



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158

WASHINGTON, FRIDAY, SEPTEMBER 28, 2012

No. 131

House of Representatives

The House met at 11 a.m. and was called to order by the Speaker pro tempore (Mr. CULBERSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 28, 2012.

I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

Reverend Eugene Hemrick, Washington Theological Union, Washington, D.C., offered the following prayer:

In Psalm 133 we read:

How good and how pleasant it is when brothers live in unity.

It is like the dew of Hermon which falls on the heights of Zion. For there the Lord gives his blessing, life forever.

Lord, we pray that in a world filled with divisions and strife You will bless this Congress with the wisdom needed to generate the life-giving unity lauded by the psalmists.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 3(a) of House Resolution 788, the Journal of the last day's proceedings is approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Maryland (Mr. VAN HOLLEN) come forward and lead the House in the Pledge of Allegiance.

Mr. VAN HOLLEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MILITARY COMMERCIAL DRIVER'S LICENSE ACT OF 2012

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the bill (S. 3624) to amend section 31311 of title 49, United States Code, to permit States to issue commercial driver's licenses to members of the Armed Forces whose duty station is located in the State, and ask for its immediate consideration in the House.

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

There was no objection.

The text of the bill is as follows:

S. 3624

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 "Military Commercial Driver's License Act of 2012".

SEC. 2. DOMICILE REQUIREMENT FOR COMMERCIAL DRIVER'S LICENSE.

Section 31311(a)(12) of title 49, United States Code, is amended to read as follows:

"(12)(A) Except as provided in subparagraphs (B) and (C), the State may issue a commercial driver's license only to an individual who operates or will operate a commercial motor vehicle and is domiciled in the State.

"(B) Under regulations prescribed by the Secretary, the State may issue a commercial driver's license to an individual who—

"(i) operates or will operate a commercial motor vehicle; and

"(ii) is not domiciled in a State that issues commercial driver's licenses.

"(C) The State may issue a commercial driver's license to an individual who—

"(i) operates or will operate a commercial motor vehicle;

"(ii) is a member of the active duty military, military reserves, National Guard, ac-

tive duty United States Coast Guard, or Coast Guard Auxiliary; and

"(iii) is not domiciled in the State, but whose temporary or permanent duty station is located in the State."

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.

CHANGING THE EFFECTIVE DATE FOR THE INTERNET PUBLICATION OF CERTAIN INFORMATION

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3625) to change the effective date for the internet publication of certain information to prevent harm to the national security or endangering the military officers and civilian employees to whom the publication requirement applies, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

S. 3625

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHANGED EFFECTIVE DATE FOR FINANCIAL DISCLOSURE FORMS OF CERTAIN OFFICERS AND EMPLOYEES.

(a) IN GENERAL.—Except with respect to financial disclosure forms filed by officers and employees referred to in subsection (b), section 8(a)(1) and section 11(a)(1) of the STOCK Act (5 U.S.C. App. 105 note) shall take effect on December 8, 2012.

(b) FINANCIAL DISCLOSURE FORMS NOT SUBJECT TO NEW EFFECTIVE DATE.—Financial disclosure forms filed by the following individuals shall not be subject to the effective date under this section:

- (1) The President.
- (2) The Vice President.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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(3) Any Member of Congress.

(4) Any candidate for Congress.

(5) Any officer occupying a position listed in section 5312 or section 5313 of title 5, United States Code, having been nominated by the President and confirmed by the Senate to that position.

SEC. 2. STUDY AND REPORT.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Director of the Office of Personnel Management shall contract with the National Academy of Public Administration (referred to in this section as the “National Academy”) to—

(1) conduct a study of issues raised by website publication of financial disclosure forms as is required under the STOCK Act (Public Law 112–105; 126 Stat. 291); and

(2) issue a report containing findings and recommendations.

(b) SCOPE OF STUDY.—The study conducted under subsection (a)(1) shall—

(1) examine the nature, scope, and degree of risk, including risk of harm to national security, law enforcement, or other Federal missions and risk of endangerment, including to personal safety and security, financial security (such as through identity theft), and privacy, of officers and employees and their family members, that may be posed by website and other publication of financial disclosure forms and associated personal information;

(2) examine any harm that may have arisen from the current online availability of financial disclosure forms and associated personal information of employees of the legislative branch, including any harm to national security, law enforcement, or other Federal missions and any endangerment that may have occurred, including to personal safety and security, financial security (such as through identity theft), and privacy, of such legislative branch officers and employees or their family members; and

(3) include any other analysis that the National Academy believes is necessary or desirable on the topic of the study.

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, the National Academy shall submit to Congress and the President a report that contains—

(1) the findings of the study conducted under subsection (a)(1);

(2) recommendations for ways to avoid or mitigate the risks identified in the study conducted under subsection (a)(1), consistent with the goal of providing appropriate public disclosure of potential conflicts of interest or instances of insider trading by Federal officers or employees; and

(3) any other recommendations that the National Academy believes are necessary or desirable.

SEC. 3. PERIODIC TRANSACTION REPORTS FOR TRANSACTIONS OF SPOUSES AND CHILDREN.

(a) IN GENERAL.—

(1) DATE REPORTING REQUIREMENT COMMENCES IN HOUSE OF REPRESENTATIVES AND EXECUTIVE BRANCH.—Section 2 of the Act entitled “An Act to prevent harm to the national security or endangering the military officers and civilian employees to whom internet publication of certain information applies, and for other purposes”, approved August 16, 2012 (5 U.S.C. App. 103 note), is amended by striking “September 30, 2012” and inserting “January 1, 2013”.

(2) EXTENSION TO EXECUTIVE BRANCH.—Section 2 of the Act entitled “An Act to prevent harm to the national security or endangering the military officers and civilian employees to whom internet publication of certain information applies, and for other purposes”, approved August 16, 2012 (5 U.S.C.

App. 103 note), is amended by striking “for reporting individuals” and all that follows through “House of Representatives”.

(3) TECHNICAL AND CONFORMING AMENDMENT.—Section 2 of the Act entitled “An Act to prevent harm to the national security or endangering the military officers and civilian employees to whom internet publication of certain information applies, and for other purposes”, approved August 16, 2012 (5 U.S.C. App. 103 note), is amended by striking “such section 101” and inserting “section 101 of such Act (5 U.S.C. App. 101)”.

(b) EFFECTIVE DATE; RULE OF CONSTRUCTION.—

(1) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2013.

(2) RULE OF CONSTRUCTION.—Before January 1, 2013, the amendments made by subsection (a) shall not affect the applicability of section 2 of the Act entitled “An Act to prevent harm to the national security or endangering the military officers and civilian employees to whom internet publication of certain information applies, and for other purposes”, approved August 16, 2012 (5 U.S.C. App. 103 note), as in effect on the day before the effective date under paragraph (1).

(c) SAVINGS CLAUSE.—Nothing in the amendments made by subsection (a) shall be construed as affecting any requirement with respect to the House of Representatives or the executive branch in effect before January 1, 2013, with respect to the inclusion of transaction information for a report under section 103(1) of the Ethics in Government Act of 1978 (5 U.S.C. App. 103(1)).

(d) NO CHANGE TO EXISTING SENATE REQUIREMENTS.—Nothing in this section or the amendments made this section shall be construed as affecting the requirement that took effect with respect to the Senate on July 3, 2012, which mandates the inclusion of transaction information for spouses and dependent children for a report under section 103(1) of the Ethics in Government Act of 1978 (5 U.S.C. App. 103(1)).

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.

WHISTLEBLOWER PROTECTION ENHANCEMENT ACT OF 2012

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform, the Committee on Homeland Security, and the Permanent Select Committee on Intelligence be discharged from further consideration of the bill (S. 743) to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Mr. VAN HOLLEN. Mr. Speaker, reserving the right to object—and I will not object—I think the bill’s good. We just passed by unanimous consent im-

portant measures, and I strongly support the whistleblower protection bill which will protect Federal employees against retaliation if they’re shining a little sunlight on violations, abuses in the Federal Government, and I do believe that we should adopt this measure.

I also believe that the House should reconvene to conduct the other business before the House, and with that, I yield to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Thank you very much for yielding. I certainly won’t object to this unanimous consent request, but I do want to point out that we here in Washington ought to be doing our job. We have our Nation’s urgent priorities. We need to increase jobs, strengthen our economy, prevent the fiscal cliff, protect Medicare from cuts, address our long-term debt. We should be fighting for the middle class, not preserving tax breaks for oil companies and millionaires.

We are out of session for this campaign at the earliest time ever, and for that reason—but I will not object.

I thank the gentleman for yielding.

Mr. VAN HOLLEN. Mr. Speaker, I withdraw my reservation.

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

There was no objection.

The text of the bill is as follows:

S. 743

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 “Whistleblower Protection Enhancement Act of 2012”.

TITLE I—PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES

SEC. 101. CLARIFICATION OF DISCLOSURES COVERED.

(a) IN GENERAL.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)(i), by striking “a violation” and inserting “any violation”; and

(2) in subparagraph (B)(i), by striking “a violation” and inserting “any violation (other than a violation of this section)”.

(b) PROHIBITED PERSONNEL PRACTICES UNDER SECTION 2302(b)(9).—

(1) TECHNICAL AND CONFORMING AMENDMENTS.—Title 5, United States Code, is amended in subsections (a)(3), (b)(4)(A), and (b)(4)(B)(i) of section 1214, in subsections (a), (e)(1), and (i) of section 1221, and in subsection (a)(2)(C)(i) of section 2302, by inserting “or section 2302(b)(9) (A)(i), (B), (C), or (D)” after “section 2302(b)(8)” or “(b)(8)” each place it appears.

(2) OTHER REFERENCES.—(A) Title 5, United States Code, is amended in subsection (b)(4)(B)(i) of section 1214 and in subsection (e)(1) of section 1221, by inserting “or protected activity” after “disclosure” each place it appears.

(B) Section 2302(b)(9) of title 5, United States Code, is amended—

(i) by striking subparagraph (A) and inserting the following:

“(A) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation—