

Federal whistleblowers to file appeals in courts where they work or live rather than in the Federal Circuit Court of Appeals.

The Federal circuit has a terrible track record on whistleblower cases. Allowing other courts around the country to hear whistleblower cases will provide a check on the monopoly the Federal circuit has held for many years.

The bill would also authorize the Office of Personnel Management to appeal a decision of the Merit Systems Protection Board to any appeals court with jurisdiction.

This bill was listed on the Project On Government Oversight's list of legislative reforms Congress should enact in 2017. Protecting whistleblowers is not a partisan issue. It is a patriotic issue. Mr. Speaker, I hope my colleagues will support this bipartisan legislation.

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

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

Ms. NORTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. CUMMINGS), ranking member of the full Oversight and Government Reform Committee.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentlewoman for yielding.

I introduced the All Circuit Review Act, Mr. Speaker, to send a clear message to all Federal employees who blow the whistle on wrongdoing that we here in Congress have their backs.

This bill would give Federal employees who face retaliation for blowing the whistle a more equitable playing field when they challenge that retaliation in court. Under the bill, whistleblowers could file appeals in the jurisdictions where they work or live, rather than having to file appeals in the Federal Circuit Court of Appeals in Washington, D.C. Whistleblowers who live outside of Washington, D.C., should have the same opportunities as those who live in Washington.

I want to thank Representative BLAKE FARENTHOLD for cosponsoring this bill with me. Representative FARENTHOLD has been a steadfast supporter of this basic due process right for Federal employees.

The bill we are considering today makes permanent a pilot provision that was included in the Whistleblower Protection Enhancement Act, which was signed into law in 2012. That pilot provision will expire in November if we do not send this bill to the President before then.

Without this bill, whistleblowers could appeal a decision of the Merit Systems Protection Board only to the U.S. Court of Appeals for the Federal Circuit. The Federal circuit has historically been overly restrictive of whistleblower rights.

According to the Merit Systems Protection Board, 29 cases have been appealed to courts other than the Federal circuit since 2012. The Project On Gov-

ernment Oversight sent a letter to the Oversight and Government Reform Committee on May 2, 2017, in strong support of this bill. Executive Director Danielle Brian wrote as follows: "The pilot program has been a success. It has not resulted in a flood of whistleblower appeals as opponents of the program asserted it would do, and it allows for potential circuit splits, which encourage sister circuits to review the laws and allows for possible Supreme Court review. It is working exactly as intended and should be made permanent before it expires in November 2017."

The bill was approved by the Oversight and Government Reform Committee without opposition in May. Two years ago, Congress approved an extension of the All Circuit Review Extension Act pilot program in 2014 without a single negative vote.

Mr. Speaker, I urge my colleagues to support the whistleblower bill.

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

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

Mr. RUSSELL. Mr. Speaker, I wish to thank Chairman GOWDY for his support of this legislation, and for the hard work of Ranking Member CUMMINGS of Maryland and Mr. FARENTHOLD of Texas for all that they have done to bring this needed bill to the floor.

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 Oklahoma (Mr. RUSSELL) that the House suspend the rules and pass the bill, H.R. 2229.

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

A motion to reconsider was laid on the table.

#### FREDERICK DOUGLASS BICENTENNIAL COMMISSION ACT

Mr. RUSSELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2989) to establish the Frederick Douglass Bicentennial Commission, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2989

*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 "Frederick Douglass Bicentennial Commission Act".

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Born into slavery on the Eastern Shore of Maryland in 1818 and given the name Frederick Augustus Washington Bailey after his mother Harriet Bailey, Frederick Douglass has been called the father of the civil rights movement.

(2) Douglass rose through determination, brilliance, and eloquence to shape the Amer-

ican Nation. He was an abolitionist, human rights and women's rights activist, orator, author, journalist, publisher, and social reformer.

(3) Taught basic reading skills by his mistress until she was forced to stop, Douglass continued to teach himself to read and write and taught other slaves to read despite risks including death.

(4) During the course of his remarkable life Frederick Douglass escaped from slavery, became internationally renowned for his eloquence in the cause of liberty, and went on to serve the national government in several official capacities.

(5) Forced to leave the country to avoid arrest as an escaped slave, he returned to become a staunch advocate of the Union cause and helped recruit African-American troops for the Union Army, including two of his sons, Charles and Lewis Douglass. His personal relationship with Abraham Lincoln helped persuade the President to make emancipation a cause of the Civil War.

(6) With the abolition of slavery at the close of the Civil War, Douglass then turned his attention to the full integration of African-Americans into the political and economic life of the United States. Committed to freedom, Douglass dedicated his life to achieving justice for all Americans, in particular African-Americans, women, and minority groups. He envisioned America as an inclusive Nation strengthened by diversity and free of discrimination.

(7) Douglass served as an advisor to Presidents. Abraham Lincoln referred to him as the most meritorious man of the nineteenth century. Douglass was appointed to several offices. He served as the United States Marshal of the District of Columbia under Rufus B. Hayes' administration; President James Garfield appointed Douglass the District of Columbia Recorder of Deeds. In 1889, President Benjamin Harrison appointed Frederick Douglass to be the United States minister to Haiti. He was also appointed by President Grant to serve as Assistant Secretary of the Commission of Inquiry to Santo Domingo.

(8) Douglass lived in the District of Columbia for 23 of his 57 years as a free man, and in recognition of his leadership and continuous fight for justice and freedom, his home, Cedar Hill, was established as a National Historic Site in Anacostia, in Southeast Washington, DC.

(9) The statue of Frederick Douglass in the United States Capitol is a gift from the almost 700,000 residents of the District of Columbia.

(10) All Americans could benefit from studying the life of Frederick Douglass, for Douglass dedicated his own life to ensuring freedom and equality for future generations of Americans. This Nation should ensure that his tireless struggle, transformative words, and inclusive vision of humanity continue to inspire and sustain us.

(11) The year 2018 marks the bicentennial anniversary of the birth of Frederick Douglass, and a commission should be established to plan, develop, and carry out, and to recommend to Congress, programs and activities that are fitting and proper to celebrate that anniversary in a manner that appropriately honors Frederick Douglass.

#### SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the Frederick Douglass Bicentennial Commission (referred to in this Act as the "Commission").

#### SEC. 4. DUTIES.

The Commission shall have the following duties:

(1) To plan, develop, and carry out programs and activities that are fitting and

proper to honor Frederick Douglass on the occasion of the bicentennial anniversary of Douglass' birth.

(2) To recommend to Congress programs and activities that the Commission considers fitting and proper to honor Frederick Douglass on such occasion, and the entity or entities in the Federal Government that the Commission considers most appropriate to carry out such programs and activities.

#### SEC. 5. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 16 members appointed as follows:

(1) Two members, each of whom shall be a qualified citizen described in subsection (b), appointed by the President.

(2) One member, who shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of Maryland.

(3) One member, who shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of Massachusetts.

(4) One member, who shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of New York.

(5) One member, who shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Mayor of the District of Columbia.

(6) Three members, at least one of whom shall be a Member of the House of Representatives, appointed by the Speaker of the House of Representatives.

(7) Three members, at least one of whom shall be a Senator, appointed by the majority leader of the Senate.

(8) Two members, at least one of whom shall be a Member of the House of Representatives, appointed by the minority leader of the House of Representatives.

(9) Two members, at least one of whom shall be a Senator, appointed by the minority leader of the Senate.

(b) QUALIFIED CITIZEN.—A qualified citizen described in this subsection is a private citizen of the United States with—

(1) a demonstrated dedication to educating others about the importance of historical figures and events; and

(2) substantial knowledge and appreciation of Frederick Douglass.

(c) TIME OF APPOINTMENT.—Each initial appointment of a member of the Commission shall be made before the expiration of the 60-day period beginning on the date of the enactment of this Act.

(d) CONTINUATION OF MEMBERSHIP.—If a member of the Commission was appointed to the Commission as a Member of Congress, and ceases to be a Member of Congress, that member may continue to serve on the Commission for not longer than the 30-day period beginning on the date that member ceases to be a Member of Congress.

(e) TERMS.—Each member shall be appointed for the life of the Commission.

(f) VACANCIES.—A vacancy in the Commission shall not affect the powers of the Commission but shall be filled in the manner in which the original appointment was made.

(g) BASIC PAY.—Members shall serve on the Commission without pay.

(h) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(i) QUORUM.—Six members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(j) CHAIR.—The Commission shall select a Chair from among the members of the Commission.

(k) MEETINGS.—The Commission shall meet at the call of the Chair. Periodically, the Commission shall hold a meeting in Rochester, New York.

#### SEC. 6. DIRECTOR AND STAFF.

(a) DIRECTOR.—The Commission may appoint and fix the pay of a Director and such additional personnel as the Commission considers to be appropriate.

(b) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—

(1) DIRECTOR.—The Director of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(2) STAFF.—The staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

#### SEC. 7. POWERS.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers to be appropriate.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take by this Act.

(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable the Commission to carry out this Act. Upon request of the Chair of the Commission, the head of that department or agency shall furnish that information to the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

(f) GIFTS.—The Commission may solicit, accept, use, and dispose of gifts, bequests, or devises of money or other property for the purpose of carrying out its duties.

(g) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

#### SEC. 8. REPORTS.

(a) INITIAL REPORT.—Not later than August 1, 2018, the Commission shall submit to Congress an initial report containing its recommendations under section 4(2).

(b) FINAL REPORT.—Not later than June 1, 2019, the Commission shall submit a final report to Congress, and shall include in the final report—

(1) a summary of its activities and programs;

(2) a final accounting of the funds the Commission received and expended; and

(3) any other information that the Commission considers to be appropriate.

#### SEC. 9. TERMINATION.

The Commission shall terminate 30 days after submitting the final report pursuant to section 8(b).

#### SEC. 10. NO ADDITIONAL FUNDS AUTHORIZED.

No Federal funds are authorized or may be obligated to carry out this Act.

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 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. 2989, the Frederick Douglass Bicentennial Commission Act, introduced by Ms. NORTON of the District of Columbia and Mr. HARRIS earlier this year.

Next year will mark the 200th anniversary of the birth of Frederick Douglass, a man who has been called the father—and rightfully so—of the civil rights movement.

Douglass was born into slavery in Maryland around 1817 but escaped by the age of 21. Douglass went on to publish an autobiography documenting his life as a slave, called, "Narrative of the Life of Frederick Douglass," while a fugitive slave.

Throughout his remarkable life, Douglass advocated for justice for all Americans, encouraging President Lincoln to make emancipation a cause of the Civil War, and advocating for the full integration of African Americans into political and economic life in the United States both during and following the war.

H.R. 2989 establishes the Frederick Douglass Bicentennial Commission to recommend the best ways to celebrate the legacy of a man who dedicated his entire life to ensuring freedom and equality for all Americans.

H.R. 2989 would do this by creating a 16-member commission to plan, develop, and coordinate activities fitting and proper to honor Mr. Douglass. The commission will submit two reports to Congress with recommendations for activities, programs, and other important information. The commission will end 30 days after the submission of its final report.

The amended text considered today adds a new section clarifying that the commission will not receive additional authorized funds and will, instead, rely on private funds for its operations.

The commission presents an important opportunity to recognize and support Frederick Douglass' leadership and body of work. He was a phenomenal man, and I am proud to also be a cosponsor of this important bill.

I would like to thank Ms. NORTON, Mr. HARRIS, and the 16 other cosponsors for their hard work on this bill in honor of Frederick Douglass.

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

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

Mr. Speaker, I thank the lead sponsor of this bill, Representative ANDY HARRIS, for working closely with me on the bill of which I am a cosponsor, and I want to thank my good friend Representative RUSSELL, who is managing on the other side, for also being a cosponsor of this bill.

My thanks also to Chairman TREY GOWDY, Ranking Member ELIJAH CUMMINGS, and Majority Leader KEVIN MCCARTHY for bringing this bill to the floor in time to begin the commemoration, in 2018, of the bicentennial of the birth of Frederick Douglass.

I am pleased that this bill has not only bipartisan, but bicameral support. Senators CHRIS VAN HOLLEN and BEN CARDIN have introduced the companion bill in the Senate.

□ 1545

The bill would establish a commission to plan and carry out programs and activities, as well as to recommend to Congress programs and activities that the Federal Government could undertake to honor and celebrate the life of Frederick Douglass during the bicentennial of his birth in 2018.

Frederick Douglass was born into slavery in 1818 on the Eastern Shore of Maryland. He learned basic reading skills from his mistress and continued to teach himself and other slaves to read and write despite the risks he faced, including death. After two attempts, Douglass successfully escaped to New York and went on to become this country's leading abolitionist and antislavery lecturer.

He served in several administrations, including as close adviser to President Abraham Lincoln, U.S. Marshal of the District of Columbia under President Rutherford B. Hayes, and District of Columbia Recorder of Deeds under President James Garfield. In 1889, President Benjamin Harris appointed Frederick Douglass to be the U.S. Minister to Haiti. He was later appointed by President Ulysses S. Grant to serve as secretary of the commission of Santo Domingo.

Douglass dedicated his life to achieving justice for all Americans. He lived in the District of Columbia for 23 of his 57 years as a free man, and his home at Cedar Hill is an official National Historic Site in southeast Washington, D.C. Every year, thousands of Americans and others visit Cedar Hill. The Frederick Douglass statue that stands in his honor in the United States Capitol is a gift from the nearly 700,000 residents of the District of Columbia.

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

Mr. RUSSELL. Mr. Speaker, it is my privilege to yield such time as he may consume to the gentleman from Maryland (Mr. HARRIS), who is the original cosponsor of this bill.

Mr. HARRIS. Mr. Speaker, I want to thank the committee for promptly reporting H.R. 2989 to the floor for consideration.

I rise today in support of a bill I have cosponsored with Delegate NORTON, the Frederick Douglass Bicentennial Commission Act. As we approach the 200th anniversary of Frederick Douglass' birth, I urge my colleagues in the House to support this legislation.

The purpose of this bill is more than just honoring the birth of one great civil rights leader. Its purpose is to recognize his lasting impact on American Government, culture, and values. Frederick Douglass' work stretched far beyond the fight for legal freedom into the equally important fight for social and cultural equality.

Born on Maryland's beautiful Eastern Shore, Douglass escaped slavery to become an author, abolitionist, and true American hero. Frederick Douglass is a model for the values that make our Nation great: equality, liberty, and a commitment to working hard and helping others.

Mr. Speaker, I ask my colleagues to honor Frederick Douglass and the resounding impact his work has had on modern American culture by passing this legislation.

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

Mr. RUSSELL. Mr. Speaker, I would like to echo all of the comments that we heard. It is important that all of us take time and pause to recognize the tremendous work that Frederick Douglass did not only in his life, but how he impacted the United States of America.

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 Oklahoma (Mr. RUSSELL) that the House suspend the rules and pass the bill, H.R. 2989, 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.

#### TSP MODERNIZATION ACT OF 2017

Mr. RUSSELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3031) to amend title 5, United States Code, to provide for flexibility in making withdrawals from a Thrift Savings Plan account, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3031

*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 "TSP Modernization Act of 2017".

#### SEC. 2. THRIFT SAVINGS PLAN ACCOUNT WITHDRAWAL FLEXIBILITY.

(a) POST-SEPARATION PARTIAL WITHDRAWALS.—Section 8433(c) of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "and who has not made a withdrawal under subsection (h)(1)(A) may make one withdrawal" and inserting "may make one or more withdrawals"; and

(B) by striking "as a single payment" and inserting "in the same manner as a single payment is made"; and

(2) by adding at the end the following:

"(5) Withdrawals under this subsection shall be subject to such other limitations or conditions as the Executive Director may prescribe by regulation."

(b) LIMITATION ON RETURN OF PAYMENT RELATING TO A CHANGE IN ELECTION.—Section 8433(d) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting "except that in the case of an election to receive an annuity, a former employee or Member may not change an election under this section on or after the date on which an annuity contract is purchased to provide for the annuity elected by the former employee or Member" after "this subchapter"; and

(2) in paragraph (2)—

(A) by striking "change an" and inserting "return a payment that was made pursuant to an"; and

(B) by striking "on or after" and all that follows through "the former employee or Member".

(c) ELIMINATION OF AUTOMATIC ANNUITY IN ABSENCE OF ELECTION.—Section 8433(f) of title 5, United States Code, is amended—

(1) by striking "(1) Notwithstanding" and inserting "Notwithstanding";

(2) by striking "this paragraph" and inserting "this subsection"; and

(3) by striking paragraph (2).

(d) ALLOWANCE OF MULTIPLE AGE-BASED IN-SERVICE WITHDRAWALS.—Section 8433(h) of title 5, United States Code, is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively; and

(3) in paragraph (3), as so redesignated, by inserting "limitations or" before "conditions".

(e) TECHNICAL AMENDMENT.—Section 8432b(h)(2)(A) of title 5, United States Code, is amended by striking "section 8433(d), or paragraph (1) or (2) of section 8433(h)" and inserting "subsection (d) or (f) of section 8433".

(f) REGULATIONS.—As soon as is practicable, as determined by the Executive Director of the Federal Retirement Thrift Investment Board, but not later than 2 years after the date of enactment of this Act, the Executive Director shall prescribe such regulations as are necessary to carry out the amendments made by this section.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date on which the regulations prescribed under subsection (f) take effect.

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