

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BUTTERFIELD) at 2 p.m.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Dear God, we give You thanks for giving us another day.

We ask Your special blessing upon the Members of this people's House. They face difficult decisions in difficult times, with only a few days before the next funding deadline to keep all of the government open. Bless those Members of the conference committee working to bring resolution to all differences.

At the same time, this is a week in which the House notes the loss of an historic Member, John Dingell, who served in the people's House for over one-quarter of its existence. Bless his family in their mourning, as well as all Members who possess special memories of his presence and contributions to the greatness of the House of Representatives.

We remember as well WALTER JONES, whose quiet but steady presence in the House reminded us all of the value of integrity in government service. May his moral strength be a helpful encouragement to all who wish to serve.

Bless us, O God, and be with us all this day and every day to come. May all that is done be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the passing of the gentleman from North Carolina (Mr. JONES), the whole number of the House is 432.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair

declares the House in recess until approximately 4 p.m. today.

Accordingly (at 2 o'clock and 2 minutes p.m.), the House stood in recess.

□ 1600

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BUTTERFIELD) at 4 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

The House will resume proceedings on postponed questions at a later time.

**PRESIDENTIAL LIBRARY
DONATION REFORM ACT OF 2019**

Ms. HILL of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1063) to amend title 44, United States Code, to require information on contributors to Presidential library fundraising organizations, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1063

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 "Presidential Library Donation Reform Act of 2019".

SEC. 2. PRESIDENTIAL LIBRARIES.

(a) IN GENERAL.—Section 2112 of title 44, United States Code, is amended by adding at the end the following new subsection:

“(h) PRESIDENTIAL LIBRARY FUNDRAISING ORGANIZATION REPORTING REQUIREMENT.—

“(1) REPORTING REQUIREMENT.—Not later than 15 days after the end of a calendar quarter and until the end of the requirement period described in paragraph (2), each Presidential library fundraising organization shall submit to the Archivist information for that quarter in an electronic searchable and sortable format with respect to every contributor who gave the organization a contribution or contributions (whether monetary or in-kind) totaling \$200 or more for the quarterly period.

“(2) DURATION OF REPORTING REQUIREMENT.—The requirement to submit information under paragraph (1) shall continue until the later of the following occurs:

“(A) The Archivist has accepted, taken title to, or entered into an agreement to use any land or facility for the Presidential archival depository for the President for whom the Presidential library fundraising organization was established.

“(B) The President whose archives are contained in the deposit no longer holds the Office of President.

“(3) INFORMATION REQUIRED TO BE PUBLISHED.—The Archivist shall publish on the website of the National Archives and Records Administration, within 30 days after each quarterly filing, any information that is submitted under paragraph (1), without a

fee or other access charge in a downloadable database.

“(4) SUBMISSION OF FALSE MATERIAL INFORMATION PROHIBITED.—

“(A) INDIVIDUAL.—

“(i) PROHIBITION.—It shall be unlawful for any person who makes a contribution described in paragraph (1) to knowingly and willfully submit false material information or omit material information with respect to the contribution to an organization described in such paragraph.

“(ii) PENALTY.—The penalties described in section 1001 of title 18, United States Code, shall apply with respect to a violation of clause (i) in the same manner as a violation described in such section.

“(B) ORGANIZATION.—

“(i) PROHIBITION.—It shall be unlawful for any Presidential library fundraising organization to knowingly and willfully submit false material information or omit material information under paragraph (1).

“(ii) PENALTY.—The penalties described in section 1001 of title 18, United States Code, shall apply with respect to a violation of clause (i) in the same manner as a violation described in such section.

“(5) PROHIBITION ON CONTRIBUTION.—

“(A) IN GENERAL.—It shall be unlawful for a person to knowingly and willfully—

“(i) make a contribution described in paragraph (1) in the name of another person;

“(ii) permit his or her name to be used to effect a contribution described in paragraph (1); or

“(iii) accept a contribution described in paragraph (1) that is made by one person in the name of another person.

“(B) PENALTY.—The penalties set forth in section 309(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(d)) shall apply to a violation of subparagraph (A) in the same manner as if such violation were a violation of section 316(b)(3) of such Act (2 U.S.C. 441b(b)(3)).

“(6) REGULATIONS REQUIRED.—The Archivist shall promulgate regulations for the purpose of carrying out this subsection.

“(7) DEFINITIONS.—In this subsection:

“(A) INFORMATION.—The term 'information' means the following:

“(i) The amount or value of each contribution made by a contributor referred to in paragraph (1) in the quarter covered by the submission.

“(ii) The source of each such contribution, and the address of the entity or individual that is the source of the contribution.

“(iii) If the source of such a contribution is an individual, the occupation of the individual.

“(iv) The date of each such contribution.

“(B) PRESIDENTIAL LIBRARY FUNDRAISING ORGANIZATION.—The term 'Presidential library fundraising organization' means an organization that is established for the purpose of raising funds for creating, maintaining, expanding, or conducting activities at—

“(i) a Presidential archival depository; or

“(ii) any facilities relating to a Presidential archival depository.”

(b) APPLICABILITY.—Section 2112(h) of title 44, United States Code (as added by subsection (a))—

(1) shall apply to an organization established for the purpose of raising funds for creating, maintaining, expanding, or conducting activities at a Presidential archival depository or any facilities relating to a Presidential archival depository before, on, or after the date of the enactment of this Act; and

(2) shall only apply with respect to contributions (whether monetary or in-kind) made after the date of the enactment of this Act.

SEC. 3. NO ADDITIONAL FUNDS AUTHORIZED.

No additional funds are authorized to carry out the requirements of this Act and the amendments made by this Act. Such requirements shall be carried out using amounts otherwise authorized.

SEC. 4. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. HILL) and the gentleman from North Carolina (Mr. MEADOWS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. HILL of California. 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 this measure.

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

There was no objection.

Ms. HILL of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank Chairman CUMMINGS and Representative MEADOWS for sponsoring this legislation.

Former Representative JOHN DUNCAN from Tennessee first sponsored a bill to improve Presidential libraries 19 years ago. A bill identical to the one before us passed the House in the last Congress with bipartisan support. I hope we now can finally get this important reform enacted.

The Presidential Library Donation Reform Act would make the process for building Presidential libraries more transparent. Presidential libraries have become increasingly expensive as they have evolved into multipurpose centers.

The costs for building a Presidential library must come from private funding, and modern libraries cost millions—in some cases, hundreds of millions—of dollars to build.

The George W. Bush Presidential Center, for example, cost an estimated \$250 million to build, and President Bush raised approximately \$500 million for the building and an endowment for his library, museum, and institute.

Although President Obama has raised hundreds of millions of dollars for his Presidential library, he has voluntarily disclosed the names of those who have donated \$200 or more.

We should not, however, rely on such voluntary disclosures. Under current law, there is no requirement to disclose the identities of those who donate to a Presidential library, and a President, while still in office, is able to raise an

unlimited amount from private donations.

There is no limitation on who can donate to a sitting President for a Presidential library, or how much they can donate, and their identities remain secret.

This bill would require organizations that raise money to build Presidential libraries to disclose the identity of any individual who donates more than \$200. The National Archives and Records Administration would then be required to post the donation information online.

The bill would also create criminal penalties for individuals who report false information on donations and for fundraising organizations that omit donation information.

A group of 15 good government organizations, including Citizens for Responsibility and Ethics in Washington and the Sunlight Foundation, sent a letter last Congress urging the House to support this bill.

Here is what they wrote: “Under the current opaque system, Presidents raise funds privately to establish their Presidential libraries. These efforts, which often begin long before they leave office, are unregulated and undisclosed, creating opportunities for, and/or the appearance of, influence peddling. Improved transparency would help reduce the appearance of impropriety and help deter inappropriate behavior.”

This bill had bipartisan support and passed the House last Congress without opposition.

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

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

Mr. Speaker, I rise in support of H.R. 1063. I appreciate the gentlewoman’s remarks as it relates to this particular bill. The bipartisan Presidential Library Donation Reform Act, which was introduced by the gentleman from Maryland, my good friend, Mr. CUMMINGS, is certainly one worthy of our support, Mr. Speaker.

Under current law, Presidents can fundraise for their Presidential libraries through private, unlimited donations while they are still in office. There are no current requirements for any Presidential library fundraising organization to disclose the source or size of the donation it receives. Donations can be from individuals, companies, associations, and foreign governments, with no transparency.

Presidential libraries have become more expensive throughout the years. President Clinton’s library cost \$165 million. President Bush’s cost \$250 million. President Obama’s is projected to cost more than \$500 million.

This bill requires Presidential library fundraising organizations to disclose to the National Archives information about contributors who have donated \$200 or more in any quarter. The National Archives would then be tasked with making the data available on its website in a downloadable format.

H.R. 1063 also sunsets the disclosure requirement to when the management of the actual library is transferred to the National Archives.

Mr. Speaker, this is a bipartisan piece of legislation. It is a pro-transparency bill that has already passed the House, as my colleague mentioned, not once but three different times, with overwhelming support under both Democratic and Republican majorities.

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

Ms. HILL of California. Mr. Speaker, I urge passage of H.R. 1063, as amended, and I yield back the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I introduced the Presidential Library Donation Reform Act of 2019 to make the process of raising money to build presidential libraries more transparent. I thank Representative MARK MEADOWS for joining me in sponsoring this legislation.

Right now, a president—while still in office—can raise an unlimited amount of money for a presidential library from private donations, and the identities of all the donors can remain secret. It is time to enact this bipartisan legislation to require the disclosure of donor information.

Presidential libraries are built using private funds accepted through a private, non-profit organization. The costs of building modern presidential libraries can be in the hundreds of millions of dollars. The George W. Bush Presidential Center, for example, cost an estimated \$250 million to build, and President Bush raised several hundred million dollars to build the facility.

President Obama has also raised hundreds of millions of dollars for his presidential library. President Obama has voluntarily disclosed the names of donors who have given \$200 or more. While I applaud President Obama’s efforts at transparency, we cannot rely on every president to voluntarily disclose donor information.

This bipartisan legislation would require the disclosure of information about every donor who gives \$200 or more for a presidential library and establish penalties for false reporting and non-compliance. This bill would make these vital changes to the law to deter inappropriate behavior.

Former Republican Representative John Duncan of Tennessee first sponsored a bill to improve the process for building presidential libraries 19 years ago. Representative Duncan also sponsored the same legislation we are considering today with me last Congress. The bill had bipartisan support and passed the House last Congress without opposition. It is past time for us to enact this bipartisan reform and shed light on an otherwise opaque system.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. HILL) that the House suspend the rules and pass the bill, H.R. 1063, 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 2019

Ms. HILL of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1065) 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. 1065

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 2019”.

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 gentlewoman from California (Ms. HILL) and the gentleman from North Carolina (Mr. MEADOWS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. HILL of California. 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 this measure.

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

There was no objection.

Ms. HILL of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank Congressmen LYNCH and HICE for their work on this bill. This bill would require the Director of the Office of Management and Budget 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 for incorporating social media into 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 legal issues.

This bill would require that OMB conducts a comprehensive study on these issues and report back to Congress. This one-time report would describe the current uses of social media postings for investigative purposes and any legal concerns or impediments to their use.

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 the background investigation process.

This report would greatly assist Congress in determining whether further legislative action is needed when it comes to the Federal Government’s use of social media in background investigations. An identical measure was approved by the House last year without opposition.

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

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

Mr. Speaker, I rise in support of H.R. 1065, the Social Media Use in Clearance Investigations Act of 2019, introduced by the gentleman from Massachusetts (Mr. LYNCH).

Mr. Speaker, I was at one of these hearings where we were talking about this very issue and how it was just mind-boggling that we would not use current protocols, in terms of looking at national security clearances and the approval thereof.

It was Mr. LYNCH’s initiative here to actually address that in a legislative manner, and I support his good work there.

Millions of Americans use social media to interact with family members, friends, and followers. Public posts on social media websites occasionally provide a unique insight into a person’s character and interests.

In several high-profile cases, Federal contractors with valid security clearances who leaked classified information had posted highly suspicious entries on their social media accounts.

For example, Edward Snowden used various online aliases to post suspicious content on the comment boards of a tech magazine before he received his security clearance. A simple check—mind you, a simple check—would have let us know of these suspicious activities and certainly could have worked to mitigate some of the damages that we all know too well.

Private companies and private citizens can and often do search publicly available social media accounts to learn more about job applicants. However, our government does not regularly check the social media of individuals who have applied for security clearances.

On May 12, 2016, the Office of the Director of National Intelligence issued a new policy permitting the use of public social media information in security

clearance investigations. Despite that legal clearance, most security clearance investigations still do not involve a social media check.

Various Federal entities have studied the potential use of social media information in background investigations for at least a decade. The National Security Agency, the Army, OPM, and others have conducted pilot programs on the effectiveness of social media checks, and it is not clear what use has been made of this data for these programs or whether the programs can be expanded to cover more applicants.

Concerning online behavior should be one of many factors used to evaluate a person’s fitness to access classified information.

H.R. 1065, the Social Media Use in Clearance Investigations Act, is a step toward creating a more holistic security clearance review process. The bill requires OMB to evaluate pilot programs conducted to date and estimate the costs of wider implementation of publicly available social media checks.

This report is due within 6 months and will help guide subsequent legislation to require checks of publicly available data. We cannot wait any longer to modernize our security clearance process.

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

Ms. HILL of California. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Mr. Speaker, I thank the gentlewoman for yielding.

As chairman of the Subcommittee on National Security, I rise in strong support of H.R. 1065, the Social Media Use in Clearance Investigations Act, bipartisan legislation that I introduced earlier this month. It had passed this House previously, last session, with no opposition.

I commend our full committee chairman, Mr. CUMMINGS of Maryland, for his continued leadership on this issue of security clearance reform and for his work to advance H.R. 1065 to the floor today.

I also thank the new ranking member of our subcommittee, Mr. HICE of Georgia, for his support as well.

In order to enhance the Federal security clearance process, H.R. 1065 will require the Office of Management and Budget to examine the extent to which Federal agencies are reviewing publicly available social media profiles as they conduct background investigations for security clearance applicants.

This bill will also require OMB to submit recommendations to Congress on how we can implement this examination of social media activity in clearance investigations across the Federal Government while also safeguarding individual privacy rights.

Our bipartisan oversight of the security clearance process has already revealed that Federal agencies have too often missed red flags in determining an individual’s eligibility to access classified information and facilities.