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 Republic 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, active 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.

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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(l) of the Ethics in Government Act of 1978 (5 U.S.C. App. 103(l)).

(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(l) of the Ethics in Government Act of 1978 (5 U.S.C. App. 103(l)).

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 important 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—

''(i) with regard to remedying a violation of paragraph (8); or

''(ii) other than with regard to remedying a violation of paragraph (8);''; and

(ii) in subparagraph (B), by inserting ''(i) or (ii)'' after ''subparagraph (A)''.

(C) Section 2302 of title 5, United States Code, is amended by adding at the end the following:

''(f)(1) A disclosure shall not be excluded from subsection (b)(8) because—

''(A) the disclosure was made to a person, including a supervisor, who participated in an activity that the employee or applicant reasonably believed to be covered by subsection (b)(8)(A)(ii);

''(B) the disclosure revealed information that had been previously disclosed;

''(C) of the employee's or applicant's motive for making the disclosure;

''(D) the disclosure was not made in writing;

''(E) the disclosure was made while the employee was off duty; or

''(F) of the amount of time which has passed since the occurrence of the events described in the disclosure.

''(2) If a disclosure is made during the normal course of duties of an employee, the disclosure shall not be excluded from subsection (b)(8) if any employee who has authority to take, direct others to take, recommend, or approve any personnel action with respect to the employee making the disclosure, took, failed to take, or threatened to take or fail to take a personnel action with respect to that employee in reprisal for the disclosure.''.

SEC. 102. DEFINITIONAL AMENDMENTS.

Section 2302(a)(2) of title 5, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking ''and'' at the end;

(2) in subparagraph (C)(iii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) 'disclosure' means a formal or informal communication or transmission, but does not include a communication concerning policy decisions that lawfully exercise discretionary authority unless the employee or applicant providing the disclosure reasonably believes that the disclosure evidences—

''(i) any violation of any law, rule, or regulation; or

''(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.''.

SEC. 103. REBUTTABLE PRESUMPTION.

Section 2302(b) of title 5, United States Code, is amended by amending the matter following paragraph (12) to read as follows:

''This subsection shall not be construed to authorize the withholding of information from Congress or the taking of any personnel action against an employee who discloses information to Congress. For purposes of paragraph (8), (i) any presumption relating to the performance of a duty by an employee whose conduct is the subject of a disclosure as defined under subsection (a)(2)(D) may be rebutted by substantial evidence, and (ii) a determination as to whether an employee or applicant reasonably believes that such employee or applicant has disclosed information that evidences any violation of law, rule, regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety shall be made by determining whether a disinterested observer with knowledge of the essential facts known to and readily ascertainable by the employee or applicant could reasonably conclude that the actions of the Government evidence such violations, mismanagement, waste, abuse, or danger.''.

SEC. 104. PERSONNEL ACTIONS AND PROHIBITED PERSONNEL PRACTICES.

(a) PERSONNEL ACTION.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(1) in clause (x), by striking ''and'' after the semicolon; and

(2) by redesignating clause (xi) as clause (xii) and inserting after clause (x) the following:

''(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement; and''.

(b) PROHIBITED PERSONNEL PRACTICE.—

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

(A) in paragraph (11), by striking ''or'' at the end;

(B) in paragraph (12), by striking the period and inserting ''; or''; and

(C) by inserting after paragraph (12) the following:

''(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement: 'These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.'.''.

(2) AGENCY WEBSITES.—Agencies making use of any nondisclosure policy, form, or agreement shall also post the statement required under section 2302(b)(13) of title 5, United States Code, (as added by this Act) on the agency website, accompanied by the specific list of controlling Executive orders and statutory provisions.

(3) NONDISCLOSURE POLICY, FORM, OR AGREEMENT IN EFFECT BEFORE THE EFFECTIVE DATE.—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 section 2302(b)(13) of title 5, United States Code, (as added by this Act) for implementation or enforcement—

(A) 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

(B) 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).

(c) RETALIATORY INVESTIGATIONS.—

(1) AGENCY INVESTIGATION.—Section 1214 of title 5, United States Code, is amended by adding at the end the following:

''(h) Any corrective action ordered under this section to correct a prohibited personnel practice may include fees, costs, or damages reasonably incurred due to an agency investigation of the employee, if such investigation was commenced, expanded, or extended in retaliation for the disclosure or protected activity that formed the basis of the corrective action.''.

(2) DAMAGES.—Section 1221(g) of title 5, United States Code, is amended by adding at the end the following:

''(4) Any corrective action ordered under this section to correct a prohibited personnel practice may include fees, costs, or damages reasonably incurred due to an agency investigation of the employee, if such investigation was commenced, expanded, or extended in retaliation for the disclosure or protected activity that formed the basis of the corrective action.''.

SEC. 105. EXCLUSION OF AGENCIES BY THE PRESIDENT.

Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking clause (ii) and inserting the following:

''(ii)(I) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, and the National Reconnaissance Office; and

''(II) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities, provided that the determination be made prior to a personnel action; or''.

SEC. 106. DISCIPLINARY ACTION.

Section 1215(a)(3) of title 5, United States Code, is amended to read as follows:

''(3)(A) A final order of the Board may impose—

''(i) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;

''(ii) an assessment of a civil penalty not to exceed $1,000; or

''(iii) any combination of disciplinary actions described under clause (i) and an assessment described under clause (ii).

''(B) In any case brought under paragraph (1) in which the Board finds that an employee has committed a prohibited personnel practice under section 2302(b)(8), or 2302(b)(9)(A)(i), (B), (C), or (D), the Board may impose disciplinary action if the Board finds that the activity protected under section 2302(b)(8), or 2302(b)(9) (A)(i), (B), (C), or (D) was a significant motivating factor, even if other factors also motivated the decision, for the employee's decision to take, fail to take, or threaten to take or fail to take a personnel action, unless that employee demonstrates, by preponderance of evidence, that the employee would have taken, failed to take, or threatened to take or fail to take the same personnel action, in the absence of such protected activity.''.

SEC. 107. REMEDIES.

(a) ATTORNEY FEES.—Section 1204(m)(1) of title 5, United States Code, is amended by striking ''agency involved'' and inserting ''agency where the prevailing party was employed or had applied for employment at the time of the events giving rise to the case''.

(b) DAMAGES.—Sections 1214(g)(2) and 1221(g)(1)(A)(ii) of title 5, United States Code, are amended by striking all after ''travel expenses,'' and inserting ''any other reasonable and foreseeable consequential damages, and compensatory damages (including interest, reasonable expert witness fees, and costs).'' each place it appears.

SEC. 108. JUDICIAL REVIEW.

(a) IN GENERAL.—Section 7703(b) of title 5, United States Code, is amended by striking the matter preceding paragraph (2) and inserting the following:

''(b)(1)(A) Except as provided in subparagraph (B) and paragraph (2) of this subsection, a petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit. Notwithstanding any other provision of law, any petition for review shall be filed within 60 days after the Board

issues notice of the final order or decision of the Board.

''(B) During the 5-year period beginning on the effective date of the Whistleblower Protection Enhancement Act of 2012, a petition to review a final order or final decision of the Board that raises no challenge to the Board's disposition of allegations of a prohibited personnel practice described in section 2302(b) other than practices described in section 2302(b)(8), or 2302(b)(9) (A)(i), (B), (C), or (D) shall be filed in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under paragraph (2).''.

(b) REVIEW OBTAINED BY OFFICE OF PERSONNEL MANAGEMENT.—Section 7703(d) of title 5, United States Code, is amended to read as follows:

''(d)(1) Except as provided under paragraph (2), this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the Board issues notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Director determines, in the discretion of the Director, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.

''(2) During the 5-year period beginning on the effective date of the Whistleblower Protection Enhancement Act of 2012, this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management that raises no challenge to the Board's disposition of allegations of a prohibited personnel practice described in section 2302(b) other than practices described in section 2302(b)(8), or 2302(b)(9) (A)(i), (B), (C), or (D). The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the Board issues notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2) if the Director determines, in the discretion of the Director, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the court of appeals. The granting of the petition for judicial review shall be at the discretion of the court of appeals.''.

SEC. 109. PROHIBITED PERSONNEL PRACTICES AFFECTING THE TRANSPORTATION SECURITY ADMINISTRATION.

(a) IN GENERAL.—Chapter 23 of title 5, United States Code, is amended—

(1) by redesignating sections 2304 and 2305 as sections 2305 and 2306, respectively; and

(2) by inserting after section 2303 the following:

''§ 2304. Prohibited personnel practices affecting the Transportation Security Administration

''(a) IN GENERAL.—Notwithstanding any other provision of law, any individual holding or applying for a position within the Transportation Security Administration shall be covered by—

''(1) the provisions of section 2302(b) (1), (8), and (9);

''(2) any provision of law implementing section 2302(b) (1), (8), or (9) by providing any right or remedy available to an employee or applicant for employment in the civil service; and

''(3) any rule or regulation prescribed under any provision of law referred to in paragraph (1) or (2).

''(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any rights, apart from those described in subsection (a), to which an individual described in subsection (a) might otherwise be entitled under law.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 23 of title 5, United States Code, is amended by striking the items relating to sections 2304 and 2305, respectively, and by inserting the following:

''2304. Prohibited personnel practices affecting the Transportation Security Administration.

''2305. Responsibility of the Government Accountability Office.

''2306. Coordination with certain other provisions of law.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this section.

SEC. 110. DISCLOSURE OF CENSORSHIP RELATED TO RESEARCH, ANALYSIS, OR TECHNICAL INFORMATION.

(a) DEFINITIONS.—In this subsection—

(1) the term ''agency'' has the meaning given under section 2302(a)(2)(C) of title 5, United States Code;

(2) the term ''applicant'' means an applicant for a covered position;

(3) the term ''censorship related to research, analysis, or technical information'' means any effort to distort, misrepresent, or suppress research, analysis, or technical information;

(4) the term ''covered position'' has the meaning given under section 2302(a)(2)(B) of title 5, United States Code;

(5) the term ''employee'' means an employee in a covered position in an agency; and

(6) the term ''disclosure'' has the meaning given under section 2302(a)(2)(D) of title 5, United States Code.

(b) PROTECTED DISCLOSURE.—

(1) IN GENERAL.—Any disclosure of information by an employee or applicant for employment that the employee or applicant reasonably believes is evidence of censorship related to research, analysis, or technical information—

(A) shall come within the protections of section 2302(b)(8)(A) of title 5, United States Code, if—

(i) the employee or applicant reasonably believes that the censorship related to research, analysis, or technical information is or will cause—

(I) any violation of law, rule, or regulation; or

(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; and

(ii) such disclosure is not specifically prohibited by law or such information is not specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs; and

(B) shall come within the protections of section 2302(b)(8)(B) of title 5, United States Code, if—

(i) the employee or applicant reasonably believes that the censorship related to research, analysis, or technical information is or will cause—

(I) any violation of law, rule, or regulation; or

(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; and

(ii) the disclosure is made to the Special Counsel, or to the Inspector General of an agency or another person designated by the head of the agency to receive such disclosures, consistent with the protection of sources and methods.

(2) DISCLOSURES NOT EXCLUDED.—A disclosure shall not be excluded from paragraph (1) for any reason described under section 2302(f)(1) or (2) of title 5, United States Code.

(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to imply any limitation on the protections of employees and applicants afforded by any other provision of law, including protections with respect to any disclosure of information believed to be evidence of censorship related to research, analysis, or technical information.

SEC. 111. CLARIFICATION OF WHISTLEBLOWER RIGHTS FOR CRITICAL INFRASTRUCTURE INFORMATION.

Section 214(c) of the Homeland Security Act of 2002 (6 U.S.C. 133(c)) is amended by adding at the end the following: ''For purposes of this section a permissible use of independently obtained information includes the disclosure of such information under section 2302(b)(8) of title 5, United States Code.''.

SEC. 112. ADVISING EMPLOYEES OF RIGHTS.

Section 2302(c) of title 5, United States Code, is amended by inserting '', including how to make a lawful disclosure of information that is specifically required by law or Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs to the Special Counsel, the Inspector General of an agency, Congress, or other agency employee designated to receive such disclosures'' after ''chapter 12 of this title''.

SEC. 113. SPECIAL COUNSEL AMICUS CURIAE APPEARANCE.

Section 1212 of title 5, United States Code, is amended by adding at the end the following:

''(h)(1) The Special Counsel is authorized to appear as amicus curiae in any action brought in a court of the United States related to section 2302(b) (8) or (9), or as otherwise authorized by law. In any such action, the Special Counsel is authorized to present the views of the Special Counsel with respect to compliance with section 2302(b) (8) or (9) and the impact court decisions would have on the enforcement of such provisions of law.

''(2) A court of the United States shall grant the application of the Special Counsel to appear in any such action for the purposes described under subsection (a).''.

SEC. 114. SCOPE OF DUE PROCESS.

(a) SPECIAL COUNSEL.—Section 1214(b)(4)(B)(ii) of title 5, United States Code, is amended by inserting '', after a finding that a protected disclosure was a contributing factor,'' after ''ordered if''.

(b) INDIVIDUAL ACTION.—Section 1221(e)(2) of title 5, United States Code, is amended by inserting '', after a finding that a protected disclosure was a contributing factor,'' after ''ordered if''.

SEC. 115. NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.

(a) IN GENERAL.—

(1) REQUIREMENT.—Each agreement in Standard Forms 312 and 4414 of the Government and any other nondisclosure policy, form, or agreement of the Government shall contain the following statement: ''These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.''.

(2) AGENCY WEBSITES.—Agencies making use of any nondisclosure policy, form, or agreement shall also post the statement required under paragraph (1) on the agency website, accompanied by the specific list of controlling Executive orders and statutory provisions.

(3) ENFORCEABILITY.—

(A) IN GENERAL.—Any nondisclosure policy, form, or agreement described under paragraph (1) that does not contain the statement required under paragraph (1) may not be implemented or enforced to the extent such policy, form, or agreement is inconsistent with that statement.

(B) NONDISCLOSURE POLICY, FORM, OR AGREEMENT IN EFFECT BEFORE THE EFFECTIVE DATE.—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 48 months 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 paragraph shall include—

(A) an analysis of any changes in the number of cases filed with the United States 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 United States Merit Systems Protection Board, the Federal Circuit Court of Appeals, or any other court determined the allegations to be frivolous or malicious;

(C) an analysis of the outcome of cases described under subparagraph (A) that were decided by a United States District Court and the impact the process has 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 during the applicable year of the 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, the number of petitions for review filed in such cases, and the outcomes of such cases.

(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 subparagraph 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. ALTERNATIVE REVIEW.

(a) IN GENERAL.—Section 1221 of title 5, United States Code, is amended by adding at the end the following:

''(k)(1) In this subsection, the term 'appropriate United States district court', as used with respect to an alleged prohibited personnel practice, means the United States district court for the judicial district in which—

''(A) the prohibited personnel practice is alleged to have been committed; or

''(B) the employee, former employee, or applicant for employment allegedly affected by such practice resides.

''(2)(A) An employee, former employee, or applicant for employment in any case to which paragraph (3) or (4) applies may file an action at law or equity for de novo review in the appropriate United States district court in accordance with this subsection.

''(B) Upon initiation of any action under subparagraph (A), the Board shall stay any other claims of such employee, former employee, or applicant pending before the Board at that time which arise out of the same set of operative facts. Such claims shall be stayed pending completion of the action filed under subparagraph (A) before the appropriate United States district court and any associated appellate review.

''(3) This paragraph applies in any case in which—

''(A) an employee, former employee, or applicant for employment—

''(i) seeks corrective action from the Merit Systems Protection Board under section 1221(a) based on an alleged prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542; or

''(ii) files an appeal under section 7701(a) alleging as an affirmative defense the commission of a prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542;

''(B) no final order or decision is issued by the Board within 270 days after the date on which a request for that corrective action or appeal has been duly submitted, unless the Board determines that the employee, former employee, or applicant for employment engaged in conduct intended to delay the issuance of a final order or decision by the Board; and

''(C) such employee, former employee, or applicant provides written notice to the Board of filing an action under this subsection before the filing of that action.

''(4) This paragraph applies in any case in which—

''(A) an employee, former employee, or applicant for employment—

''(i) seeks corrective action from the Merit Systems Protection Board under section 1221(a) based on an alleged prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542; or

''(ii) files an appeal under section 7701(a) alleging as an affirmative defense the commission of a prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542;

''(B)(i) within 30 days after the date on which the request for corrective action or appeal was duly submitted, such employee, former employee, or applicant for employment files a motion requesting a certification consistent with subparagraph (C) to the Board, any administrative law judge appointed by the Board under section 3105 of this title and assigned to the case, or any employee of the Board designated by the Board and assigned to the case; and

''(ii) such employee has not previously filed a motion under clause (i) related to that request for corrective action or that appeal; and

''(C) the Board, any administrative law judge appointed by the Board under section 3105 of this title and assigned to the case, or any employee of the Board designated by the Board and assigned to the case certifies that—

''(i) under the standards applicable to the review of motions to dismiss under rule 12(b)(6) of the Federal Rules of Civil Procedure, including rule 12(d), the request for corrective action or the appeal (including any allegations made with the motion under subparagraph (B)) would not be subject to dismissal; and

''(ii)(I) the Board is not likely to dispose of the case within 270 days after the date on which the request for corrective action or the appeal has been duly submitted; or

''(II) the case—

''(aa) consists of multiple claims;

''(bb) requires complex or extensive discovery;

''(cc) arises out of the same set of operative facts as any civil action against the Government filed by the employee, former

employee, or applicant pending in a Federal court; or

''(dd) involves a novel question of law.

''(5) The Board shall grant or deny any motion requesting a certification described under paragraph (4)(ii) within 90 days after the submission of such motion and the Board may not issue a decision on the merits of a request for corrective action within 15 days after granting or denying a motion requesting certification.

''(6)(A) Any decision of the Board, any administrative law judge appointed by the Board under section 3105 of this title and assigned to the case, or any employee of the Board designated by the Board and assigned to the case to grant or deny a certification described under paragraph (4)(ii) shall be reviewed on appeal of a final order or decision of the Board under section 7703 only if—

''(i) a motion requesting a certification was denied; and

''(ii) the reviewing court vacates the decision of the Board on the merits of the claim under the standards set forth in section 7703(c).

''(B) The decision to deny the certification shall be overturned by the reviewing court, and an order granting certification shall be issued by the reviewing court, if such decision is found to be arbitrary, capricious, or an abuse of discretion.

''(C) The reviewing court's decision shall not be considered evidence of any determination by the Board, any administrative law judge appointed by the Board under section 3105 of this title, or any employee of the Board designated by the Board on the merits of the underlying allegations during the course of any action at law or equity for de novo review in the appropriate United States district court in accordance with this subsection.

''(7) In any action filed under this subsection—

''(A) the district court shall have jurisdiction without regard to the amount in controversy;

''(B) at the request of either party, such action shall be tried by the court with a jury;

''(C) the court—

''(i) subject to clause (iii), shall apply the standards set forth in subsection (e); and

''(ii) may award any relief which the court considers appropriate under subsection (g), except—

''(I) relief for compensatory damages may not exceed $300,000; and

''(II) relief may not include punitive damages; and

''(iii) notwithstanding subsection (e)(2), may not order relief if the agency demonstrates by a preponderance of the evidence that the agency would have taken the same personnel action in the absence of such disclosure; and

''(D) the Special Counsel may not represent the employee, former employee, or applicant for employment.

''(8) An appeal from a final decision of a district court in an action under this subsection shall be taken to the Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction.

''(9) This subsection applies with respect to any appeal, petition, or other request for corrective action duly submitted to the Board, whether under section 1214(b)(2), the preceding provisions of this section, section 7513(d), section 7701, or any otherwise applicable provisions of law, rule, or regulation.''.

(b) SUNSET.—

(1) IN GENERAL.—Except as provided under paragraph (2), the amendments made by this section shall cease to have effect 5 years after the effective date of this Act.

(2) PENDING CLAIMS.—The amendments made by this section shall continue to apply with respect to any claim pending before the Board on the last day of the 5-year period described under paragraph (1).

SEC. 118. MERIT SYSTEMS PROTECTION BOARD SUMMARY JUDGMENT.

(a) IN GENERAL.—Section 1204(b) of title 5, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4);

(2) by inserting after paragraph (2) the following:

''(3) With respect to a request for corrective action based on an alleged prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542, the Board, any administrative law judge appointed by the Board under section 3105 of this title, or any employee of the Board designated by the Board may, with respect to any party, grant a motion for summary judgment when the Board or the administrative law judge determines that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.''.

(b) SUNSET.—

(1) IN GENERAL.—Except as provided under paragraph (2), the amendments made by this section shall cease to have effect 5 years after the effective date of this Act.

(2) PENDING CLAIMS.—The amendments made by this section shall continue to apply with respect to any claim pending before the Board on the last day of the 5-year period described under paragraph (1).

SEC. 119. DISCLOSURES OF CLASSIFIED INFORMATION.

(a) PROHIBITED PERSONNEL PRACTICES.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A), by striking ''or'' after the semicolon;

(2) in subparagraph (B), by adding ''or'' after the semicolon; and

(3) by adding at the end the following:

''(C) any communication that complies with subsection (a)(1), (d), and (h) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.);''.

(b) INSPECTOR GENERAL ACT OF 1978.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (a)(1), by adding at the end the following:

''(D) An employee of any agency, as that term is defined under section 2302(a)(2)(C) of title 5, United States Code, who intends to report to Congress a complaint or information with respect to an urgent concern may report the complaint or information to the Inspector General (or designee) of the agency at which that employee is employed.'';

(2) in subsection (c), by striking ''intelligence committees'' and inserting ''appropriate committees'';

(3) in subsection (d)—

(A) in paragraph (1), by striking ''either or both of the intelligence committees'' and inserting ''any of the appropriate committees''; and

(B) in paragraphs (2) and (3), by striking ''intelligence committees'' each place that term appears and inserting ''appropriate committees'';

(4) in subsection (h)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''intelligence''; and

(ii) in subparagraph (B), by inserting ''or an activity involving classified information'' after ''an intelligence activity''; and

(B) by striking paragraph (2), and inserting the following:

''(2) The term 'appropriate committees' means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, except that with respect to disclosures made by employees described in subsection (a)(1)(D), the term 'appropriate committees' means the committees of appropriate jurisdiction.''.

SEC. 120. 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)''; and

(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—INTELLIGENCE COMMUNITY WHISTLEBLOWER PROTECTIONS

SEC. 201. PROTECTION OF INTELLIGENCE COMMUNITY WHISTLEBLOWERS.

(a) IN GENERAL.—Chapter 23 of title 5, United States Code, is amended by inserting after section 2303 the following:

''§ 2303A. Prohibited personnel practices in the intelligence community

''(a) DEFINITIONS.—In this section—

''(1) the term 'agency' means an executive department or independent establishment, as defined under sections 101 and 104, that contains an intelligence community element, except the Federal Bureau of Investigation;

''(2) the term 'intelligence community element'—

''(A) means—

''(i) the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, and the National Reconnaissance Office; and

''(ii) any executive agency or unit thereof determined by the President under section 2302(a)(2)(C)(ii) of title 5, United States Code, to have as its principal function the conduct of foreign intelligence or counterintelligence activities; and

''(B) does not include the Federal Bureau of Investigation; and

''(3) the term 'personnel action' means any action described in clauses (i) through (x) of section 2302(a)(2)(A) with respect to an employee in a position in an intelligence community element (other than a position of a confidential, policy-determining, policy-making, or policy-advocating character).

''(b) IN GENERAL.—Any employee of an agency who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or fail to take a personnel action with respect to any employee of an intelligence community element as a reprisal for a disclosure of information by the employee to the Director of National Intelligence (or an employee designated by the Director of National Intelligence for such purpose), or to the head of the employing agency (or an employee designated by the head of that agency for such purpose), which the employee reasonably believes evidences—

''(1) a violation of any law, rule, or regulation; or

''(2) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

''(c) ENFORCEMENT.—The President shall provide for the enforcement of this section in a manner consistent with applicable provisions of sections 1214 and 1221.

''(d) EXISTING RIGHTS PRESERVED.—Nothing in this section shall be construed to—

''(1) preempt or preclude any employee, or applicant for employment, at the Federal Bureau of Investigation from exercising rights currently provided under any other law, rule, or regulation, including section 2303;

''(2) repeal section 2303; or

''(3) provide the President or Director of National Intelligence the authority to revise regulations related to section 2303, codified in part 27 of the Code of Federal Regulations.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 23 of title 5, United States Code, is amended by inserting after the item relating to section 2303 the following:

''2303A. Prohibited personnel practices in the intelligence community.''.

SEC. 202. REVIEW OF SECURITY CLEARANCE OR ACCESS DETERMINATIONS.

(a) IN GENERAL.—Section 3001(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b(b)) is amended—

(1) in the matter preceding paragraph (1), by striking ''Not'' and inserting ''Except as otherwise provided, not'';

(2) in paragraph (5), by striking ''and'' after the semicolon;

(3) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(4) by inserting after paragraph (6) the following:

''(7) not later than 180 days after the date of enactment of the Whistleblower Protection Enhancement Act of 2011—

''(A) developing policies and procedures that permit, to the extent practicable, individuals who in good faith appeal a determination to suspend or revoke a security clearance or access to classified information to retain their government employment status while such challenge is pending; and

''(B) developing and implementing uniform and consistent policies and procedures to ensure proper protections during the process for denying, suspending, or revoking a security clearance or access to classified information, including the provision of a right to appeal such a denial, suspension, or revocation, except that there shall be no appeal of an agency's suspension of a security clearance or access determination for purposes of conducting an investigation, if that suspension lasts no longer than 1 year or the head of the agency certifies that a longer suspension is needed before a final decision on denial or revocation to prevent imminent harm to the national security.

''Any limitation period applicable to an agency appeal under paragraph (7) shall be tolled until the head of the agency (or in the case of any component of the Department of Defense, the Secretary of Defense) determines, with the concurrence of the Director of National Intelligence, that the policies and procedures described in paragraph (7) have been established for the agency or the Director of National Intelligence promulgates the policies and procedures under paragraph (7). The policies and procedures for appeals developed under paragraph (7) shall be comparable to the policies and procedures pertaining to prohibited personnel practices defined under section 2302(b)(8) of title 5, United States Code, and provide—

''(A) for an independent and impartial fact-finder;

''(B) for notice and the opportunity to be heard, including the opportunity to present relevant evidence, including witness testimony;

''(C) that the employee or former employee may be represented by counsel;

''(D) that the employee or former employee has a right to a decision based on the record developed during the appeal;

''(E) that not more than 180 days shall pass from the filing of the appeal to the report of the impartial fact-finder to the agency head or the designee of the agency head, unless—

''(i) the employee and the agency concerned agree to an extension; or

''(ii) the impartial fact-finder determines in writing that a greater period of time is required in the interest of fairness or national security;

''(F) for the use of information specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs in a manner consistent with the interests of national security, including ex parte submissions if the agency determines that the interests of national security so warrant; and

''(G) that the employee or former employee shall have no right to compel the production of information specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs, except evidence necessary to establish that the employee made the disclosure or communication such employee alleges was protected by subparagraphs (A), (B), and (C) of subsection (j)(1).''.

(b) RETALIATORY REVOCATION OF SECURITY CLEARANCES AND ACCESS DETERMINATIONS.—Section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b) is amended by adding at the end the following:

''(j) RETALIATORY REVOCATION OF SECURITY CLEARANCES AND ACCESS DETERMINATIONS.—

''(1) IN GENERAL.—Agency personnel with authority over personnel security clearance or access determinations shall not take or fail to take, or threaten to take or fail to take, any action with respect to any employee's security clearance or access determination because of—

''(A) any disclosure of information to the Director of National Intelligence (or an employee designated by the Director of National Intelligence for such purpose) or the head of the employing agency (or employee designated by the head of that agency for such purpose) by an employee that the employee reasonably believes evidences—

''(i) a violation of any law, rule, or regulation; or

''(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

''(B) any disclosure to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee reasonably believes evidences—

''(i) a violation of any law, rule, or regulation; or

''(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

''(C) any communication that complies with—

''(i) subsection (a)(1), (d), and (h) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.);

''(ii) subsection (d)(5)(A), (D), and (G) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q); or

''(iii) subsection (k)(5)(A), (D), and (G), of section 103H of the National Security Act of 1947 (50 U.S.C. 403–3h);

''(D) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation;

''(E) testifying for or otherwise lawfully assisting any individual in the exercise of any right referred to in subparagraph (D); or

''(F) cooperating with or disclosing information to the Inspector General of an agency, in accordance with applicable provisions of law in connection with an audit, inspection, or investigation conducted by the Inspector General,

if the actions described under subparagraphs (D) through (F) do not result in the employee or applicant unlawfully disclosing information specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs.

''(2) RULE OF CONSTRUCTION.—Consistent with the protection of sources and methods, nothing in paragraph (1) shall be construed to authorize the withholding of information from the Congress or the taking of any personnel action against an employee who discloses information to the Congress.

''(3) DISCLOSURES.—

''(A) IN GENERAL.—A disclosure shall not be excluded from paragraph (1) because—

''(i) the disclosure was made to a person, including a supervisor, who participated in an activity that the employee reasonably believed to be covered by paragraph (1)(A)(ii);

''(ii) the disclosure revealed information that had been previously disclosed;

''(iii) of the employee's motive for making the disclosure;

''(iv) the disclosure was not made in writing;

''(v) the disclosure was made while the employee was off duty; or

''(vi) of the amount of time which has passed since the occurrence of the events described in the disclosure.

''(B) REPRISALS.—If a disclosure is made during the normal course of duties of an employee, the disclosure shall not be excluded from paragraph (1) if any employee who has

authority to take, direct others to take, recommend, or approve any personnel action with respect to the employee making the disclosure, took, failed to take, or threatened to take or fail to take a personnel action with respect to that employee in reprisal for the disclosure.

''(4) AGENCY ADJUDICATION.—

''(A) REMEDIAL PROCEDURE.—An employee or former employee who believes that he or she has been subjected to a reprisal prohibited by paragraph (1) of this subsection may, within 90 days after the issuance of notice of such decision, appeal that decision within the agency of that employee or former employee through proceedings authorized by paragraph (7) of subsection (a), except that there shall be no appeal of an agency's suspension of a security clearance or access determination for purposes of conducting an investigation, if that suspension lasts not longer than 1 year (or a longer period in accordance with a certification made under subsection (b)(7)).

''(B) CORRECTIVE ACTION.—If, in the course of proceedings authorized under subparagraph (A), it is determined that the adverse security clearance or access determination violated paragraph (1) of this subsection, the agency shall take specific corrective action to return the employee or former employee, as nearly as practicable and reasonable, to the position such employee or former employee would have held had the violation not occurred. Such corrective action shall include reasonable attorney's fees and any other reasonable costs incurred, and may include back pay and related benefits, travel expenses, and compensatory damages not to exceed $300,000.

''(C) CONTRIBUTING FACTOR.—In determining whether the adverse security clearance or access determination violated paragraph (1) of this subsection, the agency shall find that paragraph (1) of this subsection was violated if a disclosure described in paragraph (1) was a contributing factor in the adverse security clearance or access determination taken against the individual, unless the agency demonstrates by a preponderance of the evidence that it would have taken the same action in the absence of such disclosure, giving the utmost deference to the agency's assessment of the particular threat to the national security interests of the United States in the instant matter.

''(5) APPELLATE REVIEW OF SECURITY CLEARANCE ACCESS DETERMINATIONS BY DIRECTOR OF NATIONAL INTELLIGENCE.—

''(A) DEFINITION.—In this paragraph, the term 'Board' means the appellate review board established under section 204 of the Whistleblower Protection Enhancement Act of 2012.

''(B) APPEAL.—Within 60 days after receiving notice of an adverse final agency determination under a proceeding under paragraph (4), an employee or former employee may appeal that determination to the Board.

''(C) POLICIES AND PROCEDURES.—The Board, in consultation with the Attorney General, Director of National Intelligence, and the Secretary of Defense, shall develop and implement policies and procedures for adjudicating the appeals authorized by subparagraph (B). The Director of National Intelligence and Secretary of Defense shall jointly approve any rules, regulations, or guidance issued by the Board concerning the procedures for the use or handling of classified information.

''(D) REVIEW.—The Board's review shall be on the complete agency record, which shall be made available to the Board. The Board may not hear witnesses or admit additional evidence. Any portions of the record that were submitted ex parte during the agency proceedings shall be submitted ex parte to the Board.

''(E) FURTHER FACT-FINDING OR IMPROPER DENIAL.—If the Board concludes that further fact-finding is necessary or finds that the agency improperly denied the employee or former employee the opportunity to present evidence that, if admitted, would have a substantial likelihood of altering the outcome, the Board shall remand the matter to the agency from which it originated for additional proceedings in accordance with the rules of procedure issued by the Board.

''(F) DE NOVO DETERMINATION.—The Board shall make a de novo determination, based on the entire record and under the standards specified in paragraph (4), of whether the employee or former employee received an adverse security clearance or access determination in violation of paragraph (1). In considering the record, the Board may weigh the evidence, judge the credibility of witnesses, and determine controverted questions of fact. In doing so, the Board may consider the prior fact-finder's opportunity to see and hear the witnesses.

''(G) ADVERSE SECURITY CLEARANCE OR ACCESS DETERMINATION.—If the Board finds that the adverse security clearance or access determination violated paragraph (1), it shall then separately determine whether reinstating the security clearance or access determination is clearly consistent with the interests of national security, with any doubt resolved in favor of national security, under Executive Order 12968 (60 Fed. Reg. 40245; relating to access to classified information) or any successor thereto (including any adjudicative guidelines promulgated under such orders) or any subsequent Executive order, regulation, or policy concerning access to classified information.

''(H) REMEDIES.—

''(i) CORRECTIVE ACTION.—If the Board finds that the adverse security clearance or access determination violated paragraph (1), it shall order the agency head to take specific corrective action to return the employee or former employee, as nearly as practicable and reasonable, to the position such employee or former employee would have held had the violation not occurred. Such corrective action shall include reasonable attorney's fees and any other reasonable costs incurred, and may include back pay and related benefits, travel expenses, and compensatory damages not to exceed $300,000. The Board may recommend, but may not order, reinstatement or hiring of a former employee. The Board may order that the former employee be treated as though the employee were transferring from the most recent position held when seeking other positions within the executive branch. Any corrective action shall not include the reinstating of any security clearance or access determination. The agency head shall take the actions so ordered within 90 days, unless the Director of National Intelligence, the Secretary of Energy, or the Secretary of Defense, in the case of any component of the Department of Defense, determines that doing so would endanger national security.

''(ii) RECOMMENDED ACTION.—If the Board finds that reinstating the employee or former employee's security clearance or access determination is clearly consistent with the interests of national security, it shall recommend such action to the head of the entity selected under subsection (b) and the head of the affected agency.

''(I) CONGRESSIONAL NOTIFICATION.—

''(i) ORDERS.—Consistent with the protection of sources and methods, at the time the Board issues an order, the Chairperson of the Board shall notify—

''(I) the Committee on Homeland Security and Government Affairs of the Senate;

''(II) the Select Committee on Intelligence of the Senate;

''(III) the Committee on Oversight and Government Reform of the House of Representatives;

''(IV) the Permanent Select Committee on Intelligence of the House of Representatives; and

''(V) the committees of the Senate and the House of Representatives that have jurisdiction over the employing agency, including in the case of a final order or decision of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, or the National Reconnaissance Office, the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

''(ii) RECOMMENDATIONS.—If the agency head and the head of the entity selected under subsection (b) do not follow the Board's recommendation to reinstate a clearance, the head of the entity selected under subsection (b) shall notify the committees described in subclauses (I) through (V) of clause (i).

''(6) JUDICIAL REVIEW.—Nothing in this section shall be construed to permit or require judicial review of any—

''(A) agency action under this section; or

''(B) action of the appellate review board established under section 204 of the Whistleblower Protection Enhancement Act of 2012.

''(7) PRIVATE CAUSE OF ACTION.—Nothing in this section shall be construed to permit, authorize, or require a private cause of action to challenge the merits of a security clearance determination.''.

(c) ACCESS DETERMINATION DEFINED.—Section 3001(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b(a)) is amended by adding at the end the following:

''(9) The term 'access determination' means the determination regarding whether an employee—

''(A) is eligible for access to classified information in accordance with Executive Order 12968 (60 Fed. Reg. 40245; relating to access to classified information), or any successor thereto, and Executive Order 10865 (25 Fed. Reg. 1583; relating to safeguarding classified information with industry); and

''(B) possesses a need to know under that Order.''.

(d) RULE OF CONSTRUCTION.—Nothing in section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b), as amended by this Act, shall be construed to require the repeal or replacement of agency appeal procedures implementing Executive Order 12968 (60 Fed. Reg. 40245; relating to classified national security information), or any successor thereto, and Executive Order 10865 (25 Fed. Reg. 1583; relating to safeguarding classified information with industry), or any successor thereto, that meet the requirements of section 3001(b)(7) of such Act, as so amended.

SEC. 203. REVISIONS RELATING TO THE INTELLIGENCE COMMUNITY WHISTLEBLOWER PROTECTION ACT.

(a) IN GENERAL.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (b)—

(A) by inserting ''(1)'' after ''(b)''; and

(B) by adding at the end the following:

''(2) If the head of an establishment determines that a complaint or information transmitted under paragraph (1) would create a conflict of interest for the head of the establishment, the head of the establishment shall return the complaint or information to the Inspector General with that determination and the Inspector General shall make the transmission to the Director of National

Intelligence and, if the establishment is within the Department of Defense, to the Secretary of Defense. In such a case, the requirements of this section for the head of the establishment apply to each recipient of the Inspector General's transmission. Each recipient of the Inspector General's transmission shall consult with the members of the appellate review board established under section 204 of the Whistleblower Protection Enhancement Act of 2012 regarding all transmissions under this paragraph.'';

(2) by designating subsection (h) as subsection (i); and

(3) by inserting after subsection (g), the following:

''(h) An individual who has submitted a complaint or information to an Inspector General under this section may notify any member of Congress or congressional staff member of the fact that such individual has made a submission to that particular Inspector General, and of the date on which such submission was made.''.

(b) CENTRAL INTELLIGENCE AGENCY.—Section 17(d)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) in subparagraph (B)—

(A) by inserting ''(i)'' after ''(B)''; and

(B) by adding at the end the following:

''(ii) If the Director determines that a complaint or information transmitted under paragraph (1) would create a conflict of interest for the Director, the Director shall return the complaint or information to the Inspector General with that determination and the Inspector General shall make the transmission to the Director of National Intelligence. In such a case, the requirements of this subsection for the Director apply to the Director of National Intelligence. The Director of National Intelligence shall consult with the members of the appellate review board established under section 204 of the Whistleblower Protection Enhancement Act of 2012 regarding all transmissions under this clause.''; and

(2) by adding at the end the following:

''(H) An individual who has submitted a complaint or information to the Inspector General under this section may notify any member of Congress or congressional staff member of the fact that such individual has made a submission to the Inspector General, and of the date on which such submission was made.''.

SEC. 204. REGULATIONS; REPORTING REQUIREMENTS; NONAPPLICABILITY TO CERTAIN TERMINATIONS.

(a) DEFINITIONS.—In this section—

(1) the term ''congressional oversight committees'' means—

(A) the Committee on Homeland Security and Government Affairs of the Senate;

(B) the Select Committee on Intelligence of the Senate;

(C) the Committee on Oversight and Government Reform of the House of Representatives; and

(D) the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the term ''intelligence community element''—

(A) means—

(i) the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, and the National Reconnaissance Office; and

(ii) any executive agency or unit thereof determined by the President under section 2302(a)(2)(C)(ii) of title 5, United States Code, to have as its principal function the conduct of foreign intelligence or counterintelligence activities; and

(B) does not include the Federal Bureau of Investigation.

(b) REGULATIONS.—

(1) IN GENERAL.—In consultation with the Secretary of Defense, the Director of National Intelligence shall prescribe regulations to ensure that a personnel action shall not be taken against an employee of an intelligence community element as a reprisal for any disclosure of information described in section 2303A(b) of title 5, United States Code, as added by this Act.

(2) APPELLATE REVIEW BOARD.—Not later than 180 days after the date of enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Defense, the Attorney General, and the heads of appropriate agencies, shall establish an appellate review board that is broadly representative of affected Departments and agencies and is made up of individuals with expertise in merit systems principles and national security issues—

(A) to hear whistleblower appeals related to security clearance access determinations described in section 3001(j) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b), as added by this Act; and

(B) that shall include a subpanel that reflects the composition of the intelligence community, which shall—

(i) be composed of intelligence community elements and inspectors general from intelligence community elements, for the purpose of hearing cases that arise in elements of the intelligence community; and

(ii) include the Inspector General of the Intelligence Community and the Inspector General of the Department of Defense.

(c) REPORT ON THE STATUS OF IMPLEMENTATION OF REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Director of National Intelligence shall submit a report on the status of the implementation of the regulations promulgated under subsection (b) to the congressional oversight committees.

(d) NONAPPLICABILITY TO CERTAIN TERMINATIONS.—Section 2303A of title 5, United States Code, as added by this Act, and section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b), as amended by this Act, shall not apply if the affected employee is concurrently terminated under—

(1) section 1609 of title 10, United States Code;

(2) the authority of the Director of National Intelligence under section 102A(m) of the National Security Act of 1947 (50 U.S.C. 403–1(m)), if—

(A) the Director personally summarily terminates the individual; and

(B) the Director—

(i) determines the termination to be in the interest of the United States;

(ii) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security; and

(iii) not later than 5 days after such termination, notifies the congressional oversight committees of the termination;

(3) the authority of the Director of the Central Intelligence Agency under section 104A(e) of the National Security Act of 1947 (50 U.S.C. 403–4a(e)), if—

(A) the Director personally summarily terminates the individual; and

(B) the Director—

(i) determines the termination to be in the interest of the United States;

(ii) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security; and

(iii) not later than 5 days after such termination, notifies the congressional oversight committees of the termination; or

(4) section 7532 of title 5, United States Code, if—

(A) the agency head personally terminates the individual; and

(B) the agency head—

(i) determines the termination to be in the interest of the United States;

(ii) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security; and

(iii) not later than 5 days after such termination, notifies the congressional oversight committees of the termination.

TITLE III—SAVINGS CLAUSE; EFFECTIVE DATE

SEC. 301. 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. 302. EFFECTIVE DATE.

This Act shall take effect 30 days after the date of enactment of this Act.

AMENDMENT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike all after the enacting clause and insert:

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—

(A) in subsections (a)(3), (b)(4)(A), and (b)(4)(B)(i) of section 1214 and in subsections (a), (e)(1), and (i) of section 1221, by inserting ''or section 2302(b)(9) (A)(i), (B), (C), or (D)'' after ''section 2302(b)(8)'' each place it appears; and

(B) in section 2302(a)(2)(C)(i), by inserting ''or section 2302(b)(9) (A)(i), (B), (C), or (D)'' after ''(b)(8)''.

(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—

''(i) with regard to remedying a violation of paragraph (8); or

''(ii) other than with regard to remedying a violation of paragraph (8);''; and

(ii) in subparagraph (B), by inserting ''(i) or (ii)'' after ''subparagraph (A)''.

(C) Section 2302 of title 5, United States Code, is amended by adding at the end the following:

''(f)(1) A disclosure shall not be excluded from subsection (b)(8) because—

''(A) the disclosure was made to a supervisor or to a person who participated in an activity that the employee or applicant reasonably believed to be covered by subsection (b)(8)(A)(i) and (ii);

''(B) the disclosure revealed information that had been previously disclosed;

''(C) of the employee's or applicant's motive for making the disclosure;

''(D) the disclosure was not made in writing;

''(E) the disclosure was made while the employee was off duty; or

''(F) of the amount of time which has passed since the occurrence of the events described in the disclosure.

''(2) If a disclosure is made during the normal course of duties of an employee, the disclosure shall not be excluded from subsection (b)(8) if any employee who has authority to take, direct others to take, recommend, or approve any personnel action with respect to the employee making the disclosure, took, failed to take, or threatened to take or fail to take a personnel action with respect to that employee in reprisal for the disclosure.''.

SEC. 102. DEFINITIONAL AMENDMENTS.

Section 2302(a)(2) of title 5, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking ''and'' at the end;

(2) in subparagraph (C)(iii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) 'disclosure' means a formal or informal communication or transmission, but does not include a communication concerning policy decisions that lawfully exercise discretionary authority unless the employee or applicant providing the disclosure reasonably believes that the disclosure evidences—

''(i) any violation of any law, rule, or regulation; or

''(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.''.

SEC. 103. REBUTTABLE PRESUMPTION.

Section 2302(b) of title 5, United States Code, is amended by amending the matter following paragraph (12) to read as follows:

''This subsection shall not be construed to authorize the withholding of information from Congress or the taking of any personnel action against an employee who discloses information to Congress. For purposes of paragraph (8), (i) any presumption relating to the performance of a duty by an employee whose conduct is the subject of a disclosure as defined under subsection (a)(2)(D) may be rebutted by substantial evidence, and (ii) a determination as to whether an employee or applicant reasonably believes that such employee or applicant has disclosed information that evidences any violation of law, rule, regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety shall be made by determining whether a disinterested observer with knowledge of the essential facts known to and readily ascertainable by the employee or applicant could reasonably conclude that the actions of the Government evidence such violations, mismanagement, waste, abuse, or danger.''.

SEC. 104. PERSONNEL ACTIONS AND PROHIBITED PERSONNEL PRACTICES.

(a) PERSONNEL ACTION.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(1) in clause (x), by striking ''and'' after the semicolon; and

(2) by redesignating clause (xi) as clause (xii) and inserting after clause (x) the following:

''(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement; and''.

(b) PROHIBITED PERSONNEL PRACTICE.—

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

(A) in paragraph (11), by striking ''or'' at the end;

(B) in paragraph (12), by striking the period and inserting ''; or''; and

(C) by inserting after paragraph (12) the following:

''(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement: 'These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.'.''.

(2) AGENCY WEBSITES.—Agencies making use of any nondisclosure policy, form, or agreement shall also post the statement required under section 2302(b)(13) of title 5, United States Code (as added by this Act) on the agency website, accompanied by the specific list of controlling Executive orders and statutory provisions.

(3) NONDISCLOSURE POLICY, FORM, OR AGREEMENT IN EFFECT BEFORE THE EFFECTIVE DATE.—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 section 2302(b)(13) of title 5, United States Code (as added by this Act) for implementation or enforcement—

(A) 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

(B) 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) of this subsection.

(c) RETALIATORY INVESTIGATIONS.—

(1) AGENCY INVESTIGATION.—Section 1214 of title 5, United States Code, is amended by adding at the end the following:

''(h) Any corrective action ordered under this section to correct a prohibited personnel practice may include fees, costs, or damages reasonably incurred due to an agency investigation of the employee, if such investigation was commenced, expanded, or extended in retaliation for the disclosure or protected activity that formed the basis of the corrective action.''.

(2) DAMAGES.—Section 1221(g) of title 5, United States Code, is amended by adding at the end the following:

''(4) Any corrective action ordered under this section to correct a prohibited personnel practice may include fees, costs, or damages reasonably incurred due to an agency investigation of the employee, if such investigation was commenced, expanded, or extended in retaliation for the disclosure or protected activity that formed the basis of the corrective action.''.

SEC. 105. EXCLUSION OF AGENCIES BY THE PRESIDENT.

Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking clause (ii) and inserting the following:

''(ii)(I) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, and the National Reconnaissance Office; and

''(II) as determined by the President, any Executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities, provided that the determination be made prior to a personnel action; or''.

SEC. 106. DISCIPLINARY ACTION.

Section 1215(a)(3) of title 5, United States Code, is amended to read as follows:

''(3)(A) A final order of the Board may impose—

''(i) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;

''(ii) an assessment of a civil penalty not to exceed $1,000; or

''(iii) any combination of disciplinary actions described under clause (i) and an assessment described under clause (ii).

''(B) In any case brought under paragraph (1) in which the Board finds that an employee has committed a prohibited personnel practice under section 2302(b)(8), or 2302(b)(9) (A)(i), (B), (C), or (D), the Board may impose disciplinary action if the Board finds that the activity protected under section 2302(b)(8), or 2302(b)(9) (A)(i), (B), (C), or (D) was a significant motivating factor, even if other factors also motivated the decision, for the employee's decision to take, fail to take, or threaten to take or fail to take a personnel action, unless that employee demonstrates, by a preponderance of the evidence, that the employee would have taken, failed to take, or threatened to take or fail to take the same personnel action, in the absence of such protected activity.''.

SEC. 107. REMEDIES.

(a) ATTORNEY FEES.—Section 1204(m)(1) of title 5, United States Code, is amended by striking ''agency involved'' and inserting ''agency where the prevailing party was employed or had applied for employment at the time of the events giving rise to the case''.

(b) DAMAGES.—Sections 1214(g)(2) and 1221(g)(1)(A)(ii) of title 5, United States Code, are amended by striking all after ''travel expenses,'' and inserting ''any other reasonable and foreseeable consequential damages, and compensatory damages (including interest, reasonable expert witness fees, and costs).'' each place it appears.

SEC. 108. JUDICIAL REVIEW.

(a) IN GENERAL.—Section 7703(b) of title 5, United States Code, is amended by striking the matter preceding paragraph (2) and inserting the following:

''(b)(1)(A) Except as provided in subparagraph (B) and paragraph (2) of this subsection, a petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit. Notwithstanding any other provision of law, any petition for review shall be filed within 60 days after the Board issues notice of the final order or decision of the Board.

''(B) During the 2-year period beginning on the effective date of the Whistleblower Protection Enhancement Act of 2012, a petition to review a final order or final decision of the Board that raises no challenge to the Board's disposition of allegations of a prohibited personnel practice described in section 2302(b) other than practices described in section 2302(b)(8), or 2302(b)(9) (A)(i), (B), (C), or (D) shall be filed in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction. Notwithstanding any other provision of law, any petition for review shall be filed within 60 days after the Board issues notice of the final order or decision of the Board.''.

(b) REVIEW OBTAINED BY OFFICE OF PERSONNEL MANAGEMENT.—Section 7703(d) of title 5, United States Code, is amended to read as follows:

''(d)(1) Except as provided under paragraph (2), this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management. The Director may obtain

review of any final order or decision of the Board by filing, within 60 days after the Board issues notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Director determines, in the discretion of the Director, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.

''(2) During the 2-year period beginning on the effective date of the Whistleblower Protection Enhancement Act of 2012, this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management that raises no challenge to the Board's disposition of allegations of a prohibited personnel practice described in section 2302(b) other than practices described in section 2302(b)(8), or 2302(b)(9)(A)(i), (B), (C), or (D). The Director may obtain review of any final order or decision of the Board by filing, within 60 days after the Board issues notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction if the Director determines, in the discretion of the Director, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the court of appeals. The granting of the petition for judicial review shall be at the discretion of the court of appeals.''.

SEC. 109. PROHIBITED PERSONNEL PRACTICES AFFECTING THE TRANSPORTATION SECURITY ADMINISTRATION.

(a) IN GENERAL.—Chapter 23 of title 5, United States Code, is amended—

(1) by redesignating sections 2304 and 2305 as sections 2305 and 2306, respectively; and

(2) by inserting after section 2303 the following:

''§ 2304. Prohibited personnel practices affecting the Transportation Security Administration

''(a) IN GENERAL.—Notwithstanding any other provision of law, any individual holding or applying for a position within the Transportation Security Administration shall be covered by—

''(1) the provisions of section 2302(b) (1), (8), and (9);

''(2) any provision of law implementing section 2302(b) (1), (8), or (9) by providing any right or remedy available to an employee or applicant for employment in the civil service; and

''(3) any rule or regulation prescribed under any provision of law referred to in paragraph (1) or (2).

''(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any rights, apart from those described in subsection (a), to which an individual described in subsection (a) might otherwise be entitled under law.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 23 of title 5, United States Code, is amended by striking the items relating to sections 2304 and 2305, respectively, and inserting the following:

''2304. Prohibited personnel practices affecting the Transportation Security Administration.

''2305. Responsibility of the Government Accountability Office.

''2306. Coordination with certain other provisions of law.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this section.

SEC. 110. DISCLOSURE OF CENSORSHIP RELATED TO RESEARCH, ANALYSIS, OR TECHNICAL INFORMATION.

(a) DEFINITIONS.—In this subsection—

(1) the term ''agency'' has the meaning given under section 2302(a)(2)(C) of title 5, United States Code;

(2) the term ''applicant'' means an applicant for a covered position;

(3) the term ''censorship related to research, analysis, or technical information'' means any effort to distort, misrepresent, or suppress research, analysis, or technical information;

(4) the term ''covered position'' has the meaning given under section 2302(a)(2)(B) of title 5, United States Code;

(5) the term ''employee'' means an employee in a covered position in an agency; and

(6) the term ''disclosure'' has the meaning given under section 2302(a)(2)(D) of title 5, United States Code.

(b) PROTECTED DISCLOSURE.—

(1) IN GENERAL.—Any disclosure of information by an employee or applicant for employment that the employee or applicant reasonably believes is evidence of censorship related to research, analysis, or technical information—

(A) shall come within the protections of section 2302(b)(8)(A) of title 5, United States Code, if—

(i) the employee or applicant reasonably believes that the censorship related to research, analysis, or technical information is or will cause—

(I) any violation of law, rule, or regulation; or

(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; and

(ii) such disclosure is not specifically prohibited by law or such information is not specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs; and

(B) shall come within the protections of section 2302(b)(8)(B) of title 5, United States Code, if—

(i) the employee or applicant reasonably believes that the censorship related to research, analysis, or technical information is or will cause—

(I) any violation of law, rule, or regulation; or

(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; and

(ii) the disclosure is made to the Special Counsel, or to the Inspector General of an agency or another person designated by the head of the agency to receive such disclosures, consistent with the protection of sources and methods.

(2) DISCLOSURES NOT EXCLUDED.—A disclosure shall not be excluded from paragraph (1) for any reason described under section 2302(f)(1) or (2) of title 5, United States Code.

(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to imply any limitation on the protections of employees and applicants afforded by any other provision of law, including protections with respect to any disclosure of information believed to be evidence of censorship related to research, analysis, or technical information.

SEC. 111. CLARIFICATION OF WHISTLEBLOWER RIGHTS FOR CRITICAL INFRASTRUCTURE INFORMATION.

Section 214(c) of the Homeland Security Act of 2002 (6 U.S.C. 133(c)) is amended by adding at the end the following: ''For purposes of this section a permissible use of independently obtained information includes the disclosure of such information under section 2302(b)(8) of title 5, United States Code.''.

SEC. 112. ADVISING EMPLOYEES OF RIGHTS.

Section 2302(c) of title 5, United States Code, is amended by inserting '', including how to make a lawful disclosure of information that is specifically required by law or Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs to the Special Counsel, the Inspector General of an agency, Congress, or other agency employee designated to receive such disclosures'' after ''chapter 12 of this title''.

SEC. 113. SPECIAL COUNSEL AMICUS CURIAE APPEARANCE.

Section 1212 of title 5, United States Code, is amended by adding at the end the following:

''(h)(1) The Special Counsel is authorized to appear as amicus curiae in any action brought in a court of the United States related to section 2302(b) (8) or (9), or as otherwise authorized by law. In any such action, the Special Counsel is authorized to present the views of the Special Counsel with respect to compliance with section 2302(b) (8) or (9) and the impact court decisions would have on the enforcement of such provisions of law.

''(2) A court of the United States shall grant the application of the Special Counsel to appear in any such action for the purposes described under subsection (a).''.

SEC. 114. SCOPE OF DUE PROCESS.

(a) SPECIAL COUNSEL.—Section 1214(b)(4)(B)(ii) of title 5, United States Code, is amended by inserting '', after a finding that a protected disclosure was a contributing factor,'' after ''ordered if''.

(b) INDIVIDUAL ACTION.—Section 1221(e)(2) of title 5, United States Code, is amended by inserting '', after a finding that a protected disclosure was a contributing factor,'' after ''ordered if''.

SEC. 115. NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.

(a) IN GENERAL.—

(1) REQUIREMENT.—Each agreement in Standard Forms 312 and 4414 of the Government and any other nondisclosure policy, form, or agreement of the Government shall contain the following statement: ''These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.''.

(2) AGENCY WEBSITES.—Agencies making use of any nondisclosure policy, form, or agreement shall also post the statement required under paragraph (1) on the agency website, accompanied by the specific list of controlling Executive orders and statutory provisions.

(3) ENFORCEABILITY.—

(A) IN GENERAL.—Any nondisclosure policy, form, or agreement described under paragraph (1) that does not contain the statement required under paragraph (1) may not be implemented or enforced to the extent such policy, form, or agreement is inconsistent with that statement.

(B) NONDISCLOSURE POLICY, FORM, OR AGREEMENT IN EFFECT BEFORE THE EFFECTIVE DATE.—

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)''; and

(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 Boochever 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 Archaeologial 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. ROHRABACHER, 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:

H.R. 458: Mr. LARSEN of Washington.
H.R. 905: Mr. THOMPSON of California and Ms. SUTTON.
H.R. 1084: Ms. ESHOO.
H.R. 1375: Ms. ESHOO.
H.R. 1792: Ms. BUERKLE.
H.R. 1842: Mr. SCOTT of Virginia.
H.R. 2052: Mr. GRIJALVA, Mr. HINCHEY, and Ms. NORTON.
H.R. 2104: Mr. THOMPSON of California.
H.R. 2159: Mr. HEINRICH.
H.R. 2313: Mr. YODER.
H.R. 2376: Ms. ESHOO.
H.R. 2479: Mr. CUMMINGS and Mr. BUTTERFIELD.
H.R. 2514: Mr. WALDEN.
H.R. 2524: Mr. BISHOP of Georgia.
H.R. 2597: Mr. SHERMAN.
H.R. 2721: Mr. SIRES, Mr. TONKO, and Ms. CASTOR of Florida.
H.R. 3032: Mr. WALZ of Minnesota.
H.R. 3098: Mr. WALBERG.
H.R. 3423: Mr. CLEAVER and Mr. WALZ of Minnesota.
H.R. 3634: Mrs. ROBY, Mr. BENISHEK and Mr. DUNCAN of Tennessee.
H.R. 3808: Mr. LIPINSKI.
H.R. 4030: Ms. JENKINS.
H.R. 4066: Ms. HAYWORTH, Mr. LATHAM, Mr. SHULER and Mr. BILBRAY.
H.R. 4120: Ms. ESHOO, Ms. SCHAKOWSKY and Mr. LATHAM.
H.R. 4165: Mr. WOLF.
H.R. 4256: Mr. AUSTIN SCOTT of Georgia.
H.R. 4336: Mr. GERLACH.
H.R. 4373: Mr. PETERS, Mr. FRANKS of Arizona, and Mr. MARCHANT.
H.R. 4378: Mr. YOUNG of Florida.
H.R. 5796: Mr. PETRI.
H.R. 5817: Mr. HASTINGS of Florida and Mr. PETERSON.
H.R. 5830: Mr. JONES.
H.R. 5839: Mr. ROSS of Arkansas.
H.R. 5942: Mr. LUETKEMEYER.
H.R. 5943: Mr. LATHAM.
H.R. 6035: Mr. KUCINICH.
H.R. 6141: Mr. WALDEN
H.R. 6157: Mr. RANGEL.
H.R. 6385: Mr. WALZ of Minnesota.
H.R. 6416: Mr. WALDEN and Mr. LOBIONDO.
H.R. 6438: Mr. LANKFORD.
H.R. 6439: Mr. WALDEN.
H.R. 6452: Mr. GARRETT and Mr. CULBERSON.
H.R. 6490: Mr. LOEBSACK.
H.R. 6533: Mr. MCGOVERN and Mr. BASS of New Hampshire.
H. Res. 763: Ms. ESHOO.
H. Res. 774: Mr. TIBERI and Mr. CARSON of Indiana.
H. Res. 783: Mr. CULBERSON.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

[Omitted from the Record of September 14, 2012]

Petition 5, September 13, 2012, by Mr. BRUCE BRALEY on House Resolution 739, was signed by the following Members: Bruce L. Braley, Leonard L. Boswell, Kristi L. Noem, Kurt Schrader, Larry Kissell, Ed Perlmutter, Jim Cooper, Jim Costa, Rubén Hinojosa, Christopher P. Gibson, John Garamendi, Peter Welch, Joe Courtney, William L. Owens, Timothy J. Walz, Jean Schmidt, Timothy V. Johnson, Kathleen C. Hochul, Jo Ann Emerson, Jason Altmire, Eric A. ''Rick'' Crawford, Jeff Fortenberry, Ben Chandler, Mike McIntyre, Chellie Pingree, Denny Rehberg, David Loebsack, Charles A. Gonzalez, Danny K. Davis, Joe Donnelly, Rick Berg, Mark S. Critz, Michael F. Doyle, Tim Holden, Nick J. Rahall II, Health Shuler, Timothy H. Bishop, Bob Filner, Tammy Baldwin, Scott R. Tipton, Marcy Kaptur, Renee L. Ellmers, James R. Langevin, Michael H. Michaud, John W. Olver, Louise McIntosh Slaughter, Betty McCollum, Lois Capps, John Barrow, Paul Tonko, Rick Larsen, Sheila Jackson Lee, and Ed Pastor.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, FRIDAY, SEPTEMBER 28, 2012 No. 131

Senate

The Senate met at 10:10 and 07 seconds a.m., and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 28, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

ADJOURNMENT UNTIL TUESDAY, OCTOBER 2, 2012, AT 11 A.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 11 a.m. on Tuesday, October 2, 2012.

Thereupon, the Senate, at 10:10 and 43 seconds a.m., adjourned until Tuesday, October 2, 2012, at 11 a.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

EXTENSIONS OF REMARKS

A TRIBUTE TO KEN WALSH, 2012 ST. JOSEPH'S SCHOOL HENRY SCHIMPF AWARD RECIPIENT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Ms. ESHOO. Mr. Speaker, I rise today to honor Ken Walsh, a member of the faculty of St. Joseph's School of the Sacred Heart in Atherton, California, who is being honored with the Henry Schimpf Award for his selfless service contributions, commitment and dedication within the St. Joseph's community. Like the man for whom the award is named, Ken Walsh has touched and improved the lives of so many while at St. Joseph's School of the Sacred Heart, and embodies the kind of patient, humble, selfless teaching methods we should all aspire to practice.

Ken was behind the founding of the entire Athletic program for St. Joseph's School. He expanded the sports program from beyond basketball and baseball, and included other sports programs such as, tennis, track and soccer. Because of Ken's dedication, SJS has a strong sports presence along the Peninsula. His actions have provided more opportunities to more students, enabling many of them to participate in a variety of sports of their choosing. With the help and support of the community, along with SJS faculty, Ken raised money for a new field, which was named after Henry Schimpf. Ken is not only an outstanding educator, but he is also a great collaborator. He has been known to offer other schools in the region, like Sacred Heart Preparatory to utilize SJS tennis courts, and has taken the opportunity to organizing various tournaments between the two schools for both boys and girls. He is well respected by the community, his peers, his family, and his students as a teacher, an athletic director and as a friend.

Mr. Speaker, I ask my colleagues to join me in honoring Ken Walsh, an educator who lives a life which embodies the goals and criteria of Sacred Heart Schools. He lives the five commitments of faith, respect, social awareness, community building and personal growth, and his contributions to his students have strengthened our community and our country immeasurably.

MANHATTAN PROJECT NATIONAL HISTORICAL PARK ACT

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2012

Ms. McCOLLUM. Mr. Speaker, I rise to speak regarding H.R. 5987, which establishes the Manhattan Project National Historical Park in Oak Ridge, Tennessee; Los Alamos, New Mexico; and Hanford, Washington.

These American cities were the primary locations of the Manhattan Project—an unprecedented American research and development effort during World War II that harnessed the power of the atom to produce the world's first atomic weapons. The project produced the atomic bombs detonated over the Japanese cities of Hiroshima and Nagasaki that ultimately led to the surrender of Japan in August 1945.

The Manhattan Project is worthy of national recognition as a scientific achievement and a historical turning point in the greatest conflict of the 20th century. However, the highest degree of sensitivity is required in doing so. The same blasts that ended America's war and brought joy to our streets resulted in the death of over 300,000 Japanese civilians.

There are important questions about how the National Park Service will interpret this new monument. These questions should be answered before H.R. 5987 moves forward. While I do not oppose the establishment of a national historic park recognizing the Manhattan Project, I expect the necessary consultations with stakeholders to occur prior to passage of this legislation.

EXCHANGE OF LETTERS ON S. 743

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. ISSA. Mr. Speaker: I submit the exchange of letters on S. 743.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, September 19, 2012.

Hon. DARRELL ISSA,
Chairman, Committee on Oversight and Government Reform, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN ISSA: I am writing regarding the jurisdictional interest of the Committee on Homeland Security over provisions in S. 743, the Whistleblower Protection Enhancement Act of 2012, which passed the Senate by unanimous consent with amendments on May 8, 2012.

I understand the importance of advancing this legislation to the House floor in an expeditious manner. Therefore, the Committee on Homeland Security will waive further consideration. This action is conditional on our mutual understanding and agreement that doing so will in no way diminish or alter the jurisdiction of the Committee on Homeland Security over the subject matter included in this or similar legislation. I request that you urge the Speaker to appoint members of this Committee to any conference committee for consideration of any provisions that fall within the jurisdiction of the Committee on Homeland Security in the House-Senate conference on this or similar legislation.

I also request that this letter and your response be included in the CONGRESSIONAL RECORD during consideration of this measure on the House floor. Thank you for you consideration of this matter.

Sincerely,

PETER T. KING,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, September 19, 2012.

Hon. PETER T. KING,
Chairman, Committee on Homeland Security, House of Representatives, Washington DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the Committee on the Homeland Security's jurisdictional interest in S. 743, the ''Whistleblower Protection Enhancement Act of 2012,'' and your willingness to forego consideration of S. 743 by your committee.

I agree that the Committee on Homeland Security has a valid jurisdictional interest in certain provisions of S. 743 and that the Committee's jurisdiction will not be adversely affected by your decision to forego consideration of S. 743. As you have requested, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Finally, I will include a Copy of your letter and this response in the Congressional Record during the floor consideration of this bill. Thank you again for your cooperation.

Sincerely,

DARRELL ISSA,
Chairman.

HOUSE OF REPRESENTATIVES, PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, September 18, 2012.

Hon. DARRELL ISSA,
Chairman, Committee on Oversight and Government Reform, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: In recognition of the importance of expediting the passage of S. 743, the ''Whistleblower Protection Enhancement Act of 2012,'' the Permanent Select Committee on Intelligence will not object to consideration of a motion to suspend the rules and pass the bill. The Committee has jurisdictional interests in S. 743, including intelligence and intelligence-related authorizations and provisions contained in the bill.

We very much appreciate the efforts of you and your staff to address issues of jurisdictional interest to the Permanent Select Committee on Intelligence during consideration of this legislation.

The Committee takes this action only with the understanding that this procedural route should not be construed to prejudice the House Permanent Select Committee on Intelligence's jurisdictional interest over this bill or any similar bill and will not be considered as precedent for consideration of matters of jurisdictional interest to the Committee in the future, including in connection with any subsequent consideration of the bill by the House. In addition, the Permanent Select Committee on Intelligence will seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation.

Finally, I would ask that you include a copy of our exchange of letters on this matter in the Congressional Record during the House debate on S. 743. I appreciate the constructive work between our committees in this matter and thank you for your consideration.

Sincerely,

MIKE ROGERS,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, September 19, 2012.

Hon. MIKE ROGERS,
Chairman, Permanent Select Committee on Intelligence, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the House Permanent Select Committee on Intelligence's jurisdictional interest in S. 743, the ''Whistleblower Protection Enhancement Act of 2012,'' and your willingness to forego consideration of S. 743 by your committee.

I agree that the House Permanent Select Committee on Intelligence has a valid jurisdictional interest in certain provisions of S. 743 and that the Committee's jurisdiction will not be adversely affected by your decision to forego consideration of S. 743. As you have requested, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Finally, I will include a copy of your letter and this response in the Congressional Record during the floor consideration of this bill. Thank you again for your cooperation.

Sincerely,

DARRELL ISSA,
Chairman.

A TRIBUTE TO DENISE SHELDON, 2012 SACRED HEART PREPARATORY ATHLETIC HALL OF FAME AWARD RECIPIENT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Ms. ESHOO. Mr. Speaker, I rise today to honor Denise Sheldon, a 1993 graduate of St. Joseph's School and a 1997 graduate of Sacred Heart Preparatory. The School is proud to offer the Athletic Hall of Fame to honor her for her athletic achievements. The award recognizes contributions of alumni athletes, teams, coaches, and administrators of Sacred Heart Preparatory. Individuals like Denise Sheldon who are inducted into the Hall of Fame have made significant achievements in her sport of volleyball and exemplified the principals of sportsmanship and Christianity as illustrated in the Goals and Criteria of Sacred Heart Schools.

Denise Sheldon was part of a two-time division five state championship team. Denise led Sacred Heart women's varsity volleyball team to back-to-back CIF State Championships during her junior and senior years and was honored as the 'Most Valuable Player' in the League, CCS Section, and State of California in Division V.

Mr. Speaker, I ask my colleagues to join me in honoring Denise Sheldon, an athlete who lives a life which embodies the goals and criteria of Sacred Heart Schools. She lives the five commitments of faith, respect, social awareness, community building and personal growth, and her contributions to her sport have strengthened our community and our country immeasurably.

CELEBRATING TAIWAN'S 101ST ANNIVERSARY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. RANGEL. Mr. Speaker, I rise today to wish our good friends in Southeast Asia, Taiwan, a Happy Anniversary on October 10th. Known as Double Ten Day due to it being the tenth day of the tenth month, it marks the day that The Republic of China/Taiwan came into existence.

Taiwan will be 101 years old on this day. Young by comparison to other nations in the world, but they have done so much in these relatively few years.

Most impressively, Taiwan has become a thriving democracy during this time. In 1996 they held their first direct President elections. Since then, Taiwan has seen different political parties hold the office of President. A true mark of a democracy.

Taiwan's economy is strong and their unemployment is low compared to much of the world. A lot of this can be attributed to them being recognized as a powerhouse in the electronics field.

Taiwan is also an important world citizen—constantly giving aid and assistance where it is needed throughout the globe. If a natural disaster occurs in another country, Taiwan is often one of the first nations on the scene providing much needed help.

One last note, Taiwan's top diplomat in the U.S. and our longtime friend Jason Yuan is leaving his post here to assume the awesome responsibilities of Chief of the Republic of China's National Security Council. We wish him well in this new role and assure him of our continuing confidence in the special relationship between Taiwan and the U.S.

For these reasons and more I congratulate Taiwan and wish them a very happy celebration on their 101st year.

CARROLLTON, GA VA FACILITY OPENING

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. GINGREY of Georgia. Mr. Speaker, we are here today to honor and celebrate our veterans, American heroes, who have bravely served their country, to open a first class health facility to aid our wounded warriors in their recovery and treatment, and to honor the legacy of the woman who made it all possible—Katherine ''Trinka'' Davis.

With a war in Afghanistan, a recent one in Iraq, and unrest around the globe, the United States has more than 196,000 active duty servicemen and women that put their lives on the line, night and day, to protect our families and our freedoms. These men and women accepted the call of duty, leaving behind their loved ones and life as they know it to protect the lives of others.

When our soldiers return from battle, sometimes they do not get the support and assistance they deserve. Simply put, we owe them more. Just as they have answered the call to serve our country, we must answer the call to serve them. That is what Trinka Davis did and why we are gathered here today.

Trinka Davis was a businesswoman from Carroll County who founded The Trinka Davis Foundation in 2004 after realizing the struggles many servicemen and women faced upon returning from Iraq and Afghanistan. The Foundation exists to support veterans and their families. Though she is no longer with us, her memory lives on. Thanks to her generosity and the tireless dedication of her foundation, the Community Foundation of West Georgia, and the Georgia Department of Veterans Services, we are here today to open the Trinka Davis Veterans Village.

This facility will serve 3,000 veterans, and allow them to receive treatment closer to home. Prior to construction, veterans were often forced to drive two hours or more for treatment.

The facility will offer primary health care, mental health services, physical and occupational therapy, health and wellness counseling, and social services. I am happy to report that veterans began receiving outpatient treatment at the Trinka Davis Veterans Village on Monday.

In the coming months, the facility will also include a 42-bed community living center for veterans needing inpatient rehab in a ''homelike, family-oriented, atmosphere.''

Like our veterans, Ms. Davis is a hero, who recognized the needs of veterans and worked tirelessly to meet them. The Trinka Davis Foundation ensured that Ms. Davis's commitment to the veterans and their families in our own community and beyond would be preserved through construction of this facility.

The USO has a motto, ''Until everyone comes home.'' Trinka realized that our work did not end there. She is an example to us all.

CONGRATULATING WESTLAKE CHRISTIAN SCHOOL

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. BILIRAKIS. Mr. Speaker I rise today to congratulate Westlake Christian School for receiving the Department of Education's esteemed designation of a 2012 National Blue Ribbon School.

Founded in 1995 as a ministry of Palm Harbor United Methodist Church, Westlake Christian School quickly ascended to academic excellence. From its humble beginnings in a church hall with just eight kindergarteners, the school now enrolls more than 300 kindergarten through eighth grade students on its 11-acre campus. The school focuses on their mission to guide and inspire students to develop their God-given potential, while fostering a lifelong love of learning, in a nurturing Christ-centered environment.

It is no small feat for a school to receive the distinguished honor of the Blue Ribbon Award.

In fact, Westlake Christian School was one of just two private schools in Florida and 50 private schools throughout the entire Nation to receive this distinction. Their integrated spiritual and educational approach is providing students the building blocks of a successful education foundation.

As Westlake Christian School proudly raises the Blue Ribbon flag on its campus, may those in our community and across the Nation be reminded of the good work done there daily and look to this school as a model of exemplary educational practices.

A TRIBUTE TO HONOR THE LIFE OF MATTHEW PATRICK MANOUKIAN

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Ms. ESHOO. Mr. Speaker, I rise today to honor the extraordinary life of the always faithful Captain Matthew Patrick Manoukian, United States Marine Corps. Captain Manoukian made the ultimate sacrifice on August 10, 2012, giving his life for his country during his service in Afghanistan. He was 29 years old.

Captain Manoukian was a lifelong resident of Los Altos Hills, California, and graduated from Saint Francis High School in 2001. Since the age of 10, it had been Matthew's goal to become a Marine. Shortly after graduating from the University of Arizona in 2005, he attended Officer Candidates School in Quantico, Virginia. After commissioning as a Second Lieutenant into the Marine Corps, he joined Camp Pendleton's 1st Marine Special Operations Battalion after enduring a grueling training program that only 40 of 100 men passed. Captain Manoukian was in the top five.

Captain Manoukian rose through the ranks and was deployed twice to Iraq and twice to Afghanistan, always at ''the tip of the spear.'' He saw his role in Afghanistan as freeing the oppressed from the Taliban and bringing a fair legal system to a country that has never had one. He also had a deep respect for Middle Eastern cultures and history, learning to speak Arabic, and insisting on walking through villages, greeting children and their parents in person, instead of patrolling in a Humvee.

Captain Manoukian was completing his fourth tour of duty in Afghanistan and had plans to attend law school after completing his military obligation. He had already been accepted at Golden Gate University where he planned to begin his studies in 2014.

On a fateful early morning on August 10th during a predawn Ramadan meal that Captain Manoukian insisted his troops respectfully observe during the Muslim holy month, an insurgent dressed as an Afghanistan police officer opened fire and took his life, and the lives of two other fellow Marines.

Captain Manoukian is survived by his father, Santa Clara County Superior Court Judge Socrates ''Pete'' Manoukian; his mother, Patricia Bamattre-Manoukian, Associate Justice of the Sixth District California Court of Appeal; brothers Michael and Martin; and the extended Manoukian and Bamattre families.

Mr. Speaker, I ask my colleagues to join me in extending our deepest condolences to Captain Manoukian's beloved family. We celebrate his life and his accomplishments, and we are proud to honor his memory in the U.S. House of Representatives. Our nation has lost a beloved citizen who made his community proud and his country stronger. His life enriched ours and may our tribute be a source of comfort to his beautiful family during their time of great grief.

IN RECOGNITION OF THE BOROUGH OF ATLANTIC HIGHLANDS, NEW JERSEY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. PALLONE. Mr. Speaker, I rise today to recognize the borough of Atlantic Highlands, New Jersey on their 125th anniversary celebration. Atlantic Highlands and its citizens, with their hard work, dedication, and commitment to community, personify the quintessential American spirit.

Founded in 1887, the borough of Atlantic Highlands was originally part of Middletown Township. However, during the latter part of the 1800's, the area that is currently known as Atlantic Highlands was beginning to gain the attention of local businessmen and vacationers for its scenic landscape and proximity to Raritan Bay and the Atlantic Ocean. After its incorporation as a borough in 1897, Atlantic Highlands began to develop steadily. Steam ship and rail service were the source of major transportation in the area, with steam ships bringing vacationers to the borough from New York City and the surrounding area. In 1940, the municipal harbor was completed, which allowed the borough to accommodate significantly more travelers and vessels, which increased access to the borough.

Today, the borough remains a destination for travelers and vacationers, as well as home to more than 4,300 residents. The municipal harbor is the largest on the east coast, with the ability to accommodate upwards of 700 vessels. Offering high speed ferry service since 1992, the harbor and its ferry service serves as a scenic and convenient method of mass transportation for commuters traveling to New York City. The local businesses and business owners in the borough take great pride in their ability to provide great destinations for their local community and vacationers to enjoy. The citizens of Atlantic Highlands, along with the leadership of Mayor Fred Rast III and the borough council, make the Borough of Atlantic Highlands a truly great place to live, work, and visit.

Mr. Speaker, please join me in leading this body in congratulating the borough of Atlantic Highlands, New Jersey on their 125th anniversary. I take great pride in having the opportunity and responsibility of representing the borough and its citizen's interests here in Washington DC.

IN RECOGNITION OF THE UNIVERSITY OF TEXAS AT EL PASO

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. REYES. Mr. Speaker, I rise in recognition of the achievements and success of two programs at the University of Texas at El Paso (UTEP). The Master of Business Administration (MBA) Program and the Reverse Transfer Program are being recognized by Excelencia in Education.

Excelencia in Education focuses on accelerating success for Latino students at the associate, baccalaureate, and graduate levels. Since 2005, Excelencia has honored programs and departments at the cutting edge of increasing and improving academic achievement for Latinos.

UTEP's Reverse Transfer Program, honored by Excelencia as a finalist, allows transfer students to earn their final credits at UTEP, and then have those credits sent back to El Paso Community College to fulfill the balance of the associate degree requirement. This program increases the graduation rates at El Paso Community College, and increases UTEP's retention rate, Which results in improving access to higher education for all students.

UTEP's Master of Business Administration Program, honored by Excelencia as an awardee, serves over 400 students from more than 20 countries from a variety of backgrounds. The MBA program was recognized for the third year in a row as the number one program for Hispanics in the Nation by the Hispanic Business Magazine. The program reflects Excelencia in Education by blending quality graduate education and affordability.

I want to personally congratulate UTEP's Master of Business Administration and Reverse Transfer programs for their recognition, which is a testament to the hard work and dedication of faculty, administration, and students. I look forward to the continued success of UTEP, and I am honored to represent this outstanding institution.

HONORING LEE MARIE ANDERSON

HON. JANICE HAHN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Ms. HAHN. Mr. Speaker, I rise to honor Lee Marie Anderson, who quietly passed away on Monday, September 24, 2012. Lee was born on October 4, 1924 to Bertha and John Dutton in her hometown of Linden, Michigan. She attended the University of Michigan, but left early to serve her country as a member of the U.S. Navy WAVES where she was trained as a nurse's aide during the greatest conflict of our time.

Following World War II, she married Jack Braude and moved to California to pursue a career in modeling and acting. She soon became involved with California politics and local civic activities in Westchester. In the early 1950s she was a driving force in the Democratic Party, serving in leadership roles with the League of Women Voters.

Lee Anderson then married former Lieutenant Governor and Congressman of California

Glenn Anderson. Lee and Glenn were a political powerhouse duo in the California political arena. During Glenn's long political career, Lee worked closely with her husband and also oversaw his many business interests; some may even say that she was his ''Chief of Staff.''

After Glenn's passing, Lee Anderson remained active and energetic as a Los Angeles Harbor Commissioner, a board member of San Pedro Peninsula Hospital, which is now Providence Little Company of Mary Medical Center, President of the Long Beach Civic Light Opera and numerous positions with civic and community organizations.

She created the Glenn and Lee Anderson Foundation, which provides thousands of dollars of college scholarship funds to the communities of San Pedro, Long Beach, Wilmington and Torrance. Among her many honors, she received the Torch of Liberty Award from the Anti-Defamation League, and the Youth Award from the Wilmington Boys & Girls Club.

Lee is remembered fondly by her friends and family, including her son Evan Braude Anderson, Glenn Anderson's children Melinda Keenan and Glenn Michael Anderson, six grandchildren and five great grandchildren, and her brother, Jack Dutton. She was loved by all and will be missed dearly.

UNIVERSITY MAILMAN SCHOOL OF PUBLIC HEALTH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. RANGEL. Mr. Speaker, it is with great pleasure that I rise to recognize the Department of Sociomedical Sciences Doctoral Program/Initiative for Maximizing Student Diversity at Columbia University Mailman School of Public Health for its outstanding impact on the success of its Latino student population. The school is a groundbreaking and progressive institution that strives to promote academic excellence and a diversified student, faculty, and staff population.

Since its founding in 1968, the Sociomedical Sciences, SMS, program in Columbia's School of Public Health has evolved into a truly multidimensional institution. Its unique approach to teaching with its use of educators, engineers, and social scientists creates a robust learning model for addressing and ultimately solving today's prevalent health concerns. Columbia University has shown a dedication to maintaining its diverse community while also sustaining a high level of academic excellence. The Mailman School, in particular, has contributed to this mission exceptionally. From 2003 to 2010, 12.8 percent of students enrolled in the SMS doctoral program were Latinos, accurately representing the proportion of Latinos in the United States population.

In addition to the implementation of equal opportunity policies, the Initiative for Maximizing Student Diversity, IMSD, has provided funding for graduate research positions and tuition assistance that demolished financial barriers previously hindering enrollment and timely degree attainment. This has provided for an increase in minority student enrollment and further expanded the already vibrantly assorted ethnic community.

A culturally well-rounded student body enhances the world perspective of students both academically and personally. The Mailman School of Public Health has accomplished all that it has educationally, while remaining committed to diversity among its student population, creating an equitable academic environment fostering a more inclusive world perspective. Mr. Speaker, I am delighted to recognize this achievement as particularly outstanding and its focus on promoting academic advancement of Latino students.

A TRIBUTE TO SEAN COLE, 2012 SACRED HEART PREPARATORY ATHLETIC HALL OF FAME AWARD RECIPIENT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Ms. ESHOO. Mr. Speaker, I rise today to honor Sean Cole, a 1992 graduate of Sacred Heart Preparatory. The School is proud to offer the Athletic Hall of Fame to honor him for his athletic achievements. The award recognizes contributions of alumni athletes, teams, coaches, and administrators of Sacred Heart Preparatory. Individuals like Sean Cole who are inducted into the Hall of Fame have made significant achievements in his sports of soccer and baseball and exemplified the principals of sportsmanship and Christianity as illustrated in the Goals and Criteria of Sacred Heart Schools.

Before Sean Cole became an outstanding goalkeeper, he was varsity baseball starter for four years and was the first topline pitcher to attend SHP. While playing baseball he played third base and batted in middle of lineup, which is reserved for strong hitters. Sean is a tremendous athlete with unmatched effort and integrity. While attending college at Skyline College in San Bruno, California he played soccer and coached at Menlo College and SHP. Sean is a perfect representation of what it takes to excel at our passions and demonstrates a great level of determination.

Mr. Speaker, I ask my colleagues to join me in honoring Sean Cole, an athlete who lives a life which embodies the goals and criteria of Sacred Heart Schools. He lives the five commitments of faith, respect, social awareness, community building and personal growth, and his contributions to his sport have strengthened our community and our country immeasurably.

HONORING THE LIFE OF MR. JOSÉ JIMÉNEZ GUTIÉRREZ

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. COSTA. Mr. Speaker, I rise today to pay tribute to the life of José Jimenéz Gutierréz, who passed away earlier this month. His lifelong work ethic and deep commitment to family truly exemplified the essence of the American Dream and exhibited the resilience of the human spirit. His contributions to California and our nation will live on through his long-lasting legacy.

After migrating to the United States, José and his wife made Los Angeles their home, where they worked hard to ensure that they could provide the very best for their only daughter, Maria. José possessed a strong sense of responsibility and was a conscientious and trustworthy man.

His superior moral character was passed on to his daughter, Maria, who was perhaps José's greatest pride and joy. José always encouraged Maria to establish goals and go after them regardless of how impossible they seemed. Education was of great importance to the Gutierrez family. Maria was the first in her family to attend college, earning a Bachelor's Degree from Loyola Marymount University and her graduate degree from the University of Southern California. Maria went on to have a successful career with Univision and has become a staple in our community and California politics. It is clear that her father's encouragement, nurturing, and influence contributed greatly to Maria's success.

José's charisma, warm nature, and loyalty will undoubtedly be missed. His vibrant life filled with laughter and love was a genuine example of the attainment of the American Dream.

Mr. Speaker, I ask my colleagues to join me in paying tribute to the life of José Jimenéz Gutierréz, a respected and honorable man. His selfless nature and strong work ethic truly made him a source of pride for all Californians and our country.

APPLAUDING PRESIDENT OBAMA'S ENHANCED EFFORTS TO COMBAT HUMAN TRAFFICKING

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Ms. RICHARDSON. Mr. Speaker, I rise today to commend President Barack Obama's address at the Clinton Global Initiative in New York. During his address, President Obama announced that the Administration would redouble its efforts to combat human trafficking at home and abroad. The administration's new initiatives will strengthen the existing zero-tolerance policy on human trafficking in government contracting, will provide tools and training for federal officials to identify and assist trafficking victims, and will expand services and legal assistance to victims.

Human trafficking continues to be an urgent and dire concern. There are an estimated 20 million men, women and children who are subjected to sex trafficking, forced labor, bonded labor, domestic servitude, and child soldiering. These practices, besides being an unconscionable attack on the world's most vulnerable, affect all of us on a daily basis. It fuels organized crime, damages public health, and taints our businesses' supply chains. However, President Obama's efforts will undoubtedly improve American leadership on this issue and bring new opportunities to aid victims around the world.

As a member of the Congressional Human Trafficking Caucus, I have also worked hard to make this a congressional priority. My constituency includes approximately 50,000 Cambodians, most of whom resettled after fleeing

their native land during the murderous reign of Khmer Rouge. Cambodia, according to the United Nations Inter-Agency Project on Human Trafficking is one of the leading sources and destinations of trafficking in persons. Many of these victims are the friends and relatives of my constituents. They want very much to see their loved ones protected, and so do I.

I have strongly advocated each year for enhanced funding to combat human trafficking, and I have spoken on the subject to the European Union Inter-Parliamentary Assembly as a part of the House Helsinki Commission. In the 111th Congress, I also introduced House Resolution 929, which recognizes December 2 as ''International Day for the Abolition of Slavery.'' This resolution encourages member states of the United Nations to intensify their efforts to eradicate modern-day slavery, and it urges Americans to help raise awareness of the prevalence of this human rights abuse. I introduced a similar resolution in the 112th Congress supporting the goals and ideals of the International Day for the Abolition of Slavery.

I am proud to report that House Resolution 929 was endorsed by the Frederick Douglass Family Foundation, the Coalition to Abolish Slavery & Trafficking, Safe Horizon, Freedom Network, Humanity United, Coalition to Abolish Modern-Day Slavery in Asia, Boat People SOS, and the Polaris Project blog. These modern day abolitionists are the true heroes, fighting on the frontlines to protect trafficking victims and serving as models of the compassion and leadership we should all strive to display every day.

Mr. Speaker, this month marked the 150th Anniversary of the Emancipation Proclamation. On September 22, 1862, President Abraham Lincoln issued a proclamation that all slaves residing in the states in rebellion against the Union would forever be free. President Lincoln's bold move changed our nation for the better and is a defining moment in American history when we fully committed ourselves to protecting the liberty of every man, woman, and child.

We must remain aware that the struggle continues and even hides within the borders of the United States. Human trafficking remains one of the gravest injustices of our time as it continues to rob millions of people of basic self-determination and dignity. Yet our government is making significant progress. I firmly believe that, through American leadership and global cooperation, we can bring the goal of eradication within reach.

Mr. Speaker, I thank President Obama and Secretary of State Clinton for their steadfast support for anti-human trafficking initiatives, and I reaffirm my own dedication to combating all forms of modern slavery and upholding the American promise of freedom.

HONORING MARTIN BRELAND

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. HOYER. Mr. Speaker, I rise today to congratulate Martin Breland on his recent selection to the Board of Directors at the National Association of Federal Credit Unions (NAFCU).

Mr. Breland has been president and CEO of Tower Federal Credit Union in Laurel, Maryland, since 1994. Under his leadership, Tower has experienced significant and healthy asset growth. With over 16 branches spanning four counties, Tower is the largest federal credit union in the state of Maryland and provides a range of financial products to meet the needs of their 124,000 member-owners, a number of whom live in my district. Prior to becoming CEO in 1994, Mr. Breland served in other capacities at Tower including Vice President of Finance and Vice President of Member Services.

With over 30 years of experience in the financial industry and an M.B.A. from The Johns Hopkins University in Baltimore, Mr. Breland is a welcomed addition to the NAFCU board. In his new role he will have the opportunity to play an important role in public policy formation.

I wish Mr. Breland the best of luck in his new role on the NAFCU Board and look forward to working with him in this capacity. I ask that my colleagues join me today in congratulating Mr. Breland on this achievement.

A TRIBUTE TO TREVOR SCHAFFER, 2012 SACRED HEART PREPARATORY ATHLETIC HALL OF FAME AWARD RECIPIENT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Ms. ESHOO. Mr. Speaker, I rise today to honor Trevor Schaffer, a 1998 graduate of St. Joseph's School and a 1992 graduate of Sacred Heart Preparatory. The School is proud to offer the Athletic Hall of Fame to honor him for his athletic achievements. The award recognizes contributions of alumni athletes, teams, coaches, and administrators of Sacred Heart Preparatory. Individuals like Trevor Schaffer who are inducted into the Hall of Fame have made significant achievements in his sports of soccer, baseball and basketball and exemplified the principals of sportsmanship and Christianity as illustrated in the Goals and Criteria of Sacred Heart Schools.

Mr. Speaker, I ask my colleagues to join me in honoring Trevor Schaffer, an athlete who lives a life which embodies the goals and criteria of Sacred Heart Schools. He lives the five commitments of faith, respect, social awareness, community building and personal growth, and his contributions to his sport have strengthened our community and our country immeasurably.

HONORING JOAN WHEELER

HON. MICK MULVANEY

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. MULVANEY. Mr. Speaker, I rise today to honor the life and mark the passing of Mrs. Joan Schlaudt Wheeler, one of my constituents and a matriarch of the Cherokee County, South Carolina Republican Party.

Mrs. Wheeler was born in Cleburn, Texas, in 1927 to Edo Schlaudt and Marjorie Nail Schlaudt. Mrs. Wheeler was a very intelligent woman who valued education as one of the most reliable assets a person can possess. She graduated from Montreat and Converse Colleges, and worked as a teacher in York County, South Carolina. She particularly loved history and government, so her life-long dedication to public service came as no surprise.

For more than 20 years, Mrs. Wheeler was active in community concerns and local politics, fighting for her convictions even if at times they were unpopular. She fought to stop the damming of Broad River, led a group to stop wasteful school spending and halt a public school building program, and worked to stop a landfill in the McKowns Mountain community. Most notably, she was an alternate delegate to the Republican Convention in 2000, and served as the chair of the local Republican Party for seven years. During her chairmanship, the party increased both its membership and visibility, and started a scholarship program for Gaffney and Blacksburg High School seniors. Mrs. Wheeler always had the best interests of her community at heart.

Mrs. Wheeler was often recognized for her public service. She received the Woman of the Year award for the South Carolina Federation of Republican Women. She was the first recipient of the Palmetto Elephant award for the S.C.G.O.P. In 2010, Governor Mark Sanford presented Mrs. Wheeler with The Order of the Palmetto, the highest civilian honor in my State, recognizing a person's lifetime achievements and contributions to South Carolina.

Mrs. Wheeler was also a woman dedicated to her family. She is survived by her husband of 63 years, George Wheeler, and four children—David, Tom, Mary Lois and Jan.

We will remember Mrs. Wheeler not only for her convictions and her work to improve the lives of others, but more importantly, as a dear friend. My thoughts and prayers are with Joan's family and for all those who knew her and share in her loss.

LAMAR COMMUNITY COLLEGE 75TH ANNIVERSARY

HON. CORY GARDNER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. GARDNER. Mr. Speaker, today I rise to honor the 75th anniversary of Lamar Community College.

Located in Prowers County, Colorado, Lamar Community College has grown to over 1,000 students, and fosters an environment that supports students and the surrounding community. The value of having an institution of higher education committed to enriching the lives of its students has proven to be invaluable for Southeastern Colorado.

Through a variety of partnerships, the college is able to offer students the opportunity to obtain admission and degrees from four-year universities. Properly representing the Eastern Plains of Colorado, Lamar Community College has become known for its successful agriculture and equestrian programs.

The college hosts five National Junior College Athletic Association sports as well as a National Intercollegiate Rodeo Association team, and these programs have risen to prominence in the region. Lamar Community College's core values of Respect, Integrity, Open

Communication, and Valuing People have allowed this institution to flourish over its history.

It is with great pride that I honor the 75th Anniversary of Lamar Community College.

WHISTLEBLOWER PROTECTION ENHANCEMENT ACT (S. 743)

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. PLATTS. Mr. Speaker, I rise today in support of the Whistleblower Protection Enhancement Act, S. 743, and, as a long-time sponsor and cosponsor of similar legislation this session and in past sessions, hope to clarify the intent of the application of the bill's provisions in two important ways.

By way of background, I first introduced a version of this legislation in 2003, H.R. 3281, to respond to a series of decisions by the Merit Systems Protection Board, MSPB, and the Federal Circuit Court. Those decisions undermined Congressional intent with respect to the original Whistleblower Protection Act of 1989.

Specifically, Congress intended that ''any'' protected disclosure of waste, fraud, and abuse by a federal employee be covered by the law. As interpreted by the MSPB and the Federal Circuit Court, however, loopholes began to develop. Congress strengthened the law in 1994, but decisions by the MSPB and Federal Circuit Court continued to undermine the intent of Congress.

A mark-up of my original legislation was held in 2004. A mark-up of a re-introduced version of the bill, H.R. 1317, was held in 2006. A version introduced by Representative HENRY WAXMAN and myself, H.R. 985, was passed by the House in 2007. At the core, all of these bills—and their Senate versions—restored the Congressional intent of the original Whistleblower Protection Act by plugging the loopholes that had developed.

The bill before us today makes the same attempt at restoring Congressional intent, but—if interpreted incorrectly—I fear the possibility of two more loopholes opening up.

First, agencies must not be allowed to circumvent whistleblower protections through so-called ''secrecy'' regulations, such as a new category of information (labeled ''Sensitive Security Information'') created by the Department of Homeland Security. Whistleblower law understandably already exempts from whistleblower protections information which is classified or ''specifically prohibited by law'' from release. Classified information is information that is kept secret by Executive Order, not a hybrid category of information created by agency regulation like ''Sensitive Security Information.'' Moreover, ''prohibited by law'' has long been understood to mean statutory law and court interpretations of those statutes, not to agency rules and regulations.

If the Federal Circuit Court broadens the ''prohibited by law'' exemption to include anything that an agency tries to keep secret under any of their regulations, a new loophole could be opened up that would substantially undermine Congressional intent in passing this bill. It is therefore important to once again make it clear: ''Prohibited by law'' has long been understood to mean statutory law and court interpretations of those statutes, not to agency rules and regulations. Any exceptions to these rights must be created by Congress, and Congress must act with specificity. That has been the law since 1978, and it continues to be the law.

Second, it must be understood that those whistleblowers who have been waiting for this bill to be enacted are protected by its provisions. As stated by the Senate Committee on Homeland Security and Governmental Affairs in its report accompanying this bill, S. Rpt. 112–155:

> The Committee expects and intends that the Act's provisions shall be applied in OSC [Office of Special Counsel], MSPB, and judicial proceedings initiated by or on behalf of a whistleblower and pending on or after that effective date [30 days after the date of enactment of the bill]. Such application is expected and appropriate because the legislation generally corrects erroneous decisions by the MSPB and the courts; removes and compensates for burdens that were wrongfully imposed on individual whistleblowers exercising their rights in the public interest; and improves the rules of administrative and judicial procedure and jurisdiction applicable to the vindication of whistleblowers' rights.

Some in the whistleblower community have been waiting for more than a decade to see Congressional intent with respect to whistleblower law restored. The number who could actually take advantage of the protections in this bill is probably not large, but their cases are significant and justice requires protections for them.

In concluding, I would like to thank the many, many individuals and organizations that have championed this important ''good government'' issue over the years. There are more than I could possibly mention, but allow me to name just a few: Senator DANIEL AKAKA, who has pushed this issue for years in the Senate; former Representative Connie Morella, who introduced the first House version of the bill before her retirement; former Representatives Tom Davis and current Representative HENRY WAXMAN, who pushed the issue during their service on the Government Reform Committee; my colleagues DARRELL ISSA, ELIJAH CUMMINGS, CHRIS VAN HOLLEN and their staffs; and, finally, the Government Accountability Project (GAP), Project on Government Oversight (POGO), and National Taxpayers Union (NTU). Without all of their efforts, we would not be in a position to finally secure enactment of this important legislation that ensures whistleblowers with the courage to report waste, fraud, and abuse are applauded—not punished.

IN RECOGNITION OF FREDRICK R. ''FRED'' MEYER

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. BURGESS. Mr. Speaker, I rise today to honor the life of Fredrick R. ''Fred'' Meyer. Mr. Meyer was a successful businessman, the Texas GOP chairman for six years, and the chairman of the Republican Party in Dallas for 7 years. Last week he passed away at the age of 84. Mr. Meyer will always be remembered as the man who made the Texas GOP unstoppable.

Mr. Meyer graduated in 1949 from Purdue University with a Bachelor's Degree in Mechanical Engineering and received a Master of Business Administration degree from Harvard University in 1958, graduating from both with high distinction.

While working as senior vice president of the information services company, Tyler Corporation, in Dallas, Mr. Meyer was asked by Republican congressional candidate Alan Steelman to manage his campaign. After surprisingly winning the race against the former mayor of Dallas, Earle Cabell, Mr. Meyer couldn't help but become more involved. Beginning in 1972, he became a state delegate at that and every subsequent Republican convention.

Even though Texas was primarily a Democratic state, Mr. Meyer used his skills in fundraising and managing to convince potential candidates to run for Republican seats. About 10 percent of Dallas County elected officials were Republicans when he was elected as Dallas GOP Chairman in 1979, but towards the end of his last term, almost 80 percent of the county elected officials were Republican.

When he lost the race for Dallas mayor to Annette Strauss in 1987, he served three terms as the state GOP chairman, aiding Texan George H.W. Bush in winning the presidency.

His success for the party lasted for two full decades until the Democrats took Dallas County in 2006. His admirable reputation will not be forgotten. During the last few weeks of his life, Mr. Meyer was fundraising in his hospital room for the Cooper Institute. It seemed that he could never give up his passion.

Mr. Meyer is survived by his wife, Barbara Meyer, his son Brad Meyer, his two daughters, Amy and Cheryl, and his five grandchildren. I would like to extend my sincerest condolences to Fred Meyer's family and friends.

A TRIBUTE TO HONOR JOE WISE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Ms. ESHOO. Mr. Speaker, I rise today to honor an exceptional young man for his outstanding performance at the 2012 London Paralympics. Joe Wise is a tenacious athlete, a brilliant student and a dedicated son. Despite being diagnosed at age nine with mitochondrial myopathy—a severe muscular disorder affecting his legs, hips, core muscles and lungs, and was told by his doctors that he may not reach his fifteenth birthday—Joe Wise has never given up on his dreams of living an extraordinary life. Joe is an enthusiastic and energetic nineteen year old from Menlo Park, California, who with a passion for swimming was selected to represent the U.S. Paralympics swim team at the 2012 London Paralympics.

Joe's dedication to swimming began the same year he was diagnosed, and although he suffered from allergies and asthma, his mother insisted he swim to improve his health. It wasn't until a fellow swimming mate, Kelly Crowley, introduced him to the Paralympic Games that Joe began to aspire to compete.

In 2004, he competed in the trials for the Athens Paralympics in Minneapolis, but did not make the team. Instead of giving up, Joe tried again at age fifteen and was successful, competing in one event at the 2008 Beijing Paralympics. His goal after Beijing was to make it to London, but this time he wanted to compete in multiple events.

Joe's strength and perseverance was tested once again in February of 2012 when he was preparing for the 2012 London trials. His health forced him to take a medical withdrawal from college and pause from swimming. His "times" got slower, his heart continued to weaken, and he began spending more time on the ventilator. Joe's doctors and coaches refused to give in and vowed to get him to London. By early May, Joe's condition drastically improved and in June he tried out and earned a place on the team.

All of Joe's time, effort and hard work paid off as he competed in five Paralympic events: the 200-meter individual medley; the 100-meter butterfly; the 100- and 400-meter freestyle; and the 100-meter breaststroke. He finished fifth in the finals of the 400-meter freestyle race, with a personal best time of 4:15.66. Joe is extremely proud of his results and says the victory was in being selected for the team. Joe has now returned to Loyola University, Maryland, to pursue a degree in political science, with a minor in communications. He intends to continue swimming and will be preparing for Rio 2016.

Mr. Speaker, I ask that the entire House of Representatives join me in honoring this brave and gentle young man. Joe is determined to reach for gold. He's not only won us over with his smile and spirit, he has also won our hearts with his courage and can-do attitude. Joe is deeply loved and supported by his community of family and friends, and his secret weapon is his mother, Marie Wise. Joe is an inspiration to us all and it is a high privilege to represent him and his family, and pay tribute to him and his extraordinary accomplishments.

S. 743, THE WHISTLEBLOWER PROTECTION ENHANCEMENT ACT

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. CUMMINGS. Mr. Speaker, I rise in strong support of the Whistleblower Protection Enhancement Act. This bill will significantly expand the protections available to government whistleblowers. Whistleblowers risk their careers to challenge abuses of power and the mismanagement of government resources. Protecting the rights of whistleblowers is critical for rooting out waste and fraud within the government.

I applaud the leadership and commitment of all of the Members of Congress and the advocates who have worked on this legislation. The bill we are considering today was introduced by Senator AKAKA. This bill should be a proud addition to his legacy as he closes out his long and distinguished career in Congress. Congressman TODD PLATTS and Congressman CHRIS VAN HOLLEN also deserve credit for getting us here today. They have both worked to find a bipartisan path forward on this bill. I also want to thank Chairman DARRELL ISSA for working with me and the other Members to get this bill to the House floor.

Here are just a few of the ways this bill strengthens current law. This bill will protect all lawful disclosures of waste, fraud, and abuse. Court decisions have narrowed the scope of protected disclosures in a way that the Office of Special Counsel says handcuffs it in its efforts to protect whistleblowers. For example, federal employees are currently not protected for blowing the whistle in the course of their job duties. This bill closes that loophole so that federal auditors and safety inspectors will be protected when they blow the whistle.

This bill provides whistleblower protections to Transportation Security Administration employees. Current law leaves TSA employees unprotected. Giving Transportation Security Officers the same protections as other federal employees will encourage the disclosure of issues that may threaten the safety of our airports.

Under this bill, whistleblowers can appeal a decision of the Merit Systems Protection Board to any federal court of appeals. Currently, all appeals go to the Federal Circuit Court of Appeals which has consistently misinterpreted the intent of Congress with regard to the Whistleblower Protection Act.

This bill also protects government scientists for disclosures about agency censorship or other problems with the integrity of the scientific process.

This bill does a lot of good things but I will be honest. The bill that we are considering today is not as strong as I hoped it would be. Even if this bill passes we will still have work to do. We need to provide meaningful rights to whistleblowers in the intelligence community and we need to amend the law to allow whistleblowers the ability to go to court and have their case heard by a jury. I know this bill represents a compromise based on the political realities of today. But the fight is not over. I will continue to fight for the protections that are not in this bill and hope that my colleagues on both sides of the aisle will join me in that fight.

The journey of this legislation has been a long and frustrating one for the advocates of whistleblower protections who have been trying for almost a decade to get a strong bill enacted. We have been so close so many times only to have another roadblock get in the way. Mr. Speaker, I hope that today is different. I hope that this bill will have a clear path to the President's desk and become law. I urge every Member of Congress to stand up for whistleblowers, to stand up for good government, to pass this legislation, and then to join me tomorrow to continue the fight for whistleblower protections.

HONORING DEVEREUX'S 100TH ANNIVERSARY

HON. PATRICK MEEHAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. MEEHAN. Mr. Speaker, I rise today to congratulate the Devereux Foundation on its upcoming 100-year anniversary.

The Devereux Foundation, founded in 1912, was the inspiration of Helena Devereux. During her years of service as a public school teacher, Helena developed an interest in students who exhibited learning difficulties. Ms. Devereux theorized that students who had previously failed to achieve academically would thrive if given an individualized approach to learning as well as lesson plans that included social skills. She firmly believed that all students have the ability to become "a contributing and valued member of their community".

Moving from the classroom to a rented home, where she could provide intensive instruction, Helena mastered individualized education plans for students with learning differences and emotional handicaps. Her philosophy of "every child is a program" empowered her to work day and night to help children overcome their challenges.

As the success of Helena's methods continued to spread, the reach of the foundation also expanded. In 1938, the Devereux Schools received a non-profit charter establishing the Devereux Foundation. Today the Devereux Foundation has locations in eleven states across the Nation.

The Devereux Foundation students have proven Helena's hypothesis correct. Students performed the National Anthem a cappella at Columbia University, which is a feat for even the most musically gifted singers. Annually 15,000 individuals receive professional and quality services from the Devereux Foundation to overcome their learning and behavioral differences.

Although Helena is no longer with us, the Devereux Foundation's staff continues her legacy. Recently Dr. Megan Russell, Corporate Director of Clinical and Professional Affairs, has been invited to present the research findings of a recently completed Devereux study at the American Academy of Child and Adolescent Psychiatry. This research benefits not only children and adults of the Devereux Foundation but all individuals facing behavioral health challenges. The Devereux Foundation's work has been highlighted in Microsoft Case Studies. The Devereux Foundation uses specialized software to serve students more effectively by collecting data on their behavior to analyze and modify progress and treatment plans.

The innovation of Helena Devereux continues in the Devereux Foundation as they complete one hundred years of exemplary service throughout the Seventh Congressional District of Pennsylvania and beyond. I send them my sincere congratulations and wish them continued success.

HONORING THE HEROIC SERVICE AND SACRIFICE OF THE FIRST SPECIAL SERVICE FORCE

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize the First Special Service Force for their unique service to the allied cause during World War Two. It is with a profound sense of gratitude that I honor the service and sacrifice of these forefathers of modern combined special operations forces. Their uniquely heroic contribution to the allied war effort in Europe played a crucial part in stemming the spread of tyranny and securing for future generations the blessings of freedom.

The First Special Service Force was the first official special operations unit in American history. It was formed in July 1942 as a result of a top secret plan conceived by the Chiefs of Staff of the United States and Great Britain to assemble a new type of fighting force capable of combining special warfare tactics and speed of movement to attack and destroy key military and industrial installations in Europe supporting the Nazi war effort.

It was initially composed of 1,800 American and Canadian volunteers who had been mountaineers, loggers, ranch hands and outdoorsmen before the war. They received extensive training at Fort William Henry Harrison, Montana, in parachuting, demolitions, mountain-climbing, winter warfare and amphibious landings.

From 1943 onward, the First Special Service Force took part in high risk missions in the Aleutian Islands in Alaska, in Italy and in the south of France; and they were the first Allied unit to enter liberated Rome. During combat operations at Anzio, Italy, captured Nazi documents indicated that, due to their ferocity and stealth in combat, the Germans had begun referring to the First Special Service Force as "the Black Devils." It was from this revelation that the unit received its nickname—the Devil's Brigade. By the end of the war, the First Special Service Force lost a total of 2,314 men, equating to 134 percent of the original combat force.

Mr. Speaker, on behalf of the United States Congress, it is my honor to recognize the service and sacrifice of those valiant American and Canadian volunteers who served the cause of freedom as members of the First Special Service Force. Their dedication to duty, their selfless service to their countries, and their enormous contribution toward halting the spread of Nazi tyranny bear testament to the shared heritage of freedom between the United States and Canada. My wife Vicki joins me in saluting the men of the First Special Service Force on the occasion of the 70th anniversary of the formation of the First Special Service Force.

IN HONOR OF PRESIDENT BUJAR NISHANI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. Bujar Nishani, the President of Albania, on the occasion of the dedication of the Albanian Cultural Garden, taking place on September 22, 2012.

President Nishani was born in Durres on September 29, 1966. He obtained a law degree from the Justice Faculty of Tirana University in 2004 and a Masters Degree in European Studies from the same university a year later. President Nishani began a long career in public service in 1993 as the Director of Foreign Affairs at the Ministry of Defense. A year later, he began serving at the North Atlantic Treaty Organization (NATO) Relations Department of the Ministry of Affairs.

President Nishani's political career began in 1991, when he first became a member of the Democratic Party. In 2001, he was elected as the Secretary of the Tirana Democratic Party Branch. Two years later he was elected as a member of the Tirana Municipal Council. In 2005, President Nishani was elected as a parliamentary member of Tirana's 34th electoral district. He later went on to serve as Minister of Interior and the Minister of Justice. In July of this year, Mr. Nishani was sworn in as President of the Republic of Albania.

Mr. Nishani is married to Mrs. Odeta Nishani, and has two children: Ersi and Fjona. The dedication of the Albanian Cultural Garden will also commemorate the 100th year of Albanian Independence and the dedication of the Mother Teresa memorial statue.

Mr. Speaker and colleagues, please join me in honor of President Bujar Nishani and in recognition of his visit to Cleveland, Ohio on the occasion of the dedication of the Albanian Cultural Garden.

CHRIST EVANGELICAL LUTHERAN CHURCH

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. BARLETTA. Mr. Speaker, I rise to congratulate the parishioners of Christ Evangelical Lutheran Church in Hazleton, Pennsylvania, who are celebrating the church's 150th anniversary. In 1862, several members of the first German congregation in Hazleton established a separate church to identify themselves as distinctly Lutheran. On September 25, 1862, the cornerstone was dedicated, and the Christ Evangelical Lutheran Church began its mission of glorifying God.

The church faced many challenges throughout the years, from adjusting to our nation's customs and general society to growing its congregation. In the late 1800s, parishioners of Christ Evangelical Lutheran Church recognized the importance of helping parishioners assimilate into the community and culture, so the English language was introduced at worship services. By 1903, parishioners formed their first English Sunday School and demonstrated a strong commitment to a Christian education for all ages. As the number of the church's devoted parishioners grew, the congregation built a new church and, most importantly, a new Sunday school. The buildings, which still stand today, were dedicated on November 2, 1930.

Today, the dedicated parishioners of Christ Evangelical Lutheran Church continue the virtuous work started by their forefathers 150 years ago. To help the people in their community, the church has partnered with Seeds of Hope, a nonprofit organization that assists families in crisis, and the Salvation Army. Through these organizations, this church's parishioners help maintain a food pantry, provide services such as property cleanup to promote a safe environment for children, and donate to the Salvation Army's food and clothing drives. The present church is the result of faithfulness to the teachings, customs, and traditions of the Lutheran church. With the guidance of their present pastor, Reverend Wayne Lupole, the church welcomes all families as they seek to explore the rich Christian faith.

Mr. Speaker, I offer my most sincere congratulations and deepest respect to the parishioners of Christ Evangelical Lutheran Church of Hazleton, Pennsylvania, and I wish them many years of successful, faithful future service.

HONORING THE LIFE OF RAQUEL CREITOFF

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. SERRANO. Mr. Speaker, today I would like to commemorate the life and work of Raquel Creitoff, who passed away on September 6 at the age of 90.

Raquel Creitoff was born in Cabo Rojo, Puerto Rico, on December 7, 1921, but left her native island in the mid-1940s to live in Manhattan. Raquel soon began working as a member of the staff of the old Migration Division of the Commonwealth of Puerto Rico office in New York City. The office's goal, and Raquel's work, was to help Puerto Ricans moving from the island to New York City, adjust to their new home. From housing to jobs to health services, the Migration Division helped Puerto Ricans establish new lives in unfamiliar surroundings. For close to half a century, Raquel worked in the Commonwealth of Puerto Rico's offices in New York City, and was a dedicated public servant who helped countless Puerto Ricans who had made the trip from the island to New York City in search of economic opportunity.

Raquel was a well-recognized leader of the Puerto Rican community in New York. She was active in numerous organizations, including the Puerto Rican Family Institute and the New York Chapter of the National Conference of Puerto Rican Women. Additionally, she served on the Board of Universidad Boricua, previously known as Boricua College.

Over the years, Raquel helped countless individuals in the Bronx and in New York City. She will be missed.

HONORING THE VOLUSIA HONOR AIR VETERANS FROM CENTRAL FLORIDA

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. MICA. Mr. Speaker, I rise today to honor the Central Florida Veterans who will be participating in the Volusia Honor Air flight to our Nation's capital on Saturday, September 29, 2012.

Over the past five years, the Volusia Honor Air program has provided an opportunity for our World War II Veterans from the Central Florida area to travel to Washington, DC to visit the memorial built in their honor. That one day event for these World War II heroes is one of the most special in their lives and is certainly well deserved.

Since the first flight in 2008 the program has accommodated more than 1,000 veterans in hosting a special visit to their memorial. This flight marks the 10th and final flight for the program.

I would like to take this opportunity to recognize each veteran of this final Volusia Honor

Air flight. The veterans of Volusia Honor Air, Flight-Ten are:

Edward Achatz, Floyd Adams, Charles Anders, Edward Bachman, Raymond Banas, Frederick Baum, Angelo Bellanco, Robert Bernacchi, Daniel Bernstein, Frank Bonomo, Herschel Brohinsky, Herbert Brucker, Kenneth Burgess, Edd Byrd, George Carter, Vincent Cascioli, Patricia Chambliss, Henry Cleaveland, Irwin Cohen, Thomas Cook, Albert Covello, Robert Curboy, Thornwell Davenport, Virgil Davis, George Desotle, Walter Dickey, Anastasia Domaszewski, Charles Eamshaw, Chauncey Elkins, Howard Genser, Kenneth Gildersleeve, Douglas Hallahan, Charles Hargrove, George Hatzenbuhler, Arion Hinckley, Arthur Hobbs, Charles Hoeck, George Holm, Harold Johnson, Glenn Jones, Clayton Kaster, Earl Killian, Charles Kitching, James Kraker, Walter Lambert, Ernest Laquerre, Leslie Lee, Evelyn Leonard, James Long Jr, Louis Lorenzo, Delia Majure, Eugene Makowski, Harold Marine, John Marshall, Rene Mauboussin, Robert McAlpine, Francis Micara, George Murphy, Edward Obremski, Garlan Odor, George Ottendorf, Donald Palmiter, Loucious Pancoast Jr., Pandi Pani, Joseph Parise, Nathan Polinsky, Paul Pratt Jr, William Rhoads, Gerald Roberts, Charles Robison, Alexander Roskoski, Charles Rowell, Joseph Schmidt, Thomas Schultz, William Seitz, Samual Shoup, Henry Slager, Stanley Sowinski, Levis Swallows, John Temple, Lonnie Terrell, Forrest Thomas, James Trott, Edward Vaissiere, Henry Vendryes, Anthony Visco, Harold Williams, Murray Zealor, Peter Zeiger, Theodore Zrinyi.

I would like to salute them, their chaperones, the Volusia Rotary Clubs and other sponsors who helped make these flights possible.

It has been my honor and pleasure to accompany our veterans during most of these trips to Washington, and I will always remember the satisfaction, joy and solace I have witnessed in these remarkable men and women and often their family members as they visited our most cherished memorials in our Nation's capital.

I ask my colleagues to join me in recognizing and congratulating the Volusia Honor Air program and the service of these World War II Veterans.

RECOGNIZING THE WARD FAMILY AS THE 2012 WALTON COUNTY, FLORIDA, FARM FAMILY OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. MILLER of Florida. Mr. Speaker, I am proud to recognize the Ward family for being selected as the 2012 Walton County, Florida, Outstanding Farm Family.

Bruce and Shirley Ward have been farming and raising livestock in the Liberty Community of Walton Country for many years. They raise cattle and grow a variety of fresh produce, peanuts, cotton, and soybeans. The Wards' vegetable stand located off of Highway 331 affords local citizens and those traveling through the area an opportunity to enjoy their fresh produce. The Wards' farm also includes a portable sawmill, which Mr. Ward operates in his spare time to grind sugarcane.

Bruce and Shirley share their time on the farm with their loved ones and have always cherished the time they have spent with their children and grandchildren. They are also longtime members of the Florida Farm Bureau. It is appropriate to say that the Wards exemplify the perfect balance of farm, family, and community.

Mr. Speaker, our great nation was built by farmers and their families, and I take great pride in recognizing and paying tribute to the outstanding farm families located in Northwest Florida. On behalf of the United States Congress, I would like to offer my congratulations to the Ward family and thank them for their contributions to the Northwest Florida community. My wife Vicki and I extend our best wishes for their continued success.

ABILITYONE PROGRAM

HON. KRISTI L. NOEM

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mrs. NOEM. Mr. Speaker, I rise to recognize the AbilityOne program, which is one of the largest providers for people who are blind or have severe disabilities. AbilityOne has helped over 40,000 people gain the necessary skills to enter and succeed in the workforce. In my home State of South Dakota, Black Hills Services Inc., helps to implement this critical program.

The AbilityOne program connects Federal Government agencies with community based non-profits that are dedicated to employing the blind and disabled. This program affords Americans with disabilities opportunities to acquire job skills and training, receive good wages and benefits, and gain greater independence and quality of life. This program provides essential assistance to a segment of the population that has one of the highest levels of unemployment in our country.

I am proud to acknowledge the important work of Services at Ellsworth Air Force Base. I recently had the pleasure of visiting with many team members and seeing first hand the great job they do. With the support of the AbilityOne Program, BH Services provides assistance and employment to more than 325 people with disabilities in the Rapid City area. The direct impact this program has on the lives of Americans with disabilities cannot be overstated. For an individual with a significant disability who has never had the opportunity to work, be independent, participate in community life, or contribute to their society; the AbilityOne Program and agencies like BH Services are invaluable.

The work AbilityOne and BH Services do everyday help people live fuller lives and become more active members of society. I applaud each AbilityOne employee who works every day to improve their lives and make South Dakota and our country, a better place to live.

HONORING THE 100TH ANNIVERSARY OF THE COALINGA HURON LIBRARY DISTRICT

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. COSTA. Mr. Speaker, I rise today to congratulate the Coalinga Huron Library District on its 100th anniversary. The Coalinga Huron Library District has served as a great asset to the community as well as a historical site for the citizens of Coalinga and Huron to enjoy every day.

On June 25, 1912, the vote passed by the County Supervisors to form the Coalinga Huron Library District. After gaining overwhelming support for the Library District, they successfully received a Carnegie grant of $20,000. Today, the main library sits on 4th and Durian streets which is the site of the original purchase.

Libraries serve as the ideal place for people to read, study, and research; and beyond that libraries have turned into great venues for holding workshops, seminars, and events. The Coalinga Huron Library District is a place for people of all ages and backgrounds. Thanks to the renovations done in 1955, 1994, and today, the citizens in Coalinga and Huron have beautiful libraries to visit.

Research and technology are vital components to education today, and public libraries are great tools for students to get research done for free. The Coalinga Huron Library District understands the importance of technology in our world today, and they are staying up-to-date with software programs. Members of the library have access to view books, e-books, periodicals, and historical documents.

Thanks to the public library system, citizens are provided access to books and computers that they normally would not have access to. Along with the access to books and reading materials comes literacy. The abilities to read and write can be overlooked by some people, but librarians and educators know that without the current availability of books, literacy rates have the potential to go down. The Coalinga Huron Library District is obviously aware of their importance and is committed to staying open. They should be commended for their hard work.

Mr. Speaker, I ask my colleagues to join me recognizing the Coalinga Huron Library District for its numerous contributions to the cities of Coalinga and Huron and central California. The libraries serve as a great source for members, and the services provided will hopefully be available for many more years to come.

HONORING STEVE CHANEY FOR HIS SERVICE TO REDWOOD NATIONAL PARK

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Steve Chaney, Superintendent of Redwood National Park, honoring his 40-year dedication to our nation's national parks.

Mr. Chaney has dedicated his professional life to preserving our nation's abundant beauty. His career has included service in several different parks, from Arkansas to Colorado, Kentucky, Utah and Northern California.

Mr. Chaney has served in many roles, ranging from park aid, to ranger, technician and superintendent.

As superintendent of Redwood National Park, Mr. Chaney has worked to protect and preserve the health of the vast forests and watersheds of Del Norte and Humboldt counties.

In his role as superintendant, Mr. Chaney has worked to support California State Parks to prevent the closure of one of three area state parks; he has prioritized relations with the Yurok and other local tribes; has improved the culture of safety at Redwood National Park; has addressed illegal and ecologically harmful marijuana cultivation on park lands; and has overseen the effort to improve the park's second-growth Douglas fir and redwood stands.

Mr. Speaker, it is appropriate at this time that we recognize Steve Chaney for his dedication to our national parks and for his long record of service to our national park's visitors.

HONORING RTR ELEMENTARY SCHOOL

HON. TIMOTHY J. WALZ

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. WALZ. Mr. Speaker, I rise today to recognize the accomplishments of Russell-Tyler-Ruthton (RTR) Elementary School in Ruthton, Minnesota.

On September 7th, RTR Elementary School was named one of two schools from the First District of Minnesota to be designated as a 2012 National Blue Ribbon School.

This award recognizes exemplary schools like RTR Elementary School where students have consistently scored the top of assessment results. Recipients of this award truly exemplify the State of Minnesota's belief that every child has promise and must receive a high quality education.

As a teacher on leave from Mankato West, I know that achieving success for all students takes a commitment from the entire school, from the principal to the counselors to the teachers. When students see every adult in their school dedicated to their success and achieving a higher goal, they are motivated to do their best.

This is exactly what RTR Elementary has done for its students. Under the leadership of Principal Amy Christensen, they have focused on building relationships with every student, and executing the RTR Literacy Plan to ensure success in the English Language Arts. Their efforts have led to exceptional results.

This award recognizes what the RTR Elementary School community already knows—RTR Elementary is a place where every student, no matter their ability or background, can fulfill their potential. RTR Elementary is an outstanding model of achievement for schools across Minnesota and the country.

Mr. Speaker, please join me in honoring RTR Elementary School for its dedication to the students of Ruthton.

RECOGNIZING THE BARTON FAMILY AS THE HOLMES COUNTY, FLORIDA, 2012 FARM FAMILY OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. MILLER of Florida. Mr. Speaker, it is with great pleasure that I rise to recognize the Barton family for being selected as the 2012 Holmes County, Florida, Farm Family of the Year.

Ken and Rhonda Barton are Northwest Florida natives with a deep connection to the local farming community. Farming became a part of their childhood and way of life. Thirty-three years ago, they were married, and it then became a love they have since shared as husband and wife and one that they now share with their children and grandchildren. Together, they successfully operate a 1,200 acre farm, where they raise livestock and grow peanuts, cotton, oats, and hay. The success of the farm is largely due to the way in which the Barton family operates. Each plays a supporting role, while embracing the best management practices. It is through their tireless work and dedication that the Barton Family demonstrates a true love of agriculture and family.

Outside of the farm, the family plays an active role in the community. Ken and Rhonda are heavily involved in numerous state agriculture associations, including the Florida Peanut Producers Association, the Southern Peanut Farmers Federation, the Florida Cattlemen's Association, and the Florida Farm Bureau. In 2003, Ken became the Executive Director of the Florida Peanut Producers Association, where he proudly represents the peanut farmers of the state of Florida in both Tallahassee and Washington, D.C. He also dedicates his time to research, promotion, and education in Florida peanut production.

Their daughter Tonya is an elementary school teacher at Bethlehem School and is married to Kevin Amerson, who is a field representative with Dothan Livestock. They have instilled in their two young children, Kason and Kolton, a dedication and appreciation for farming, as they are always eager to assist with hay operations or working the cattle. And Ken and Rhonda's son, Chad, is an aircraft mechanic at Fort Rucker and is active with the row-crop operation of the farm. He is married to Ashley Miller who assists with the daily workings of the farm. One of the greatest joys of their two young children, Kenny and Kaylee, is spending time in the field or on a tractor with Ken and Rhonda.

In addition to their love for farming and love of family, as great stewards of the land, Ken and Rhonda are devoted Christians who are ever grateful to the Lord.

Mr. Speaker, our great nation was built by the hard work of farmers and their families. The Holmes County Farm Family of the Year Award is a true reflection of the Barton family's tireless work and dedication to country, faith, and family. On behalf of the United States Congress, I would like to offer my congratulations to the Barton family for this great accomplishment. My wife, Vicki, and I wish them the best for continued success.

TAIWAN NATIONAL DAY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. BERMAN. Mr. Speaker, I rise in order to celebrate with the people of Taiwan as their National Day, October 10, 2012, approaches.

Earlier this year during the presidential and legislative elections, the Taiwanese people once again demonstrated to the world with a clear, ringing voice of freedom that they are a beacon of democracy to Asia and the world.

The United States and Taiwan continue to share a close partnership and an abiding friendship, and I congratulate the people of Taiwan on the occasion of their National Day.

I also would like to take this opportunity to congratulate Taiwan's representative to the United States, the honorable Jason Yuan, on being appointed to his new position as Secretary-General of Taiwan's National Security Council. He has served the interests of Taiwan with distinction during his time here in Washington, D.C., and I thank him for his service.

TRIBUTE TO EDNA KNUDSON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Edna Knudson on the coming celebration of her 100th birthday. Edna will celebrate a century of life in less than one short month on October 21st, 2012.

Our world has changed a great deal during the course of Edna's life. Since her birth, we have revolutionized air travel and walked on the moon. We have invented the television, cellular phones and the internet. We have fought in wars overseas, seen the rise and fall of Soviet communism and witnessed the birth of new democracies. Edna has lived through eighteen United States Presidents and twenty-two Governors of Iowa. In her lifetime, the population of the United States has more than tripled.

Edna was born on October 21st, 1912 in Evansville, Minnesota and spent her early years in Minneapolis working for Honeywell, Inc. In 1945, Edna moved to Parkersburg, Iowa with her husband Howard. As the successful small business owners of the local Coast to Coast hardware store, Edna and Howard raised their two children in the apartment above the store.

Edna's life has been defined by the hard work and commitment she has given to her family, community, and church. Edna has never lost her passion for fun and, when she's not on a golf course, you can find her at the card table playing games or telling stories with friends and family. Edna will celebrate this special birthday surrounded by friends and family, including her four grandchildren and ten great grandchildren.

Mr. Speaker, it is an honor to represent Edna in the United States Congress and it is my pleasure to wish her a very happy 100th birthday. I invite my colleagues in the House to join me in congratulating Ms. Knudson on

reaching this incredible milestone, and wishing her even more health and happiness in the years to come.

IN RECOGNITION OF BARRY CONWAY'S RETIREMENT

HON. FRANK C. GUINTA

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. GUINTA. Mr. Speaker, on September 30, 2012 Barry Conway will retire as Commandant of the New Hampshire State Veterans Home after forty years of faithful service in health care administration. Mr. Conway began his career as a Corpsman with the United Stated Air Force serving from 1960–1964. Soon after leaving the Air Force, he pursued his post secondary education in Rhode Island, before beginning his work in health care administration working in long-term care facilities, ambulatory care centers and hospitals.

For the last twenty-three years, Mr. Conway has worked at the New Hampshire State Veterans Home, providing quality care and services to our state's aging and disabled veterans. Under his leadership the Veterans Home has become a sought after long-term care facility, focusing on the special needs of our veterans. The care provided to our veterans not only meets their specific challenges and needs, but honors both them and their service to our country.

Mr. Conway has also shared his expertise and experience in caring for the elderly, frail, and disabled veterans as a member of many associations including the National Association of State Veterans Homes, American College of Health Care Administrators, New Hampshire Health Care Association, and the American Legion. He has served New Hampshire and its residents well, especially our veterans community, and he will be sorely missed when he leaves the Veterans Home.

I congratulate Barry Conway on his well earned retirement and thank him for his outstanding support of our veterans here in New Hampshire. I wish both Barry and his wife Barbara continued success in their life together.

TRIBUTE TO SARAH DEMAREE

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. WALDEN. Mr. Speaker, now that we have returned to our districts before the election, I'd like to highlight a valuable staff member of mine who recently left my office. I rise today to pay tribute and say thanks to Sarah Demaree, a member of my staff who dedicated herself to the people of Oregon's Second Congressional District for nearly three years in my Washington, DC, Office.

Sarah is a talented young woman who filled many different roles in my office, and was up to the challenge for each one. First joining the office as an intern after graduating from Colgate University, Sarah quickly stepped into the role of staff assistant and has continued to take on more responsibility as a legislative correspondent and legislative assistant handling education issues.

Whatever she was asked to do—even if she wasn't asked directly to do it—Sarah was up to the challenge. When she was staff assistant, she went above and beyond to make all Oregonians who visited feel welcome. Each and every one came a long way, and she gave them some of the best Capitol tours on the Hill. As legislative correspondent, she helped me keep in close touch with all corners of the Second District.

Sarah adeptly handled complex policy issues as my education advisor. In that role, Sarah kept in close touch with teachers throughout Oregon and maintained a close relationship to teacher groups and education administrators.

Sarah also organized several visits from a group of special men and women, World War II veterans from Oregon as part of Honor Flight of Oregon and Honor Flight of Eastern Oregon. Each time a group travelled to Washington, Sarah would plan their visits for weeks to make sure each and every one of these heroes had a perfect trip to the nation's capital. She was known to rise early on Saturday mornings to go to the World War II Memorial to greet these veterans, and present them with flags flown over the Capitol. The organizers of these visits, Gail Yakopatz and Dick Tobiason, always singled out Sarah for her help, praising her dedication and Tenacity.

While not a native Oregonian, Sarah has deep ties to the state, whether through her annual family camping trip to Howard Prairie Lake outside of Ashland or her extended family in Portland. These deep connections to the state allowed her to connect with Oregonians from around the Second District.

While Sarah has dedicated herself to public service here in our nation's capital, she has headed back to her native Washington State to enter a new and exciting phase of her life. Sarah has given up the ''maroon and white'' of her alma mater, Colgate University, for the ''purple and gold'' of her home state University of Washington where she began law school this fall.

I'm sure that law school has been keeping Sarah plenty busy, but with her industrious work ethic, and desire to make the world a better place, I can imagine Sarah will soon be putting her energy into public service in Washington State. She's also closer to her mom and dad, Walt and Liz, and to her beloved Seattle Seahawks. I speak for all members of Team Walden when I say Sarah's dedication and talent have been missed, but we wish her best of luck as she begins her new life in ''the other'' Washington.

I ask my colleagues to join me in wishing Sarah the best of luck as she returns West and pursues new personal and professional endeavors. Sarah, thanks for exemplary service to the Congress and citizens of Oregon.

TRIBUTE TO EAGLE SCOUT WILLIAM M. HITTLE IV

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate William M. Hittle IV of Nora Springs, Iowa for achieving the rank of Eagle Scout.

The Eagle Scout rank is the highest advancement rank in scouting. Only about 5 percent of Boy Scouts earn the Eagle Scout Award. The award is a performance-based achievement with high standards that have been well-maintained over the past century.

To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit the community. The work ethic William has shown in his Eagle Project and every other project leading up to his Eagle Scout rank speaks volumes of his commitment to serving a cause greater than himself and assisting his community.

Mr. Speaker, the example set by this young man and his supportive family demonstrates the rewards of hard work, dedication and perseverance. I am honored to represent William and his family in the United States Congress. I know that all of my colleagues in the House will join me in congratulating him on obtaining the Eagle Scout ranking, and I wish him continued success in his future education and career.

IN RECOGNITION OF FRIENDS OF LIGHT RAIL AND TRANSIT

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Ms. MATSUI. Mr. Speaker, I rise today to recognize Friends of Light Rail and Transit as they celebrate their 25th anniversary. As supporters and members of this fine organization gather together to celebrate a quarter century of steadfast public transit advocacy, I ask all my colleagues to join me in recognizing them for their efforts to advocate for the improvement and expansion of bus and light rail service in Sacramento.

For the past 25 years, Friends of Light Rail and Transit has been a staunch supporter of public transportation in the Sacramento area. Since the inception of light rail in 1987, they have been instrumental in the growth and promotion of the public transportation system in the Sacramento region. With Friends of Light Rail and Transit's support, the Sacramento Regional Transit District has continued to expand light rail service in Sacramento and most recently add the new Green Line, which will eventually link Natomas and the Sacramento Airport to the rest of the light rail system. Friends of Light Rail and Transit has also fought for improved bus service for every neighborhood in the region.

Friends of Light Rail and Transit have hosted, sponsored and participated in countless community workshops for transit oriented planning projects across the region. They have pushed decision makers and policymakers to ensure public transit is at the forefront of their minds. Headed by Executive Director Seann Rooney and Board President Dain Domich, this great organization has been prominent in voicing their support for improved air quality, infill development, and congestion relief; consistently and tirelessly pushing for a better tomorrow.

Mr. Speaker, as members and supporters of Friends of Light Rail and Transit gather to celebrate this milestone, and their many achievements over the last 25 years, I ask my colleagues to join me in saluting these fine individuals for their excellent work and commitment to our community.

A TRIBUTE TO HONOR THE LIFE OF ROBERT ''BAT'' BATINOVICH

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Ms. ESHOO. Mr. Speaker, I rise today to honor Robert ''Bat'' Batinovich, a special friend and extraordinary citizen who passed on September 11, 2012, on the Big Island of Hawaii surrounded by his loved ones. He is survived by his wife Garnet, son Andy (Debbie), daughter Angela, and grandchildren Kyle and Kelly Cotchett, Alexa Batinovich and Avery Bysouth, brother Ken (Annette), many wonderful cousins and scores of friends.

Robert Batinovich was born July 13, 1936, in Long Beach, California, to Matthew and Margaret Batinovich. He attended St. Anthony's High School and worked as a tuna fisherman in South America.

A resident of Hillsborough and a highly trusted and respected businessman, ''Bat'' was the founder of Glenborough Corporation based in San Mateo, California, and Chairman of the Board of Directors of Glenborough Realty Trust Inc. a Real Estate Investment Trust through his retirement. He spent seven years as an executive with Norris Industries, after which most of his business life was devoted to entrepreneurial and venture capital activities primarily through the start-up or acquisition, operation, and ultimate sale, of a variety of businesses.

Between 1976–1980, ''Bat'' served on the California Public Utilities Commission, and for the last two years of his service, he was President. He served on the California State Board of Transportation in 1977, and the Health Facilities Authority in 1981. He also served on the Board of Farr Company and the Advisory Board of Greater Bay Bank Corp., Palo Alto, California. His love of charities led him to support Community Gatepath, Georgetown University, The Samaritan House and Catholic Charities. He loved people and lived a full life, contributing significantly as a public servant and a businessman. He always led by example and integrity. He was universally respected for his compassion, his caring, his drive, and his generosities, and it was a privilege to call him my friend.

Mr. Speaker, I ask my colleagues to join me in extending our deepest condolences to ''Bat's'' beloved wife, Garnet, and their entire family. ''Bat'' was a strong leader, businessman, philanthropist and public servant who brought much joy to the lives he touched, strengthened his community and bettered the Nation he loved so much. His life and his contributions are worthy of this tribute we pay to him today.

IN RECOGNITION OF DR. MARC LEVENSON'S RETIREMENT

HON. FRANK C. GUINTA

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. GUINTA. Mr. Speaker, on September 30, 2012 Dr. Marc Levenson will retire from the VA Medical Center after 24 years of faithful service to our State's veterans. Dr. Levenson began his medical career practicing Internal Medicine at the University of North Carolina Medical Center in Chapel Hill and then went on to serve as Vice President and Senior Physician at Jackson River Internists in Virginia.

After his time in private practice, he joined the VA Health Care System in Pennsylvania before making a permanent place in the New England VA Health Care System. Dr. Levenson began his career in Manchester as the Chief of Staff and after 12 years in this position was promoted to Director of the Manchester VA Medical Center in 2000. Since that time he has led the VAMC with dedication and integrity, bringing the best care and services possible to our State's veterans.

He has helped to improve and initiate several clinics including Ophthalmology, Audiology, Dermatology and Podiatry Care. His efforts also focused on implementing Primary Care Mental Health Integration and expanding the Home Based Primary Care Program to the Community Based Outpatient Clinics throughout the State. He has also stepped in to help out at other Medical Centers in White River Junction, Vermont and Bedford, Massachusetts when these facilities were transitioning between directors.

Dr. Levenson has been a great leader for our veterans here in New Hampshire and provided all of our veterans with the services and care they need when transitioning back from active duty to civilian life, and into their later years. His work has been outstanding and is greatly appreciated. I congratulate Dr. Levenson on his well earned retirement and thank him for his outstanding support of our veterans in New Hampshire and New England.

RECOGNIZING TAIWAN'S 101ST NATIONAL DAY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to acknowledge Taiwan's 101st National Day on October 10, 2012. This event marks the anniversary of the 1911 uprising that led to the establishment of the Republic of China.

Under President Ma Ying-jeou's leadership, Taiwan has made great strides in improving relations with mainland China, which has contributed to reduced tensions in the region overall. Furthermore, through the Economic Cooperation Framework Agreement, millions of citizens in both nations have benefited. China and Taiwan are continuing to pursue productive and peaceful negotiations to ensure a better future for their citizens, and cross-strait relations are better now than they have ever been.

The United States should support and assist Taiwan in building on its recent successes and playing a greater role in international organizations, such as the World Health Assembly. Taiwan is also on the road to gaining membership in the International Civil Aviation Organization. This important progress should be recognized and encouraged.

Mr, Speaker, Taiwan is an important ally to the United States, an outpost of democracy and freedom, and plays a critical economic role in the region. Millions of Americans buy Taiwanese products, and Taiwan is an export destination for a wide range of American products, from agriculture to raw materials to technology. The Taiwanese people are committed to hard work and democratic values, as well as productive and peaceful international relations. I offer my sincere congratulations on their 101st National Day, and look forward to celebrating Taiwan's future successes.

HONORING TEAM ACADEMY

HON. TIMOTHY J. WALZ

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. WALZ. Mr. Speaker, I rise today to recognize the accomplishments of TEAM Academy in Waseca, Minnesota.

On September 7th, TEAM Academy was named one of two schools from the First District of Minnesota to be designated as a 2012 National Blue Ribbon School.

This award recognizes exemplary schools like TEAM Academy where students have made significant progress. Schools that receive this award truly exemplify the belief that every child has promise and must receive a high quality education.

As a teacher on leave from Mankato West, I know that achieving success for all students takes a commitment from the entire school, from the principal to the counselors to the teachers. Their dedication every day toward success and achieving a higher goal motivates students to do their best.

This is exactly what TEAM Academy has done for its students. Under the leadership of Director Jill Ladwig, the school practices individualized learning in small groups, and focuses on reading, mathematics and exposure to art, Spanish, physical education and music. Every day, students walk into an environment where they are encouraged to reach their full potential, become a productive member of society, and understand the importance of post-secondary education.

This award recognizes what the Waseca community already knows—TEAM Academy is a place where every student, no matter their background or ability, can fulfill their potential.

Mr. Speaker, please join me in honoring TEAM Academy for its dedication to the students of Waseca.

HONORING BETTE BOYD FOR HER SERVICE TO HUMBOLDT COUNTY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Bette Boyd. Mrs. Boyd has exercised the most important duty of citizenship, voting in every election since she registered to vote at the age of 21 in 1947. She has devoted her time and efforts to community endeavors and good citizenship since being first employed in war work in 1943.

When the demand for skilled workers was at a high in 1943, Mrs. Boyd went to work in the American Motors plant in Los Angeles. Shortly after, she was promoted to lead the work group of women engaged in essential war work. Bette embraced her responsibilities and welcomed the opportunity to contribute to the war effort.

Her first job after WWII exposed her to the need for a union voice and she began an organizing effort for the United Electrical Workers. She advocated for better wages and working conditions for men and women engaged in assembly line work. Bette took fellow workers out on strike and experienced for the first time the power of owners and management when the strike was broken. After the Vietnam War, Bette met refugees from southeast Asia who needed help adjusting to American life. She assisted refugees in securing employment and was responsible for integrating 1500 refugee families into American culture.

Through her work with Vietnamese refugees, Bette became aware of the onset of AIDS in Los Angeles and the Bay Area. She volunteered to work with AIDS patients at an early point in the epidemic that would become a global scourge. She met Mother Teresa and helped establish an AIDS clinic in India. Bette continues her work with AIDS patients today.

Bette became involved with the poor in India. She proposed to provide funds to improve educational opportunities in a rural South India village and insisted that girls be offered the same educational opportunities as boys. She contributed to the construction of a school that would touch hundreds of children. Today that school in Madahalli, Karnataka State enrolls 850 children.

Bette moved to Humboldt County in 1993 and has been involved in volunteer work ever since. Her work ranges from helping cancer patients get treatment to working with HIV patients, and helping the mentally ill. She is a stalwart at Democratic Headquarters and is regularly at booths and street fairs. She encourages all who are eligible to register and vote, thereby fulfilling the first duty of citizenship.

Mr. Speaker, it is appropriate at this time that we recognize Bette Boyd for her outstanding service to a global citizenry.

HONORING THE SERVICE OF SUSAN B. ANDERSON

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. COSTA. Mr. Speaker, I rise today to recognize and thank the Honorable Susan B. Anderson for her service, as she prepares to retire from the Fresno County Board of Supervisors. She was elected to the Board of Supervisors in 2000 and has been a reliable champion for the people of Fresno County for over a decade. During her tenure on the Board of Supervisors, Susan has served as a collaborative, creative, and innovative leader. Her participation on the Board will be sorely missed.

Born in Kansas, Susan and her family moved to California's agriculturally rich San Joaquin Valley when Susan was three years old. By 1970, Susan and her family settled in Fresno, California. In 1987, Susan earned her law degree from San Joaquin College of Law, where she also served as president of the Student Association, and eventually the Alumni Association.

A long-time public servant, Susan began her career working as marketing director for the downtown Fresno YMCA for over ten years. With her leadership, the YMCA experienced an expansion in membership and community support—clearly exhibiting her role as an effective ambassador for the people of the San Joaquin Valley.

Susan has been an unwavering advocate for Central California's children during her entire career. Shortly after graduating from law school, Susan worked as a deputy district attorney in the Fresno County Juvenile Courts. She took it upon herself to ensure that abused, abandoned, and neglected children were represented fairly and passionately. Additionally, Susan has served on a number of Boards, including the Boy Scouts, Big Brothers & Big Sisters, Court Appointed Special Advocates (CASA), and the YMCA. She also was at the forefront of the effort to create Focus Forward, a non-profit organization aimed at providing educational and enrichment services to the County's children. Susan's dedication to helping some of our most vulnerable citizens serves as a testament to her superior moral character and compassionate heart.

When Susan was elected to be County Clerk in 1990, she made history by being the first woman elected to a county-wide post. Her time as County Clerk was ample with accomplishments. During her service, she increased the efficiency of her department, ensuring timely responses and successful service.

As a County Supervisor, Susan has often shown thoughtful leadership, effective policy development, and keen fiscal and administrative oversight. Her work has touched the lives of thousands of Valley residents, and will ensure that her legacy lives on for years to come.

Mr. Speaker, I ask my colleagues to join me in recognizing one of California's most principled leaders. Her loyalty to her constituents paired with her unmatched work ethic truly makes her a source of pride for our entire nation.

COMMEMORATING TAIWAN'S NATIONAL DAY OF CELEBRATION

HON. DAVID RIVERA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. RIVERA. Mr. Speaker, I rise today to congratulate the Republic of China (Taiwan) for more than a century of tremendous success as we approach their National Day of Celebration, October 10, 2012. This day marks 101 years since the founding of the country, and most importantly marks more than a century of progress towards democracy, freedom, and economic success for the people of Taiwan. I would like to commend the country for its continued commitment to a brighter future, despite numerous struggles over the years. I would also like to take this opportunity to thank Taiwan for its many years of friendship to the United States. It has been an ally in the region for decades, and this invaluable friendship deserves recognition.

I congratulate Ambassador Jason Yuan, Representative of Taiwan to the United States, on his new post as Secretary-General of the National Security Council of Taiwan. I cherish the friendship with Ambassador Yuan and wish the Ambassador and Madame Yuan the very best of luck in the future.

TRIBUTE TO THE MATILDA JOSLYN GAGE FOUNDATION

HON. ANN MARIE BUERKLE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Ms. BUERKLE. Mr. Speaker, I rise today to honor and pay tribute to the Matilda Joslyn Gage Foundation of Fayetteville, New York, upon the occasion of receiving federal funding through the Department of State's Museums Connect Program—a highly selective program that aims to strengthen cultural understanding through collaborative and innovative projects facilitated by museums.

The Matilda Joslyn Gage Foundation dedicates its efforts to educating individuals about the life and work of Matilda Joslyn Gage and her significant contributions to the women's suffrage movement of the 19th century.

With respect to her commitment and dedication to women's rights and human liberation, the Matilda Joslyn Gage Foundation commits itself to celebrating her life and promoting the continuing significance of the works of Matilda Joslyn Gage for current and future generations.

Consistent with her values, the Matilda Joslyn Gage Foundation works to preserve the home of this great American figure, as well as preserve her writings, provide educational programs devoted to the abolitionist and suffrage movements, and promote the history of Central New York as a beacon during our nation's great civil rights movements.

It is with honor that I pause in my legislative deliberations to acknowledge the Matilda Joslyn Gage Foundation for its dedication to strengthening and developing cultural and historical understanding throughout Central New York and the United States.

Mr. Speaker, I ask that you and my colleagues join me in congratulating The Matilda

Joslyn Gage Foundation, recipients of the Department of State's Museums Connect grant.

TRIBUTE TO ANDREW WHELAN

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. WALDEN. Mr. Speaker, now that we have returned to our districts before the election, I'd like to highlight a valuable staff member of mine who recently left my office. I rise today to honor an outstanding golfer, a barbecue master, and an intensely devoted San Francisco 49ers fan who ably and professionally served for many years as my press secretary, Andrew Whelan. Andrew and his fantastic wife Paige recently moved back to their home state of California, and I've greatly missed his keen advice and genuine friendship.

Andrew started the Capitol Hill chapter of his career nearly seven years ago, working on the House Committee on Resources, eventually rising to deputy press secretary. In December 2006, I hired him as my press secretary, where he has successfully served the people of Oregon ever since.

Mr. Speaker, there may be no more challenging job on Capitol Hill than being a press secretary to a Member of Congress who was a press secretary to a Member of Congress. But Andrew went above and beyond by facing this demanding role with unflinching resolve and dedication—all while making it look nearly effortless and easy.

Before pursuing federal public service in Washington, Andrew worked for a state assemblyman in California, and edited his alma mater's campus newspaper, the California Aggie at University of California, Davis.

A Member of Congress relies on his or her staff to be his eyes and ears across the district—especially when the district covers 70,000 square miles, like Oregon's Second. Andrew has always been a highly effective representative of me whether it be when speaking to a national news outlet, the local hometown newspaper reporter, or an eager young student angling for an inside scoop for a school project on Congress.

Andrew made it a point to maintain a genuine connection to constituents he came into contact with in all corners of the district—those who agree with my policy positions and those who do not. He listened sincerely to their points of view and, even if they challenged him with extreme emotion, his responses were always civil and respectful and his demeanor was patient.

Andrew made it his highest goal to keep in touch with the citizens of the Second District. He believes, as do I, that we are here to do the people's business, and the people have the right to know what their government is doing. It was Andrew's job to help communicate what we as Members are doing back to the people we serve.

Andrew played a leading role in a number of public affairs efforts that made a real difference in our country. From helping to uncover negligence in federal agencies, to spotlighting an unfair and misleading National Guard bonus program for new recruits, to restoring housing rights for homeless veterans, to developing many other communications strategies that forced the government to better help the people they are supposed to serve, Andrew accomplished much for his fellow citizens during his time in Washington.

As a press secretary, Andrew had to have a handle on a wide range of policy issues—and often had to know the issues as well as or better than the policy staff. He had to figure out how to explain complicated issues to people, often on a very tight deadline. To better keep in touch with people, he helped me expand the use of social media to more effectively reach Oregonians on Facebook, YouTube, and Twitter.

On a personal level, Andrew's love of golf is only overshadowed by his love for his wife, Paige. According to his mother, he was seen swinging a golf club even in diapers and won his first tournament at eight years old. He's even played in the qualifier for the U.S. Open twice. Also according to his mother, the only time he's looked happier than his time on the golf course was the day he married Paige.

While living in Washington, DC, Andrew became an uncle, and he enjoyed being able to visit his brothers Don and Rob and his four nieces and nephews who live here on the East Coast.

But now Andrew and Paige have moved back home to California. While Team Walden was very sorry to see him go, I know his parents Bill and Lindy are happy to be close to their son once again. I speak for all my current and former staff when I say we have missed Andrew very much. I should also add that I know the folks at Potbelly's around Washington have also been very sad to see him go, but delighted at the prospects of him opening the first Potbelly's franchise in the Bay Area which will be necessary to satisfy his cravings.

I ask my colleagues to join me in wishing Andrew and Paige the best of luck as they return West and pursue new personal and professional endeavors. Andrew, thanks for exemplary service to the Congress and citizens of Oregon.

TRIBUTE TO RAMONA ESBECK

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Ramona Esbeck on the coming celebration of her 100th birthday. Ramona will celebrate a century of life on October 7th, 2012.

Our world has changed a great deal during the course of Ramona's life. Since her birth, we have revolutionized air travel and walked on the moon. We have invented the television, cellular phones and the internet. We have fought in wars overseas, seen the rise and fall of Soviet communism and witnessed the birth of new democracies. Ramona has lived through eighteen United States Presidents and twenty-two Governors of Iowa. In her lifetime, the population of the United States has more than tripled.

Mr. Speaker, it is an honor to represent Ramona in the United States Congress and it is my pleasure to wish her a very happy 100th birthday. I invite my colleagues in the House to join me in congratulating Ms. Esbeck on reaching this incredible milestone, and wishing her even more health and happiness in the years to come.

IN RECOGNITION OF THE GRAND OPENING OF CHRISTIAN FAITH WORLD MINISTRIES CHURCH

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2012

Mr. SESSIONS. Mr. Speaker, I rise today to congratulate Reverend Dr. Ronald E. Hodges and his congregation on the grand opening of the Christian Faith World Ministries Church (CFWMC) in Addison, Texas on September 30, 2012.

Through the prayer, hard work and leadership of Reverend Hodges, the vision of a new church facility is now a reality. Strategically located, CFWMC plans to reach out to the people of Addison as well as to the neighboring communities of Carrollton, Farmers Branch, and North Dallas. The church offers a variety of ministries, including counseling, fellowship groups, and education programs, designed to provide a wide range of opportunities for individuals to serve, connect, and establish community. Faith is of great importance and plays a vital role in our society. It strengthens families and relationships, instills values and principles, and encourages participation for the betterment of our communities.

I am delighted to recognize Reverend Hodges and Christian Faith World Ministries Church as they celebrate this special occasion. Mr. Speaker, I ask my esteemed colleagues to join me in expressing our heartfelt congratulations on the grand opening of this new facility. May God bless Reverend Hodges and his congregation.

Daily Digest

Senate

Chamber Action

The Senate met at 10:10:07 a.m. in pro forma session, and adjourned at 10:10:43 a.m. until 11 a.m., on Tuesday, October 2, 2012.

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 3 public bills, H.R. 6564–6566 were introduced. **Page H6297**

Additional Cosponsors: **Pages H6297–98**

Report Filed: A report was filed today as follows:

H.R. 511, to amend title 18, United States Code, to prohibit the importation of various injurious species of constrictor snakes, with an amendment (H. Rept. 112–691, Pt. 1). **Page H6297**

Speaker: Read a letter from the Speaker wherein he appointed Representative Culberson to act as Speaker pro tempore for today. **Page H6285**

Chaplain: The prayer was offered by the guest chaplain, Reverend Gene Hemrick, Washington Theological Union, Washington, DC. **Page H6285**

Military Commercial Driver's License Act of 2012: The House agreed to discharge from committee and pass 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. **Page H6285**

Changing the effective date for the internet publication of certain information to prevent harm to the national security: The House agreed to take from the Speaker's table and pass 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. **Pages H6285–86**

Whistleblower Protection Enhancement Act of 2012: The House agreed to discharge from committees and pass S. 743, as amended, to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, to require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, and to provide certain authority for the Special Counsel. **Pages H6286–96**

Quorum Calls—Votes: There were no Yea and Nay votes, and there were no Recorded votes. There were no quorum calls.

Adjournment: The House met at 11 a.m. and adjourned at 11:11 a.m.

Committee Meetings

No hearings were held.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR TUESDAY, OCTOBER 2, 2012

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No hearings are scheduled.

Next Meeting of the SENATE

11 a.m., Tuesday, October 2

Senate Chamber

Program for Tuesday: Senate will meet in a pro forma session.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Tuesday, October 2

House Chamber

Program for Tuesday: The House will meet in pro forma session.

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