated, by striking the period at the end and inserting the following: "; including—

"(aa) the means by which employees may seek review of any allegation of reprisal, including the roles of the Office of the Inspector General, the Office of Special Counsel, the Merit Systems Protection Board, and any other relevant entities; and

"(bb) general information about the timeliness of such cases, the availability of any alternative dispute mechanisms, and avenues for potential relief.""; and

(E) by adding at the end the following:

"(ii) assist the Inspector General in promoting the timely and appropriate handling and consideration of protected disclosures and allegations of reprisal, to the extent practicable, by the Inspector General; and

"(iii) assist the Inspector General in facilitating communication and coordination with the Special Counsel, the Council of the Inspectors General on Integrity and Efficiency, the agency, Congress, and any other relevant entity regarding the timely and appropriate handling and consideration of protected disclosures, allegations of reprisal, and general matters regarding the implementation and administration of whistleblower protection laws, rules, and regulations."";

(2) in paragraph (2), by striking "Ombudsman" and inserting "Coordinator";

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following:

"(3) The Whistleblower Protection Coordinator shall have direct access to the Inspector General as needed to accomplish the requirements of this subsection."

(b) RESPONSIBILITIES OF CIGIE.—Section 11(c) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

"(5) ADDITIONAL RESPONSIBILITIES RELATING TO WHISTLEBLOWER PROTECTION.—The Council shall—

"(A) facilitate the work of the Whistleblower Protection Coordinators designated under section 3(d)(C); and

"(B) in consultation with the Office of Special Counsel and Whistleblower Protection Coordinators from the member offices of the Inspector General, develop best practices for coordination and communication in promoting the timely and appropriate handling and consideration of protected disclosures, allegations of reprisal, and general matters regarding the implementation and administration of whistleblower protection laws, in accordance with Federal law."

(c) REPORTING.—Section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (a), by amending paragraph (20) to read as follows:

"(20)(A) a detailed description of any instance of whistleblower retaliation, including information about the official found to have engaged in retaliation; and

"(B) what, if any, consequences the establishment actually imposed to hold the official described in subparagraph (A) accountable;" and

(2) in subsection (b)—

(A) in paragraph (3)(D), by striking "and" at the end;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

"(4) whether the establishment entered into a settlement agreement with the official described in subsection (a)(20)(A), which shall be reported regardless of any confidentiality agreement relating to the settlement agreement; and"

(d) REPEAL OF SUNSET.—