

for Cost-Cutters Act of 2017. I wish to thank the gentleman from Oklahoma and the gentlewoman from the District of Columbia.

Mr. Speaker, what we see today in my bill is what I think the American people want, Republicans and Democrats working together with good, commonsense legislation that makes sense and saves the American taxpayer's money.

Let's face it: whether we are a family or a business, we have to manage our money in the private sector; and the Federal Government, for far too long, has been guilty of spending waste, fraud, and abuse. There have been so many problems, and the American people know it.

When we go home and we talk with our constituents, they want us to be very good stewards of their money, and they deserve that. That is exactly what this bill does, and it does it in a way that does a lot of different things that I think is great.

First of all, as my colleagues on both sides of the aisle have said, it incentivizes Federal employees to detect waste. We all know that government has a tendency, when they have a pool of money, to spend it, whether they need it or not. So if a Federal employee can go in there, find this problem out, tell the agency head, he or she now can get up to \$20,000 of incentive pay. So we have incentivized fiscal responsibility in the Federal Government. That is great, and that is just good government.

In addition to that, Mr. Speaker, we look at the United States Constitution, and that is a document that our Founding Fathers gave us and is so important. Why is that so important with this bill? Because when that agency head goes to the President of the United States with this recommendation, the President of the United States has to come where? Back to the Congress, where he should have to come.

When Congress looks at that recommendation from the President, Congress then can make the final determination. So we have fiscal responsibility, we have constitutional sanctity, and we have good government.

Most of all, I want to thank my colleagues on both sides of the aisle. We have Republicans and Democrats working together, the way the American people want us to do, to be fiscally responsible.

Mr. Speaker, I urge colleagues on both sides of the aisle to pass this good government bill.

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

Mr. RUSSELL. Mr. Speaker, I urge the 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 Oklahoma (Mr. RUSSELL) that the House suspend the rules and pass the bill, H.R. 378, 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.

RECIPIENTS OF WHISTLEBLOWER DISCLOSURES

Mr. RUSSELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2196) 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. 2196

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 and 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".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma (Mr. RUSSELL) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma.

GENERAL LEAVE

Mr. RUSSELL. 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 Oklahoma?

There was no objection.

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

Mr. Speaker, I speak in support of H.R. 2196, a bill I introduced with Ranking Member CUMMINGS, Mr. LYNCH, and Mr. FARENTHOLD from Texas earlier this year to allow whistleblowers to disclose information to certain recipients.

Whistleblowers in the Federal Government should be able to tell their supervisors when something is wrong. That is true no matter what, but especially so in cases involving classified information, which implies a matter of national security.

If whistleblowers cannot make a protected disclosure to their supervisors, they are more likely to make an illegal disclosure to people or entities without the proper security clearances.

Under current law, whistleblowers in the intelligence community can make protected disclosures to their supervisors. However, whistleblowers dealing with classified information outside

the intelligence community do not have that same protection.

Federal employees inside the intelligence community can blow the whistle to their supervisors, to the appropriate inspector general, and to Congress. Employees outside the intelligence community do not have those protections when it comes to classified information, and they have fewer options when it comes to blowing the whistle, except to put it in the hands of those who have no clearances.

Federal employees outside the intelligence community must be reassured that they can report wrongdoing to the appropriate people, including their supervisors. With this protection, whistleblowers will be less likely to disclose potentially sensitive information on waste, fraud, and abuse to the media, or other entities or individuals without the proper security clearance.

This bill allows whistleblowers to make protected disclosures of classified information to individuals within their chain of command. 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, as strange as that may seem.

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

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

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

I want to thank Representative STEVE RUSSELL for introducing this bill, along with Oversight and Government Reform Committee Ranking Member ELIJAH CUMMINGS, and Representative STEPHEN LYNCH.

This bill would provide important protections to whistleblowers who handle classified information and want to report waste, fraud, and abuse.

Under this bill, an employee who is covered by the Whistleblower Protection Act could disclose to any supervisor in his or her direct chain of command classified information the employee reasonably believes shows wrongdoing.

Under current law, if a whistleblower discloses classified information, the whistleblower is protected only if he or she makes those disclosures to the Office of Special Counsel, an inspector general, the head of the whistleblower's agency, or an employee designated by the head of the agency.

This bill would encourage employees who handle classified information to use proper channels to blow the whistle on waste, fraud, and abuse. Allowing employees to go to a supervisor with evidence of wrongdoing may be less intimidating than going to the agency head or an inspector general.

This bill is modeled on language in the Presidential Policy Directive issued in 2012. That directive, PPD 19, provided whistleblower protections to intelligence community employees who are not covered by the Whistleblower Protection Act.

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This bill will provide a more consistent approach for employees who handle classified information by ensuring that employees who are covered by the Whistleblower Protection Act will blow that whistle to a supervisor, the same way that intelligence community employees who are covered by PPD 19 can do so.

This is a good bill. I urge my colleagues to support it, and I yield back the balance of my time.

Mr. RUSSELL. Mr. Speaker, I would like to thank Ranking Member CUMMINGS, Mr. FARENTHOLD of Texas, and Mr. LYNCH of Massachusetts for their great bipartisan support in this needed reform, and I urge my colleagues to support my bill.

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 Oklahoma (Mr. RUSSELL) that the House suspend the rules and pass the bill, H.R. 2196, 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.

ALL CIRCUIT REVIEW ACT

Mr. RUSSELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2229) to amend title 5, United States Code, to provide permanent authority for judicial review of certain Merit Systems Protection Board decisions relating to whistleblowers, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2229

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 “All Circuit Review Act”.

SEC. 2. JUDICIAL REVIEW OF MERIT SYSTEMS PROTECTION BOARD DECISIONS RELATING TO WHISTLEBLOWERS.

(a) IN GENERAL.—Section 7703(b)(1)(B) of title 5, United States Code, is amended by striking “During the 5-year period beginning on the effective date of the Whistleblower Protection Enhancement Act of 2012, a petition” and inserting “A petition”.

(b) DIRECTOR REVIEW.—Section 7703(d)(2) of such title is amended by striking “During the 5-year period beginning on the effective date of the Whistleblower Protection Enhancement Act of 2012, this paragraph” and inserting “This paragraph”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Oklahoma (Mr. RUSSELL) and the gentleman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma.

GENERAL LEAVE

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days 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 Oklahoma?

There was no objection.

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

Mr. Speaker, I speak in support of H.R. 2229, the All Circuit Review Act, which Ranking Member CUMMINGS of Maryland and Mr. FARENTHOLD of Texas introduced earlier this year. It is critical that we guarantee whistleblowers have access to fair and efficient reviews of their claims of retaliation.

Between 1982 and 2012, whistleblowers could only appeal retaliation rulings made against them by the Merit Systems Protection Board, or the MSPB, to the Federal circuit. That monopoly led to the Federal circuit shaping key interpretations of whistleblower protection law without a check by any of the other circuit courts.

In 2012, to the wide acclaim of the whistleblower community, the Whistleblower Protection Enhancement Act ended the Federal circuit court's monopoly over whistleblower retaliation appeals. The result, as expected, was better case law and more expeditious appeals.

As a pilot program, that expansion was set to expire 3 years after enactment. In 2014, Congress acted to extend the program until November of this year. Now, this highly effective program will expire next month unless it is renewed. The whistleblower community has benefited tremendously from the pilot program. There is no good argument against making this permanent.

Critics had feared that expanding jurisdiction over the MSPB appeals would lead to a torrent of cases for those circuits, swamping dockets across the Nation. Those fears have proved to be unfounded. Instead, the whistleblower community has benefited from other circuits having an opportunity to interpret Federal whistleblower case law.

H.R. 2229 makes the all circuit expansion permanent, ensuring the benefits of the pilot program continue. This bipartisan initiative will put the question of appeal jurisdiction for whistleblower retaliation cases to rest once and for all.

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

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 22, 2017.

Hon. TREY GOWDY,
Chairman, Committee on Oversight and Government Reform, Washington, DC.

DEAR CHAIRMAN GOWDY: I write with respect to H.R. 2229, the “All Circuit Review Act.” As a result of your having consulted with us on provisions within H.R. 2229 that fall within the Rule X jurisdiction of the Committee on the Judiciary, I forego any further consideration of this bill so that it may proceed expeditiously to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 2229 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation and that our committee will be appropriately consulted and involved as this bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. Our committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and asks that you support any such request.

I would appreciate a response to this letter confirming this understanding with respect to H.R. 2229 and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration of H.R. 2229.

Sincerely,

BOB GOODLATTE,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,

Washington, DC, September 22, 2017.

Hon. BOB GOODLATTE,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 2229, the All Circuit Review Act. As you noted, certain provisions of the bill fall within the jurisdiction of the Committee on the Judiciary. I appreciate your willingness to forego action on the bill in the interest of expediting this legislation for floor consideration. I agree that foregoing consideration of the bill in no way diminishes or alters the jurisdiction of the Committee on the Judiciary with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or any similar legislation.

I will include a copy of our letter exchange on H.R. 2229 in the bill report filed by the Committee on Oversight and Government Reform, as well as in the Congressional Record during floor consideration, to memorialize our understanding.

Thank you for your assistance with this matter.

Sincerely,

TREY GOWDY.

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

Mr. Speaker, I rise in strong support of the All Circuit Review Act.

This week the House is considering several bills to strengthen protections for whistleblowers. This is a bipartisan bill introduced by Oversight and Government Reform Committee Ranking Member CUMMINGS and Representative BLAKE FARENTHOLD.

This bill would help level the playing field for whistleblowers by making permanent a pilot program that allows