

We need only recall the tragic shooting at the Washington Navy Yard in 2013 to underscore the devastating impact of a failure to effectively vet security clearance holders such as Aaron Alexis, a defense contractor with a marked history of gun violence who was still issued a secret-level clearance.

□ 1615

Chief among the recommendations offered by the interagency council that President Obama convened to identify lapses in security clearance reviews was the need for agencies to have “access to relevant information from a variety of sources.”

As noted by William Evanina, the head of counterintelligence for the U.S. government since 2014, his quote is:

Social media has become an integral and very public part of the fabric of many Americans’ daily lives. And we cannot ignore this important open source in our effort to safeguard our national interests.

Moreover, a public social media profile adds to the “mosaic” of a person and may reveal to background investigators evidence suggesting a change in ideology, ill intent, vulnerability to blackmail, and allegiance to another country.

The integration of social media into security clearance background investigations falls in line with the unprecedented exploitation of Twitter, Facebook, WhatsApp, Telegram, and other networking services by terrorist organizations, including the Islamic State.

As reported by the Combating Terrorism Center at West Point, the prolific use of social media by terrorist groups has not only facilitated the dissemination of propaganda, but also served as a primary global recruitment and financing tool.

Foreign governments are also increasingly relying on social media to advance their espionage efforts. According to open source reports, Chinese spy agencies have routinely resorted to using fake LinkedIn accounts to try to recruit Americans with access to government and commercial secrets.

“60 Minutes” recently reported that former CIA officer Kevin Mallory, who has been convicted on espionage charges, was first approached by his Chinese government handlers through the LinkedIn career networking site.

In advance of our 2016 subcommittee hearing on this issue, then-Director of National Intelligence, James Clapper, directed Federal agencies to integrate public social media reviews into the security clearance process. While this directive was a step in the right direction, it has been incorporated quite unevenly and on a limited basis.

Our bill, H.R. 1065, will advance the full integration of this important reform to better ensure that our national security framework is adapting to evolving technologies much faster than the usual pace that is characteristic of the Federal Government.

I would note that, according to the annual job recruitment survey issued

by CareerBuilder, an online employment resource, seven out of 10 private sector employers have already incorporated social media reviews into their hiring process.

Mr. Speaker, I thank the gentleman for his kind remarks in reference to this bill, and I urge my colleagues on both sides of the aisle to support H.R. 1065.

Mr. MEADOWS. Mr. Speaker, in closing, I want to thank the gentleman, again, for his thoughtfulness on this particular piece of legislation. I know that he has worked with my previous colleague, now the Governor of Florida, Mr. DeSantis, and we have great bipartisan support.

Mr. Speaker, I would urge the adoption and passing of H.R. 1065, and I yield back the balance of my time.

Ms. HILL of California. Mr. Speaker, I urge the passage of H.R. 1065, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ESPAILLAT). 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. 1065.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. HILL of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

ALLOWING WHISTLEBLOWERS TO DISCLOSE INFORMATION TO CERTAIN RECIPIENTS

Ms. HILL of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1064) to amend title 5, United States Code, to allow whistleblowers to disclose information to certain recipients, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1064

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

SECTION 1. RECIPIENTS OF WHISTLEBLOWER DISCLOSURES.

Section 2302(b)(8)(B) of title 5, United States Code, is amended by striking “or to the Inspector” and all that follows through “such disclosures” and inserting “the Inspector General of an agency, a supervisor in the employee’s direct chain of command up to and including the head of the employing agency, or to an employee designated by any of the aforementioned individuals for the purpose of receiving such disclosures”.

SEC. 2. 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 the measure before us.

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.

I introduced this bill, along with the distinguished Congressman from North Carolina, Mr. MARK MEADOWS, to make it easier for whistleblowers to disclose wrongdoing. This bill would protect whistleblowers who report waste, fraud, or abuse, to their supervisors at a government agency.

Under current law, an employee would not be protected from retaliation for disclosing information to a supervisor, even if the employee reasonably believes it is necessary to expose a violation of a law, rule, or regulation. A whistleblower is currently only protected by law if they make their disclosures to the Office of Special Counsel, an Inspector General, Congress, the head of the whistleblower’s agency, or an employee designated by the head of the agency.

Under this bill, an employee who is covered by the Whistleblower Protection Act could report alleged misconduct to any supervisor in their direct chain of command. This sensible change in law would allow employees to provide evidence of wrongdoing to a supervisor instead of requiring employees to report all the way up to the head of an agency or an inspector general.

This change in the law would protect employees who use the proper channels at their agency to report waste, fraud, and abuse. Employees in the intelligence community already have these whistleblower protections as a result of a Presidential policy directive issued in 2012. This bill would ensure that all federal employees have the same protections as whistleblowers in the intelligence community.

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

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

I rise in support of H.R. 1064, and I want to thank the gentlewoman from California for her leadership on this effort. Any time that you support whistleblowers, it is a good day in Congress; and to do that a bipartisan way, with

the gentlewoman's leadership, is certainly a day that should be applauded. I thank the gentlewoman for her leadership.

Whistleblowers in the Federal Government should be able to tell their supervisor when something is going wrong. That is the truth, no matter what, especially in cases involving classified information which implies, Mr. Speaker, that it is a matter of national security.

Under the current law, whistleblowers dealing with classified information in the intelligence community can make protected disclosures to their supervisors. However, whistleblowers dealing with classified information outside of the intelligence community do not have the same protection.

With fewer legally-protected options, employees outside of the intelligence community may be more likely to make an illegal disclosure to people or entities without the proper security clearance.

Federal employees dealing with classified information outside of the IC community must be reassured that they can report wrongdoing to the appropriate people, including their supervisors.

With that protection, whistleblowers will be less likely to disclose protected sensitive information on waste, fraud, and abuse to the media or other entities or individuals without the proper security clearance.

This bill would allow whistleblowers to make protected disclosures of classified information to individuals within their chain of command, as the gentlewoman has already suggested.

There are very few conceivable circumstances in which a whistleblower complaint to a supervisor would jeopardize national security, but such disclosures are not currently protected.

There is no reasonable basis for concern about whistleblowers throughout the Federal Government having the right to contact individuals within their chain of command about waste, fraud, or abuse of a classified nature. These additional whistleblower protections will make it easier for Federal employees to do the responsible thing when it comes to classified disclosures.

I urge my colleagues to support this. I thank the gentlewoman for her leadership, and I yield back the balance of my time.

Ms. HILL of California. Mr. Speaker, I urge passage of H.R. 1064, as amended, and I yield back the balance of my time.

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. 1064, 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.

SETTLEMENT AGREEMENT INFORMATION DATABASE ACT OF 2019

Ms. HILL of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 995) to amend chapter 3 of title 5, United States Code, to require the publication of settlement agreements, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 995

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 "Settlement Agreement Information Database Act of 2019".

SEC. 2. INFORMATION REGARDING SETTLEMENT AGREEMENTS ENTERED INTO BY FEDERAL AGENCIES.

(a) REQUIREMENTS FOR SETTLEMENT AGREEMENTS.—Chapter 3 of title 5, United States Code, is amended by adding at the end the following new section:

"§ 307. Information regarding settlement agreements

"(a) DEFINITIONS.—In this section:

"(1) LOCAL GOVERNMENT.—The term 'local government' has the meaning given that term in section 6501 of title 31.

"(2) ORDER TYPE.—The term 'order type' means the type of action or instrument used to settle a civil or criminal judicial action.

"(3) SETTLEMENT AGREEMENT.—The term 'settlement agreement' means a settlement agreement (including a consent decree) that—

"(A) is entered into by an Executive agency; and

"(B) relates to an alleged violation of Federal civil or criminal law.

"(4) STATE.—The term 'State' means each of the several States, the District of Columbia, each territory or possession of the United States, and each federally recognized Indian Tribe.

"(b) SETTLEMENT AGREEMENT INFORMATION DATABASE.—

"(1) EXECUTIVE AGENCY REQUIREMENT.—

"(A) IN GENERAL.—Subject to subparagraph (B), the head of each Executive agency shall, in accordance with guidance issued pursuant to paragraph (2), submit the following information to the database established under paragraph (3):

"(i) A list of each settlement agreement, in a categorized and searchable format, entered into by the Executive agency, as a party to a lawsuit, which shall include, for each settlement agreement—

"(I) the order type of the settlement agreement;

"(II) the date on which the parties entered into the settlement agreement;

"(III) a list of specific violations that specify the basis for the action taken, with a description of the claims each party settled under the settlement agreement;

"(IV) the amount of attorneys' fees and other litigation costs awarded, if any, including a description of the statutory basis for such an award;

"(V) the amount each party settling a claim under the settlement agreement is obligated to pay under the settlement agreement;

"(VI) the total amount the settling parties are obligated to pay under the settlement agreement;

"(VII) the amount, if any, the settling party is obligated to pay that is expressly specified under the settlement agreement as a civil or criminal penalty or fine;

"(VIII) any payment made under the settlement agreement, including a description of any payment made to the Federal Government;

"(IX) the projected duration of the settlement agreement, if available;

"(X) a list of State or local governments that may be directly affected by the terms of the settlement agreement;

"(XI) a brief description of any economic data and methodology used to justify the terms of the settlement agreement;

"(XII) any modifications to the settlement agreement, when applicable;

"(XIII) notice and comments, when applicable; and

"(XIV) whether the settlement agreement is still under judicial enforcement and any period of time by which the parties agreed to have certain conditions met.

"(ii) A copy of each—

"(I) settlement agreement entered into by the Executive agency; and

"(II) statement issued under paragraph (4).

"(B) NONDISCLOSURE.—The requirement to submit information or a copy of a settlement agreement under subparagraph (A) shall not apply to the extent the information or copy (or portion thereof)—

"(i) is subject to a confidentiality provision that prohibits disclosure of the information or copy (or portion thereof); and

"(ii) would not be disclosed under section 552, if the Executive agency provides a citation to the applicable exemption.

"(C) CLARIFICATION OF RESPONSIBLE AGENCY.—In a case in which an Executive agency is acting at the request or on behalf of another Executive agency (referred to as the originating agency), the originating agency is responsible for submitting information under subparagraph (A).

"(2) GUIDANCE.—The Director of the Office of Management and Budget shall issue guidance for Executive agencies to implement paragraph (1). Such guidance shall include the following:

"(A) Specific dates by which submissions must be made, not less than twice a year.

"(B) Data standards, including common data elements and a common, nonproprietary, searchable, machine-readable, platform independent format.

"(C) A requirement that the information and documents required under paragraph (1) are publicly available for a period starting on the date of the settlement through not less than 5 years after the termination of the settlement agreement.

"(3) ESTABLISHMENT OF DATABASE.—The Director of the Office of Management and Budget, or the head of an Executive agency designated by the Director, shall establish and maintain a public, searchable, downloadable database for Executive agencies to directly upload and submit the information and documents required under paragraph (1) for immediate publication online.

"(4) STATEMENT OF CONFIDENTIALITY.—If the head of an Executive agency determines that a confidentiality provision in a settlement agreement, or the sealing of a settlement agreement, is required to protect the public interest of the United States, the head of the Executive agency may except the settlement agreement from the requirement in paragraph (1) and shall issue a written public statement stating why such action is required to protect the public interest of the United States, which shall explain—

"(A) what interests confidentiality protects; and

"(B) why the interests protected by confidentiality outweigh the public's interest in knowing about the conduct of the Federal Government and the expenditure of Federal resources."