

present these RISE Awards to people like Virginia Mills who have made such a profound impact on our Nation's youth. So for those who work so hard to help our students become the best versions of themselves, I urge my colleagues to vote "yes."

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

Mr. Speaker, I appreciate the story that was shared about the woman working in that school district. I think we all probably have those stories as we think fondly back on our school experiences, whether it was elementary or high school, about individuals who weren't necessarily teachers but were still very influential in making an impression and setting a great example to be followed in so many different ways. That is why I am so pleased to be able to support this piece of legislation.

I have had the privilege and honor to be in our schools that are recognized as the Blue Ribbon Schools and Schools to Watch, and those are wonderful. They are wonderful not just because of what has been accomplished for those kids, but they do become an inspiration to other schools to strive for and to achieve.

What this piece of legislation does, Mr. Speaker, is to take that down to the staff level, because we know that the most valuable resource and asset that we have in our schools are people—not necessarily the classroom or anything that is physical like that, but it is the teachers, the faculty, and the staff. Being able to recognize the staff who work so hard each and every day there who are not necessarily teachers is a great opportunity.

Mr. Speaker, in closing, I certainly am very excited about supporting this piece of legislation, H.R. 276. I urge my colleagues to vote "yes," and I yield back the balance of my time.

Mrs. LEE of Nevada. Mr. Speaker, I yield myself the balance of my time.

In closing, I would like to thank Representative TITUS for her leadership in bringing forth this bipartisan piece of legislation.

When it comes to delivering the promise of a great public school for every child, it is a team effort. Classified employees keep the lights on, students fed, and learning environments safe and welcoming.

This past year, we have seen unprecedented activism from teachers and school staff demanding better support for public schools across the country. While the media often speaks first about the contributions and working conditions for classroom teachers, it is important to recognize that behind every teacher is an army of classified school employees.

Passing this bill to recognize the contributions of classified school employees is an important first step, but I urge this body to do more. We must come together and continue to work across the aisle to invest in public education. We must invest in the staff who

support our public schools and in students who count on public schools to reach their academic potential.

Mr. Speaker, I hope that swift passage of H.R. 276 is just the beginning, and I look forward to future action in this Chamber in support of public schools. I urge my colleagues to vote "yes," and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Nevada (Mrs. LEE) that the House suspend the rules and pass the bill, H.R. 276.

The question was taken.

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

Mrs. LEE of Nevada. 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.

MSPB TEMPORARY TERM EXTENSION ACT

Mr. CONNOLLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1235) to provide that the term of office of certain members of the Merit Systems Protection Board shall be extended by a period of 1 year, to limit such members from concurrently holding positions within the Federal Government, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1235

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 "MSPB Temporary Term Extension Act".

SEC. 2. MERIT SYSTEMS PROTECTION BOARD MEMBERS: TERM EXTENSION AND LIMITATION ON SERVICE.

The term of office of any member of the Merit Systems Protection Board appointed under section 1202 of title 5, United States Code, serving as such a member on the date of enactment of this Act shall be extended for a period of one year beyond the date the member's service would otherwise end under subsection (c) of such section.

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

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. CONNOLLY. 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 gentleman from Virginia?

There was no objection.

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

Mr. Speaker, I thank House leadership for bringing H.R. 1235, the MSPB Temporary Term Extension Act, so quickly to the floor at the request of the Committee on Oversight and Reform.

Chairman CUMMINGS and I introduced this bill to prevent a potential crisis at the Merit Systems Protection Board, a vacant Board without any members. Acting Chairman Mark Robbins is and has been the sole member on the Board since January 2017. His holdover term expires at the end of this month, the 28th of February, and it cannot be extended without legislation. We planned to address this issue through regular order, but circumstances arose that prevented us from doing so.

The subcommittee I am going to chair originally scheduled a hearing to examine the problem on February 14, but the hearing was postponed to the end of this month to allow all Members to attend the funerals of our colleagues John Dingell and Walter Jones.

We hoped that the Senate Homeland Security and Governmental Affairs Committee would take action to address the problem during its business meeting on February 20. Although the Senate committee was able to approve two nominees for the Board, Chairman JOHNSON indicated he would withhold those nominations from the Senate floor pending the naming of a third nominee by the White House.

The Senate committee was also reportedly working on language to extend Mr. Robbins' holdover term for another year, but no legislation was considered at the markup, thus our action today.

Given these events, it appears less and less likely that the Senate will be able to confirm new Board members before time runs out this Thursday. That is why the Committee on Oversight and Reform, Chairman CUMMINGS and I, introduced this stopgap measure, H.R. 1235, to ensure some work by the MSPB will continue. The legislation will provide a one-time, 1-year extension for Mr. Robbins' term to give the Senate more time to confirm the additional Board members.

This version of the bill before us eliminates the provision prohibiting dual appointments because Mr. Robbins assured us he would continue to recuse himself from working on matters related to OPM and that he would recuse himself from OPM matters that related to votes he had taken at MSPB if this bill is enacted.

This amendment is in response to many of the concerns raised by our Republican friends.

We urgently need to pass this bill because we need to ensure that MSPB can continue its operations. If Mr. Robbins' term expires without new members confirmed, it will be the first time in the agency's history that the Board has no members at all. We will be entering uncharted new territory, and not good territory.

If there is no principal officer to lead the agency, not only is it unclear

which agency functions may continue and which ones must be suspended, but, also, whether the entire agency must shut down completely. Mr. Speaker, I urge my colleagues not to risk that shutdown.

There is a lot at stake here. MSPB protects whistleblowers from retaliation, veterans from job discrimination, and Federal employees from prohibited personnel practices. The agency ensures that the Federal civil service is nonpartisan and complies with the merit system principles.

Since 2017, MSPB has been operating under certain constraints without a quorum on the Board. This has prevented the Board from hearing final appeals of agency adverse actions.

The absence of a quorum has also prevented the Board from issuing special studies of the civil service and reviews of OPM rules and regulations, as is required. This has resulted in a backlog, Mr. Speaker, of 2,000 final appeals which will take more than 3 years to process and eight Merit Systems studies pending issuance by the Board.

The current situation is certainly less than ideal, but let's not make it worse by doing nothing and creating a complete vacancy on the Board.

This would cause decisions made by Mr. Robbins, by the way, to be voided, exacerbating the backlog, and any new Board members who are finally confirmed would have to start again from square one.

We should not and cannot allow that to happen. Addressing the problem should be a bipartisan concern, and I believe it is. We cannot let politics prevent MSPB from doing its job.

The bill in front of us is supported by the American Federation of Government Employees, the National Treasury Employees Union, the National Federation of Federal Employees, the Government Accountability Project, Public Citizen, Project on Government Oversight, the Make It Safe Coalition, the Senior Executives Association, and the National Taxpayers Union.

Mr. Speaker, I include in the RECORD letters of support from those organizations and a coalition of other stakeholders.

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO,

Washington, DC, February 22, 2019.

Hon. ELLIJAH E. CUMMINGS,
Chairman, House Committee on Oversight and Reform, Washington, DC.

Hon. JIM JORDAN,
Ranking Member, House Committee on Oversight and Reform, Washington, DC.

DEAR CHAIRMAN CUMMINGS AND RANKING MEMBER JORDAN: On behalf of the American Federation of Government Employees, AFL-CIO (AFGE), I am writing to urge support for the “Merit Systems Protection Board (MSPB) Temporary Term Extension Act,” introduced by Congressman Elijah Cummings (D-MD). This legislation would allow the term of the current and only MSPB member to be extended and avoid having a vacant Board.

An employee may appeal an adverse action to the MSPB, a third-party agency that hears and adjudicates civil service appeals. MSPB administrative judges (AJs) hear the

matter in an adversarial setting and decide the case in accordance with established legal precedents. If dissatisfied with the AJ's decision, either the agency or the employee may appeal the decision to the full three Member MSPB. Currently, the Board does not have a quorum. Mark Robbins is the only member on the Board and his term expires on February 28, 2019. Robbins' original term ended in March 2018, and he is currently serving under a maximum one-year statutory extension.

When Robbins' term expires, the Board will have no Presidentially-appointed members. The “MSPB Temporary Term Extension Act.” would allow for Robbins to extend his term for one additional year and avoid having an MSPB with no members. AFGE believes that the MSPB serves an important role in upholding the Merit Systems Principles and the rights of federal employees. Therefore, AFGE strongly urges you to support the “MSPB Temporary Term Extension Act.” to allow a temporary carryover of the current and only member of the MSPB. Thank you.

Sincerely,

J. DAVID COX, SR.,
National President.

NTEU, THE NATIONAL TREASURY EMPLOYEES UNION,
Washington, DC, February 19, 2019.

Hon. ELLIJAH E. CUMMINGS,
Chairman, House Committee on Oversight and Reform,
House of Representatives, Washington, DC.

DEAR CHAIRMAN CUMMINGS: On behalf of the National Treasury Employees Union (NTEU), representing over 150,000 federal employees in 33 agencies, I write to applaud your efforts to support the important work performed by the Merit Systems Protection Board (MSBP or Board) and ensure that it can continue. We believe that your bill, the MSPB Temporary Term Extension Act, is the appropriate response to address the impending loss of leadership at the Board.

As you know, Mark Robbins is the Acting Chairman and the only Member left on the Board. His original term expired last year and his holdover year will expire on February 28, 2019. Given the uncertainty regarding the operations of the Board once Mr. Robbins' term ends, we appreciate that your bill would temporarily allow Mr. Robbins to remain on the Board for a short period of time while the President's nominees for the MSPB undergo Senate consideration. We also appreciate that the bill stipulates that the individual who would be allowed to extend their term would be unable to hold another position in the government at the same time.

NTEU fully supports your carefully crafted temporary extension bill and we appreciate your efforts to safeguard the employee protections envisioned in the Civil Service Reform Act. Thank you.

Sincerely,

ANTHONY M. REARDON
National President.

February 25, 2019.

Hon. ELLIJAH CUMMINGS,
Chairman, Committee on Oversight and Reform,
Washington, DC.

Hon. GERALD CONNOLLY,
Chairman, Subcommittee on Government Operations, Washington, DC.

Hon. JIM JORDAN,
Ranking Member, Committee on Oversight and Reform, Washington, DC.

Hon. MARK MEADOWS,
Ranking Member, Subcommittee on Government Operations, Washington, DC.

DEAR CHAIRMAN CUMMINGS, RANKING MEMBER JORDAN, CHAIRMAN CONNOLLY, AND RANKING MEMBER MEADOWS: On behalf of the un-

designed organizations, who all strongly value and support our nation's professional nonpartisan civil service, we write to express our concerns about the future of the Merit Systems Protection Board (MSPB) and convey our support for H.R. 1235.

As you know, the Board has already operated under unprecedeted circumstances, lacking a quorum for nearly two full years. The result has been a backlog of nearly 2,000 cases and a delay in justice for federal employees, whistleblowers, veterans, and federal annuitants with matters before the Board, as well as a lack of closure for agencies in personnel matters. Moreover, due to the lack of quorum the Board has been unable to issue official reports or studies to Congress and the President during a critical time in which there is growing appreciation for the imperative of modernizing our civil service.

On February 13 the Senate Homeland Security and Governmental Affairs Committee advanced two of the President's MSPB nominees, yet they are still awaiting floor action pending nomination of a third Board member by the President. Should the Senate be unable to approve the Board nominees and restore a quorum, effective March 1 the Board would be without any Senate-confirmed leadership for the first time in its history, due to the expiration of acting chairman Mark Robbins' holdover period.

In order to ensure that the Board can continue operations at the most basic levels, including the critical role in issuing stays in whistleblower cases, passage of legislation to extend the holdover period for the Board is imperative. We strongly urge passage of H.R. 1235 to prevent the current crisis with the Board from doing permanent damage to the merit system and the civil service.

Thank you for your consideration of our perspective on this critical matter.

Sincerely,

FAA Managers Association (FAAMA),
Federal Managers Association (FMA),
Government Accountability Project (GAP), Tom Devine, Liberty Coalition,
National Council of Social Security Management Associations (NCSSMA),
National Federation of Federal Employees (NFFE), National Taxpayers Union, National Whistleblower Center, Professional Managers Association (PMA), Project on Government Oversight (POGO), Public Citizen, Senior Executives Association (SEA), Taxpayer Protection Alliance, Union of Concerned Scientists, Whistleblowers of America.

Mr. CONNOLLY. Mr. Speaker, I urge my colleagues to join me in supporting H.R. 1235, a commonsense stopgap measure to prevent serious injury to hardworking civil servants who expect the Merit Systems Protection Board to function.

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

Mr. HICE of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to speak on H.R. 1235, the MSPB Temporary Term Extension Act.

My colleagues on the other side of the aisle know that I personally am committed to ensuring the successful operation of the Merit Systems Protection Board, also known as MSPB. In fact, last Congress, I introduced H.R. 6391, the MSPB Reauthorization Act of 2018. My bill would have reauthorized the Board and made other vital reforms. The Committee on Oversight

and Government Reform reported the bill favorably, but without a single vote from my colleagues on the other side of the aisle.

We all know an effective and functional MSPB is important to the health of our Federal workforce. MSPB's primary responsibility is to adjudicate appeals of Federal personnel actions. MSPB also plays a vital role in Federal whistleblower protections.

To be effective and issue decisions, MSPB needs at least a two-member quorum, but the Board has not had a quorum for over 2 years. In January 2017, Mark Robbins, as my friend mentioned, became the sole remaining member of MSPB.

Last year, Mr. Robbins' 7-year term came to an end, and he was granted a 1-year extension as authorized by law, but that extension ends this week. Starting Friday, the MSPB will be without a single Board member.

My colleagues claim this bill is an emergency measure to prevent the MSPB from extending this crisis of leadership, but I disagree. The real problem is the lack of a quorum.

Without a quorum for the last 2 years, a backlog of undecided appeals has grown to over 1,700 cases. Mr. Robbins cannot fix that problem on his own. His continued tenure will not resolve those cases.

In December, the President selected Mr. Robbins to serve as the general counsel at the Office of Personnel Management, so for the last 10 weeks, he has served in both capacities at OPM and MSPB. Mr. Robbins is planning to serve at OPM in his full capacity beginning this Friday.

Mr. Robbins has stayed at MSPB as long as he has out of a sense of duty to MSPB and its mission. I trust that my colleagues do not intend to use this bill to coerce Mr. Robbins to stay any longer than he wants to.

□ 1745

I urge my colleagues to join me in applauding Mr. Robbins for his dedication to MSPB, the Federal workforce, the President, and our country. I also urge my colleagues to join me in supporting the Senate's confirmation of President Trump's nominees.

We owe it to our Federal workers to give MSPB a quorum so the board can do the important job that Congress gave it to do.

In the future, I certainly hope we can work together to provide certainty to Federal workers and whistleblowers by making MSPB operational once again.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

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

Briefly, in responding to my friend: I agree with him. I think we need a full board. Our problem is the Senate. They didn't get around to acting in a timely fashion, and so we are faced with this.

I think it is also important to note that, although a quorum is necessary

for most work of MSPB, it isn't necessary for all of it.

So Mr. Robbins, in a caretaker, interim position, can still do some of the work of the board, including issuing stays, reviewing some of the work, and helping to avoid adding to the backlog.

He can't substitute himself fully, obviously, for a quorum in the board. My colleague is quite right about that.

What we are trying to do here is not to compel him or coerce him to stay against his wishes; it is to try to buy some time and have the board at least do some of its basic functions so that we don't come to a complete standstill. That would not be necessary, frankly, had the Senate acted.

I think my friend is right in suggesting that is the ultimate answer, and I would join him in calling on the Senate to act as swiftly as possible. But I think we have no choice but to act on this bill now.

With that, Mr. Speaker, I urge passage 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 Virginia (Mr. CONNOLLY) that the House suspend the rules and pass the bill, H.R. 1235, as amended.

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

The title of the bill was amended so as to read: "To provide that the term of office of certain members of the Merit Systems Protection Board shall be extended by a period of 1 year, and for other purposes."

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 46 minutes p.m.), the House stood in recess.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETERS) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Motions to suspend the rules and pass:

H.R. 539, by the yeas and nays;

H.R. 276, by the yeas and nays; and

Agreeing to the Speaker's approval of the Journal, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Pursuant to clause 9 of rule XX, remaining electronic votes will be conducted as 5-minute votes.

INNOVATORS TO ENTREPRENEURS ACT OF 2019

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 539) to require the Director of the National Science Foundation to develop an I-Corps course to support commercialization-ready innovation companies, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. LIPINSKI) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 385, nays 18, not voting 28, as follows:

[Roll No. 88]

YEAS—385

Adams	Cole	Gallego
Aderholt	Collins (GA)	Garamendi
Aguilar	Collins (NY)	García (IL)
Allen	Comer	Garcia (TX)
Allred	Conaway	Gianforte
Amodei	Connolly	Gibbs
Armstrong	Cook	Golden
Arrington	Cooper	Gonzalez (OH)
Axne	Correa	Gonzalez (TX)
Bacon	Courtney	Gooden
Baird	Cox (CA)	Gottheimer
Balderson	Craig	Granger
Banks	Crawford	Graves (GA)
Barr	Crenshaw	Graves (LA)
Barragán	Crist	Graves (MO)
Bass	Crow	Green (TN)
Beatty	Cuellar	Green (TX)
Bera	Cummings	Grijalva
Bergman	Cunningham	Guest
Beyer	Curtis	Guthrie
Bishop (GA)	Davids (KS)	Haaland
Bishop (UT)	Davidson (OH)	Hagedorn
Blumenauer	Davis (CA)	Harder (CA)
Blunt Rochester	Davis, Rodney	Harris
Bost	Dean	Hartzler
Boyle, Brendan F.	DeGette	Hastings
Brady	DeLauro	Hayes
Brown (MD)	DelBene	Heck
Brownley (CA)	Delgado	Hice (GA)
Buchanan	Demings	Higgins (LA)
Bucshon	DeSaulnier	Higgins (NY)
Budd	DesJarlais	Hill (AR)
Burchett	Deutch	Hill (CA)
Burgess	Diaz-Balart	Himes
Bustos	Dingell	Holding
Butterfield	Doggett	Hollingsworth
Byrne	Doyle, Michael F.	Horsford
Calvert	Duffy	Houlahan
Carbajal	Duncan	Hoyer
Cárdenas	Dunn	Hudson
Carson (IN)	Emmer	Huffman
Carter (GA)	Engel	Huizenga
Carter (TX)	Escobar	Hunter
Cartwright	Eshoo	Hurd (TX)
Case	Espaillat	Jackson Lee
Casten (IL)	Estes	Jayapal
Castor (FL)	Evans	Jeffries
Castro (TX)	Finkenauer	Johnson (GA)
Chabot	Fitzpatrick	Johnson (LA)
Cheney	Fleischmann	Johnson (OH)
Chu, Judy	Fletcher	Johnson (SD)
Cicilline	Flores	Johnson (TX)
Cisneros	Fortenberry	Jordan
Clark (MA)	Foster	Joyce (OH)
Clarke (NY)	Fudge	Kaptur
Clay	Fulcher	Keating
Cleaver	Gabbard	Kelly (IL)
Cloud	Gaetz	Kelly (MS)
Clyburn	Gallagher	Kelly (PA)