

NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator CHARLES GRASSLEY, intend to object to proceeding to the nomination of Brodi L. Fontenot, to be Chief Financial Officer at the Department of the Treasury, dated April 28, 2015.

NOTICE OF HEARING

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ALEXANDER. Mr. President, I would like to announce that the Committee on Health, Education, Labor, and Pensions will meet on May 5, 2015, at 2:30 pm, in room SD-430 of the Dirksen Senate Office Building, to conduct a hearing entitled “Continuing America’s Leadership: Realizing the Promise of Precision Medicine for Patients”.

For further information regarding this meeting, please contact Jamie Garden of the committee staff on (202) 224-1409.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CORKER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on April 28, 2015, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CORKER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 28, 2015, at 10 a.m., to conduct a hearing entitled “The State of the Insurance Industry and Insurance Regulation.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CORKER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on April 28, 2015, at 10 a.m., in room SR-253 of the Russell Senate Office Building to conduct a Subcommittee hearing entitled “Staying Afloat: Examining the Resources and Priorities of the U.S. Coast Guard.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CORKER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on April 28, 2015, at 2:30 p.m., in room SR-253 of the Russell Senate Office Building to conduct a Subcommittee hearing entitled “FAA Reauthorization: Aviation Safety and General Aviation.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CORKER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on April 28, 2015, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CORKER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on April 28, 2015, at 10 a.m., in room SD-406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CORKER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 28, 2015, at 10 a.m., in room SD-215 of the Dirksen Senate Office Building, to conduct a hearing entitled “Creating a More Efficient and Level Playing Field: Audit and Appeals Issues in Medicare.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CORKER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on April 28, 2015, at 10 a.m., in room SD-430 of the Dirksen Senate Office Building to conduct a hearing entitled “Continuing America’s Leadership: The Future of Medical Innovation for Patients.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CORKER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on April 28, 2015, at 2:30 p.m. to conduct a hearing entitled “Securing the Border: Biometric Entry and Exit at Our Ports of Entry.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CORKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on April 28, 2015, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Oversight of Homeland Security.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CORKER. Mr. President, I ask unanimous consent that the Select

Committee on Intelligence be authorized to meet during the session of the Senate on April 28, 2015, at 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CORKER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 28, 2015, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON REGULATORY AFFAIRS AND FEDERAL MANAGEMENT

Mr. CORKER. Mr. President, I ask unanimous consent that the Subcommittee on Regulatory Affairs and Federal Management of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on April 28, 2015, at 10 a.m., to conduct a hearing entitled, “Examining the Proper Role of Judicial Review in the Federal Regulatory Process.”

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Rhode Island.

PRIVILEGES OF THE FLOOR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that Chris Stavish, an education fellow, and Karen Armitage, a health policy fellow, both in my office, be granted floor privileges for the remainder of this Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTOR VEHICLE SAFETY WHISTLEBLOWER ACT

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 36, S. 304.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 304) to improve motor vehicle safety by encouraging the sharing of certain information.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

S. 304

SECTION 1. SHORT TITLE.

This Act may be cited as the “Motor Vehicle Safety Whistleblower Act”.

SEC. 2. MOTOR VEHICLE SAFETY WHISTLEBLOWER INCENTIVES AND PROTECTIONS.

(a) IN GENERAL.—Subchapter IV of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

§30172. Whistleblower incentives and protections

“(a) DEFINITIONS.—In this section:

“(1) COVERED ACTION.—The term ‘covered action’ means any administrative or judicial action, including any related administrative or judicial action, brought by the Secretary or the

Attorney General under this chapter that in the aggregate results in monetary sanctions exceeding \$1,000,000.

“(2) MONETARY SANCTIONS.—The term ‘monetary sanctions’ means monies, including penalties and interest, ordered or agreed to be paid.

“(3) ORIGINAL INFORMATION.—The term ‘original information’ means information that—

“(A) is derived from the independent knowledge or analysis of an individual;

“(B) is not known to the Secretary from any other source, unless the individual is the original source of the information; and

“(C) is not exclusively derived from an allegation made in a judicial or an administrative action, in a governmental report, a hearing, an audit, or an investigation, or from the news media, unless the individual is a source of the information.

“(4) PART SUPPLIER.—The term ‘part supplier’ means a manufacturer of motor vehicle equipment.

“(5) SUCCESSFUL RESOLUTION.—The term ‘successful resolution’ includes any settlement or adjudication of a covered action.

“(6) WHISTLEBLOWER.—The term ‘whistleblower’ means any employee or contractor of a motor vehicle manufacturer, part supplier, or dealership who voluntarily provides to the Secretary original information relating to any motor vehicle defect, noncompliance, or any violation or alleged violation of any notification or reporting requirement of this chapter which is likely to cause unreasonable risk of death or serious physical injury.

“(b) AWARDS.—

“(1) IN GENERAL.—If the original information that a whistleblower provided to the Secretary led to the successful resolution of a covered action, the Secretary, subject to subsection (c), may pay an award or awards to 1 or more whistleblowers in an aggregate amount of not more than 30 percent, in total, of collected monetary sanctions.

“(2) PAYMENT OF AWARDS.—Any amount payable under paragraph (1) shall be paid from the monetary sanctions collected, and any monetary sanctions so collected shall be available for such payment.

“(c) DETERMINATION OF AWARDS; DENIAL OF AWARDS.—

“(1) DETERMINATION OF AWARDS.—

“(A) DISCRETION.—The determination of whether, to whom, or in what amount to make an award shall be in the discretion of the Secretary.

“(B) CRITERIA.—In determining an award made under subsection (b), the Secretary shall take into consideration—

“(i) if appropriate, whether a whistleblower reported or attempted to report the information internally to an applicable motor vehicle manufacturer, part supplier, or dealership;

“(ii) the significance of the original information provided by the whistleblower to the successful resolution of the covered action;

“(iii) the degree of assistance provided by the whistleblower and any legal representative of the whistleblower in the covered action; and

“(iv) such additional factors as the Secretary considers relevant.

“(2) DENIAL OF AWARDS.—No award under subsection (b) shall be made—

“(A) to any whistleblower who is convicted of a criminal violation related to the covered action for which the whistleblower otherwise could receive an award under this section;

“(B) to any whistleblower who, acting without direction from an applicable motor vehicle manufacturer, part supplier, or dealership, or agent thereof, deliberately causes or substantially contributes to the alleged violation of a requirement of this chapter;

“(C) to any whistleblower who submits information to the Secretary that is based on the facts underlying the covered action submitted previously by another whistleblower;

“(D) to any whistleblower who fails to provide the original information to the Secretary in such

form as the Secretary may require by regulation; or

“(E) to any whistleblower who fails to report or attempt to report the information internally to an applicable motor vehicle manufacturer, parts supplier, or dealership, unless—

“(i) the whistleblower reasonably believed that such an internal report would have resulted in retaliation, notwithstanding section 30171(a); or

“(ii) the whistleblower reasonably believed that the information—

“(I) was already internally reported;

“(II) was already subject to or part of an internal inquiry or investigation; or

“(III) was otherwise already known to the motor vehicle manufacturer, part supplier, or dealership.

“(d) REPRESENTATION.—A whistleblower may be represented by counsel.

“(e) NO CONTRACT NECESSARY.—No contract with the Secretary is necessary for any whistleblower to receive an award under subsection (b).

“(f) PROTECTION OF WHISTLEBLOWERS; CONFIDENTIALITY.—

“(1) IN GENERAL.—Notwithstanding section 30167, and except as provided in paragraphs (4) and (5) of this subsection, the Secretary, and any officer or employee of the Department of Transportation, shall not disclose any information, including information provided by a whistleblower to the Secretary, which could reasonably be expected to reveal the identity of a whistleblower, except in accordance with the provisions of section 552a of title 5, unless—

“(A) required to be disclosed to a defendant or respondent in connection with a public proceeding instituted by the Secretary or any entity described in paragraph (5);

“(B) the whistleblower provides prior written consent for the information to be disclosed; or

“(C) the Secretary, or other officer or employee of the Department of Transportation, receives the information through another source, such as during an inspection or investigation under section 30166, and has authority under other law to release the information.

“(2) REDACTION.—The Secretary, and any officer or employee of the Department of Transportation, shall take reasonable measures to not reveal the identity of the whistleblower when disclosing any information under paragraph (1).

“(3) SECTION 552(b)(3)(B).—For purposes of section 552 of title 5, paragraph (1) of this subsection shall be considered a statute described in subsection (b)(3)(B) of that section.

“(4) EFFECT.—Nothing in this subsection is intended to limit the ability of the Attorney General to present such evidence to a grand jury or to share such evidence with potential witnesses or defendants in the course of an ongoing criminal investigation.

“(5) AVAILABILITY TO GOVERNMENT AGENCIES.—

“(A) IN GENERAL.—Without the loss of its status as confidential in the hands of the Secretary, all information referred to in paragraph (1) may, in the discretion of the Secretary, when determined by the Secretary to be necessary or appropriate to accomplish the purposes of this chapter and in accordance with subparagraph (B), be made available to the following:

“(i) The Department of Justice.

“(ii) An appropriate department or agency of the Federal Government, acting within the scope of its jurisdiction.

“(B) MAINTENANCE OF INFORMATION.—Each entity described in subparagraph (A) shall maintain information described in that subparagraph as confidential, in accordance with the requirements in paragraph (1).

“(g) PROVISION OF FALSE INFORMATION.—A whistleblower who knowingly and willfully makes any false, fictitious, or fraudulent statement or representation, or who makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall not be entitled to

an award under this section and shall be subject to prosecution under section 1001 of title 18.

“(h) APPEALS.—

“(1) IN GENERAL.—Any determination made under this section, including whether, to whom, or in what amount to make an award, shall be in the discretion of the Secretary.

“(2) APPEALS.—Any determination made by the Secretary under this section may be appealed by a whistleblower to the appropriate court of appeals of the United States not later than 30 days after the determination is issued by the Secretary.

“(3) REVIEW.—The court shall review the determination made by the Secretary in accordance with section 706 of title 5.

“(i) REGULATIONS.—Not later than 18 months after the date of enactment of the Motor Vehicle Safety Whistleblower Act, the Secretary shall promulgate regulations on the requirements of this section, consistent with this section.”

“(b) RULE OF CONSTRUCTION.—

“(1) ORIGINAL INFORMATION.—Information submitted to the Secretary of Transportation by a whistleblower in accordance with the requirements of section 30172 of title 49, United States Code, shall not lose its status as original information solely because the whistleblower submitted the information prior to the effective date of the regulations if that information was submitted after the date of enactment of this Act.

“(2) AWARDS.—A whistleblower may receive an award under section 30172 of title 49, United States Code, regardless of whether the violation underlying the covered action occurred prior to the date of enactment of this Act, and may receive an award prior to the Secretary of Transportation promulgating the regulations under section 30172(i) of that title.

“(c) CONFORMING AMENDMENTS.—The table of contents of subchapter IV of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

“30172. Whistleblower incentives and protections.”

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to; the bill, as amended, be read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 304), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

RECOGNIZING THE IMPORTANCE OF THE UNITED STATES-JAPAN RELATIONSHIP TO SAFEGUARDING GLOBAL SECURITY, PROSPERITY, AND HUMAN RIGHTS

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 153, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 153) recognizing the importance of the United States-Japan relationship to safeguarding global security, prosperity, and human rights.

There being no objection, the Senate proceeded to consider the resolution.