

conduct rulemaking in this matter. I think we are all kind of getting tired of those spoofs we get on our phones. It looks like they are coming from our hometowns, and it turns out they are not. We are going to try to get to the bottom of this and have the FCC work to do that.

Congressman GUTHRIE and Congresswoman MATSUI's bill to include a spectrum auction deposit fix, this will actually allow future actions to go forward legally. They couldn't do that under existing law because of an interpretation, and so we fixed that. That was very, very important.

Congressmen MCNERNEY and KINZINGER's legislation to require the FCC to report to Congress on promoting internet excess for veterans, we all know how important that is, especially those low-income veterans in our rural communities.

Congressman LOEBSACK's legislation to improve mapping methodology for mobile coverage, we need to know where we have service in America and where we don't and have numbers we can trust.

Representative RUIZ's legislation is very, very important, dealing with broadband in Tribal areas and carrying out rulemaking to address unserved Tribal areas. We have lots of Tribal areas in our country that lack service.

ANNA ESHOO's legislation to provide further improvements on 911 caller information that builds on Kari's Law that we have already approved, that is really, really important.

And, again, ELIOT ENGEL's legislation requires the National Telecommunications and Information Administration, the NTIA, to study and consider how the agency can best coordinate the interagency process following cybersecurity incidents.

It just goes on and on, including Senator THUNE's MOBILE NOW Act that will help us move forward on 5G.

So, as you can see, this is comprehensive, thoughtful, well-written legislation on telecommunications, moves our country forward, reauthorizes the FCC, and is a fitting tribute to my friend and our policy leader, Mr. Ray Baum from Oregon.

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

Ms. ESHOO. Mr. Speaker, I rise today in support of H.R. 4986, the RAY BAUM'S Act, the first FCC reauthorization in 28 years, named for our dear friend, the late Ray Baum.

This bill is the product of many long hours of hard work to achieve a bipartisan, bicameral compromise. While no bill is perfect, this legislation contains many solid policy advancements for digital communications in the 21st century.

I'm especially glad to see two bills I've championed for many years included in this package, 'Dig Once' which I first introduced in 2009, and the RESPONSE Act, which I first introduced in 2010. Broadband is essential for every community in our country to function today, just as the physical roads and bridges we travel on are. For nearly a decade, I've

been pushing for a 'Dig Once' policy, a commonsense proposal to ensure broadband conduit is included in the buildout of roads and highways when they're being built and where there's a demonstrated need for broadband access, rather than tearing up roads later. Dig Once will enable states to make it easier for broadband providers to enter new and underserved markets by laying the broadband conduit during construction.

H.R. 4986 also includes the RESPONSE Act that ensures that multi-line telephones commonly found in office buildings and hotels are equipped with location accuracy technologies. This is essential for responders to locate a 911 caller in a large building as quickly as possible because lives are literally on the line and every second counts. This provision will help save lives.

I'm disappointed that the FCC Collaboration Act was excluded from the final version of H.R. 4986. This is another bipartisan, commonsense proposal that I have consistently introduced since 2009. It passed out of the Communications and Technology subcommittee, the full Energy and Commerce committee, and previously passed the full House, all with bipartisan support. All of the former Democratic and Republican FCC members have supported this policy one hundred percent. It's unfortunate that despite such broad support, this provision was stripped from the final bill despite our work in Committee.

I also want to express my concerns about some parts of the bill which consolidate the FCC's reporting on issues like price hikes, competition, and program diversity, and the scaling back of provisions on critical unlicensed spectrum. I worry that we'll regret weakening these public interest policies. Nonetheless, I support H.R. 4986 as a set of largely positive developments for consumers, policymakers, and many other stakeholders in the communications marketplace. I want to thank Chairman Walden for his hard work on this, and urge my colleagues to vote YES on H.R. 4986, the RAY BAUM'S Act of 2018.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 4986, 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: "A bill to amend the Communications Act of 1934 to reauthorize appropriations for the Federal Communications Commission, and for other purposes."

A motion to reconsider was laid on the table.

POLITICAL APPOINTEE BURROWING PREVENTION ACT

Mr. BLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1132) to amend title 5, United States Code, to provide for a 2-year prohibition on employment in a career civil service position for any former political appointee, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1132

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 "Political Appointee Burrowing Prevention Act".

SEC. 2. LIMITATION ON EMPLOYMENT OF POLITICAL APPOINTEES IN CAREER CIVIL SERVICE POSITIONS.

(a) IN GENERAL.—Subchapter I of chapter 31 of title 5, United States Code, is amended by adding at the end the following:

"§ 3115. Employment of political appointees

"(a) APPOINTMENT APPROVAL REQUIRED.—

"(1) IN GENERAL.—The head of an agency may not appoint any individual described in paragraph (5) to a career position within the agency without receiving prior written approval from the Associate Director of Merit Systems Accountability and Compliance, consistent with the requirements of this subsection.

"(2) REQUEST.—The head of an agency shall submit a request to the Associate Director to approve the appointment of any individual described in paragraph (5) to a career position. Any such request shall include certification by the head of the agency to the Associate Director that the appointment is necessary for the agency to meet its mission.

"(3) REVIEW AND DETERMINATION.—The Associate Director shall review any request received pursuant to paragraph (2) and deny any such request unless the Associate Director determines that the appointment process with respect to the request was fair, open, and free from political influence. If the Associate Director makes that determination, the Associate Director may approve the request.

"(4) NOTIFICATION TO CONGRESS.—With respect to any request approved under paragraph (3), the Associate Director shall, not less than five days before the date the Associate Director provides approval to the head of the requesting agency, provide to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate the agency certification under paragraph (2) and the agency head's rationale for that certification.

"(5) COVERED INDIVIDUALS.—An individual described in this paragraph is—

"(A) a political appointee;

"(B) a former political appointee who held any political position during the five-year period before the date of the request described in paragraph (2); or

"(C) at the discretion of the Director of the Office of Personnel Management, a former political appointee who held any political position before the five-year period described in subparagraph (B).

"(b) RESTRICTION ON APPOINTMENT.—

"(1) IN GENERAL.—Notwithstanding any other law, rule, or regulation, during the 2-year period following the date a political appointee leaves or departs from a political position, such appointee may not be appointed to any career position in the civil service.

"(2) EXCEPTION.—Paragraph (1) shall not apply to a political appointee who has not personally and substantially participated in any particular matter while employed in a political position.

"(c) APPLICATION.—Nothing in this section shall be construed to restrict the appointment of an individual who is—

"(1) entitled to reinstatement under section 3593(b); or

"(2) eligible for reinstatement under section 3593(a).

“(d) DEFINITIONS.—In this section—

“(1) the term ‘agency’ has the meaning given the term ‘Executive agency’ in section 105;

“(2) the term ‘Associate Director’ means the Associate Director of Merit Systems Accountability and Compliance at the Office of Personnel Management;

“(3) the term ‘political appointee’ means an individual serving in an appointment of any duration to a political position;

“(4) the term ‘political position’ means—

“(A) a position with respect to which appointment is made—

“(i) by the President; or

“(ii) by the President, by and with the advice and consent of the Senate;

“(B) a position which has been excepted from the competitive service by reason of its confidential, policy-determining, policymaking, or policy-advocating character;

“(C) a position described under sections 5312 through 5316 (relating to the Executive Schedule); and

“(D) a general position in the Senior Executive Service during such time as it is filled by—

“(i) a noncareer appointee, as defined in paragraph (7) of section 3132(a); or

“(ii) a limited term appointee or limited emergency appointee, as defined in paragraphs (5) and (6) of section 3132(a), who is serving under a political appointment.

“(5) the term ‘career position’ means—

“(A) a position in the competitive service filled by career or career-conditional appointment;

“(B) a position in the excepted service filled by an appointment of equivalent tenure as a position described in subparagraph (A);

“(C) a career reserved position, as defined in paragraph (8) of section 3132(a), in the Senior Executive Service; or

“(D) a general position in the Senior Executive Service when filled by a career appointee, as defined in section 3132(a)(4);

“(6) the term ‘participated’ means an action taken as an officer or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other such action; and

“(7) the term ‘particular matter’ includes any investigation, application, request for a ruling or determination, rulemaking, contract, controversy, claim, charge, accusation, arrest, or judicial or other proceeding.”

(b) CLERICAL AMENDMENT.—The table of sections of chapter 31 of title 5, United States Code, is amended by adding after the item relating to section 3114 the following:

“3115. Employment of political appointees.”.

(c) APPLICATION.—

(1) APPOINTMENT REQUESTS.—Section 3115(a) of title 5, United States Code, as added by subsection (a), shall apply to any appointment or request for appointment described in such section submitted to the Associate Director of Merit Systems Accountability and Compliance after the date of enactment of this Act.

(2) LIMITATION ON APPOINTMENTS.—Section 3115(b) of title 5, United States Code, as added by subsection (a), shall apply to any individual who leaves or departs from a political position (as that term is defined in section 3115(c)(2) of such title, as added by such subsection) after the date of enactment of this Act.

(d) REGULATIONS REQUIRED.—The Director of the Office of Personnel Management shall issue regulations necessary to carry out this Act. Such regulations shall include guidance on the definition of the term “personally and substantially participated in a particular matter” in section 3115(b)(2) of title 5, United

States Code, as added by subsection (a), consistent with section 2641.201 of title 5, Code of Federal Regulations.

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. 1132, the Political Appointee Burrowing Prevention Act, introduced by the gentleman from Colorado, Representative BUCK.

This important bill will protect the integrity of the civil service and ensure the American people are served by a competent, nonpolitical career workforce.

Under current law, each administration appoints a political staff to help advance the administration’s political goals. These political employees leave at the end of the administration to make way for the next administration’s appointees.

In contrast, the career civil service is designed to carry over from administration to administration. These employees should be hired based on their qualifications and promoted based on their performance. Despite the significant differences between the two types of positions, however, political appointees are currently allowed to convert to career positions. This practice is known as “burrowing.”

As the Government Accountability Office explained: “Circumstances surrounding conversions can raise questions as to whether the individuals selected experienced favoritism or enjoyed an unfair advantage in the selection process.”

GAO went on to say: “Any appearance of this could compromise the merit system’s integrity.”

H.R. 1132, the Political Appointee Burrowing Prevention Act, will enact in law the requirement for OPM to review political conversions.

The bill also raises the bar for political conversions, requiring an agency certify the conversion is necessary to meet its mission. To ensure Congress can continue to monitor for abuse, the certification must be provided to Congress before it is approved.

Finally, the bill prohibits political conversions within 2 years of leaving a political appointment. This ensures sufficient time has passed between when political appointees finish their appointment and when they may become a career employee.

In closing, this bill protects the integrity of the merit-based system so career politicians stay free of politics. The American people deserve nothing less.

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

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

Mr. Speaker, the bill before us is H.R. 1132, the Political Appointee Burrowing Prevention Act, as amended.

I want to thank my friends on the majority for working with us to improve this bill since its consideration by the committee. Because of the improvements we have been able to make, I support moving this bill forward in the legislative process; however, I continue to believe that some further changes may be needed.

The bill would make it very difficult to hire former political appointees into career positions in the Federal Government. It would prohibit hiring a former political appointee into a career position for 2 years after that individual held a political position.

It would also add significant hurdles for agencies seeking to hire an applicant to a career position who separated from a political appointment in the last 5 years. The agency would be required to certify to the Office of Personnel Management that the appointment is “necessary to the agency’s ability to meet its mission.”

There are several controls already in place to ensure that the process used to hire former political appointees into career positions is fair, open, and based on merit. For example, the Office of Personnel Management must ensure, right now, that the appointment process was free from political influence and report the results of its reviews to Congress.

A February 2017 report found that OPM reviewed just 16 requests by agencies to hire former political appointees from October 1, 2016, through January 20, 2017, and did not find any reason to deny any of those requests.

We all want the best people in the Federal service, and there should be no undue favoritism in the hiring process.

In comments on this bill, OPM suggested that certain provisions may conflict with the merit system principles that have formed the basis of the Federal civil service for over a century. That issue should be clarified before this bill becomes enacted into law.

Nonetheless, we support the spirit with which the bill is offered us today, and we have no objections to the legislation in front of us.

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

Mr. BLUM. Mr. Speaker, I yield 5 minutes to the gentleman from Colorado (Mr. BUCK), the sponsor of the bill and my esteemed colleague.

Mr. BUCK. Mr. Speaker, I thank the gentleman from Iowa for the time today to talk about this important legislation.

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