

With respect to a nondisclosure policy, form, or agreement that was in effect before the effective date of this Act, but that does not contain the statement required under paragraph (1) for implementation or enforcement—

(i) it shall not be a prohibited personnel practice to enforce that policy, form, or agreement with regard to a current employee if the agency gives such employee notice of the statement; and

(ii) it shall not be a prohibited personnel practice to enforce that policy, form, or agreement after the effective date of this Act with regard to a former employee if the agency complies with paragraph (2).

(b) **PERSONS OTHER THAN GOVERNMENT EMPLOYEES.**—Notwithstanding subsection (a), a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such policy, form, or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure policy, form, or agreement shall also make it clear that such forms do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law, consistent with the protection of sources and methods.

SEC. 116. REPORTING REQUIREMENTS.

(a) **GOVERNMENT ACCOUNTABILITY OFFICE.**—

(1) **REPORT.**—Not later than 4 years after the date of enactment of this Act, the Comptroller General shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives on the implementation of this title.

(2) **CONTENTS.**—The report under this subsection shall include—

(A) an analysis of any changes in the number of cases filed with the Merit Systems Protection Board alleging violations of section 2302(b)(8) or (9) of title 5, United States Code, since the effective date of this Act;

(B) the outcome of the cases described under subparagraph (A), including whether or not the Merit Systems Protection Board, the United States Court of Appeals for the Federal Circuit, or any other court determined the allegations to be frivolous or malicious as well as a recommendation whether Congress should grant the Merit Systems Protection Board summary judgment authority for cases described under subparagraph (A);

(C) a recommendation regarding whether Congress should grant jurisdiction for some subset of cases described under subparagraph (A) to be decided by a district court of the United States and an evaluation of the impact that would have on the Merit Systems Protection Board and the Federal court system; and

(D) any other matter as determined by the Comptroller General.

(b) **MERIT SYSTEMS PROTECTION BOARD.**—

(1) **IN GENERAL.**—Each report submitted annually by the Merit Systems Protection Board under section 1116 of title 31, United States Code, shall, with respect to the period covered by such report, include as an addendum the following:

(A) Information relating to the outcome of cases decided by the Merit Systems Protection Board during the period covered by such report in which violations of section 2302(b)(8) or (9)(A)(i), (B)(i), (C), or (D) of title 5, United States Code, were alleged.

(B) The number of such cases filed in the regional and field offices, and the number of petitions for review filed in such cases, during the

period covered by such report, and the outcomes of any such cases or petitions for review (irrespective of when filed) decided during such period.

(2) **FIRST REPORT.**—The first report described under paragraph (1) submitted after the date of enactment of this Act shall include an addendum required under that paragraph that covers the period beginning on the effective date of this Act and ending at the end of the fiscal year in which such effective date occurs.

SEC. 117. WHISTLEBLOWER PROTECTION OMBUDSMAN.

(a) **IN GENERAL.**—Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking subsection (d) and inserting the following:

“(d)(1) Each Inspector General shall, in accordance with applicable laws and regulations governing the civil service—

“(A) appoint an Assistant Inspector General for Auditing who shall have the responsibility for supervising the performance of auditing activities relating to programs and operations of the establishment;

“(B) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and operations; and

“(C) designate a Whistleblower Protection Ombudsman who shall educate agency employees—

“(i) about prohibitions on retaliation for protected disclosures; and

“(ii) who have made or are contemplating making a protected disclosure about the rights and remedies against retaliation for protected disclosures.

“(2) The Whistleblower Protection Ombudsman shall not act as a legal representative, agent, or advocate of the employee or former employee.

“(3) For the purposes of this section, the requirement of the designation of a Whistleblower Protection Ombudsman under paragraph (1)(C) shall not apply to—

“(A) any agency that is an element of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))); or

“(B) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counter intelligence activities.”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—Section 8D(j) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by striking “section 3(d)(1)” and inserting “section 3(d)(1)(A)”;

(2) by striking “section 3(d)(2)” and inserting “section 3(d)(1)(B)”.

(c) **SUNSET.**—

(1) **IN GENERAL.**—The amendments made by this section shall cease to have effect on the date that is 5 years after the date of enactment of this Act.

(2) **RETURN TO PRIOR AUTHORITY.**—Upon the date described in paragraph (1), section 3(d) and section 8D(j) of the Inspector General Act of 1978 (5 U.S.C. App.) shall read as such sections read on the day before the date of enactment of this Act.

TITLE II—SAVINGS CLAUSE; EFFECTIVE DATE

SEC. 201. SAVINGS CLAUSE.

Nothing in this Act shall be construed to imply any limitation on any protections afforded by any other provision of law to employees and applicants.

SEC. 202. EFFECTIVE DATE.

Except as otherwise provided in section 109, this Act shall take effect 30 days after the date of enactment of this Act.

Mr. LEWIS of California (during the reading). Mr. Speaker, I ask unanimous

consent to dispense with the reading of the amendment.

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

Mr. VAN HOLLEN. Reserving the right to object, I just want to understand. Is this an amendment to the whistleblower bill or this is the whistleblower bill?

Mr. LEWIS of California. It is a very extensive amendment I had planned to have read, but I understand the gentleman is not going to object. So I am anxious to hear him.

Mr. VAN HOLLEN. This is the whistleblower amendment?

Mr. LEWIS of California. It is.

Mr. VAN HOLLEN. I withdraw my reservation.

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

There was no objection.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE FOR 1 MINUTE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute on the national priorities we're neglecting, including middle class tax cuts, responsible deficit reduction, the Violence Against Women Act, veterans benefits, and protecting Medicare.

The SPEAKER pro tempore. Recognition of Members for such requests is within the discretion of the Chair. The Chair is limiting recognition today to consideration of legislative matters before the House, and such request for a 1-minute speech is not recognized.

PARLIAMENTARY INQUIRY

Mr. WAXMAN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WAXMAN. During pro forma session, can the Chair entertain legislative business? Because I have a further parliamentary inquiry: If we can take up legislation to create jobs and avoid the fiscal cliff, since we're taking up other items, I would like to know whether we could do business in the House of Representatives to address the priorities in this Nation?

People want jobs. People want the deficit reduced.

The SPEAKER pro tempore. Does the gentleman have a specific parliamentary inquiry?

Mr. WAXMAN. My specific request is whether, during a pro forma session, can the Chair entertain legislative business?

The SPEAKER pro tempore. The gentleman is asking a question regarding a matter of scheduling. The House just

considered the business brought before it by the gentleman from California (Mr. LEWIS).

BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on September 14, 2012, she presented to the President of the United States, for his approval, the following bill.

H.R. 6336. To direct the Joint Committee on the Library to accept a statue depicting Frederick Douglass from the District of Columbia and to provide for the permanent display of the statue in Emancipation Hall of the United States Capitol.

Karen L. Haas, Clerk of the House, further reported that on September 25, 2012, she presented to the President of the United States, for his approval, the following bills and joint resolution.

H.J. Res. 117. Making continuing appropriations for fiscal year 2013, and for other purposes.

H.R. 1272. To provide for the use and distribution of the funds awarded to the Minnesota Chippewa Tribe, et al., by the United States Court of Federal Claims in Docket Numbers 19 and 188, and for other purposes.

H.R. 1791. To designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the "Alto Lee Adams, Sr., United States Courthouse".

H.R. 2139. To require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

H.R. 2240. To authorize the exchange of land or interest in land between Lowell National Historical Park and the city of Lowell in the Commonwealth of Massachusetts, and for other purposes.

H.R. 2706. To prohibit the sale of billfish.

H.R. 3556. To designate the new United States courthouse in Buffalo, New York, as the "Robert H. Jackson United States Courthouse".

H.R. 4158. To confirm full ownership rights for certain United States astronauts to artifacts from the astronauts' space missions.

H.R. 4223. To amend title 18, United States Code, to prohibit theft of medical products, and for other purposes.

H.R. 4347. To designate the United States courthouse located at 709 West 9th Street in Juneau, Alaska, as the "Robert Boachever United States Courthouse".

H.R. 5512. To amend title 28, United States Code, to realign divisions within two judicial districts.

H.R. 6189. To eliminate unnecessary reporting requirements for unfunded programs under the Office of Justice Programs.

H.R. 6215. To amend the Trademark Act of 1946 to correct an error in the provisions relating to remedies for dilution.

H.R. 6375. To authorize certain Department of Veterans Affairs major medical facility projects, to amend title 38, United States Code, to extend certain authorities of the Secretary of Veterans Affairs, and for other purposes.

H.R. 6431. To provide flexibility with respect to United States support for assistance provided by international financial institutions for Burma, and for other purposes.

H.R. 6433. To make corrections with respect to Food and Drug Administration user fees.

ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 3(b) of House Resolution

788, the House stands adjourned until 10 a.m. on Tuesday, October 2, 2012.

Accordingly (at 11 o'clock and 11 minutes a.m.), the House adjourned until Tuesday, October 2, 2012, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8021. A letter from the Acting Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Asian Longhorned Beetle; Quarantined Areas in Massachusetts, Ohio and New York [Docket No.: APHIS-2012-0003] received September 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8022. A communication from the President of the United States, transmitting a letter regarding the designation of Overseas and Contingency Operations/Global War on Terrorism funding; (H. Doc. No. 112-146); to the Committee on Appropriations and ordered to be printed.

8023. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to United Arab Emirates pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8024. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Poland pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8025. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000; to the Committee on Foreign Affairs.

8026. A letter from the Chief, Trade and Commercial Regulations Branch, Homeland Security, transmitting the Department's final rule — Extension of Import Restrictions on Archaeological and Ethnological Materials from Guatemala [CBP Dec. 12-17] (RIN: 1515-AD92) received September 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8027. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Extension of Replacement Period for Livestock Sold on Account of Drought in Specified Counties [Notice 2012-62] received September 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 511. A bill to amend title 18,

United States Code, to prohibit the importation of various injurious species of constrictor snakes; with an amendment (Rept. 112-691, Pt. 1); Referred to the Committee on Natural Resources for a period ending not later than December 5, 2012, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(m), rule X.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HALL (for himself, Mr. ROHRBACHER, Mr. HARRIS, and Mr. BENISHEK):

H.R. 6564. A bill to amend the Environmental Research, Development, and Demonstration Authorization Act of 1978 to provide for Scientific Advisory Board member qualifications, public participation, and for other purposes; to the Committee on Science, Space, and Technology.

By Ms. RICHARDSON:

H.R. 6565. A bill to amend the Internal Revenue Code of 1986 to provide a refundable tax credit for certain expenses of applying to graduate school; to the Committee on Ways and Means.

By Ms. RICHARDSON:

H.R. 6566. A bill to amend the Homeland Security Act of 2002 to require the Administrator of the Federal Emergency Management Agency to provide guidance and coordination for mass fatality planning, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. HALL:

H.R. 6564.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Ms. RICHARDSON:

H.R. 6565.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 3 and 18 of the United States Constitution.

By Ms. RICHARDSON:

H.R. 6566.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows: