Miller, George
Moore
Moran
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Negrete McLeod
Neugebauer
Noem
Nolan
Nugent
Nunes
Nunnelee
O'Rourke
Olson
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Perry
Peters (CA)
Peters (MI)
Peterson
Petri
Pingree (ME)
Pittenger
Pitts
Pocan
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quigley
Radel
Rahall
Rangel
Reed
Reichert
Renacci
Ribble
Rice (SC)
Richmond
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Roybal-Allard
Royce
Ruiz
Runyan
Ryan (OH)
Ryan (WI)
Salmon
Sánchez, Linda T.
Sanchez, Loretta
Sanford
Sarbanes
Scalise
Schakowsky
Schiff
Schneider
Schock
Schrader
Schwartz
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sinema
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stewart
Stivers
Stutzman
Swalwell (CA)
Takano
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Titus
Tonko
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Wagner
Walberg
Walden
Walorski
Walz
Wasserman Schultz
Waters
Waxman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoder
Yoho
Young (AK)
Young (IN)

NAYS—4

DeFazio
Dingell
Green, Gene
Visclosky

NOT VOTING—11

Buchanan
Cleaver
Culberson
Deutch
Gabbard
Jones
McCarthy (NY)
Ruppersberger
Rush
Sires
Stockman

□ 1408

Mr. DEFAZIO changed his vote from ''yea'' to ''nay.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 274, nays 138, answered ''present'' 3, not voting 17, as follows:

[Roll No. 16]

YEAS—274

Aderholt
Amodei
Bachmann
Bachus
Barletta
Barr
Barrow (GA)
Barton
Bass
Beatty
Becerra
Bera (CA)
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Byrne
Calvert
Camp
Campbell
Cantor
Capito
Capps
Cárdenas
Carney
Carson (IN)
Carter
Cartwright
Cassidy
Castro (TX)
Chabot
Chu
Cicilline
Clark (MA)
Clay
Clyburn
Coble
Cohen
Cole
Collins (NY)
Conyers
Cook
Cooper
Cramer
Crawford
Crenshaw
Cuellar
Cummings
Daines
Davis (CA)
Davis, Danny
DeGette
Delaney
DeLauro
DelBene
Dent
DesJarlais
Diaz-Balart
Dingell
Doggett
Doyle
Duncan (SC)
Duncan (TN)
Edwards
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Fincher
Fleischmann
Fortenberry
Foster
Franks (AZ)
Frelinghuysen
Fudge
Gallego
Garrett
Gibbs
Goodlatte
Gosar
Gowdy
Granger
Grayson
Griffith (VA)
Grimm
Guthrie
Gutiérrez
Hahn
Hall
Hanabusa
Harper
Hastings (FL)
Hastings (WA)
Heck (WA)
Hensarling
Higgins
Himes
Hinojosa
Horsford
Huelskamp
Huffman
Hultgren
Hurt
Issa
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Kaptur
Kelly (IL)
Kelly (PA)
Kennedy
Kildee
King (IA)
King (NY)
Kingston
Kirkpatrick
Kline
Kuster
Labrador
LaMalfa
Lamborn
Lankford
Larsen (WA)
Larson (CT)
Latham
Latta
Levin
Lewis
Lipinski
Loebsack
Lofgren
Long
Lowenthal
Lowey
Lucas
Luetkemeyer
Luján, Ben Ray (NM)
Lummis
Marino
Massie
Matsui
McAllister
McCarthy (CA)
McCaul
McClintock
McCollum
McHenry
McIntyre
McMorris Rodgers
McNerney
Meadows
Meehan
Meeks
Meng
Messer
Mica
Michaud
Miller (MI)
Miller, Gary
Moran
Mullin
Mulvaney
Murphy (PA)
Nadler
Napolitano
Neal
Neugebauer
Noem
Nunes
Nunnelee
O'Rourke
Olson
Pascrell
Pearce
Pelosi
Perlmutter
Perry
Petri
Pingree (ME)
Pocan
Polis
Pompeo
Posey
Quigley
Rangel
Ribble
Rice (SC)
Richmond
Roby
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Roskam
Ross
Rothfus
Roybal-Allard
Royce
Ruiz
Runyan
Ryan (WI)
Salmon
Sánchez, Linda T.
Sanchez, Loretta
Scalise
Schiff
Schneider
Schock
Schrader
Schwartz
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sinema
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stewart
Stutzman
Swalwell (CA)
Takano
Thornberry
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Vela
Wagner
Walz
Wasserman Schultz
Waters
Waxman
Webster (FL)
Welch
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (FL)
Wilson (SC)
Wolf
Womack
Yarmuth
Yoho
Young (IN)

NAYS—138

Amash
Andrews
Barber
Benishek
Bentivolio
Bishop (NY)
Brady (PA)
Braley (IA)
Brooks (IN)
Broun (GA)
Bucshon
Burgess
Capuano
Castor (FL)
Chaffetz
Clarke (NY)
Coffman
Collins (GA)
Conaway
Connolly
Costa
Cotton
Courtney
Crowley
Davis, Rodney
DeFazio
Denham
DeSantis
Duckworth
Duffy
Ellison
Ellmers
Farenthold
Fitzpatrick
Fleming
Flores
Forbes
Foxx
Garcia
Gardner
Gerlach
Gibson
Gingrey (GA)
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Grijalva
Hanna
Harris
Hartzler
Heck (NV)
Herrera Beutler
Holding
Holt
Honda
Hoyer
Hudson
Huizenga (MI)
Hunter
Israel
Jenkins
Johnson (OH)
Jordan
Joyce
Keating
Kilmer
Kind
Kinzinger (IL)
Lance
Langevin
Lee (CA)
LoBiondo
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Marchant
Matheson
McDermott
McGovern
McKinley
Miller (FL)
Miller, George
Moore
Negrete McLeod
Nolan
Nugent
Palazzo
Pallone
Pastor (AZ)
Paulsen
Payne
Peters (CA)
Peters (MI)
Peterson
Pittenger
Pitts
Poe (TX)
Price (GA)
Radel
Rahall
Reed
Reichert
Renacci
Rigell
Rogers (AL)
Rooney
Ros-Lehtinen
Ryan (OH)
Sanford
Sarbanes
Schakowsky
Sewell (AL)
Slaughter
Smith (MO)
Southerland
Stivers
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tipton
Turner
Upton
Valadao
Veasey
Velázquez
Visclosky
Walberg
Walden
Walorski
Wittman
Woodall
Yoder
Young (AK)

ANSWERED ''PRESENT''—3

Gohmert
Owens
Weber (TX)

NOT VOTING—17

Buchanan
Cleaver
Culberson
Deutch
Frankel (FL)
Gabbard
Garamendi
Jones
Lujan Grisham (NM)
McCarthy (NY)
McKeon
Murphy (FL)
Price (NC)
Ruppersberger
Rush
Sires
Stockman

□ 1414

So the Journal was approved.

The result of the vote was announced as above recorded.

OPM IG ACT

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2860) to amend title 5, United States Code, to provide that the Inspector General of the Office of Personnel Management may use amounts in the revolving fund of the Office to fund audits, investigations, and oversight activities, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2860

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 ''OPM IG Act''.

SEC. 2. USE OF OFFICE OF PERSONNEL MANAGEMENT REVOLVING FUND FOR AUDITS, INVESTIGATIONS, AND OVERSIGHT ACTIVITIES.

Subsection (e) of section 1304 of title 5, United States Code, is amended—

(1) in paragraph (1), by adding before the period at the end of the first sentence the following: '', and for the cost of audits, investigations, and oversight activities, conducted by the Inspector General of the Office, of the fund and the activities financed by the fund''; and

(2) in paragraph (5)—

(A) by striking ''The Office'' and inserting ''(A) The Office''; and

(B) by adding at the end the following:

''(B) Such budget shall include an estimate from the Inspector General of the Office of the amount required to pay the expenses to audit, investigate, and provide other oversight activities with respect to the fund and the activities financed by the fund.

''(C) The amount requested by the Inspector General under subparagraph (B) shall not exceed .33 percent of the total budgetary authority requested by the Office under subparagraph (A).''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. 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 the bill under consideration.

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

There was no objection.

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

H.R. 2860 responds to the Office of Personnel Management Inspector General's call for increased oversight of the OPM's revolving fund by providing the IG access to a portion of that revolving fund moneys for oversight.

H.R. 2860 recognizes oversight as a legitimate business cost by using existing funds to help the IG respond to the increased referrals of alleged fraud within the OPM's revolving fund operations, including especially in the background investigation used to determine an individual's eligibility for a security clearance.

The Office of Personnel Management serves as the regulator for these rules affecting the management of Federal workers, but has also evolved into a fee-based service provider that provides billions of dollars in services each year to the very agencies governed by OPM's rules.

The revolving fund budget has grown significantly over the past 15 years, from $191 million to more than $2 billion today. OPM's revolving fund budget is almost 91 percent of OPM's budget; yet the resources available for the IG to audit these funds have not kept pace with the growing amounts.

For over 30 years, both the General Accountability Office and OPM Inspectors General have been concerned about the management of resources in the revolving fund. Each has issued a number of reports and audits examining various and, often recurring, problems.

Last year, OPM Inspector General McFarland informed the Committee on Government Oversight and Reform of what he described as a ''serious problem'' inhibiting his ability to perform the duties and responsibilities of his office. McFarland stated his office was at a point where it could not meet its statutory obligation to effectively oversee revolving fund activities. He noted that his office had been ''inundated with requests from OPM to audit and/or investigate different parts of revolving fund programs,'' from technical audit work to the continuing flow of allegations involving falsifications of background investigations and abuse of authority.

The OPM Inspector General has investigated a number of cases involving the falsification of background investigations, including reporting of investigations that never occurred, recording answers to questions that were never asked, and documents record checks that were never conducted. Within the military departments at 81 percent of OPM's customer base, these cases have serious national security implications.

Inspector General McFarland testified before the Federal Workforce Subcommittee in June, and he said the OPM's revolving fund programs ''have been operating in the shadows for too long,'' adding the often-cited phrase ''sunshine is the best disinfectant.''

H.R. 2860 would allow the OPM IG to use a portion of the revolving fund moneys to pay for related audit and investigation work. The OPM IG's resources would be limited to one-third of 1 percent of the revolving fund budget, and the IG would be required to submit an annual budget request and report detailing its revolving fund oversight work.

H.R. 2860 provides resources for critical oversight that can be accomplished at relatively low cost, using existing funds.

I urge the adoption of this bipartisan bill, and I reserve the balance of my time.

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

I rise in strong support of H.R. 2860, the OPM IG Act, which is a successful product of the bipartisan efforts of Federal Workforce Subcommittee Chairman Farenthold and Ranking Member LYNCH, and I applaud them for their efforts.

I thank my distinguished colleagues for their work and commitment in sponsoring legislation to provide the Inspector General of the Office of Personnel Management with critically needed funding to perform audits, investigations, and oversight of OPM's revolving fund activities.

Through the revolving fund, OPM provides approximately $2 billion in services to agencies on a fee-for-service basis. These services include background investigations, leadership training, and human resource management.

H.R. 2860 would fix the loophole in the current law which prevents this $2 billion revolving fund from paying for the costs of the OPM Inspector General to properly oversee the fund's activities.

This legislation would allow the OPM Inspector General to use a very small portion of the revolving fund budget, up to a maximum of one-third of 1 percent of the fund, to pay for audit, investigative, and oversight work.

The recent Navy Yard shooting and the Edward Snowden leaks of classified information have highlighted the importance of comprehensive oversight of the Federal Government's background investigation and security clearance process.

During last June's Federal Workforce Subcommittee hearing on OPM's revolving fund, the OPM Inspector General expressed substantial concerns about the falsification of background investigations.

The OPM Inspector General plays a crucial part in ensuring that the background investigation process used by the government to determine whether individuals should be trusted with our Nation's classified and sensitive information is properly conducted.

This legislation would give the OPM Inspector General the funds and resources needed to conduct the necessary oversight activities to help safeguard our government against national security risks.

The Senate has already passed a substantially similar bill, and I ask all of my colleagues on both sides of the aisle to join me in supporting H.R. 2860.

With that, I reserve the balance of my time.

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

I would like to thank Mr. CUMMINGS and Mr. LYNCH for working together in such a bipartisan manner on this very important national security bill.

It is a commonsense, good government bill that is designed to use existing funds that are brought into the OPM to oversee the OPM. They have got a huge chunk of money here that is coming from the background checks, and they don't have the resources necessary to adequately make sure these background checks are going to be done.

Mr. CUMMINGS cited numerous examples of how the failures in the system have resulted in tragedies and have resulted in information getting out. We need to make sure these background checks are being done properly, we need to make sure this money is being administered properly, and this bipartisan bill does that.

I too urge my colleagues to pass the bill, and I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. LYNCH), the cosponsor

of the bill and a member of the Subcommittee on Federal Workforce.

Mr. LYNCH. Mr. Speaker, I thank the ranking member for yielding.

First of all, I want to say that as the ranking Democrat on the Subcommittee on Federal Workforce, I rise in strong support of Mr. FARENTHOLD's measure here, H.R. 2860, the OPM Inspector General Act, legislation that will enhance oversight of the background check process for the issuance of government security clearances.

At the outset as well, I would like to thank the subcommittee chairman, Mr. FARENTHOLD, for working in a bipartisan manner to sponsor H.R. 2860. I would also like to thank our full committee chairman, Mr. ISSA, and ranking member, Mr. CUMMINGS, the gentleman from Maryland, for their hard work and their leadership on this legislation as well.

Recent events involving Edward Snowden and his leaking of classified information and as well Aaron Alexis and the tragic shooting at the Washington Navy Yard have called attention to the need to reexamine and improve the Federal Government's background investigation and security clearance process.

H.R. 2860 is a key component of our examinations. This legislation provides the Inspector General of the Office of Personnel Management with the resources that he needs to assist Congress in our review and oversight of a process that is critical within our national security framework.

We rely heavily on our Inspectors General. They are at the front lines of investigating fraud, waste, and abuse in government programs. We as Members of the legislature rely heavily on them in getting accurate information.

In particular, H.R. 2860 would give the Office of Personnel Management the authority to access a portion of OPM's revolving fund to pay for audits, investigations, and oversight of the agency's revolving fund program, which includes the Federal Government's background investigations process, their leadership training, and personnel management solutions.

I think OPM Inspector General Patrick McFarland did a great job on this in making us aware of the necessity for this legislation. During a June 2013 Federal Workforce Subcommittee hearing, as has been noted, Mr. McFarland stated that his office was handicapped in its ability to conduct proper oversight of the OPM's revolving fund activities.

Under existing law, the Inspector General's oversight costs cannot be charged to the revolving fund. As a result, for fiscal year 2013, the Inspector General had only available $3 million to conduct oversight of OPM's program involving $2 billion.

Because of these limited resources, the OPM Inspector General was not able to thoroughly investigate issues regarding falsification of background investigations, conduct audits of the revolving fund, or examine the fund's high-risk areas.

However, H.R. 2860, if enacted, would allow the OPM Inspector General's oversight costs to be paid from the revolving fund up to a maximum of one-third of 1 percent of OPM's revolving fund budget. Assuming a revolving budget of $2 billion, the Inspector General may be authorized to receive up to a maximum of $6.6 million to fund oversight costs.

□ 1430

Common sense indicates that giving the OPM Inspector General authority for this funding is a sensible and prudent investment. Moreover, if national security is implicated, the importance of preventing or mitigating national security threats is, of course, immeasurable.

Let me also add that this proposal was included in the President's fiscal year 2014 budget request, and the Senate passed, by unanimous consent, substantially similar legislation last October. In addition, a provision granting the OPM Inspector General access to the revolving fund was included in the omnibus appropriation bill released just last night. I would note, however, that that provision expires after 1 year.

So Mr. FARENTHOLD's legislation, which I have cosponsored, is incredibly important and should be adopted. I urge my colleagues on both sides of the aisle to join with myself and Mr. CUMMINGS and Mr. FARENTHOLD.

Mr. FARENTHOLD. Mr. Speaker, if I could inquire of the gentleman from Maryland if he has any additional speakers.

Mr. CUMMINGS. We have no additional speakers, Mr. Speaker.

Mr. FARENTHOLD. At this point, I would like to wrap it up and close.

Mr. Speaker, as the gentleman from Virginia and the gentleman from Maryland pointed out, this is a commonsense, good government bill that has strong national security implications and I am going to urge all my colleagues to support it.

Again, even though it was included in the omnibus that is coming through that is 1 year, this creates permanent law where we continue to do this necessary and appropriate oversight at a fraction of the percent of the cost of the budget, absolutely a phenomenal bill that we all need to get behind and support.

I reserve the balance of my time.

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

Mr. Speaker, I take this moment to thank Mr. FARENTHOLD, to thank Mr. LYNCH and certainly our chairman, Chairman ISSA, for this bipartisan effort. It just makes sense. There are certain things that happen that we see in government that need correcting, and this is one of those things. The fact that we have now put a spotlight on it and, through a bipartisan effort, have put together legislation that should pass this House unanimously, it just shows what can be done.

So it is a great piece of legislation. It is a very practical piece of legislation, and it is one that is needed. With that, I would urge all of our colleagues to vote in favor of this legislation, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 2860.

The question was taken.

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

Mr. CUMMINGS. 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.

PRESIDENTIAL AND FEDERAL RECORDS ACT AMENDMENTS OF 2014

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1233) to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1233

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 ''Presidential and Federal Records Act Amendments of 2014''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Presidential records.
Sec. 3. National Archives and Records Administration.
Sec. 4. Records management by Federal agencies.
Sec. 5. Disposal of records.
Sec. 6. Procedures to prevent unauthorized removal of classified records from National Archives.
Sec. 7. Repeal of provisions related to the National Study Commission on Records and Documents of Federal Officials.
Sec. 8. Pronoun amendments.
Sec. 9. Records management by the Archivist.
Sec. 10. Disclosure requirement for official business conducted using non-official electronic messaging account.

SEC. 2. PRESIDENTIAL RECORDS.

(a) PROCEDURES FOR CONSIDERATION OF CLAIMS OF CONSTITUTIONALLY BASED PRIVILEGE AGAINST DISCLOSURE.—

(1) AMENDMENT.—Chapter 22 of title 44, United States Code, is amended by adding at the end the following:

''§ 2208. Claims of constitutionally based privilege against disclosure

''(a)(1) When the Archivist determines under this chapter to make available to the