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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, the light of the world, as You illuminate our path, may we walk in the brightness of Your presence. Use our Senators to select the plans that most honor You. May they feel concern when our Nation drifts from Your precepts and labor to restore those values that will keep America strong. Lord, help them to do their very best each day and leave the results to You. Give them the wisdom to lift each other's burdens by being as encouraging to others as You have been to them.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND 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.

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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 1, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

VETERANS JOBS CORPS ACT OF 2012—MOTION TO PROCEED

Mr. REID. Madam President, I now move to proceed to Calendar No. 476, which is the Veterans Jobs Corps Act, sponsored by Senator NELSON of Florida.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 476, S. 3457, a bill to require the Secretary of Veterans Affairs to establish a Veterans Jobs Corps, and for other purposes.

Mr. REID. Madam President, the first hour will be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

CYBER SECURITY

Yesterday I filed cloture on the cyber security bill. As a result, the filing deadline for first-degree amendments is 1 p.m. today. We will let the Senate know about votes scheduled. We are trying to do one on Burma and the African trade bill that we have wanted to do for a long time, but Republicans have held it up to this point. But we will see what we can do to move forward on that.

Madam President, last week GEN Keith Alexander, commander of the U.S. Cyber Command, was asked to rate how prepared America was to face a cyber terrorist attack on the scale of 1 to 10. Here is what he said: ''From my perspective I'd say around a 3.''

Keep in mind, 1 is totally unprepared, 10 is totally prepared. Three is what he said. One of the country's top national security experts gave us 3 out of 10, a failing grade by any standard.

He went to say that the type of cyber attacks that could black out the United States for weeks or months are up seventeenfold in the last 3 years. The Nation's top security experts have said a cyber 9/11 is imminent. They say frailties in our defenses against these attacks are most urgent. They are a threat to our national security. Nothing is more important.

So it was with disappointment last night that I filed cloture on legislation to reinforce our defenses against these malicious attackers. Some are countries, some are organizations, some are individuals. National security experts have been plain about the urgent need to act. They say the question is not whether to act but whether we will act in time.

One need only look at the headlines in papers all over America today—all over the world today. As we speak, 600 million people in India are without electricity. It is not believed there was any terrorism involved. It is believed it relates to the unusual weather, probably based, many experts say, on global warming. They have never had such heat in India, which has put a tremendous burden on their fragile power system.

This legislation we are trying to finish has been worked on for years—years—not this Congress but going into last Congress. I was pleased to hear last week that many of my colleagues were working on thoughtful amendments to improve and strengthen this measure in spite of the untoward pressure by the Chamber of Commerce to kill this legislation. Senators on both sides have worked hard to address every concern raised by the private sector about this legislation. Senators LIEBERMAN and COLLINS have been exemplary. The bill that is before this

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

body now is not nearly as strong as I would like, but that is what compromise is all about. I accept what they believed they had to do.

I expected a healthy debate on this important issue. I also expected to process many relevant amendments. Unfortunately, that was not good enough for a few of my Republican colleagues. Instead of substantive amendments that deal with our Nation's cyber security, they are insisting on political show votes. Instead of substantive amendments that deal with our Nation's cyber security, they are looking at all kinds of other things. I had thought they were going to be serious about this, but they are not. The threat is clear, and protecting the computer networks that control our electric grids, water supplies, and financial systems should be above political wrangling. So I was doubly disappointed to watch a bipartisan process derailed by ideological attacks—for example, on a woman's right to choose her health care generally.

As 47 million Americans were set to gain access to preventive services with no out-of-pocket costs, Republicans insisted once again on a vote to repeal these benefits. They want to roll back the clock to the days when insurance companies could discriminate against women. Why? Because they were women. They had a preexisting disability—their gender.

To make matters worse they are willing to kill a bill that will protect our Nation from cyber terrorism in the process. But this is not a new tactic. You may remember, as we all do—and I was reminded of that yesterday by a question that was asked of me by the distinguished assistant leader, Senator DURBIN, that reminded the entire Senate that on a surface transportation bill that put 3 million jobs at risk, their first amendment was by Senator BLUNT on women's access to contraception.

Still, I admit I was surprised that Senator MCCONNELL would so brazenly drag partisan politics into a debate over a measure crucial to national security. It is today when the health care bill that we passed designates women will no longer be second-class citizens in relation to health care. So I cannot imagine a more untimely attack on women than yesterday.

Yesterday Senator MCCONNELL and I received a letter from General Alexander, who runs the National Security Agency—he is one of the top leaders there—urging us to move more quickly. Here is what he wrote, partially:

> The cyber threat facing the nation is real and demands immediate action. The time to act is now; we simply cannot afford further delay. We need to move forward on comprehensive legislation now. I urge you to work together to get it passed.

What more do we need? What more does the Chamber of Commerce need so that they can release my Republican colleagues? I share General Alexander's concern.

Mr. DURBIN. Will the majority leader yield for a question.

Mr. REID. I will be happy to.

Mr. DURBIN. I would like to ask the majority leader if he is aware of the statement we had on the floor of the Senate by Senator WHITEHOUSE, who has been one of the leaders in putting together the cyber security bill relative to an incident at the Chamber of Commerce? I would like to read it, if I may, very briefly. And I quote Senator WHITEHOUSE from page S5720 of the July 31 CONGRESSIONAL RECORD:

> Even the U.S. Chamber of Commerce has been the completely unwitting victim of a long-term and extensive cyber intrusion. Just last year the Wall Street Journal reported that a group of hackers in China breached the computer defenses of the U.S. Chamber, gained access to everything stored in its systems, including information about 3 million members, and they remained on the U.S. Chamber's network for at least 6 months and possibly more than a year. The Chamber only learned of the break-in when the FBI told the group that servers in China were stealing their information.
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> Even after the Chamber was notified and increased its cyber security, the article stated that the Chamber continued to experience suspicious activity, including a ''thermostat at a townhouse the Chamber owns on Capitol Hill . . . [that communicated] with an Internet address in China . . . and . . . a printer used by the Chamber executives spontaneously . . . printing pages with Chinese characters.

As Senator WHITEHOUSE has said:

> These are the people we are supposed to listen to about cyber security.

Can I ask the Senator from Nevada if he was aware that the chamber opposition to the cyber security bill certainly belies the fact that they have been hacked by the Chinese themselves, and they didn't even know it until the Federal Bureau of Investigation reported it?

Mr. REID. Madam President, in answer to my friend, we are living in a modern world. A thermostat—isn't that what the Senator just said?

Mr. DURBIN. That is right.

Mr. REID. Is the connectivity to what China wants to get from the Chamber of Commerce. Remember, that is only one way they get this information. But the numerous instruments we carry around—BlackBerrys, iPhones, all these kinds of things, instruments we have at home—every one of those is a vehicle to find out what is going on in my life, your life, the life of the Chamber of Commerce. I cannot imagine how my Republican friends can follow this lead. I don't know who. We have had Republican leaders in the past, on security—they have all said do something about this.

I would love to have a bipartisan bill to work through this with some amendments. I do not expect anyone to think the bill Senator LIEBERMAN and Senator COLLINS did is perfect. But it is a lot better than nothing. I hope people, when we vote on this tomorrow, will invoke cloture and pass their bill.

I had no choice but to file cloture. I am going to continue to work with all Senators to find out if we can reach a compromise.

I wish I had better news. Ignorance is bliss. I wish I did not know as much. I wish the briefings I had down in the classified area of the Capitol—a lot of that information is kind of scary. It is scary that we are not doing something about this bill.

Would the Chair announce the business of the day?

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. The majority leader's time is reserved.

ORDER OF BUSINESS

Under the previous order, the following hour will be equally divided and controlled between the two leaders or their designees, with Republicans controlling the first half and the majority controlling the final half.

The Senator from Georgia.

Mr. ISAKSON. Madam President, while the majority whip is on the floor, I want to pay him a compliment about some remarks I am going to make this morning. A group of 6 people in the Senate, three Republicans and three Democrats, about a year and half ago began getting together to deal with our fiscal problems in this country, both entitlements as well as our tax system as well as spending. I commend him for his work on that because I am going to talk exactly about what this Senate and this Congress has to do in the months ahead to deal with the fiscal cliff we are about to go over, but I want to acknowledge the fact that many of us, most importantly the distinguished majority whip, have been working on solutions that we are going to have to take if we are going to save the Republic and the economy.

I wanted to pass that on to the distinguished majority whip.

In my State of Georgia, the most recent report on unemployment posted our unemployment rate at 9 percent. In our State we advertise foreclosures every Friday and leading up to the first Tuesday. We set a record in the month of July on the number of foreclosures being advertised.

Yesterday in my office I had a meeting with the President of Lockheed. They are headquartered in Fort Worth, but they have one of their largest manufacturing facilities in Marietta, GA. They are going to have to send out their notice of potential layoffs that will take place because of sequestration. We just got the second quarter GDP report that said we are still slowing down and going down to 1.5 percent from a previous quarter of 2 percent. All indicators are that we are heading to a second bump in our economy, and what has been a very protracted and weak recovery is beginning to fail, and we are looking at a fiscal problem that is going to affect this country for decades to come.

I encourage my colleagues in the Senate to recognize the clock is running and time is running out. We can no longer postpone doing those things

we must do as a Congress to save the Republic and save our economy and begin producing jobs in this country. The most important thing our people need is certainty. They need certainty in regulation, and they need certainty in tax policy. The American people need to know we are going to do what we have to do to save this Republic and to save this economy. For the few minutes I have this morning, I wish to talk about that. All the solutions are on the table. The problem is that none of us seems willing to take them off the table and put them on the floor and deal with it.

Let's talk about spending. Our deficit has been announced for this particular fiscal year to be $1.2 trillion, $100 billion less than the total spending of the U.S. Government. We have to cut discretionary spending. We can't totally balance our books by cutting discretionary spending. We have entitlements. Our entitlements are growing because of what? Our economy. Why are food stamps up from $35 billion to $87 billion? Because a lot people are hungry and a lot of people are out of work. Why are AFDC and many other programs rising rapidly? It is due to the economy. If we can deal with the spending and if we can deal with entitlements, then we can begin to bring back certainty and our economy will come back and our jobs will come back and there will be less pressure on the entitlement programs.

We are going to have to also recognize that ''entitlements'' is not the right word for programs such as Medicare and Social Security. Those are contracts with the American people. I pay 6.2 percent of my income—the President does as well—to the payroll tax for my Social Security. I paid 1.35 percent for my entire life to Medicare. That is a contract with my government. We have to fix those programs.

Social Security is easy. Social Security is fixable by moving the eligibility date to the outyears. For my grandchildren, eight of whom are under 8 years old, that ought to be 69 or 70 years old before they become eligible. We don't need to cut their benefit or raise their tax, but we need to actuarially put out their eligibility. That is what Ronald Reagan and Tip O'Neill did in 1983 to save Social Security until the current pressure it is under right now.

Medicare is the tough animal to deal with. We are going to have to recognize that we have to get out of the fee-for-service business and then do a premium support business. That way, we can quantify premium support and know how much we are spending, and the American people have the choice of buying the insurance and the coverage for Medicare that they want. It ought to be means tested. We ought to make sure that those who can afford more insurance, like myself, have less support and those who are in need have more support. But it should be quantified in terms of support for premiums, not a fee-for-service reimbursement system.

In terms of our revenues, everybody always wants to talk about taxes. Last week we had a debate that was meaningless and worthless over political positions of two political parties on tax systems. We need to look at Bowles-Simpson. We need to clean up our Tax Code. We need to use the tax expenditures that we get as income by reducing them and waiving them. We need to use that income to reduce the rates on corporate taxes and all the marginal rates of taxation so we can encourage people to spend their money, invest their money, and make our Tax Code simple. We don't need to raise taxes, we need to raise their attitude. We need to improve the plight the American taxpayers have today by giving them certainty and a tax code that is clean, a tax code that is fair, and a tax code that produces jobs, revenues, and growth.

My message this morning is this: If we go up to probably Friday when we go home for the month of August and we come back in September for 60 days and wait until the election, we are putting off dealing with issues that affect our economy, affect our people, and affect our future. I, for one, stand ready the minute the leaders are ready to put these issues on the floor, and let's vote on them. Let's deal with the future of the American people, their taxes, their entitlements, and the guarantees we made to them on Social Security and Medicare. Let's deal with our responsibility. Let's not sequester spending, let's cut where we should cut and let's add money where we should add money. Let's run this country like a business and not like a political action committee.

I yield to the Republican leader.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican is recognized.

DEFENSE SEQUESTER

Mr. MCCONNELL. Madam President, yesterday I came to the floor to draw attention to the administration's transparent attempts to conceal the impact of defense cuts President Obama demanded as part of last year's debt-ceiling deal. I was referring, of course, to the administration's Monday notification to businesses that work with the government that they are under no obligation to warn employees who might lose their jobs as a result of these cuts. Incredibly, the administration's argument was that they don't expect the cuts to happen even though the President had not done a thing to prevent them and even though Congress had to pass a law requiring the administration to tell us what the cuts would look like.

So let's be clear. The administration officials who sent out this notification instructing businesses to keep quiet about these cuts know just as well as I do that the cuts are coming unless Senate Democrats act or the President of the United States finally decides to come up with a credible plan to replace them.

The only reason the administration sent out this guidance to employers earlier this week was to keep people in the dark about the impact these defense cuts will have until, of course, after the election. So the White House is clearly trying to hide the ball from all of us. The clearest proof of that is the fact that no one even denied it after I noted it here just yesterday. But if we did need further proof, we actually got it yesterday when the Obama administration's Office of Management and Budget issued guidance of its own to departments and agencies telling folks they should prepare for the cuts.

So let's get this straight. Government workers should prepare for cuts, but private businesses and their employers should not. Not a week seems to pass that we don't see more evidence of the President's absolute contempt for the private sector, and here is the latest. The Federal Government is told to prepare for cuts, and yet the private sector businesses are specifically told it would be ''inappropriate'' to tell people they could lose their jobs. The cuts to the Defense Department under sequester are the law of the land, and until Congress changes that fact they are totally foreseeable.

Yesterday the Director of OMB exempted appropriations for military personnel from the sequester, providing even more certainty that the cuts to defense will fall upon training, maintenance, and weapons procurement and development. So the fact is that private businesses have a higher degree of certainty that their workforces will be hit. Yet here is the administration's message: If you are in the public sector, prepare for cuts. If you are in the private sector, don't even warn your employees that their jobs actually may be on the line.

What a perfect summary of this administration's approach to the economy and jobs over the past 3½ years. Private businesses didn't earn their success; somebody else made that happen. Now the President says: If you work hard in the private sector, you don't even deserve to know if your job is on the chopping block. The private sector is doing just fine; it is the government that needs help. That is the message of this administration.

Just as disturbing is what this says about the administration's approach to our national defense. The President's own Defense Secretary has said these cuts would hollow out our Armed Forces. Yet the President has not said a word about how he plans to responsibly replace them or, if he accepts a weakened national defense, how he will carry them out. Congress had to actually pass a law forcing him to make these plans clear to everybody. Now, he hasn't signed the bill yet. It went to him by voice vote out of the Senate last week. The defense cuts that will be triggered under the sequester are in addition to the $487 billion in cuts to the Department identified by Secretary Gates.

It is time for the President to provide the leadership to avoid these reductions that will render his own strategy unsustainable. A lot of people are wondering how they will be affected by these cuts. The fact that many of them will be voting in swing States in November is no reason to leave them wondering about their fate any longer.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

THE DEFICIT

Mr. JOHNSON of Wisconsin. Madam President, I have been listening to the debate on spending and taxes and our debt and deficit. I come to the floor this morning with a few visual aids and charts and graphs to try to dispel some of the myths I have been hearing.

The first myth I constantly hear is about the Draconian cuts being proposed in the House budget. I think this chart pretty well dispels that by showing that 10 years ago, in 2002, the Federal Government spent $2 trillion. This last year—this year—we will spend about $3.8 trillion. We have doubled spending in just 10 years. The debate moving forward shows that under the House budget, we would spend $4.9 trillion. President Obama's budget proposes spending $5.8 trillion. I think it is clear to see from this chart that nobody is proposing net cuts in spending. We are just trying to limit the rate of growth in spending.

Another way of looking at spending is over 10 years. In the 1990s, the Federal Government over a 10-year period spent $16 trillion. The last decade, from 2002 through 2011, the Federal Government spent $28 trillion. Again, the debate moving forward is, over the next 10 years do we spend $40 trillion, as the House budget proposes, or do we spend $47 trillion? Again, no cuts, just trying to reduce the rate of growth.

Let's talk a little bit about what the Federal Government has spent under the current administration. Over the 4 years of President Obama's administration, the Federal Government in total will spend $14.4 trillion. Think back to the last graph. That is almost as much as we spent in the decade of the 1990s. The entire deficit for that time period was $5.3 trillion. In other words, we had to borrow $5.3 trillion of the $14.4 trillion we spent; that is, about 37 cents of every dollar spent, we borrowed. We put that debt burden on the backs of our children, our grandchildren, and our great-grandchildren.

I often hear that the whole problem with the deficit is caused by the war costs or the 2001 to 2003 tax cuts. We added those to the chart here. We can see that the total amount over that 4-year period of the overseas war costs and the Bush tax cuts was $1.2 trillion. It is less than 25 percent of the total deficit. Again, they are a factor but not the cause of the deficit. The cause of the deficit primarily is spending.

This chart basically shows what has been happening over the last 50 years. The structural deficit we have incurred is a basic result, on average, of the Federal Government spending 20.2 percent of the gross domestic product from 1959 to 2008, prior to this administration. On the other hand, revenue generation averaged about 18.1 percent of GDP, which gives us a 2.1-percent structural deficit. That is why our debt has continued to grow.

Under this administration, starting with the recession, that structural deficit exploded, with tax revenue dropping to about 15 percent and spending skyrocketing to 25 percent and now to about 24 percent. It is on a trajectory to hit 35 percent by the year 2035. Clearly, that is unsustainable.

Another way of taking a look at the tax cuts of 2001 and 2003, in terms of their total effect on our deficit figure, is to actually put them on a bar chart. The red bars represent the total deficit. The blue portions on the bottom of those red charts are the actual reductions in revenue from those tax cuts. We can see it is not a very large figure. In total, over that—I guess that is an 11-year time period, the total Bush tax cuts were about $1.7 trillion, while the entire deficit was about $7.5 trillion. The tax cuts represent about 22 percent of that total deficit—but, again, when we take a look at the last 4 years, a far smaller portion of the deficit, because the primary deficit over the last 4 years has been on the spending side of the equation.

What does the President offer us for solutions? Last year, he proposed the Buffett rule. In a speech on September 26, in proposing the Buffett rule, he used the basic principle of fairness that he said the Buffett rule represents, and if that was applied to our Tax Code, it could raise enough to not only pay for his jobs bill, it would also stabilize our debt and deficits for the next decade. Think about what President Obama said there. He said the Buffett rule would not only pay for his jobs bill but would stabilize our debt and deficits for the next decade. Here is the chart and here is the fact: The Buffett rule for 4 years—4 years of the Buffett rule, it was projected, would raise about $20 billion total. President Obama's 4 years of deficit is $5.3 trillion. So let's state it a different way: $5,300 billion. It doesn't take a math major to realize $20 billion doesn't even come close to stabilizing a deficit of $5,300 billion. President Obama misled the American people. I think the President of the United States has a far higher duty to the American people. He should be honest with them.

Last week, we debated the other tax proposals offered by our friends on the other side of the aisle. In proposing this and actually, unfortunately, passing this piece of tax legislation, the majority leader said this piece of legislation is about debt. It is about the debt, he said. We have to do something about the debt, and we have tried mightily to do that. We have tried mightily.

Again, let's take a look at the facts. The first years of that tax legislation—the only years that count—would have raised $67 billion a year on average compared to last year's deficit of $1,326 billion. Is that trying mightily to fix the debt and deficit? I don't think so.

If we were serious about fixing our debt and deficit situation, if we were trying mightily to do that, we might have tried passing a budget in the last few years. We might have actually brought appropriations bills to the floor so they could be debated and passed in the House and signed into law so we would not be faced with what we are faced with right now, which is a continuing resolution to fund the government in 2013.

Again, dispel the myth: The Democrats' tax proposal would do nothing—almost nothing—to stabilize our debt and deficit. It is simply a political exercise. It is political demagoguery. It is class warfare.

I ask the American people to consider a simple question: Are they for increasing taxes on the productive sector of our economy, the small businesses, those 1 million small businesses that would be affected by this? The money that would be taken out of those small businesses that they would use to expand their business, to buy capital equipment, to increase wages, to pay for health care, and invest in 401(k) plans, it does not stabilize the debt and deficit. It does nothing to do that.

I think Republicans basically agree with President Obama and President Clinton. Back on August 5, 2009, just as we were coming out of recession, President Obama said: ''You don't raise taxes in a recession.'' I agree with that. Republicans agree with that.

Back in December—the last November and December of 2010—right after the lameduck session when all the tax rates were extended for 2 years, President Obama said: ''If we allow these taxes to go up . . . the economy would grow less.''

He was right. Back then, by the way, average growth in our economy was about 3.1 percent. During the last four quarters now, the economy has only grown about 2 percent. Our economy is in worse shape. It only grew at 1.5 percent in the last quarter. We can see the downward trajectory.

Of course, President Clinton also said probably the best thing we could do is to extend all the tax rates to take that sense of uncertainty off the table. That is what Republicans are proposing.

Let's not increase taxes on any American at this point in time. Let's not threaten any kind of government shutdown. As much as fiscal conservatives do not like the Budget Control Act or those spending limits, we think it is reasonable policy to pass a 6-month continuing resolution so a responsible leader can come into this town and actually start fixing our debt and deficit situation.

That is what Republicans are all about, taking the uncertainty of a shutdown off the table, taking the uncertainty of what people's tax rates

will be over the next year off the table, and being responsible.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SMALL BUSINESSES

Mr. HELLER. Madam President, I don't believe any State has felt the brunt of this recession more than the State of Nevada. We are a State that leads the Nation in unemployment, leads in foreclosure, and leads the country in bankruptcy.

There is not an evening that goes by or a day that goes by that I am not thinking about what can we do to create jobs and get our economy moving. In order to help small businesses thrive again, we must tear down the barriers to growth and opportunity and launch this Nation into its next great chapter.

Small businesses are our Nation's economic backbone and they were built on the very same values of hard work and determination our Nation was founded upon. This issue is very personal to me. I spent most of my childhood working at my father's automotive shop in Carson City—Heller's Engine and Transmission. At this small business my dad taught me how to fix engines and transmissions but, more importantly, I learned about hard work, I learned about personal responsibility, and I learned how to provide an important service to our community.

Although my father's shop has been closed for some time, I have asked him what he would do as a small business owner in today's environment. First of all, he said, you couldn't open that same shop, not with the regulations, the taxes, the overhead that would be involved from what this government has produced. But his simple answer is he would have to close his shop because of the uncertainty and the costs due to all the Federal regulations and mandates.

Contrary to what some in Washington may believe, my father built his business and he worked long hours to make it successful. It was through this business that he provided for my mother and my five brothers and sisters. I can't thank my father enough for the values he instilled in me. It is humbling to think that all around our country sons and daughters are still learning from their parents who are making a living at their small businesses. These businesses are often struggling to make payroll, pay suppliers and, in some instances, can't even afford to pay themselves. These Americans are fighting every day to achieve the American dream, but what they get from Washington is more attacks on their livelihood in the form of new regulations, new mandates, and, of course, every day the talk of new taxes. Just last week, the majority party offered a tax plan that would kill 6,000 jobs in Nevada and more than 700,000 jobs nationwide. In a stagnant economy suffering from chronic unemployment, we should be looking for ways to strengthen job growth, not pushing destructive tax increases that serve as nothing more than political talking points.

Every week I hold telephone townhall meetings with Nevadans from across the State. Lately, a lot of Nevadans have discussed how some in the majority party are willing to take our economy off a fiscal cliff if Republicans will not vote for tax increases on small businesses.

For the past 2 weeks, I have asked all those participating in these townhall meetings if they believe this type of partisan politics is good for the economy. We shouldn't be surprised to know that a vast majority believe partisanship at the expense of the economy needs to end, and with that I agree.

Last Friday, I visited Joe Dutra, who owns Kimmie Candy in Reno, at his factory. He talked about how he is fighting to grow his business with his kids, John and Kathryn. Unfortunately, instead of supporting small businesses throughout our country, Washington has been making a difficult situation even worse. Joe has been getting a lot of heat lately from the press because he is standing up against politicians who belittle his efforts and has had the courage to fight the destructive policies coming out of Washington.

Let me assure my colleagues that Joe built his business and works hard to keep it going. That is what many small businesses across this country want to do. They want nothing more than to expand their businesses, hire more people, and pass on a legacy to their children and grandchildren that shows with hard work and dedication, anything is possible in America. Instead of encouraging this, Washington has increased their burden with miles of regulatory redtape. They passed a health care law that is costing jobs and continues with a top-down, Washington-knows-best mentality that has led to an anemic economy.

Small businesses are the lifeblood of our economy and will be a key component to our recovery. It is far past time Washington recognized this by encouraging their growth and getting our Nation on the right track.

Thank you. I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHANNS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. JOHANNS pertaining to the introduction of S. 3467 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. JOHANNS. Madam President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRODUCTION TAX CREDIT

Mr. UDALL of Colorado. Madam President, as I begin to talk this morning about the wind production tax credit, I think we all know that tax credits have encouraged our wind industry to invest in that great, new, cutting-edge form of power, and that has resulted in the creation of thousands of American jobs and wind projects all over our country. Forty-eight States have a stake in our wind energy industry. But the production tax credit that has driven this investment in American manufacturing and job creation is about to expire at the end of this year.

I have been coming to the floor on an ongoing basis to make the case that we ought to extend the wind production tax credit as soon as possible.

I know the Acting President pro tempore has been here on a couple of occasions when I have spoken about this issue before. In fact, this is the 14th time I have come to the floor to speak to this important opportunity but also the peril that awaits us if we do not extend the wind production tax credit. The key here is that we have created uncertainty. The wind energy industry is beginning to back off investments for next year. They need certainty. They need predictability.

I have come to the floor today to talk, as I have been on each occasion, about a particular State and that State's contribution to the wind industry. Today I want to talk about North Dakota. It is a State with enough wind energy potential that it could meet more than 240 times its own electricity needs—240 times its own electricity needs. In fact, we know North Dakota sits in an ocean of wind, and it could power much of the Midwest if we could get that electricity to the city centers that need it, and if we keep the wind production tax credit in place.

What I want to talk about in particular in North Dakota are a couple of manufacturing facilities there. In the late 1990s, LM Glasfiber opened a facility in Grand Forks, which is in eastern North Dakota, close to the border of Minnesota, as shown on this map. They produce wind turbine blades there. And just a few years ago, DMI Industries—a company that manufactures the towers—opened a factory in West Fargo. That is also in eastern North Dakota. It is south of Grand Forks, over here, as shown on this map, on the Minnesota border as well.

These wind turbines—and the Acting President pro tempore knows this—are magnificent machines. They sit on

towers that in some cases are 100 meters tall. The wind blades themselves are like aircraft wings. The cell that sits on the top of the towers, where the gear box and all the technology is—these are very technical, very complicated, very sophisticated machines, and manufacturing them brings out American greatness. The point I am making is these are two important facilities in North Dakota.

I also want to talk about the leadership that exists in North Dakota when it comes to wind energy. I want to start with our colleague, Senator CONRAD. He has been a proponent of the production tax credit for over a decade. His reasoning is that this is a great opportunity for North Dakota, as well as for the country, and the wind production tax credit creates certainty.

His colleague Senator HOEVEN has also taken up the cause during his first term in the Senate.

One of the key points I want to make here is those two Senators are from two political parties. Yet they each support the wind production tax credit. Last month, North Dakota hosted a renewable action energy summit in Bismarck, and both Senator CONRAD and Senator HOEVEN attended. During this summit national leaders talked about how North Dakota's robust and diverse energy sector has provided the model for creating jobs and helping reduce our Nation's dependence on foreign oil.

I have to say this strikes me as the most intelligent kind of policy. It is a mix of traditional energy sources with sustainable energy such as wind. What you get from that is advanced technology. You have certainty for developers. You spur investment. You create jobs. I applaud North Dakota's leadership in putting in place a smart energy policy, an all-of-the-above energy policy, as well as our colleagues' work on this subject.

The point I am making is that North Dakota recognizes investment in wind energy is an investment in jobs. Some of those numbers make that point. Some 2,000 jobs in North Dakota are supported by the wind energy industry. Those jobs are there no doubt because of the existence of a tax credit. I would add that the tax credit is a production tax credit. So you produce the power and then you get the tax credit. This is not speculative. This is not hoping that something will happen. This is based on production of electrons. That is why it is such a powerful tool. It has been used in the past, by the way, in other energy sectors. You produce power, you produce energy, you are rewarded with an energy tax credit.

Besides jobs, the wind industry provides $4 million annually in property tax and land lease payments that go to supporting local communities and vital services tied to those communities. Where does North Dakota rank nationally? Well, they rank 10th in terms of installed wind capacity, and third in the Nation in percentage of electricity derived from wind, with almost 15 percent of their entire power supply coming from wind energy projects. That is the equivalent in North Dakota of 430,000 homes being powered by wind.

That number—I know this is important to the Presiding Officer—equals about 3 million metric tons of carbon dioxide that are not released into our atmosphere every year. It is simple: The wind industry is important to America's future and it should be incented in communities that can support it, such as in North Dakota.

The wind production tax credit is that incentive. Without a doubt, if the PTC is allowed to expire, this important American industry will shrink, move overseas, and take thousands of American jobs with it. So as I have done when I come to the floor, I am imploring our colleagues to work with me, to work with us to stop this possibility from becoming a reality. Wind energy is not a partisan issue.

As I have noted, many of our colleagues agree with me, whether they are on this side of the aisle or the other side of the aisle. They understand if we do not extend the PTC we risk losing thousands of jobs and crippling a very important, successful, existing industry. So it would be a decision that we would all regret for a long time if we let the PTC expire.

As I close, I again implore and urge my colleagues to work on this together. If we believe in energy independence and job creation, as we say, then we need to work together. Let's show Americans that we understand the economy is job one. One of the ways we can create new jobs is to extend the wind production tax credit. One of the ways we lose jobs is if we let the wind production tax credit expire. So we ought to be passing the PTC as soon as possible.

The production tax credit equals jobs. It is crucial to our future. Let's not let the wind production tax credit be a casualty of election year partisanship. We cannot—America cannot—afford it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

DISASTER RELIEF

Mr. MERKLEY. Madam President, I thank my colleague from Colorado for his remarks about the production tax credit. This is incredibly important to the wind industry. It is a big factor in the economy of Colorado and certainly a substantial factor in the economy of Oregon. So I join him in making the case, if you will, that we need to make sure we continue to drive forward this clean energy manufacturing economy that produces zero carbon dioxide.

I can tell you, I recently had the chance to drive from the northern border of Oregon to the southern border in an electric Leaf. We have enough charging stations now along the interstate to make this possible. It was miraculous to not produce a single molecule of pollution out of that car trip.

If that energy for that car is coming from wind, then not any—zero—carbon dioxide is produced, a zero impact on global warming. So certainly what is very good for the American worker, for the American economy, is also good for our air and the environment here in our Nation and around the world. We must get this production tax credit passed. I will continue to work with him to make this happen.

I rise today to address a critical issue for Oregon's ranchers and farmers who are dealing with wildfire devastation—huge devastation. I am going to put up some pictures. We have had in the last month the largest fires in Oregon in over a century. An enormous amount of land has been burned in the process.

The Long Draw fire in Malheur County burned 557,000 acres or, to translate that, that is about 900 square miles. This is the largest wildfire in Oregon since the 1800s. This chart shows the incredibly powerful flames these ranchers and farmers have been dealing with. As these flames sweep across the grasslands, the cattle and other livestock are often killed in the process. The land does not quickly recover because of the intensity of the fire and how it affects the soil.

Let me give you another view of this same fire. This is actually a picture taken from Nevada looking toward Oregon. You see this massive wall, this massive wall of smoke coming across. It is an incredible sight to behold when a fire is in full rage as this was.

The Long Draw fire was one of the major fires, but the Miller Homestead fire was another. It burned about 250 square miles. Here again, you can see the dramatic flame front southeast Oregon was fighting. This is moving through the sagebrush, continuously progressing, moving very quickly when the wind is driving it, creating an enormous wall of smoke.

Let's take one more view. Here we see the aftermath of the fire when it was stopped by a road as an interlude. It completely destroyed land on one side of the highway, and what it looked like, this green grassland, this was not all dry and parched, this green grassland, before the fire moved through.

In addition to these two huge fires, we have had a number of others—the Lexfalls fire in Jefferson County; the Baker Canyon fire in Jefferson and Wasco Counties; the West Crater fire in Malheur County, each of these having a substantial impact in addition to the Miller Homestead and the Long Draw fires.

Together, these fires have consumed over 1,100 square miles. That is roughly an area the size of Rhode Island. So an entire State would fit into the area burned in Oregon. These fires are now under control, and southeastern Oregon is surveying the damage and picking up the pieces.

One of the things they would immediately turn to, our farmers and our ranchers, would be the disaster assistance that has always existed within the farm bill. But guess what. These disaster assistance programs are not

available because the House has failed to act on the farm bill. This Senate passed the farm bill, a bipartisan bill, Republicans and Democrats coming together.

In it are the reauthorizations of four key programs. One of them is the Livestock Indemnity Program that addresses when there is a natural disaster like this, addresses the death and the loss of cattle and other livestock.

A second is the Emergency Assistance for Livestock Program called the ELAP. But it basically addresses the lost value of forage on private land, and then the LFP program, or Livestock Forage Disaster Program, that addresses the loss of forage on public land. Those of you who are not from the West may not be aware that a lot of our livestock is operating on land that is leased to our ranchers. So when a fire like this affects those public lands, it also is affecting the value of the lease to those farmers and the ability of their livestock—those that have survived the fire—to be able to find forage and continue to live.

It is deeply disturbing that the House has not voted on the farm bill and sent it to conference. I urge them to act on this quickly. Without these key disaster relief programs, ranchers and farmers who have lost livestock and grazing land are left with few options. That is wrong. A rancher in southeastern Oregon who has been devastated by these wildfires should not pay the price because the House of Representatives will not bring a farm bill that it can pass and send to conference.

Let's be clear. The best solution to this problem, as well as many other issues, would be for the House to pass the bipartisan Senate farm bill. This would bring timely relief to all of those who have suffered in the disaster, and certainly to the farmers and ranchers across Oregon who have been struck by the largest fire in this century, a fire larger than the State of Rhode Island.

But if we can get consensus to bring immediate relief in the face of the inaction by the House, then we should do so. That is why I have introduced the Wildfire and Drought Relief for Farmers and Ranchers Act to extend the most urgently needed programs immediately. This would extend the programs for livestock indemnity. This would extend the program for forage loss on public lands and forage loss on private lands.

I urge my colleagues to take the same bipartisan spirit they brought to the farm bill to recognize that this Chamber has already voted to extend disaster programs and, if necessary, move quickly to extend these disaster programs, if necessary by themselves, in order to help our ranchers, to help our farmers who have been affected by these natural disasters, including this once-in-a-century fire in the State of Oregon.

Again, I encourage the House of Representatives to immediately get the farm bill to conference. This should be done in the context of many programs that need to be renewed that have been worked out. But in absence of that, let's find a way to move quickly to assist our farmers and ranchers in the face of devastating natural disasters.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent to speak as in morning business for the duration of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ANNIVERSARY OF I–35W BRIDGE DISASTER

Ms. KLOBUCHAR. Madam President, I rise today to speak on the 5-year anniversary of the horrific collapse of the I–35W bridge in Minneapolis, and to pay tribute to those who lost their lives on that tragic summer day.

As I said the day after the bridge collapse, ''A bridge just should not fall down in the middle of America.'' Not a bridge that is a few blocks from my house. Not an eight-lane highway. Not a bridge that I drive over every day with my husband and my daughter. But that is what happened that sunny summer day in Minneapolis, MN.

I can't even begin to count how many times I have thought about that bridge, and everyone in our State actually remembers where they were the day it collapsed. It was one of the most heavily traveled bridges in our State, and in all that day 13 people lost their lives and scores were injured. So many more could have been killed if not for the first responders, if not for the volunteers, who instead of running away from the disaster, when they had no idea what actually happened, ran toward it and rescued their fellow citizens.

Everyone was shocked and horrified, but on that evening and in the days that followed, the whole world watched as our State came together, as they did in the minutes and hours after the collapse. I was proud to be a Minnesotan.

The emergency response to the bridge collapse demonstrated an impressive level of preparedness and coordination that should be a model for the Nation. We saw true heroes in the face of unimaginable circumstances. We saw an off-duty Minneapolis firefighter named Shannon Hanson, who grabbed her lifejacket and was among the first at the scene. Tethered to a yellow life rope in the midst of broken concrete and tangled rebar, she swam from car to car searching for survivors up and down in that river.

We saw that schoolbus perched precariously on the falling bridge deck. I called it the miracle bus. Inside there were dozens of kids from a very poor neighborhood, who had been on a swimming field trip. Their bus was crossing the bridge when it dropped. Thanks to the quick action of responsible adults and the children themselves, they all survived, they all got off that bus.

Although you can never feel good about a tragedy like this one, I certainly felt good about our police officers, firefighters, paramedics, and all the medical personnel who literally saved dozens and dozens of lives.

On this, the 5-year anniversary of the bridge collapse, we should again honor those heroes and the countless lives they saved.

For a minute, I want to tell you a few examples. A woman named Pamela Louwagie, who writes for the Star Tribune, gathered some of their stories this weekend. Some of these people I know. Lindsey Patterson Walls was in a Volkswagen that went over the bridge; she kicked out the doors and windows and was able to get out and survive. She is putting the collapse to work in her career. She is a youth worker who counsels children and teens and she discovered that her trauma, as hard as it was, wasn't so different than that of her clients. She felt insecure in the world, wondering whether another bridge would collapse under her, and she realized that the homeless teens she counsels felt insecure, wondering where they would sleep at night. It is a lesson she takes with her every day in her job.

Betsy Sathers is someone I have come to know. Her husband was 29 years old when he died in that bridge collapse. They had just gotten married and they planned on having a family. She decided to adopt children from Haiti. In the aftermath of that earthquake, she already knew the names of these children she was going to adopt. She would not let those kids just be left in that rubble. She contacted our office. We worked with her and brought Alyse and Ross back from Haiti, and she is their mother. I saw them this weekend with their big smiles and their mom. That is an inspirational story.

The Coulter family was in their minivan—the kids, the mom, the dad. It was clear at the beginning that they were severely injured and the mom, Paula, they didn't think would survive. Also, after they learned that maybe she was going to make it—she had devastating injuries to her brain and her back—one time during one of the surgeries, they had to jolt her heart back to life. They had suggested that her family start looking for nursing home care. But she didn't give up—Paula and her family didn't give up. After 2 years, with the help of some great therapists, she could walk and move again and go back to her counseling job part time, and two summers ago she and her trainer ran a 5K race. That is inspirational.

Then there is the bridge itself. After it collapsed, it was so clear to us that we had to rebuild it and we had to rebuild it right away. In just 3 days, Senator Coleman and I worked together in the Senate to secure $250 million in emergency bridge reconstruction funding. Representative Jim Oberstar led the way in the House. Approval of the funding came with remarkable speed in this Chamber. It was bipartisan and we

were able to get the funding. From the moment that bridge started construction to the end, it took less than a year to rebuild a bridge that is now a 10-lane highway.

Today, the new I–35W bridge is a symbol of pride and the resilience of a community. This weekend, when I was at the Twin Cities heroes parade with our veterans, the organizer looked at me proudly and said: Tonight they are lighting up the 35W bridge red, white, and blue. So it literally has become a symbol of hope in our State.

The new bridge is a hundred-year bridge with more lanes than before. It is also safer. The bridge includes state-of-the-art anti-icing technology, as well as shoulders, which the old bridge didn't have.

Of course, bridge safety was on the minds of all Americans, especially those of us in Minnesota, following the bridge collapse. Immediately afterward, the Minnesota Department of Transportation inspected all 25 bridges in Minnesota with a similar design as the I–35W bridge. This inspection led to the closing of the Highway 23 bridge in St. Cloud, where bulging of gusset plates was found. I remember seeing it. It accelerated its planned replacement of that bridge, which opened in 2009.

But the reforms were not all structural. Since then, the department of transportation in our State has improved the way the inspections and maintenance functions of the department handle critical information and necessary repairs.

Just as in Minnesota, bridge safety became a priority nationally as well. After the National Transportation Safety Board identified gusset plates as being heavily responsible for the collapse, a critical review of gusset plates was conducted on bridges across America, and there was new attention focused on deterioration of steel and weight added to bridges over the years through maintenance and resurfacing projects.

The national organization that develops highway and bridge standards, the American Association of State Highway Transportation Officials, updated bridge manuals that are used by State and county bridge engineers across the Nation.

I will say that 5 years later we have still not made as much progress as I would have liked. The Federal Highway Administration estimates that over 25 percent of the Nation's 600,000 bridges are still either structurally deficient or functionally obsolete.

The American Society of Civil Engineers gave bridges in America a C grade in its 2009 Report Card for America's Infrastructure and a D for infrastructure overall.

We did take a positive step forward with the recent bipartisan transportation bill that will help State departments of transportation fix bridges and improve infrastructure.

For Minnesota, that bill means more than $700 million for Minnesota's roads, bridges, transit, congestion mitigation projects, and mobility improvements.

The bill gives greater flexibility to State departments of transportation to direct Federal resources to address unique needs in each State. It also establishes benchmarks and national policy goals, including strengthening our Nation's bridges, and links those to Federal funds. It reduces project delivery time and accelerates processes that will reduce in half the amount of time to get projects under way.

However, we all know more needs to be done. While other countries are moving full steam ahead with infrastructure investments, we seem to be simply treading water, and in an increasingly competitive global economy standing still is falling behind.

China and India are spending, respectively, 9 and 5 percent of their GDP on infrastructure. We need to keep up. We need to build our infrastructure. That is why I authored the Rebuild America Jobs Act last fall, which would have invested in our Nation's infrastructure. It would have also created a national infrastructure bank—something the occupant of the chair is familiar with—to help facilitate public-private partnerships, so that projects could be built that would otherwise be too expensive for a city, a county, or even a State to accomplish on its own. We included a provision to set aside a certain amount of funding for road projects. Unfortunately, while we got a majority of the Senate voting to advance this bill, we were unable to break the filibuster.

So 5 years to the day after the I–35W bridge fell into the Mississippi River, we know we have much to do to ensure our 21st century economy has the 21st century infrastructure we need. I know I am committed to move forward and work in a bipartisan way to address our Nation's critical bridge and infrastructure needs and prevent another tragedy like the collapse of the I–35W bridge.

They didn't distinguish on that bridge on that day 5 years ago who was a Democrat or Republican. Certainly those first responders—the cops and firefighters—didn't ask what political party somebody belonged to. They simply did their job. That is what we need to do in the Senate.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

CYBERSECURITY ACT OF 2012

Mr. LIEBERMAN. Madam President, I rise to speak about the Cybersecurity Act of 2012, which is numbered S. 3414.

Last night, the majority leader, Senator REID, filed a cloture motion which would ripen for a vote on tomorrow. Senator REID said he was saddened to have to file that motion. He also used a word we don't hear much when he said he was ''flummoxed'' by the need to file a cloture motion on bipartisan legislation that responds to what all of the experts in security in our country from the last administration and this one say is a critical threat to our security, which is the lack of defenses in the cyber infrastructure that is owned by the private sector.

Senator REID was saddened, as I was, that he had to file for cloture because, of course, there can be disagreements about how to respond to this threat to our security and our prosperity. Hundreds of billions of dollars of American ingenuity and money have already been stolen by cyber thieves operating not only from within our country but, more often, from outside. So you can have differences of opinion about how to deal with the problem. But the fact that people started to introduce totally irrelevant amendments, such as the one to repeal ObamaCare—well, that is a debatable issue. We have debated it many times, as the House has, but not on this bill, which we urgently need to pass and send to the House and then go into conference and then, hopefully, pass something and send it to the President.

I was at a briefing with more than a dozen Members of the Senate, representing a wide bipartisan group and ideological group, with leaders of our security agencies—cyber security agencies, including the Department of Defense, Department of Homeland Security, FBI, NSA, and they could not have been clearer about the fact that this cyber threat is not a speculative threat. The fact is we are under attack over cyber space right now. In terms of economics, we have already lost an enormous amount of money. GEN Keith Alexander, Chief of U.S. Cyber Command, described the loss of industrial information and intellectual property, and just plain money, through cyber theft as ''the greatest transfer of wealth in history.'' That is going on.

We are also under cyber attack by enemies who are probing the control systems, the cyber control systems that control not the mom-and-pop businesses at home, not the Internet systems over which so many of us shop these days, but the cyber systems that control the electric supply, that control all of our financial transactions, large and small, that control our transportation system, our telecommunication system—all the things we depend on to sustain our society and our individual lives. That is who we are talking about here.

It is the greatest transfer of wealth in history. But our enemies are already probing those private companies' cyber systems that control that kind of critical infrastructure I have described. There is some reason to believe that because of the vulnerability of those systems and lack of adequate defenses, they have already placed in them malware, bugs—whatever we want to call it. In the old days, we used to call it a sleeper cell of spies and, more recently, in terms of terrorism, a sleeper cell of terrorists.

Let me put it personally, without stating it definitively on the floor. I worry that enemies of the United States have already placed what I call

cyber sleeper cells in critical cyber control systems that control critical infrastructure in our country. Everybody will say that some companies that own critical infrastructure are doing a pretty good job of defending it and us, but some are not. That is one of the reasons this bill has occurred—to try to create a collaborative process where the private sector and the public sector can act together in the national interest.

The businesses themselves that control cyber infrastructure—God forbid there is a major cyber attack on the United States—are going to be enormous losers. They are going to be subject, under the current state of the law, to the kind of liability in court that may bring some of them down. It may end their corporate existence.

Mr. CARPER. Would the Senator yield for a question?

Mr. LIEBERMAN. I would be glad to yield to my friend from Delaware for a question. He is the cosponsor of our main bill, S. 3414.

Mr. CARPER. The message the Senator is conveying today is so important. I hope folks who are unsure about supporting our legislation are listening.

I was briefed earlier today by a large multinational company. One of its divisions is manufacturing, among other things, helicopters. Apparently, within the last 12 months, maybe even 6 months, the plans for developing and manufacturing one such helicopter were hacked and obtained by another nation—presumably the Chinese. So they will develop and will build their version of our helicopters. They won't be built by Americans. They will not provide American jobs. It will not provide revenues to that company or tax revenues to our Treasury; they will really be apprehended, if you will, by another nation. That is the reality of this theft.

So I was reminded just this morning of what the Senator is talking about, what General Alexander says is the largest economic threat in the history of our country, and it is taking place. I was reminded of that this morning, and I just wanted to share that with the Senator.

Mr. LIEBERMAN. I thank the Senator from Delaware very much. I think he crystallized the moment we are in.

I mentioned that Senator REID filed a cloture motion that will ripen tomorrow. Again, he did it in sadness, and I was sad he had to do it. This is an issue on which I had hoped we would overcome gridlock—special interest driven, ideologically driven, politically driven—but we couldn't do it, so the majority leader did exactly what he had to do, in my opinion, in the national security interest.

This does two things. One, as my colleagues know and I repeat just to remind them, we have a 1 p.m. deadline when any Member of the Senate can file a first-degree amendment to this bill. That is important to do. And I want to say that the managers of the bill—Senator COLLINS' staff, the Republican cloakroom, my staff, the Democratic cloakroom—are going to be working on these amendments to see if we can begin to move toward a finite list so we can give some sense of certainty.

Senator REID has been very clear. He has not wanted to, to use an idiom of the Senate, fill the tree, which is to say limit amendments. He has wanted to have an open amendment process, which really ought to happen on a bill of this kind, but open for germane and relevant amendments, not amendments on repealing ObamaCare or, I say respectfully, on enacting more gun control. Those are both significant and substantial issues, but they are going to block this bill from passing if people insist on bringing them up here.

So the first and positive consequence of Senator REID's cloture motion—one we all signed—is to require that amendments people have been talking about filing have to come forward by 1 p.m., and bipartisan staffs will be working to winnow that down to a finite list.

Second, if we don't have an agreement on a finite list and we cannot vitiate the cloture vote for tomorrow, then Members of the Senate—every one, in their own heart and head—will have to make the decision as to whether to vote against taking up this bill while all the nonpolitical experts on our security—GEN Keith Alexander, Director of Cyber Command within the Pentagon, head of the National Security Agency, and one of the jewels and treasures of our government protecting our security, appealed to Senators REID and MCCONNELL in a letter yesterday stating that this legislation is critically necessary now.

This legislation will give our government and the private sector operators of critical cyber infrastructure powers they do not have now, authorities they do not have now to collaborate, to take action, to share information, to adopt what General Alexander in a wonderful phrase said is the best computer hygiene, the best cyber hygiene to protect our country.

So that is the question facing Members of the Senate in the face of that kind of statement of the urgency of some form of cyber security legislation in this session from the Director of Cyber Command, an honored, distinguished veteran of our uniformed military—U.S. Army in this case.

Are we going to find it hard to get 60 Members of the Senate to vote to take up this bill and debate it? I hope not. For me, it would be hard to explain—I will put it that way—why I would vote against it no matter what the controversy is.

I would say to my friend from Delaware, who has been involved, that I will yield to him if he wants to make a statement, but we have been working really hard with three groups: the group who sponsored S. 3414, the Cybersecurity Act of 2012; the group who sponsored SECURE IT, Senators HUTCHISON, CHAMBLISS, MCCAIN, et al.; and the third group, the bipartisan group that sprung up because of the urgency of this clear-and-present danger to America, led by Senator KYL and Senator WHITEHOUSE, who is also on the floor and really has played an important role in bringing the two sides—if I can put it that way—closer together. Frankly, there was a chasm that separated us at the outset. We have changed our bill. We have made it much more voluntary—carrots instead of sticks, as the Senator and I have said. But still there are differences, and I would just say shame on us if we can't bridge those differences on national security, of all topics.

So this is an important day to see if we can come together. Senator COLLINS and I are ready and willing to meet with the sponsors of the other bills—Senator KYL, Senator WHITEHOUSE—to see if we can come to some kind of agreement on critical parts of this legislation and to come up with a finite list we can support.

Just a final word. I wish to thank the majority leader, Senator REID. Senator REID has a tough job, and it is obviously battered by the political moment we are in, whenever we are in it. And of course this is a particularly political moment—partisan—because of the election season and the campaign we are in. But I have known HARRY REID for quite a while, and I have the greatest confidence and trust in him and an awful lot of affection. He is a personal friend. He got briefed about the cyber security threat more than a year ago, and he called me in and we talked about it. He said he was really worried, that we had to do something in this session of Congress to protect our security, and he has been steadfast in that belief and has refused to give up.

Senator REID filed the cloture motion to bring this to a head and hopefully to get to that finite list of amendments. And I think he is going to stretch, within the process and time, the great authority and power the majority leader has—some people say it may be the only power these days, but I think he has more because of his skills—in controlling the schedule. I think if there is a hope that we can bring a bill together and pass a cyber security bill, Senator REID is going to give us every opportunity to do that. So I wanted to put on the record my thanks to him for his own commitment to improving the cyber security of our country because he has listened to the experts and they have convinced him. This is rising to be a greater threat to America than any other threat we face today, and that is saying a lot, but I believe it.

I thank the Chair, and I yield the floor for my friend from Delaware.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. CARPER. Madam President, I am joined on the floor by Senator WHITEHOUSE, so we might take a moment

here with the chairman to have a little bit of a colloquy and then head off to another hearing.

While he is here, I wanted to say a special thank-you to Senator WHITEHOUSE for the work he and JON KYL, our colleague from Arizona, and CHRIS COONS, our colleague from Delaware, and others have done in really helping to put the meat on the bones, if you will, of our original legislation. And they have done great work. I really admire them, and I thank all of them.

Over at the other end of the Capital, they have spent a whole lot of time in recent weeks and months on the issue of Fast and Furious, and I wanted to mention that one of the reasons I think the American people are furious with us is we are not moving fast enough to deal with the economy and to create jobs. Yet government doesn't create jobs. Presidents don't create jobs. Governors don't create jobs. As a former Governor, I know this. Members of the Senate don't create jobs. We help create a nurturing environment for jobs and job creation. That includes a lot of things, such as a world-class workforce, access to capital, infrastructure, access to reasonably priced energy and reasonably priced health care. But it also includes, as we go forward in time, the assurance that if a company spends a lot of money—a lot of R&D and investments—and it comes up with a really good idea that has commercial application, that before it can even build that idea, create that idea, or sell that idea in this country and manufacture and sell it around the world, the idea is not going to be stolen—stolen—by someone from another country who will use that idea to make money on their own.

That introduces an uncertainty in this country we have never had to worry about before. We just have not had to worry about that before. But, as General Alexander has said and has been quoted here already today, the greatest economic thievery in our history is underway right now through cyber security. This is as much a jobs issue as it is a security issue. It is an economic security issue, and we have to be mindful of that.

I have spoken to some of our friends over at the chamber of commerce with whom we work on a variety of issues and said to them that we need their involvement and support. We need them to help us get through this. If they have good ideas, if they have read the legislation as it is redrawn and want to share those ideas with us today, Democrats and Republicans, that would be a huge help.

I hope everybody over at the chamber is watching today, and I hope they hear this request for them to be more involved in a constructive way. It is not so much that we need them in the Senate, we need them as a country, and the folks who are their members across the country need them to be involved as well.

This legislation started out as more of a command-and-control deal where our Department of Homeland Security was going to say: These are our standards, and we expect companies and industries in critical areas to comply with these, and that is it.

That is an oversimplification of the original legislation, but we have moved so far away from that, it is amazing. We have moved from a command-and-control system to one where we say to critical industries, sensitive industries: Listen, you figure out amongst yourselves what the best practices and standards ought to be for protecting you and your businesses and your ideas. You figure it out, you share those ideas, develop those ideas, really, in a collaborative way with a council that includes the Department of Commerce, the Department of Justice, the Department of Defense, Homeland Security. And then, in an interim process, we refine those ideas, refine those best practices, and refine those standards, which would then be implemented. If companies don't want to comply with them, they do not have to. It is on a voluntary basis. If they do, there are rewards. If they do not, they do not participate in those rewards, including protection from liability.

Sometimes we get stuck on legislation, and we just say: This is it, and we are not going to change it. This is it, and we are not going to let you do that. But here we have changed this legislation dramatically and I think for the better. Some people say we changed it too much in order to get to ''yes.''

The last thing I would say before I yield to Senator WHITEHOUSE is that the legislation before us is not a Democratic idea, nor is it a Republican idea. This is not a conservative idea. This is not a liberal idea. This is a good idea, and this is an idea that has gotten better over time. This is an idea whose time has come. And we need to be mindful of the fury across our country. We need to move faster to take good ideas like this and make them better and to implement them.

With that, I yield to Senator WHITEHOUSE, and again a big thank-you for the great work he and Senators COONS and KYL have done, as usual.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, at this point I will speak, if I may, in the nature of a colloquy with the chairman and with the Senator from Delaware, but first let me thank the Senator from Delaware for his very kind remarks. Senator CARPER, as everybody knows in the Senate, is really a bellwether of bipartisanship, and he constantly seeks cooperation. So I appreciate very much his efforts to bring us together.

The chairman has been working very hard on these bills for many years, and the bill on the floor now is the product of considerable work in his committee—Homeland Security and Governmental Affairs Committee—considerable work in the Intelligence Committee, and considerable work in the Commerce Committee primarily, although we in the Judiciary Committee have had some input as well. So while there has been no specific hearing on the assembled bill, because it covers so many committees, it has to be brought together at some point, and its components have had extensive committee work. So we have all put a lot of effort into this, and we have actually all come a very long way, I believe.

Our window is very short, and I hope and expect we can use the hours ahead of us literally to work to close this gap. But I believe the distance we have come, and particularly that last bit of distance, when the chairman changed S. 3414 to go from a traditional mandatory regulatory system to the new voluntary standards, really has moved us in enormous ways. We are almost on the 1 yard line now, and I believe it would be such a shame, with things being that close, if we couldn't close the deal.

I would like to ask the chairman to react to that assessment of our situation, and I would also like to ask him to react to one other point, which is that the House took action on cyber security but it only did so in the form of legislation on information sharing. All of our information—the letter yesterday from General Alexander and everything we have heard from our national security officials—is that is not enough.

We have two really important jobs. One is information sharing, and the other is defending America's privately owned critical infrastructure—our electric grids, our communications networks, our data-processing systems. Those are our great liability. Those are the things Secretary of Defense Panetta was referring to when he said that the next Pearl Harbor we confront could very well be a cyber attack.

So are we as close as I think and is it important that the Senate do its job because the House simply failed to address the critical infrastructure part of our responsibilities?

Mr. LIEBERMAN. Again, I thank our friend from Rhode Island for the extraordinarily constructive role he has played—unusual here, unfortunately—in bringing the group of eight Members, four Democrats and four Republicans, together. Senator WHITEHOUSE, along with Senator KYL of Arizona, created a bridge that really invited Senators COLLINS, FEINSTEIN, ROCKEFELLER, CARPER, and me to come halfway across to change our bill from mandatory to voluntary.

So my answers to the Senator's two questions are yes and yes. We are a lot closer than we were really just a month ago—a matter of weeks ago. There is a remaining difference, and it is real. But considering where we have come from, if we show a willingness to compromise—and again, as I have said over and over, not a compromise of principle—that acknowledges that if everybody in the Senate insists on getting 100 percent of what they want on

a bill, nobody is going to get anything because nothing is going to pass. So we have come back from our 100 percent quite a lot, and we are still open to ideas that will enable us to achieve what we need to achieve here in improving our cyber security, which means changing where we are now.

That is why, as my friend from Rhode Island knows, we are going to keep meeting today with the other leading sponsors of the bill and with the peacemakers in between to see if we can find common ground and avoid what I think could be a very disappointing cloture vote—a very divisive, very destructive cloture vote—tomorrow.

The second point is a very important one; that is, the House has acted, but it has only acted with regard to information sharing. This is important, but it is only half the job. The information sharing, in brief, says that private companies that operate critical infrastructure can share with other private companies if they are attacked or as they begin to defend themselves so they mutually can strengthen each other. They can also share with the government, and the government, particularly through the Department of Homeland Security and the National Security Agency, can help the private sector strengthen itself. Those kinds of communications, which are critical and would seem natural, don't happen now in too many cases because the private sector is anxious about liability that it might incur. Even the public sector is limited in how much it can reach out or help. So it is important that the House has addressed that part of it.

I will say—and not just parenthetically—that there has been very significant concern of a lot of Americans and a quite remarkable coalition of groups—remarkable in the sense that it is right to left, along the ideological spectrum—about the personal privacy rights of the American people, that they not be compromised as a result of this information sharing.

Those privacy advocacy groups are not happy with the House information-sharing bill. I am pleased they have praised what we have tried to do as a result of negotiations with colleagues in this Chamber who are concerned about privacy. The point Senator WHITEHOUSE makes is so true, but that is only half the job. Everybody who cares about cyber security has said it.

There was, I must say, an encouraging, inspiring, for us, editorial in the New York Times today, supporting essentially S. 3414, the underlying bill, and crying out to us to take action and not get dragged down into gridlock by special interest thinking. But here is a statistic that jumped out at me. I saw it once before, but we have not heard it in this debate. In a Times editorial today entitled ''Cybersecurity at Risk,'' this sentence: ''Last year, a survey of more than 9,000 executives in more than 130 countries by the PricewaterhouseCoopers consulting firm found that only 13 percent of those polled had taken adequate defensive action against cyberthreats.''

That is worldwide. But I can tell you from what I know, the number in our country is not much better. That is why we need this set of standards, best practices, computer hygiene—no longer mandatory but we create an incentive. It is as if a company chooses to go into what my friend from Rhode Island has quite vividly described as Fort Cyber Security. We are going to build Fort Cyber Security of the best practices to defend cyber security, and we are going to leave it to the companies that operate critical infrastructure totally on their own whether they want to go into Fort Cyber Security. If they do, they will have some significant immunity from liability in the case of a major attack.

My answer to the Senator's questions are yes and yes. I just want to come back to something the Senator said at the outset of his remarks. I never know how much this argument weighs on Senators' minds, but once again it is being made here, which is this bill has received no hearings; it is not ready for action.

Good God. I went back and looked at the RECORD. I attended my first hearing on cyber security held in what was then the Governmental Affairs Committee—it is now the Homeland Security and Governmental Affairs Committee—chaired then by Senator Fred Thompson in 1998, 14 years ago. I can tell my colleague that in recent years, Senator COLLINS and I have held 10 hearings on the subject of cyber security. That is only in our committee. That is not counting judiciary, intelligence, commerce—I think foreign relations may have held some hearings on it too. In fact, we held a hearing just earlier this year, I believe it was March, on cyber security and the legislation that we knew we were going to bring forward. This has been heard.

I wish to say this too. I mentioned Senator REID's commitment to doing something about cyber security. Last year—I am trying to think, but I cannot remember a time on another bill where I saw this happen—Senator REID asked the Republican leader, Senator MCCONNELL, to join him in calling in the Democratic chairs and the ranking Republican members of all the relevant committees, relevant to cyber security that we just talked about, and made an appeal that we work together to bring one bill which he would then, as he has done before when a subject covers more than one committee, blend into a single bill and bring to the floor under majority leader's authority pursuant to rule XIV of the Senate rules, which he has done today.

So there has not been a specific hearing on this bill, but Lord knows there have been a lot of hearings and this bill has been vetted and negotiated not only with many Members of the Senate but by our committee and all the other committees—by stakeholders, private stakeholders, by some of the very businesses and business organizations that now seem to be the main block to moving forward on the bill.

I probably responded to my friend at greater length than I might have or perhaps more than he expected, but his questions were right on target, and I thank him for giving me the opportunity.

Mr. WHITEHOUSE. Will the Senator yield for another question?

Mr. LIEBERMAN. Yes.

Mr. WHITEHOUSE. I mentioned, to use the Senator's words, it was important to help the private sector strengthen itself. Some of the debate that has surrounded this bill has suggested that if we just get the heavy hand of government out of the way and let the nimble private sector do its thing to protect critical infrastructure, all will be well, and that a purely private sector way of proceeding is the best way to proceed.

In that context, the Senator mentioned the study that showed that only 13 percent of the private businesses that were reviewed were adequately cyber security prepared. The NCIJTF, which is the FBI-led joint task force that protects our national cyber infrastructure, has said that when they detect a cyber attack and they go out to work with the corporation that has been attacked, 9 out of 10 times the corporation had no idea. It is not just a government agency, the NCIJTF, saying that, there is a company called Mandiant which is sort of ''Who are you going to call? Ghost Busters.'' When someone is hit, they come in and help the companies clean up. They say the same thing: Out of 10 times, these companies had to find out that they had been penetrated from a government agency telling them, ''By the way, you have been hacked. They are in there.''

In fact, he said 48 out of the last 50 companies they dealt with had no idea. The Aurora virus hit 300 American companies, and only three of them knew it. The chamber of commerce, which is very active in this debate, had Chinese hackers with complete impunity throughout its cyber systems without knowing about it for at least 6 months. It was only when the government said, ''By the way, guys, your info was on a server in China,'' that they realized, ''Oh, my gosh; we have been hacked too.''

Then the Senator has used the statistic I have used before—that General Alexander, who is head of Cyber Command, has adopted—which is that America is now on the losing end of the biggest transfer of wealth in history through illicit means as a result of cyber industrial espionage—stealing from us our chemical formulas, our manufacturing processes, and various things that create value in the country.

So I am not just pinpointing individual examples. If we look at it from

a macro point of view, we are getting our clocks cleaned in this area. The private sector, it seems to me all of the evidence suggests, is an area in which it is not adequately protecting itself without a government role to spur cooperation and to set an agreed standard that NSA and the people who are watching this with real anxiety every day know is an adequate standard to meet the needs.

If the Senator from Connecticut would respond, I would be grateful.

Mr. LIEBERMAN. Basically, I would say I agree. There is not much I could add to that. This is not legislation that is a solution in search of a problem. This is a real problem. Again, we are hearing it from all the cyber security experts.

If the private sector owners of critical cyber infrastructure—electric power grids, telecommunications, finance, water dams, et cetera—if they were taking enough defensive action, we wouldn't want to act, but they are not. And we understand why. We have talked about this. A lot of the CIOs—chief information officers—in companies get frustrated that their CEOs don't want to devote enough time and resources to beefing up their cyber defenses.

The Senator said something very important, which is cyber theft and cyber attack is so insidious that a lot of people and companies who are victims of cyber attack don't even know it. My great fear is that there is a lot of malware or bugs—I called it cyber cells earlier—planted in some of our critical cyber control systems in our country waiting for the moment when an enemy wants to attack us.

Senator REID yesterday pointed to the terrible tragedy in India where the power system has gone out. There is no evidence there was a cyber attack, but I saw today that 600 million people are without electricity. It has had a terrible effect on quality of life, on the economy, et cetera. Unfortunately, this is what an enemy who is capable today could do to us, and they are out there.

Mr. WHITEHOUSE. The only reasonable conclusion one could draw is that it would be prudent to view, with some caution and some skepticism, the claims of folks who are hacked and penetrated at will—and who often usually don't even know it—that: Don't worry. Trust us. We can take care of this. Everything is fine.

Mr. LIEBERMAN. I thank my friend. And, of course, I agree. That is why we are legislating—but we are trying to legislate as minimally as we possibly can—to begin to solve this problem.

I yield the floor. The Senator from Maryland is here. The Senator from North Dakota is here.

Mr. HOEVEN. I thank the Senator. I certainly want to accommodate the schedule.

Mr. LIEBERMAN. In the order of fairness, we yield to my friend from North Dakota.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

ENERGY

Mr. HOEVEN. Madam President, I rise to speak as if in morning business on the subject of energy.

I commend my colleagues for their excellent work on cyber. I look forward to working with them, and I thank them for the incredible amount of work and diligence they are putting into this extremely important effort. I rise this morning to speak on the incredible importance of energy security for our country.

Last week I introduced the Domestic Energy and Jobs Act along with 30 sponsors on the legislation. It is a comprehensive plan for energy security for our country. When I say energy security, what I mean is producing more energy than we consume; getting our Nation to energy security by not only producing enough energy for our needs, but even beyond that. It is absolutely doable. There is no question we can do it.

It is about pursuing an all-of-the-above strategy, and I mean truly pursuing an all-of-the-above strategy; not saying it and then picking certain types of energy we want and don't want but, instead, creating a climate and a national comprehensive energy policy that truly empowers private investment to develop all of our energy resources and all types of energy.

The Domestic Energy and Jobs Act is actually a package of energy bills. Many of these have already passed the House, and we have introduced them now in the Senate as well—13 separate pieces of legislation pulled together into this energy package, with energy leaders from both the House and the Senate. It clearly demonstrates that we have a strategy, we have a comprehensive energy plan to move our country, and it is ready to go.

If we look at the situation right now, there are hundreds of billions of dollars of private investment, of capital that would be invested in energy projects in this country, but they are being held up. These projects are being held on the sidelines because of the inability to be permitted or because of burdensome regulation. We need to create the kind of approach, the kind of business climate, the kind of energy policy that will unleash that private investment. That is exactly what this legislation does.

First, it reduces the regulatory burden so these stalled energy projects—again, hundreds of billions of dollars in private investment, not government spending but in private investment—that would move forward with energy projects that would not only develop more energy more cost effectively and more dependably, but also with better environmental stewardship, deploying the latest, greatest technology that would produce the energy, and do it with better environmental stewardship—not only for this country but actually leading the world to more energy production with better environmental stewardship.

But these projects are held up either because they can't get permitted or because they can't get through the regulatory redtape to get started and get going. This legislation cuts through that.

It also helps us develop the vital infrastructure we need for energy development. A great example is the Keystone XL Pipeline, a $7 billion 1,700-mile pipeline that would move oil from Canada to our refineries in the United States, but that would also move oil from my home State—100,000 barrels a day for starters—to refineries. We need that vital infrastructure. That is just one example.

This legislation also develops our resources on public lands as well as private lands. So we are talking about expedited permitting both onshore and offshore, on private lands and on public lands, including for renewables. It sets realistic goals. It sets a market-based approach that would truly foster all of our energy resources rather than picking winners and losers. It would also put a freeze and require a study of rules that are driving up gasoline prices that are hitting families and businesses across this country. And it includes legislation that Senator MURKOWSKI of Alaska has added to our package that would require an inventory of critical minerals in the United States and set policies to develop them as a key part of developing a comprehensive energy approach and a comprehensive energy plan for our country.

So what is the impact? The U.S. Chamber of Commerce in March of last year put forward a report. In that report they showed there are more than 350 energy projects nationwide that are being held up either due to inability to get permitted or regulatory burden, as I have described—more than 350 projects—that if we could just greenlight these projects, they would generate $1.1 trillion in gross domestic product and create 1.9 million jobs a year just in the construction phase.

So this legislation truly is about energy—more energy, better technology, and better environmental stewardship. But it is also very much about creating jobs—creating jobs at a time when we have more than 8.2 percent unemployment, more than 13 million people out of work and looking for work. This will create an incredible number of jobs. It is about creating economic growth.

Look at our debt and our deficit. Our debt is now approaching $16 trillion. We need to get this economy going and growing to reduce that deficit and reduce that debt along with controlling our spending. But we need economic growth to get on top of that debt and deficit. As I described, just the 350 projects alone and $1.1 trillion in GDP to help create that economic growth, to put people to work, and help reduce our deficit and our debt.

Let's talk about national security. The reality is with the kind of approach I am putting forward in the

United States and working together with our closest friend and ally Canada, we can get to energy security without a doubt in 5 to 7 years. That means producing more energy than we consume within 5 to 7 years. Think how important that is.

Look what is going on in the Middle East. Look what is going on in Syria. What is going to happen there? Look at what is going on in Iran and their efforts to pursue a nuclear weapon and what is going to happen with the Strait of Hormuz. An incredible amount of oil goes through that area. Look at what is happening in Egypt with the Muslim Brotherhood. Do we really want to be dependent on the Middle East for our oil?

I think the American people have said very clearly no, and we don't have to be. We just need the right approach to make it happen right here and to work with our closest friend and ally, Canada.

The reality is developing our energy resources is an incredible opportunity, and we need to seize it right now, with both hands. We can do it. That is exactly the plan we are putting forward.

Earlier this year we passed legislation through the House and through the Senate in conjunction with the payroll tax credit legislation. Attached to it we required the President to make a decision on the Keystone XL Pipeline. He chose to turn it down. Shortly after that, the Prime Minister of Canada, Stephen Harper, went to China. He met with Chairman Wu and China's energy leaders, and he signed a memorandum of agreement. That memorandum of agreement between China and Canada called for more economic cooperation and more energy development, with China working in conjunction with Canada.

Just last week, CNOOC—one of China's largest government-controlled companies—made a $15 billion tender offer for the Nexen Oil Company, a large oil company in Canada, to purchase their interests in the Canadian oil sands. It also includes mineral interests offshore, lease interests offshore of the United States in the gulf region, as well as in the North Sea area. But primarily it is an acquisition by the Chinese of huge amounts of tracts in the oil sands in Canada.

So just what we said: If we don't work with Canada on projects such as the Keystone XL Pipeline, the oil that is produced in Canada, instead of going to the United States will go to China or Americans will be put in the position of buying Canadian oil from the Chinese because of a failure to act on key projects such as the Keystone XL Pipeline because we are not acting on the kind of energy policy we are putting forward right here.

Ask the American people what they want. What they want is that we move forward with the energy package we put forward, and we need to do it. If we check gas prices, they are now back up to $3.50 a gallon national average. When the current administration took office, it was $1.85 national average per gallon. That is a 90-percent increase. What ramifications does that have for our economy? What ramifications does that have for small businesses? What ramifications does that have for hard-working American families? I think we all know the answer to that.

The time to move forward is now. It couldn't be more clear. We control our own destiny. We need to take action. We need to move forward on the kind of energy plans that truly benefit our people and our country. I call on my colleagues to join me in this effort.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I come to the floor today to talk about cyber security, the pending Lieberman-Collins bill, and the need to act—and the need to act before we adjourn for the August break.

I come today to the floor as I did when I spoke yesterday. I don't come as a Democrat, I come as an American. If ever there was an issue where we have to forget if we are red States or blue States, it is this issue.

I am going to stop my remarks. I note the Senator from Arizona is on the Senate floor, and I know he was scheduled to speak at 12:45. I was scheduled to speak at 11:30. I have about 10 minutes. I just want to acknowledge where we are.

So resuming my comments, Madam President, what I wanted to say is this: This is when we have to forget we are red States or blue States, we have to forget what we have on our bumper stickers, and we have to come together and not be the red State party or the blue State party but to be the red, white, and blue party for the United States of America. We must put aside partisan differences and ideological viewpoints. We need to act, and we need to act in the defense of the United States of America.

The Senate has a great opportunity today and tomorrow to pass legislation to protect, defend, and deter a cyber attack on the critical infrastructure of the United States of America.

What do I mean by critical infrastructure? It is our electrical power grid, our financial services, our water supplies. It is those things that are the bread and butter of keeping America, its businesses, and its families going. Through voluntary participation, we can work with the private sector that owns and operates the critical infrastructure to keep our critical infrastructure hardened and resilient against attack.

I worry about the possibility of an attack. We know there are already attacks going on, particularly in our financial services. We know our personal identities are being hacked, and we know small business is being attacked. I will give examples later on. Not only do I worry about an attack, I equally worry about our inertia, where we do nothing.

I bring to the attention of the Senate and all those watching that Leon Panetta, the Secretary of Defense, called our cyber vulnerability our potential digital Pearl Harbor. The Presiding Officer is from New York. We don't want a cyber 9/11. We can act now. We can act when it is in our power to protect, defend, and deter these attacks. That is what I want. I want us to have a sense of urgency. I want us to go to the edge of our chair. I want us to put our best thinking on to be able to do the kind of job we need to do to find a sensible center on how we can do that.

Right now our adversaries are watching us. We are debating on how we will protect America from cyber attacks, and it looks like we are doing nothing. When all is said and done, more gets said than gets done. Our adversaries don't have to spy on us. They can look at the Senate floor and say: What the heck are they doing? What are they going to do? They are going to look at us and say: There they go again.

We know our own inability to pass legislation, our own partisan gridlock and deadlock works for our predatory enemies in a positive way. They are saying, well, our first line of attack is for them to do nothing. They are thinking how they can make sure the critical infrastructure is vulnerable. How can they weaken the critical infrastructure? One way is by not passing legislation and putting in those hardened, resilient ways to protect, defend, and deter. Our adversaries are laughing right this minute. They just have to watch us. Well, this is no laughing matter.

What is the intent of a cyber attack? What is the intent? Is it the same intent as a nuclear attack? Is it the same attempt as flying into the World Trade Center? It is all the same. It is to create chaos, it is to create civil instability, and it is to create economic catastrophe that makes 9/11 look minuscule.

Just think about a cyber attack in which our grid goes down. Think of a blackout in New York. Think of a blackout in Baltimore. Remember when we did the cyber exercise here where it showed what would happen? The stop lights go down, the lights go out in the hospitals, the respirators go off, business shuts down, commerce shuts down, 9–1–1 shuts down, America is shut down, and we will be powerless and impotent to put it back on in any quick and expeditious manner.

Right now we are in the situation where we have an early missile detection. We know the cyber attack will come. We need to do something. With this cyber attack, think of the chaos of no electricity. Just think of it. We have all lived through blackouts, and we had a terrible freak storm here a few weeks ago. No matter how late Pepco, BG&E, and Dominion was in responding, they can get the electricity back on. What happens if they can't get the electricity back on? What happens if they can't get it back on for

weeks or longer? There we are powerless, impotent, and the President of the United States is wondering what to do.

Remember, the attack is to humiliate, intimidate, and cripple: humiliate by making us look powerless, intimidate by showing there is this power over us, and to cripple our functioning as a society. I find it chilling.

We saw an attack on a little country called Estonia. That is how I got into this. I was sitting on the Intelligence Committee—I can say it now because it has been more than 5 years ago—and it was brought to my attention that Estonia—a brave little country that resisted communism, challenged the Soviet Union, and is now a part of NATO—was being attacked. The electricity was going off around Estonia. We thought, from the Intelligence Committee, it would be the first cyber attack on a NATO nation, and we were going to trigger the NATO Charter article V that an attack on one is an attack on all.

Thanks to the United States of America and our British allies, we had the technical know-how to go in and help them. Who is going to have the technical know-how to help us? We have the technical know-how right now to make our critical infrastructure hardened and resilient. We shouldn't harden our positions so we can't get to a resilient critical infrastructure.

I could go on with examples. I know my colleague from Arizona wants to come to the floor, but I just want to say one more thing. I have been involved in this from not only my work on the Intelligence Committee, but we fund the Justice Department through the Appropriations Committee, and they are very involved and hands on with the policy issues around the FBI.

Now, if Director Mueller were here, he would say the FBI currently has 7,600 pending bank robbery cases. Guess what. He has 9,000 pending cyber banking attacks. There are more cyber heists than there are regular heists. That doesn't make it right.

Now, is a cyber attack coming? Is it something out of Buck Rogers or Betty Rogers or the cyber Betty Crocker cookbook or whatever? The NASDAQ, as the gentlelady from New York knows, the NASDAQ and New York Stock Exchange has already been attacked. Hackers repeatedly penetrated the computer networks at the NASDAQ stock market. The New York Stock Exchange has been the target of cyber attacks. That sounds so vague but, remember, successful attempts to shut down or steal our information are going on every day.

Madam Chair, do you remember in 2010 the Dow Jones plunged 1,000 points because of a flash crash? That was a result of turbulent trading. That can be manipulated by cyber, and it could happen several times a week. What are we going to do?

Our banking industry clears $7 trillion worth of financial goods, products, and actual real money every day. Imagine what would happen if that was thrown into turmoil or shut down. I don't want to go through grim example after grim example, but let me say this: Good people in this body have been working on both sides of the aisle.

We are close, and I urge my colleagues now: Let's either vote for cloture or come to a regular agreement to be able to offer amendments. For those who worry about the costs, for those who worry about regulation, for those who worry about homeland security, I understand that. That is why I would be willing to sunset the bill so we can always look ahead and reevaluate this. I want everyone to know if a cyber attack comes and happens to the United States and we have failed to act, we will overreact, we will overregulate, and we will overspend.

Why do I have a sense of urgency right now? Let me say this: When we adjourn tomorrow for the August break, we don't come back until September 10. We will go out somewhere around October 1. That means if we don't act by tomorrow or Friday, we will essentially only have about 14 working days in September to do this. Well, we can't let this go.

I conclude my remarks by saying this: To my colleagues on both sides of the aisle, let's be the red, white, and blue party. Let's come to the middle ground. Let's do what we need to do to protect and defend the United States of America. There are good people who have been working on this. Some have extraordinary national security credentials. Let's put our best heads together and come up with the best amendments. Let's come up with the best protections of the United States of America, and let's do it by tomorrow night.

God bless America. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, I ask to engage in a colloquy with the Senator from Georgia, Mr. CHAMBLISS, the Senator from South Carolina, Mr. LINDSEY GRAHAM, and if he wants to, the Senator from Indiana, Mr. COATS.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCAIN. Madam President, before I go to the issue we want to discuss, I want to point out in this debate that has become so impassioned that the issue of cyber security is one of transcendent importance, and I want to again reiterate my respect, appreciation, and affection for both Senator LIEBERMAN and Senator COLLINS.

I also point out to my colleagues that the people who are directly affected by this—and that is the business community of the United States of America—are unalterably opposed to the legislation in its present form. They are the ones who will be affected most dramatically by cyber security legislation. The U.S. Chamber of Commerce, which represents 3 million businesses and organizations of every size, sector, and region, has a strong letter which supports the legislation we have proposed.

I finally would just like to say that I have had hours and hours of meetings with my colleagues on both sides of the aisle trying to work this out. I believe we can work this out. We understand that cyber security is important and of transcendent importance. But to somehow allege that the business community, the 3 million businesses in America, should be left out of this discussion, of course, is not appropriate nor do I believe it will result in effective cyber security legislation.

NATIONAL SECURITY LEAKS

I really came to the floor today to talk about the issue of the leaks, the leaks which have directly jeopardized America's national security. At the Aspen Security Forum, just in the last few days, the head of Special Operations Command, Admiral McRaven, observed that the recent national security leaks have put lives at risk and may ultimately cost America its lives unless there is an effective crackdown. Admiral McRaven, the head of our Special Operations Command said:

> We need to do the best we can to clamp down because sooner or later it is going to cost people their lives or it is going to cost us our national security.

This is another national security issue, my friends, and I appreciate very much the fact that Governor Romney rightly referred to these leaks as contemptible and a betrayal of our national interests.

I wish to point out to my colleagues that, yes, there are supposedly investigations going on and, according to media, hundreds of people are being interviewed. Well, I am no lawyer. I am no prosecutor. Senator GRAHAM may have some experience in that. But what about the 2009 G20 economic summit when, according to the New York Times journalist David Sanger, ''a senior official in the National Security Council'' tapped him on the shoulder and brought him to the Presidential suite in the Pittsburgh hotel where President Obama was staying and where ''most of the rest of the national security staff was present.'' There the journalist was allowed to review satellite images and other evidence that confirmed the existence of a secret nuclear site in Iran.

I wonder how many people have the key to the Presidential suite in that Pittsburgh, PA hotel? We might want to start there. Instead, we have two prosecutors, one of whom was a strong and great supporter of the President of the United States. And the same people—I am talking about the Vice President of the United States and others—who strongly supported a special counsel in the case of Valerie Plame and, of course, the Abramoff case. We need a special counsel to find out who was responsible for these leaks.

I ask my colleague Senator GRAHAM if he has additional comments on this issue. It has receded somewhat in the

media, but the damage that has been done to our national security is significant. It has put lives at risk, and it has betrayed our allies. This is an issue we cannot let go away until those who are responsible are held accountable for these actions.

Mr. GRAHAM. Madam President, my comment, in response to the question Senator MCCAIN has, is what we do today becomes precedent for tomorrow. So are we going to sit on the sidelines here and allow the Attorney General—who is under siege by our colleagues in the House about the way he has handled Fast and Furious and other matters—to appoint two U.S. attorneys who have to answer to him to investigate allegations against the very White House that appointed him? The reason so many Democrats wrote to President Bush and said, You cannot possibly investigate the Scooter Libby-Valerie Plame leak because it involves people very close to you—well, let's read some of the letters. BIDEN, DASCHLE, SCHUMER, and LEVIN letter to President Bush, October 9, 2003:

We are at risk of seeing this investigation so compromised that those responsible for this national security breach will never be identified and prosecuted. Public confidence in the integrity of this investigation would be substantially bolstered by the appointment of a special counsel.

Senator BIDEN:

I think they should appoint a special prosecutor, but if they're not going to do that, which I suspect they're not, is get the information out as quick as they possibly can. This is not a minor thing . . . There's been a federal crime committed. The question is who did it? And the President should do everything in his power to demonstrate that there's an urgency to find that out.

Then he goes on later and says:

There's been a federal crime committed. You can't possibly investigate yourself because people close to you are involved.

In the Abramoff scandal, which involved Jack Abramoff, a person very close to House leadership and some people in the Bush administration, and our Democratic colleagues, 34 of them, said the following:

FBI officials have said that the Abramoff investigation ''involves systematic corruption within the highest levels of government.'' Such an assertion indicates extraordinary circumstances and it is in the public interest that you act under your existing statutory authority to appoint a special counsel.

So our Democratic colleagues back during the Bush administration said, We don't trust you enough to investigate compromising national security by having an agent outed allegedly by members of your administration. We don't trust the Republican Party apparatus enough to investigate Jack Abramoff, because you are so close to him, and you should have a special counsel appointed.

Well, guess what. They did.

Here is what I am saying. I don't trust this White House to investigate themselves. I think this reeks of a coverup. I think the highest levels of this government surrounding the President, intentionally, over a 45-day period, leaked various stories regarding our national security programs, to make the administration look strong on national security. I don't think it is an accident that we are reading in the paper about efforts by the administration and our allies to use cyber attacks against the Iranian nuclear program as a way to try to head Israel off from using military force. I don't know if it happened, but the details surrounding the cooperation between us and Israel and how we engaged in cyber attacks against the Iranian nuclear program are chilling and something we should not read about in the paper.

The second thing we read about in the paper was how we disrupted the underwear bomber plot where there was a double agent who had infiltrated an al-Qaida cell, I believe it was in Yemen, and how we were able to break that up; and the man was given a suicide vest that was new technology and couldn't be detected by the current screening devices at the airports, and how we were able to basically infiltrate that cell, and God knows the damage done to our allies and that operation.

Mr. MCCAIN. Could I ask my friend, isn't it also true that this individual had some 23 family members whose lives were also placed in danger because of the revelation of his identity?

Mr. GRAHAM. That is what we have been told in the paper.

We also have a story about the kill list—a blow-by-blow description of how President Obama personally oversees who gets killed by drones in Pakistan, and at the end of the day, I am not so sure that is something we should all be reading about.

But if that is not enough, what about releasing the Pakistani doctor—the person who allegedly helped us find bin Laden, and his role in this effort to find bin Laden is also in the paper, and now he is in jail in Pakistan.

The sum total is that the leaks have been devastating. They have put people's lives at risk. They have compromised our national security, unlike anything I have seen, and people expect us to sit on the sidelines and let the White House investigate itself? No way.

Those who wrote letters in the past suggesting that Bush could not impartially investigate himself, where are they today? Is this the rule: We can't trust Republicans, but we can trust Democratic administrations to get to the bottom of things they are involved in up to their eyebrows?

Do we think it is an accident that all of these books quote senior White House officials? There is a review of one of the books the Senator from Arizona mentioned that talked about the unprecedented access to the National Security Adviser. There is a vignette in one of the books where the Secretary of Defense goes up to the National Security Adviser and suggests a new communications strategy when it comes to the programs we are talking about: Shut the F up. Well, that makes great reading, but at the end of the day, should we be reading about all this? People's lives are at stake. Programs have been compromised. Our allies are very reluctant now to do business with us.

This was, in my view, an intentional effort by people at the highest level in the White House to leak these stories for political purposes. And to accept that Eric Holder is going to appoint two people within his sphere of influence and call it a day is acceptable. That is not going to happen. We are going to do everything we can to right this ship, and we are asking no more of our Democratic colleagues than they asked of the Bush administration.

To our Democratic colleagues: How do you justify this? How do you justify that you couldn't investigate Abramoff without a special counsel and you couldn't investigate what Scooter Libby may or may not have done without a special counsel, but it is OK not to have one here? How do you do that?

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. GRAHAM. Absolutely.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Illinois.

Mr. DURBIN. The Senator asked whether this side would like to explain our position. I would be happy to do it at this point, but I can wait until my colleagues finish their colloquy, so it is their choice.

Mr. GRAHAM. Whatever the Senator from Illinois wishes to do. I am dying to hear how my Democratic colleagues think it is good government not to have a special independent counsel investigate the most damaging national security leak in decades. I am dying to hear the explanation.

Mr. DURBIN. There is no need to die. I hope the Senator from South Carolina will continue living a good life because he is such a great Senator. But I am asking if my colleague wants me to join in this dialogue or would he rather make his presentation?

Mr. GRAHAM. Well, I tell you what. Why don't we let my colleague speak, and then the Senator from Illinois will have all the time he needs. What does my colleague, the Senator from Georgia, Mr. CHAMBLISS, think?

Mr. CHAMBLISS. Well, I am dying to hear his explanation too, let me say that.

First of all, let me say that I join in with everything my two colleagues have said with respect to, No. 1, the volume of the leaks that have come out in recent weeks. We all know this town has a tendency to leak information from time to time, but never in the volume and never with the sensitivity of the leaks we have read about on the front page of newspapers around the country as we have seen in the last few weeks.

Irrespective of where they came from, to have folks who may be implicated in the White House, and the

White House appointing the two individuals who have been charged with the duty of prosecuting this investigation, reeks of ethical issues. I don't know these two U.S. attorneys, but everything I know about them is they are dadgum good prosecutors and they are good lawyers. But why would we even put them in the position of having to investigate in effect the individual who appointed them to the position they are in? That is why we are arguing that a special counsel is, without question, the best way to go. I am interested to hear the response from my friend from Illinois to that issue.

Let me talk about something else for a minute, and that is the impact these leaks have had on the intelligence community. The No. 1 thing that individuals who go on the intelligence committees in both the House and the Senate are told—and I know because I have served on both of them and continue to serve on the Senate Intelligence Committee—is to be careful what you say. Be careful and make sure you don't inadvertently—and obviously advertently—reveal classified information. Be sure that in your comments you never reveal sources and methods.

Well, guess what. The individuals who were involved in these leaks were very overt in the release of sources and methods with respect to the issues Senator GRAHAM referred to as having been leaked. Not only that, but lives were put in danger, particularly the life of the individual who was an asset who worked very closely with respect to the underwear bomber issue. We know that to be a fact.

But there is also a secondary issue, and that is this: We have partners around the world we deal with in the intelligence community every single day, and we depend on those partners and they depend on us to provide them with information we have and likewise that they give to us. A classic example was detailed of one of these particular leaks on the front page of the New York Times. Today why in the world would any of our partners in the intelligence community around the world—those partners who have men and women on the front lines who are putting their life in harm's way and in danger every single day to gather intelligence information and share that information with us—why would they continue to do that if they are now concerned about that information being written about on the front page of newspapers inside the United States and blasted all over television or wherever it may be?

The answer is pretty simple. Very honestly, there are some strong considerations being given by some of our partners as to how much information they should share with us. That creates a very negative atmosphere within the intelligence world.

Lastly, let me say that we dealt in the Intelligence Committee with our authorization bill recently in which we have tried to address this issue from a punishment standpoint.

There are certain things that individuals are required to do when they leave the intelligence community and go write a book. One of those things is they have to present their book to an independent panel of intelligence experts, and that panel is to review the information and then decide whether any of it is classified and shall not be released. In one of the instances we have, one of those individuals never submitted his book to that panel. In another instance, an individual submitted his book to the panel, and the panel said: You need to be careful in these areas. And the advice from that panel was pretty well disregarded.

One of the provisions in our bill says if someone does that, if someone fails to submit their book to that panel, or if they disregard what that panel tells them to do, then they are going to be subject to penalties. Part of those penalties include the possible removal of their right to a pension from the Federal Government—the portion the government is obligated to pay them, not what they have contributed.

Our intelligence bill is being criticized by some individuals out there. And guess who it is? It is the media and it is the White House. What does that tell you about their fear and their participation in the release of classified information?

So this issue is of critical importance. It simply has to stop for any number of national security reasons, but the ones that have been addressed by my colleagues obviously are to be highlighted. I look forward to whatever comments the Senator from Illinois may have with respect to justifying—I know he is not going to justify the leaks because I know him too well, but whatever his justification is for proceeding in a prosecution manner the way the Department of Justice is going versus what the Bush administration did and appointing a special counsel in a case that, by the way, pales in comparison to the leaks that took place in this particular instance.

Mr. MCCAIN. Mr. President, before we turn to our friend from Illinois for his, I am sure, convincing explanation as to why a special counsel is not required, even though it was, in the opinion of his side, in a previous situation, I want to just, again—and the Senator from Georgia and the Senator from South Carolina will also corroborate the fact that we have been working and working, having meeting after meeting after meeting, on the issue of cyber security.

We believe we have narrowed it down to three or four differences that could be worked out over time. Among them is liability. Another one is information sharing. But I think it is also important for us to recognize in this debate the people who are most directly affected in many respects are the business communities, and it is important that we have the input and satisfy, at least to a significant degree, those concerns.

There are those who allege that a piece of legislation is better than no legislation. I have been around this town for a long time. I have seen bad legislation which is far worse than no legislation. So we understand certainly—I and members of the Armed Services Committee and others understand—the importance of this issue.

We also understand that those who are directly affected by it—those concerns need to be satisfied as well. I commit to my colleagues to continue nonstop rounds of meetings and discussions to try to get this issue resolved. To this moment, there are still significant differences.

I say to my friend from Illinois, I look forward to hearing his convincing discussion.

I thank the Senator and yield the floor.

Mr. President, I ask unanimous consent that the Senator from Illinois be involved in the colloquy.

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

Mr. DURBIN. I did not know if the Senator wanted to make his unanimous consent request that he came to the floor to make.

Mr. MCCAIN. No.

Mr. DURBIN. The Senator is not going to make it?

Mr. MCCAIN. No. The Senator will object.

Mr. DURBIN. Yes, I will.

Mr. President, I want to thank my colleague from Arizona. Occasionally, historically, on the floor of the Senate there is a debate, and this may be one of those moments. I hope it is because it is a worthy topic.

Let's get down to the bottom line. I have served on the Intelligence Committee, as some of my colleagues have. We know the important work done by the intelligence community to keep America safe. They literally risk their lives every day for us, and they are largely invisible. We do not see them at the military parades and other places where we acknowledge those warriors who risk their lives, but these men and women do it in so many different ways.

When I spent 4 years on the Senate Intelligence Committee—and my colleagues, I am sure, feel the same—I went out of my way to make sure I was careful with classified information so as to continue to protect this country and never endanger those who were helping us keep it safe all around the world.

So the obvious question raised by the Republican side of the of the aisle is whether this President, President Barack Obama, thinks differently; whether President Obama believes we should cut corners and not be so careful when it comes to the leaking of classified information.

My answer to that is look at the record. Look at the record and ask this basic question: When it comes to prosecuting those believed to have been

guilty of leaks of classified information, which President of the United States has prosecuted more suspected individuals than any other President, Democrat or Republican? Barack Obama.

On six different occasions—five in the Department of Justice and one in the Department of Defense—they pursued the active prosecution of those they believed were guilty of leaking classified information that might endanger the United States.

Let me add another personal observation. It was last year when my friend Bill Daley, then-Chief of Staff to President Obama, came to Chicago for a luncheon. It was a nice day. We had a nice luncheon. It was very successful. He said he had to get back to Washington. He was in a big hurry. He never said why. He told me later—he told me much later—after this occurred: I had to get back because we had a classified meeting about hunting down Osama bin Laden. We were sworn to secrecy at every level of government so that we never, ever disclosed information that we were even thinking about that possibility.

Bill Daley took it seriously. The President takes it seriously. Anyone in those positions of power will take it seriously. To suggest otherwise on the floor of the Senate is just plain wrong, and it raises a question about this President's commitment to the Nation, which I think is improper and cannot be backed up with the evidence.

Now, let's look at the evidence when it comes to the appointment of a special prosecutor. Let me take you back to those moments when a special prosecutor named Patrick Fitzgerald from the Northern District of Illinois was chosen to investigate the leak of classified formation.

Let me put it in historical context. We had invaded Iraq. We did it based on assertions by the Bush-Cheney administration about the danger to the United States. One of those assertions dealt with Africa and certain yellow cake chemicals that might be used for nuclear weapons and whether they were going to fall into the hands of the Iraqi leadership.

It was one of the arguments—there were many: weapons of mass destruction, and so forth, that turned out to be totally false—leading us into a war which has cost us dearly in terms of human lives and our own treasure.

So one person spoke out. Former Ambassador Joe Wilson, who identified himself as a Republican, said: I do not believe there is any evidence to back up the assertion about the yellow cake coming out of Africa.

Well, he was punished. Do you remember how he was punished? He was punished when someone decided to out his wife Valerie Plame. Valerie Plame had served as an intelligence agent for the United States to protect our Nation, and someone decided that in order to get even with Joe Wilson they would disclose the fact that his wife worked in the intelligence agencies.

Then what happened? If you will remember, when that story broke, the intelligence community of the United States of America said: We have been betrayed. If one of our own can be outed in a political debate in Washington, are any of us safe? A legitimate question.

So there was an obvious need to find out who did it, who disclosed her identity, endangering her life, the life of every person who had worked with her, and so many other intelligence agents.

Mr. President, do you recall what happened? I do. The Attorney General of the United States, John Ashcroft, recused himself from this investigation. It was the right thing for him to do because the questions about this disclosure of her identity went to the top of the administration. He recused himself and appointed Patrick Fitzgerald, the U.S. attorney for the Northern District of Illinois, a professional, a professional prosecutor with the U.S. Department of Justice.

Well, the investigation went on for a long time. At the end of the investigation, the Chief of Staff of the Vice President of the United States was found to have violated a law. That came out, and eventually we learned the identity of who actually disclosed the name of Valerie Plame. It was a serious issue, one that called for a special counsel, and, if I remember correctly, there were even Republicans at that point joining Democrats saying: Let's get to the bottom of this. If this goes all the way to the top, let's find out who is responsible for it. So it was the appropriate thing to do.

Now, take a look at this situation. This President, who has activated the prosecution of six individuals suspected of leaking classified information, takes very seriously the information that was disclosed related to the al-Qaida techniques and all the things they were using to threaten the United States.

What has he done as a result of it? Let's be specific because I really have to call into question some of the statements that have been made on the floor. To say that the administration is covering this up, as to this leak, is just plain wrong.

At this point, the Department of Justice has appointed two highly respected and experienced prosecutors with proven records of independence in the exercise of their duties. U.S. Attorney Machen has recently overseen a number of public corruption prosecutions in the District of Columbia. U.S. Attorney Rosenstein has overseen a number of national security investigations, including one of the five leak investigations that have been prosecuted under this President. The Justice Department has complete confidence in their ability to conduct thorough and independent investigations into these matters in close collaboration with career prosecutors and agents.

This is not being swept under the rug. This is not being ignored. This is being taken seriously by this administration, as every leak of classified information will be taken seriously.

I know it is an election year. We are fewer than 100 days away from the election, and I know the floor of the Senate is used by both parties this close to the election. But I want to make it clear this President has a record of commitment to protecting the men and women who gather intelligence for America. He has a record of prosecuting more suspects for leaks of this information than any other President in history. He has, through his Attorney General, appointed two career criminal prosecutors to look into this case and said they will have the resources and authority they need to get to the bottom of it. That is the way to do it.

Will the day come when we say perhaps a special counsel is needed? I will not ever rule that out. Perhaps that day will come. But it is wrong to come to the floor and question this President's commitment to our intelligence community. It is wrong to come to the floor and question the credentials of these two men who have performed so well in the service of the Department of Justice in years gone by.

I thought Senator MCCAIN was going to make a unanimous consent request. If he wishes to, let me yield to him at this point.

Mr. MCCAIN. I would be glad to respond to my friend.

First of all, obviously, he is in disagreement with the chairperson of the Intelligence Committee because she said these leaks were the worst in the 11 years she has been a member of the Senate Intelligence Committee. So, obviously, the Abramoff and the Valerie Plame investigations are not nearly as serious, and they certainly were not when we look at the incredible damage, according to Admiral McRaven, according to anyone who is an observer of the incredible damage these leaks have caused.

Again, the chairperson of the Intelligence Committee said it is the worst she has ever seen. Admiral McRaven, as I said, said these have put lives at risk and may ultimately cost Americans their lives.

I wonder if my colleague from Illinois is concerned when, according to his book, Mr. Sanger said: ''A senior official in the National Security Council'' tapped him on the shoulder and brought him to the Presidential suite in the Pittsburgh hotel where President Obama was staying, and—I am quoting from Mr. Sanger's book—where ''most of the rest of the national security staff was present.'' There, the journalist was apparently allowed to review satellite images and other ''evidence'' that confirmed the existence of a secret nuclear site in Iran.

When leaks take place around this town, the first question you have to ask is, Who benefits? Who benefits from them? Obviously someone who wants to take a journalist up to the presidential suite would make it pretty

easy for us to narrow down whom we should interview first. Who had the key to the presidential suite? Who uses the presidential suite in a hotel in Pittsburgh? These leaks are the most damaging that have taken place in my time in the Senate and before that in the U.S. military. Yes, six people have been prosecuted. Do you know at what level? A private. The lowest level people have been prosecuted by this administration. And this administration says they have to interview hundreds of people in the bottom-up process.

I can guarantee you one thing, I will tell the Senator from Illinois now, there will not be any definitive conclusion in the investigation before the election in November. That does not mean to me that they are not doing their job, although it is clear that one of these prosecutors was active in the Obama campaign, was a contributor to the Obama campaign. I am not saying that individual is not of the highest caliber. I am saying that would lead people to ask a reasonable question, and that is whether that individual is entirely objective.

Americans need an objective investigation by someone they can trust, just as then-Senator BIDEN and then-Senator Obama asked for in these previous incidents, which, in my view, were far less serious and, in the view of the chairperson of the Intelligence Committee, are far more severe than those that were previously investigated. I would be glad to have my colleague respond to that.

Mr. DURBIN. First, let me say that whatever the rank of the individual—private, specialist, chief petty officer—if they are responsible for leaking classified information, they need to be investigated and prosecuted, if guilty.

Mr. MCCAIN. Absolutely.

Mr. DURBIN. So the fact that a private is being investigated should not get him off the hook. I would——

Mr. MCCAIN. I do not think it gets him off the hook. I think it has some significance as compared to this kind of egregious breach of security that has taken place at the highest level. We know that.

Mr. DURBIN. I would say to my friend from Arizona, if I am not mistaken, it was a noncommissioned officer at best and maybe not an officer in the Army who is being prosecuted for the Wiki leaks. So let's not say that the rank of anyone being prosecuted in any way makes them guilty or innocent. We need to go to the source of the leak.

Mr. MCCAIN. No. But my friend would obviously acknowledge that if it is a private or a corporal or something, it has not nearly the gravity it does when a person with whom the Nation has placed much higher responsibilities commits this kind of breach.

Mr. DURBIN. Of course. It should be taken to where it leads, period. But let me also ask—I do not know if quoting from a book on the floor means what was written in that book is necessarily true. Perhaps the Senator has his own independent information on that.

Mr. MCCAIN. But no one has challenged Mr. Sanger's depiction. No one in the administration has challenged his assertion that he was taken by ''a senior official in the National Security Council to the presidential suite.'' No one has challenged that.

Mr. DURBIN. I would say to the Senator, I do not know if that has to do with the information that was ultimately leaked about al-Qaida. It seems as though it is a separate matter. But it should be taken seriously, period. What more does this President need to do to convince you other than to have more prosecutions than any President in history of those who have been believed to have leaked classified information?

If you will come to the floor, as you said earlier—and I quote, the investigation is ''supposedly going on.'' I trust the administration that the investigation is going on. What evidence does the Senator have that it is not going on?

Mr. MCCAIN. I say to my friend, it is not a matter of trust, it is a matter of credibility because if an administration has the same argument that then-Senator BIDEN used and Senator Obama used in opposition to the administration investigating the Abramoff case and the Valerie Plame case—they argued that it is not a matter of trust, it is a matter of credibility with the American people whether an administration can actually investigate itself or should there be a credible outside counsel who would conduct this investigation, which would then have the necessary credibility, I think, with the American people. I think that there is a certain logic to that, I hope my colleague would admit.

Mr. DURBIN. Let me say to the Senator that in that case, the Attorney General of the United States, John Ashcroft, recused himself—recused himself. He said there was such an appearance of a conflict, if not a conflict, he was stepping aside. It is very clear under those circumstances that a special counsel is needed. In this case, there is no suggestion that the President, the Vice President, or the Attorney General was complicit in any leak. So to suggest otherwise, I have to say to Senator MCCAIN, show me what you are bringing as proof.

Mr. MCCAIN. I am bringing you proof that this Attorney General has a significant credibility problem, and that problem is bred by a program called Fast and Furious where weapons were—under a program sponsored by the Justice Department——

Mr. DURBIN. When did the program begin?

Mr. MCCAIN. Let me just finish my comment. A young American Border Patrol agent was murdered with weapons that were part of the Fast and Furious investigation. What has the Attorney General of the United States done? He has said that he will not come forward with any information that is requested by my colleagues in the House.

So I would have to say that, at least in the House of Representatives and with many Americans and certainly with the family of Brian Terry, who was murdered, there is a credibility problem with this Attorney General of the United States.

Mr. DURBIN. I say to my colleague and friend Senator MCCAIN, I deeply regret the loss of any American life, particularly those in service of our country.

Mr. MCCAIN. I am convinced of that.

Mr. DURBIN. And I feel exactly that about this individual and the loss to his family. But let's make sure the record is complete. The Fast and Furious program was not initiated by President Obama, it was started by President George W. Bush.

Mr. MCCAIN. Which, in my view, does not in any way impact the need for a full and complete investigation.

Mr. DURBIN. Secondly, this Attorney General, Mr. Holder, has been brought before congressional committees time after time. I have been in the Senate Judiciary Committee when he has been questioned at length about Fast and Furious, and I am sure he has been called even more frequently before the House committees.

Third, he has produced around 9,000 pages of documents, and Chairman ISSA keeps saying: Not enough. We need more. Well, at some point it becomes clear he will never produce enough documents for them. And the House decided to find him in contempt for that. That is their decision. I do not think that was necessarily proper.

But having said that, does that mean every decision from the Department of Justice from this point forward cannot be trusted?

Mr. MCCAIN. No. But what I am saying is that there is a significant credibility problem that the Attorney General of the United States has, at least with a majority of the House of Representatives——

Mr. DURBIN. The Republican majority.

Mr. MCCAIN. On this issue, which then lends more weight to the argument, as there was in the case of Valerie Plame and Jack Abramoff, for the need for a special counsel.

Mr. DURBIN. I do not see the connection. If the Attorney General and the President said: We are not going to investigate this matter, Senator MCCAIN, I would be standing right next to the Senator on the floor calling for a special counsel. But they have said just the opposite. They have initiated an investigation and brought in two career criminal prosecutors whom we have trusted to take public corruption cases in the District of Columbia and leaks of classified information in other cases. And he said: Now you have the authority. Conduct the investigation.

They are not ignoring this.

Mr. MCCAIN. Those two counsels report to whom? The Attorney General of the United States.

Mr. DURBIN. And ultimately report to the people.

Mr. MCCAIN. So I would think, just for purposes of credibility with the American people, that a special counsel would be called for by almost everyone.

Look, I understand the position of the Senator from Illinois. We have our colleagues waiting. I appreciate the fact that he is willing to discuss this issue. I think we have pretty well exhausted it.

Mr. DURBIN. May I turn to one other issue the Senator raised, if he has a moment?

Mr. MCCAIN. Sure.

Mr. DURBIN. The pending bill, cyber security—this is a bill which I hope we both agree addresses an issue of great seriousness and gravity in terms of America's defense. I know the Senator from Arizona and some of his colleagues have produced an alternative. I support the bipartisan bill that Senators LIEBERMAN and COLLINS have brought to the floor.

The major group who opposes the passage of the cyber security bill is the U.S. Chamber of Commerce, an organization that represents the largest businesses in America, and what I have heard the Senator from Arizona say over and over is that they have to be an important part of this conversation and this discussion. I think Senator LIEBERMAN and Senator COLLINS would say: We have engaged them. We have listened to them. We have made changes consistent with what they were looking for. But clearly they have not reached the point where they are satisfied.

I learned yesterday, when Senator WHITEHOUSE of Rhode Island came to the floor, that, in fact, the U.S. Chamber of Commerce really turns out to be pretty expert on this issue of cyber security. And I call the attention of the Senator from Arizona, if he is not aware of it, to a Wall Street Journal article of December 21, 2011. This Wall Street Journal article is entitled ''China Hackers Hit U.S. Chamber,'' and it starts by saying:

A group of hackers in China breached the computer defenses of America's top business lobbying group and gained access to everything stored on its systems, including information about its three million members, according to several people familiar with the matter. The complex operation involved at least 300 Internet addresses. . . . Four chamber employees who worked on Asian policy had six weeks of their emails stolen.

The article goes on to say that the Chamber of Commerce did not notice this breach that went on for 6 months. The Federal Bureau of Investigation brought it to their attention. And then they learned that the Chinese had not only hacked into the computer mainframe, they had somehow hacked into the computer-driven thermostats in their office, and at times in the office of the U.S. Chamber of Commerce, their copy machines and fax machines were spitting out pages with Chinese characters on them. They were completely compromised by this cyber attack. Now they come us to as experts on how to avoid a cyber attack.

I ask unanimous consent that the Wall Street Journal article be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Dec. 21, 2011]

CHINA HACKERS HIT U.S. CHAMBER—ATTACKS BREACHED COMPUTER SYSTEM OF BUSINESS-LOBBYING GROUP; EMAILS STOLEN

(By Siobhan Gorman)

A group of hackers in China breached the computer defenses of America's top business-lobbying group and gained access to everything stored on its systems, including information about its three million members, according to several people familiar with the matter.

The break-in at the U.S. Chamber of Commerce is one of the boldest known infiltrations in what has become a regular confrontation between U.S. companies and Chinese hackers. The complex operation, which involved at least 300 Internet addresses, was discovered and quietly shut down in May 2010.

It isn't clear how much of the compromised data was viewed by the hackers. Chamber officials say internal investigators found evidence that hackers had focused on four Chamber employees who worked on Asia policy, and that six weeks of their email had been stolen.

It is possible the hackers had access to the network for more than a year before the breach was uncovered, according to two people familiar with the Chamber's internal investigation.

One of these people said the group behind the break-in is one that U.S. officials suspect of having ties to the Chinese government. The Chamber learned of the break-in when the Federal Bureau of Investigation told the group that servers in China were stealing its information, this person said. The FBI declined to comment on the matter.

A spokesman for the Chinese Embassy in Washington, Geng Shuang, said cyberattacks are prohibited by Chinese law and China itself is a victim of attacks. He said the allegation that the attack against the Chamber originated in China ''lacks proof and evidence and is irresponsible,'' adding that the hacking issue shouldn't be ''politicized.''

In Beijing, Foreign Ministry spokesman Liu Weimin said at a daily briefing that he hadn't heard about the matter, though he repeated that Chinese law forbids hacker attacks. He added that China wants to cooperate more with the international community to prevent hacker attacks.

The Chamber moved to shut down the hacking operation by unplugging and destroying some computers and overhauling its security system. The security revamp was timed for a 36-hour period over one weekend when the hackers, who kept regular working hours, were expected to be off duty.

Damage from data theft is often difficult to assess.

People familiar with the Chamber investigation said it has been hard to determine what was taken before the incursion was discovered, or whether cyberspies used information gleaned from the Chamber to send booby-trapped emails to its members to gain a foothold in their computers, too.

Chamber officials said they scoured email known to be purloined and determined that communications with fewer than 50 of its members were compromised. They notified those members. People familiar with the investigation said the emails revealed the names of companies and key people in contact with the Chamber, as well as trade-policy documents, meeting notes, trip reports and schedules.

''What was unusual about it was that this was clearly somebody very sophisticated, who knew exactly who we are and who targeted specific people and used sophisticated tools to try to gather intelligence,'' said the Chamber's Chief Operating Officer David Chavern.

Nevertheless, Chamber officials said they haven't seen evidence of harm to the organization or its members.

The Chamber, which has 450 employees and represents the interests of U.S. companies in Washington, might look like a juicy target to hackers. Its members include most of the nation's largest corporations, and the group has more than 100 affiliates around the globe.

While members are unlikely to share any intellectual property or trade secrets with the group, they sometimes communicate with it about trade and policy.

U.S. intelligence officials and lawmakers have become alarmed by the growing number of cyber break-ins with roots in China. Last month, the U.S. counterintelligence chief issued a blunt critique of China's theft of American corporate intellectual property and economic data, calling China ''the world's most active and persistent perpetrators of economic espionage'' and warning that large-scale industrial espionage threatens U.S. competitiveness and national security.

Two people familiar with the Chamber investigation said certain technical aspects of the attack suggested it was carried out by a known group operating out of China. It isn't clear exactly how the hackers broke in to the Chamber's systems. Evidence suggests they were in the network at least from November 2009 to May 2010.

Stan Harrell, chief information officer at the Chamber, said federal law enforcement told the group: ''This is a different level of intrusion'' than most hacking. ''This is much more sophisticated.''

Chamber President and Chief Executive Thomas J. Donahue first learned of the breach in May 2010 after he returned from a business trip to China. Chamber officials tapped their contacts in government for recommendations for private computer investigators, then hired a team to diagnose the breach and overhaul the Chamber's defenses.

They first watched the hackers in action to assess the operation. The intruders, in what appeared to be an effort to ensure continued access to the Chamber's systems, had built at least a half-dozen so-called back doors that allowed them to come and go as they pleased, one person familiar with the investigation said. They also built in mechanisms that would quietly communicate with computers in China every week or two, this person said.

The intruders used tools that allowed them to search for key words across a range of documents on the Chamber's network, including searches for financial and budget information, according to the person familiar with the investigation. The investigation didn't determine whether the hackers had taken the documents turned up in the searches.

When sophisticated cyberspies have access to a network for many months, they often take measures to cover their tracks and to conceal what they have stolen.

To beef up security, the Chamber installed more sophisticated detection equipment and barred employees from taking the portable devices they use every day to certain countries, including China, where the risk of infiltration is considered high. Instead, Chamber employees are issued different equipment

before their trips—equipment that is checked thoroughly upon their return.

Chamber officials say they haven't been able to keep intruders completely out of their system, but now can detect and isolate attacks quickly.

The Chamber continues to see suspicious activity, they say. A thermostat at a town house the Chamber owns on Capitol Hill at one point was communicating with an Internet address in China, they say, and, in March, a printer used by Chamber executives spontaneously started printing pages with Chinese characters.

''It's nearly impossible to keep people out. The best thing you can do is have something that tells you when they get in,'' said Mr. Chavern, the chief operating officer. ''It's the new normal. I expect this to continue for the foreseeable future. I expect to be surprised again.''

Mr. MCCAIN. First of all, could I say that is just unfair. They are not claiming to be experts on cyber attacks. They are claiming that there are issues of liability, issues of information sharing, and other issues that they believe will inhibit their ability to engage in business practices and grow and prosper. So to say that somehow they claim they are experts on cyber security, they are not, but they are experts on how their businesses can best cooperate, share information, resist these attacks, and come together with other people and other interests to bring about some legislation on which we can all agree.

There are 3 million businesses and organizations that are represented here, I say to my colleague, so it seems to me that we should continue this conversation with them, particularly on issues of information sharing and liability. But to somehow say ''well, we talked to them, but we did not agree with anything they wanted to do'' is not fair to those 3 million businesses. We are making some progress. But please don't say they portray themselves as experts.

By the way, they hacked into my Presidential campaign, which shows they really were pretty bored and did not have a hell of a lot to do. But, anyway, go ahead.

Mr. DURBIN. I am sure that wasn't the case. I am sure it was a fascinating treasure trove of great insights and information.

But let me just say to my friend from Arizona, I am asking only for a little humility on both sides, both in the public sector and the private sector, by first acknowledging, as our security advisers tell us, that this is one of the most serious threats to our country and its future, and we should be joining with some humility, particularly if you have been victimized, whether in your campaign or in your offices, to understand how far this has gone. The FBI, according to Senator WHITEHOUSE when he came to the floor, found 50 different American businesses that had been compromised and hacked into by the same type of operation. Forty-eight were totally unaware of it. They did not even know it occurred. What we are trying to do is to get these businesses to cooperate with us so that we share information and keep one another safe.

At the end of the day, it is not just about the safety of the businesses—and I think it is important that they be safe—but the safety of the American people. This is really a serious issue.

Mr. MCCAIN. Can I say to my colleague, first of all, to somehow infer that businesses in America are less interested in national security than they are in their own businesses is not, I think, a fair inference. But let me also say that what they want to do is be more efficient in the way they can do business.

For example, information sharing—as you know, there is a serious problem with liability if they are not given some kind of protections in the information sharing they would do with each other and with the Federal Government. So we want to make sure they have that security so that they will more cooperatively engage in the kind of information we need. That is a vital issue. That is still something on which we have a disagreement.

I have no doubt that the comments of the Senator from Illinois about how important this issue is are true. Nobody argues about that. But we have to get it right rather than get it wrong. The Senator from Illinois and I have been here a long time, and sometimes we have found out that we have passed legislation that has had adverse consequences rather than the positive ones we contemplated. By the way, I would throw Dodd-Frank in there. No company is too big to fail now. I would throw in some of the other legislation we have passed recently, which has not achieved the goals we sought.

That is why we need, in my view, more compromise and agreement. I believe we can reach it. I give great credit to both of our cosponsors of the bill, but please don't allege that this is ''bipartisan'' in any significant way. Most of the Republican Senators oppose the legislation in its present form. All Republican Senators understand the gravity of this situation and the necessity of acting.

Mr. DURBIN. I say to my friend from Arizona, I hope we get this done this week. I know it is a big lift, and it is a lot to do. But I believe the threat is imminent, and I believe it is continuous. If we don't find a way through our political differences to make this country safer, shame on us.

I believe Senator COLLINS is from the Senator's side of the aisle and is proud of that fact. So it is a bipartisan effort. She worked with——

Mr. MCCAIN. It depends upon your definition of ''bipartisan.''

Mr. DURBIN. Well, it is clearly bipartisan with Senators LIEBERMAN and COLLINS. I also say that to raise the question of Dodd-Frank and appropriate government oversight and regulation—I suggest that we reflect on three things: LIBOR, Peregrine Investments, and the Chase loss of $6 billion.

To say that we should not have government oversight of our financial institutions that dragged us into this recession we are still trying to recover from—I see it differently. We vote differently when it comes to that. I think there is a continuing need for government oversight of these financial institutions.

Mr. MCCAIN. These institutions are not averse to government oversight. They are averse to legislation that harms their ability to share that information because if they face the threat of being taken into court for that, then obviously there is some reluctance. They also know how much has been lost because of the lack of cyber security to China and other countries. They are the ones who have been most directly affected. They are intelligent people, smart people, and they want this legislation to pass in a way that is the most effective way to enact legislation on this very serious issue.

I look forward to continuing the conversation with my friend from Illinois. I think both of us learn a bit from our conversations, and I thank him for his continued willingness to discuss the issue.

Mr. DURBIN. I thank my friend, the Senator from Arizona. I hope other colleagues will engage in this kind of exchange. I don't know if we convinced one another, but we certainly leave with the same level of respect with which we started. I hope those who have followed the debate have heard a little more about both sides of the issue in the process.

Mr. MCCAIN. I yield the floor.

CORRECTING THE ENROLLMENT OF H.R. 1627

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 55, which was submitted earlier today by Senator HARKIN.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 55) directing the House of Representatives to make a correction in the enrollment of H.R. 1627.

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

Mr. DURBIN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 55) was agreed to, as follows:

S. CON. RES. 55

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R. 1627) an Act to amend title 38, United States Code, to furnish hospital care and medical services to veterans

who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune, to improve the provision of housing assistance to veterans and their families, and for other purposes, the Clerk of the House of Representatives shall make the following correction: in section 201, strike ''Andrew Connelly'' and insert ''Andrew Connolly''.

VETERANS JOBS CORPS ACT OF 2012—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I am honored and grateful to follow that very enlightening and energetic exchange between two of the most able and respected Members of this body on a range of issues.

One of them I want to address now, and I want to particularly thank the Presiding Officer for his contribution, my distinguished friend from Minnesota, who has really addressed so instructively some of the privacy concerns in various proposals in an amendment I have joined. I think his work on that issue is really reflective of the approach that has been brought to this issue of cyber security—an issue that this entire body, in my view, has a historic opportunity and also a historic obligation to address this week, deal with it now authoritatively and effectively and in a way that the Nation expects us to do it.

I thank not only the Presiding Officer but a bipartisan group of colleagues, beginning with Senators LIEBERMAN, COLLINS, ROCKEFELLER, FEINSTEIN, and CARPER, who deserve our appreciation for drafting this bill and bringing it to the floor, and a number of other colleagues, including, along with the Presiding Officer, Senators WHITEHOUSE, MIKULSKI, COONS, COATS, BLUNT, AKAKA, and KYL. I mention this number because I think it is an important fact about the process that has brought us to this point. It really reflects the kind of collegial approach that is so important to this legislation.

This legislation has undergone very significant and substantial revisions to reflect suggestions made by myself and our colleagues, and this bill will give the government and private sector an opportunity to collaborate and share information so that they can confront the ongoing, present, urgent cyber threat directly and immediately.

This bill is not a top-down approach; it is voluntary in its direction to the private sector. What it says to critical industries—industries that are critical to our infrastructure—is that you determine what the best practices are, you tell us what the standards should be, and then those standards will be shared throughout the industry and overseen by a council that the Departments of Commerce and Justice and Defense and Homeland Security will be involved in implementing. And if companies comply with those standards—voluntary standards—they receive benefits that will enlist them in the program, benefits that will form incentives in the form of limited immunity in the event of an attack. If companies decline to comply, if they are not provided with sufficient incentives, in their judgment, there is no compulsion, no legal mandate that they need to do so. To use an often overused imagery, what we are talking about here is a carrot, not a stick, in solving one of the most pressing and threatening challenges our country faces today. It is the challenge of this moment, the challenge of our time.

I have been in briefings, as has been the Presiding Officer and other Members of this body, with members of the intelligence community and others who have, in stark and staggering terms, presented to us the potential consequences of failing to act.

Just last week, GEN Keith Alexander, the chief of the U.S. Cyber Command and the Director of the National Security Agency, said that intrusions on our essential infrastructure have increased 17-fold between 2009 and 2011 and that it is only a matter of time before physical damage will result. He has said that the loss of industrial information and intellectual property—putting aside the physical threat and taking only the economic damage—is ''the greatest transfer of wealth in history.''

We are permitting with impunity the greatest transfer of wealth in history from the United States of America to adversaries abroad, companies based overseas, at a time when every Member of this body says our priority should be jobs and protecting the economy of this country. It is an economic issue, not just a national security issue. In fact, cyber security is national security.

The United States is literally under attack every day. General Alexander described 200 attacks on critical infrastructure within the past year. He alluded to them without describing them in detail. And on a scale of 1 to 10, he said our preparedness for a large-scale cyber attack—shutting down the stock exchange or a blackout on the scale comparable to the one in India within the past few days—is around a 3 on a scale of 1 to 10. That situation is unacceptable.

We are, in a certain way, in a period of time now that is comparable to 1993, after the first World Trade Center bombing. Remember, in 1993 the World Trade Center—1,336 pounds of explosives were placed in a critical area of the World Trade Center, killing 6 people, injuring 1,000, fortunately, at that point, failing to bring down the building, which was the objective. That first bombing was a warning as well as a tragedy. America, even more tragically, disregarded that warning in failing to act. We are in that period now, comparable to 1993 and before 9/11, when the country could have acted and neglected to do so. We cannot repeat that failure now. We cannot disregard the day-to-day attacks, the serious intrusions that are stealing our wealth and endangering our security, our critical grid, transportation, water treatment, electricity, and financial system. The scale of damage that could be done is horrific, comparable to what 9/11 did. We have an obligation to act before that kind of damage is faced in reality by the country.

We have been adequately and eloquently warned on the floor of this body, in private briefings available to Members of this body, and in the public press, to some extent. One of the frustrations I think many of us feel is that we cannot share some of the classified briefings we have received which would depict in even more graphic and dramatic terms what this Nation faces. Some of these attacks are launched by foreign countries that seek to do us harm. Some are launched by domestic criminals who simply want to steal money. Some are sophisticated and some are very crude.

Former Deputy Secretary William Lynch has detailed just one attack in which a foreign computer hacker—or group of them—stole 24,000 U.S. military files in March of 2011. As others have noted on the floor as recently as a few minutes ago, in late 2011 the computers of the U.S. Chamber of Commerce were completely compromised for more than a year by hackers. Yet today the U.S. Chamber of Commerce has essentially opposed the voluntary standards-based plan to help secure our Nation against attack. In fact, how extraordinary it is that certain parts of this bill have actually combined a consensus among the business community, the privacy advocates, as well as public officials, the National Security Agency. That consensus on privacy, again, reflects a profound and extraordinary feature of this bill, which is that we are coming together as a nation to face a common problem in a way that is demanded by the times and threats we face.

Shawn Henry, the Executive Assistant Director of the FBI, has said that ''the cyber threat is an existential one, meaning that a major cyber attack could potentially wipe out whole companies.'' That is the reason the business community has been involved and should support these proposals.

These attacks are not only ongoing, they have been occurring for years. These criminals are infiltrating our communications, accessing our secrets, and sapping our economic health through thefts of intellectual property.

Finally, Secretary of Defense Leon Panetta, as has been frequently quoted, said:

> The next Pearl Harbor we confront could very well be a cyber attack that cripples our power system, our grid, our security systems, our financial systems, our government systems.

The panoply of harm is staggering, and we cannot wait for that harm to be a reality to this country. The consequences comparable to 9/11 are tragic to contemplate. FBI Director Mueller has said the cyber threat, which

cuts across all programs, will be the No. 1 threat to our country.

FBI Director Mueller speaks the truth. We must make sure our government has the tools and authority they have asked for. The NSA, the Department of Defense, the Department of Homeland Security, our business community and privacy advocates are all united in feeling this threat must be confronted. We have the opportunity but we also have a historic obligation to make sure we move this bill and that it moves forward so we do not squander this opportunity.

I thank the Presiding Officer and I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

THANKING KATHARINE BEAMER

Mr. CARDIN. Mr. President, if I might, let me first thank Katharine Beamer for her service to the Senate and to the American people. She has been an incredibly valuable part of my staff, detailed from the Department of State to my Senate office. She has helped me deal with preparations for my responsibility, as the Presiding Officer knows, while serving on the Senate Foreign Relations Committee as we deal with the confirmation of ambassadors. It is important to be adequately prepared to deal with the many foreign visitors who come to our office and to deal with foreign policy issues.

I particularly want to thank her for her help in the so-called Magnitsky bill, a bill that passed out of the Senate Foreign Relations Committee and has been also supported in the Senate Finance Committee. She has been a critical part of our team in developing the necessary support so that bill could move forward.

I want to thank her for her help on the Cardin-Lugar provisions that provide transparency among mineral companies so we can trace the resources of developing countries, allowing those resources to benefit the strength of a country's economy rather than become a curse.

And I want to thank Katharine Beamer for her help on a lot of human rights issues she has been involved with, including the issue of Alan Gross.

Senator DURBIN has spoken on the floor and has brought to our attention the human rights violations of a Marylander who is today in a prison in Cuba. Alan Gross was providing help to a small Jewish community in Cuba. He wasn't doing it in any secret manner. He was trying to provide them a better opportunity to communicate with the Internet. He was very open about what he was doing in Cuba and was doing it in order to advance the ability of a community to keep in touch around the world.

As a result of that activity, Alan Gross, a Marylander, was arrested and imprisoned, tried and convicted, and sentenced to 15 years in prison. His appeal to the Cuban Supreme Court was denied in August of 2011. For the past 2½ years, since December 3, 2009, Alan Gross has been imprisoned in Cuba—over 2½ years.

Throughout my legislative career, I have worked hard to improve the relationship between Cuba and the United States, particularly among the people of Cuba and the people of the United States. I have worked on ways to ease certain restrictions so we can improve the climate between our two countries. But what the Cuban Government is doing today in continuing to imprison Alan Gross is absolutely outrageous. It violates international human rights standards and it is against any sense of humanity.

I am going to continue to speak out about it and urge the Cuban authorities to do what is right. This has gained international attention and there have been efforts made by other dignitaries from other countries to try to get Alan Gross's case heard in a proper manner. I particularly want to acknowledge Senator DURBIN's extraordinary leadership on this issue. Senator DURBIN took the time, when he was in Cuba, to meet with Alan Gross. I have been with Senator DURBIN when we have met with Alan Gross's family. I have been with Senator DURBIN when we have tried to engage other international diplomats to implore the Cuban authorities on a humanitarian basis to release Alan Gross.

There was no reason for his arrest. There was no reason for his conviction. There is no reason for his being in prison today. But one doesn't have to get too much involved in that issue to suggest that the Cuban authorities should release Alan Gross on a humanitarian basis. I say that because his health is in question. Alan's health has steadily deteriorated during his imprisonment. He has lost over 100 pounds, suffers from a multitude of medical conditions, including gout, ulcers, and arthritis, that have worsened without adequate treatment.

Of equal concern as his own health are the conditions of his beloved mother and daughter, both of whom are suffering from cancer. The Gross family should not have to suffer through another day of this desperate situation without Alan at home for support.

So for all those reasons, we speak out today to once again urge the Cuban authorities to do the right thing as far as human rights and their legal system and release Alan Gross. They should do the right thing from a humanitarian point of view and let Alan Gross come home to his beloved family so he can be supportive of them during this difficult time in their lives. We urge them to do the right thing so we can have a better relationship between the people of Cuba and the people of the United States. They should release Alan Gross because it is the right thing to do.

We are going to continue to speak out about this. I know many of us have looked for different ways in which to help the Gross family and we will continue to do that. But the simple, right thing for the Cuban authorities is to release Alan Gross today, and we urge them to do that.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I ask unanimous consent to speak as in morning business for up to 12 minutes.

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

FINANCIAL STRENGTH

Mr. MANCHIN. Mr. President, I rise today to announce a rare opportunity for the people of my State, who care so much about the future of our country.

When I travel all around my beautiful State of West Virginia, one of the biggest concerns I hear from the people is simply that our Nation's finances are in such bad shape we could be the first generation that leaves this country and leaves our next generation in worse shape than we received it.

I am determined to make sure that doesn't happen, and I am sure the Presiding Officer is as well. I am determined to bring people together to fix our finances and put this country back on the right path. I am also determined that all our children and grandchildren will be able to live a more fulfilling and prosperous life than we do.

But we are running out of easy options to put our country's financial house in order. And every day we delay a big fix, the price will be higher, the changes will be more painful, and the choices will be more stark. With our country's finances so far out of control, all of the priorities we all care about—whether it is creating jobs, maintaining the best military in the world, keeping the core of vital programs such as Social Security, or educating the next generation—are in jeopardy.

If we care about rebuilding America—investing in our highways and our roads, our airports, our water and sewer systems—we cannot do it if we don't pay for it. If we care about creating jobs and giving our businesses certainty, we can't do that either if we can't pay for it. And if we care about educating the next generation and preparing this generation with the skill sets they need for the jobs of today and tomorrow, we can't do it if we can't pay for it.

If we care about having an energy policy that uses all of our domestic resources in the cleanest possible manner; if we care about developing technology for clean coal; if we care about finally ending our dependence on foreign oil from hostile countries, we can't do it if we can't pay for it.

If we care about having the best military in the world, one that can defend the liberty of this great Nation at home and, where needed, abroad, we simply can't do it if we can't pay for it.

If we care about helping the vulnerable, the sick, the weak, and keeping our vital core promises—such as Social Security, Medicare, Medicaid, and Head Start—we simply can't do it if we can't pay for it.

Any nation that wants to be a strong nation, that wants to invest in its priorities and wants to leave the country in better shape for the next generation cannot be shackled by crippling debt. If the Federal Government can't get its financial houses in order, the hard truth is all these priorities I spoke about will be slashed—sooner than any of us would like to admit.

Whether we consider ourselves a Democrat, a Republican, an Independent, or we have no affiliation at all; whether we consider ourselves a liberal, a conservative, or a centrist—wherever we fall in the spectrum—none of the priorities we care about on all those sides can happen unless we can pay for it. The old saying is as true today as it ever has been: You can't help others if you're not strong enough to help yourself.

It is time to make America strong again.

Let me give some troubling figures that illustrate how bad it has gotten: The debt hole we have dug for ourselves now equals the entire amount of goods this country produces; in other words, our gross domestic product. That hasn't happened since 1947.

Think of the next group of lawmakers who will be sitting where we sit in 2033, which is just around the corner. They are going to have to look Americans in the eye and tell them the Social Security check they are receiving will only be 75 percent of what is owed to them. They will have to say it is because the group who came before us didn't do their job.

Think of 10 years from now, truly around the corner, when every man, woman, and child in this country will owe more than $79,000 to pay off our national debt. Today it is about $50,700, which is way too high, but it is only going to get worse if we don't do our job and fix it.

There are 3 million jobs going unfulfilled in this country because they say the workforce doesn't have the right skills in order to perform those jobs, and our unemployment rate has been the highest for the longest period of time. That is not acceptable.

Who exactly is supposed to pay for all this debt? If we do the math, the picture isn't pretty. We are not balancing our budget, we are not training people for the jobs of the future, and we are leaving our children and grandchildren a massive debt that, as of today, equals the entire economic production of this great Nation.

To me, however we do the math—even if we use funny Washington accounting tricks—this situation adds up to a train wreck at best. I am determined to prevent this oncoming train wreck, and I will do all I can, working with my colleagues on both sides of the aisle. I have said people back home didn't send me to Washington to put the next generation into more debt. They sent me to, hopefully, help get them out of debt.

Putting this country back on the right path will hurt, but we have to be willing to come together across party lines. We have to determine our highest priorities and make tough choices. That is what the people of West Virginia sent me to do, not to cater to any one special interest group.

There are plenty of politicians who will talk about fixing the problem, who will pay lip service to coming up with a plan, who will talk a good game—what we call talk the talk—but can't walk the walk. But in the end, the problem will continue to fester if we don't do something.

I am not one of those politicians who can turn a blind eye to our debt and walk away from it. The people of West Virginia expect more. They expect me to make hard choices and work with both Democrats and Republicans to do the right thing for our State. No matter how hard it will be to fix our problems—and it is clear everyone will need to have a little skin in the game and share these sacrifices—I am determined to do it.

But no Senator—no matter how committed they may be—can do it alone. That is why I am so pleased to announce that two of the Nation's greatest financial leaders will be coming to West Virginia to hold an open forum with the people of our State about the future of our finances, and we call that ''Our Finances and Our Future.'' Former Senator Alan Simpson, a Republican from Wyoming, and Mr. Erskine Bowles, a Democrat who is the former White House Chief of Staff under President Bill Clinton, are two of the toughest and smartest people in this country when it comes to our finances.

Since I have been here, the most bipartisan effort to fix our finances has been led by Erskine Bowles and Alan Simpson. They were asked to head the President's National Commission on Fiscal Responsibility and Reform. It was bipartisan when it began, it has stayed bipartisan all this time, and it has grown with the number of Senators from both sides of the aisle who understand we need a big fix that comes from both sides of the aisle in a bipartisan way.

Bowles and Simpson paint a grim picture about the problems we are facing. In December of 2010, they laid out a serious blueprint for a solution—one that isn't perfect but that has earned more support from members of both parties than anything else that has been proposed in Washington.

Since then, too many of our leaders have put their heads in the sand about this proposal and the choices we face. But West Virginia is different from most of the States. We welcome the hard truth because we know we have to face the truth. Believe me, we can handle the truth in West Virginia.

On September 10, West Virginians will have an opportunity to hear some truth telling. I am so proud that Alan Simpson and Erskine Bowles will hold a forum, ''Our Finances and Our Future: A Bipartisan Conversation about the Facts,'' at our magnificent cultural center. They will present the facts—and there is no doubt the facts are dire—and lay out the magnitude of the problem we face, and then we will talk about solutions. It is a rare opportunity to have a frank bipartisan conversation about the grave conditions of our Nation's finances.

I am inviting all West Virginians—be it business, labor, senior groups, the young people who are expected to pay off our debt, and anyone else with an interest in our future—to come and participate in this session. We will talk about what this framework will do, which is to find the balance between revenue and spending, fundamentally changing our Tax Code and cutting spending. In short, it will make our system more fair.

Let's look first at the Tax Code. There are some Americans who, because of their connections and ability to hire lobbyists, have manipulated our Tax Code so they get special tax breaks. That is not right. Too many corporations that depend on the strength of this great Nation—as has been noted, such as G.E.—are paying nothing or virtually nothing in taxes. That is wrong. It is not right.

We need to make our tax system more fair and straightforward. The bipartisan Bowles-Simpson plan would end many of those loopholes and lower tax rates for everyone. When it comes to our spending, right now in this country we spend so much more than we can afford. I know so many Americans who tell me they would be more than happy to pay more—if we were using it in the right direction—to pay down our debt and to invest in infrastructure.

But we are not spending well. I have always said public servants can do one or two things with public tax money: We can either spend it or invest it. Frankly, we have been doing too much spending and not enough investing.

Our annual deficit—the amount we spend versus the amount we take in—is about $1.2 trillion this year alone. Looking into the future, if nothing changes, we will have deficits every year for the next decade. No one can tell me we can sustain that pace and still afford Social Security, Medicare, Medicaid, defending this Nation, and educating our children. The math doesn't add up. The bipartisan Bowles-Simpson framework addresses this by cutting more than $2 trillion for our spending over the next decade.

After we address our spending and our Tax Code, guess what happens. Our interest payments—the amount we are spending every year just for the privilege of borrowing money from countries such as China to finance our day-to-day operations—will go down nearly $700 billion over the next 10 years.

That is the bipartisan Bowles-Simpson framework. Yes, it will have some painful cuts, and, yes, everyone will have to share in the sacrifice. But because the pain is spread out, no one takes too deep a hit. That is why I believe this proposed blueprint is the

only plan that has garnered any real show of bipartisan interest from the beginning of its inception to today.

When I became Governor of the great State of West Virginia, our State finances were in a tough place. We had to make very hard choices about our priorities, and not everyone was happy with those decisions. Seven or eight years ago, people believed West Virginia was hopeless; that we would always be challenged; that our finances would always be on the brink; that we wouldn't be able to invest in our priorities; that our economy would always be stagnant; that our credit ratings would always be miserably low; that we wouldn't be able to turn any of that around.

But I will tell you what. At the end of my term, we had lowered tax rates, reduced our food tax, ended our fiscal years with a budget surplus each and every year, and increased our credit rating three times in 3 years during the greatest recession because we put our priorities based on our values of what was important to West Virginia. Together, we weathered the recession better than 45 States. We are finally getting the last piece of our puzzle in place with a fix to the retirement system.

I can tell you this: I am not talking about fixing our Nation's finances from some ivory tower, from some rigid ideological position. I am talking about this country's finances because I know how much it costs all of us to live in debt. I know the burden of high interest payments and the way it robs us of the opportunity to pay for more important priorities. I know how much stronger this country will be when we manage our debt. I know because we came together in West Virginia and improved the quality of life in our State, and I know we can do it together in this country.

The truth is, Democrats don't have a lock on good ideas and neither do Republicans. But with less than 100 days to go before the election, we are not going to hear many Democrats giving Republicans any credit and we won't hear many Republicans acknowledging that Democrats have anything to bring to the table.

That is a true shame. We will not fix our problems with a go-it-alone attitude because the only way America has ever solved our problems is to put partisanship aside and come together for the good of this great Nation.

Put America first. The West Virginia fiscal summit is just one honest way we can take an important step toward, coming together to solve our problems and one more way for the people of West Virginia to show this great Nation that we can—and will—do the heavy lifting it will take to put this country back on the right track.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

RENEWABLE FUELS STANDARD

Mr. GRASSLEY. Mr. President, the president and CEO of Smithfield Foods, Larry Pope, took to the opinion pages of the Wall Street Journal again to blame all that ails him on the renewable fuels standard for ethanol.

Some may recall he did the same thing back in April 2010 when commodity prices were rising. At that time, he perpetuated a smear campaign and blamed ethanol in an attempt to deflect blame for rising food prices while boosting Smithfield's profits. With this newspaper article, he is back at it again.

I start by referring to Mr. Pope as Henny Penny from the children's folktale ''Chicken Little.'' Every time Smithfield has to pay a little more to America's corn farmers to feed his hogs, Mr. Pope starts with the same argument that the sky is falling, and it is all ethanol's fault.

Mr. Pope's opinion piece in the Wall Street Journal might lead some to believe he is very knowledgeable about the ethanol industry. But there are many areas of ethanol he doesn't know much about.

He continues to perpetuate the myth that ethanol production consumes 40 percent of the U.S. corn crop. Mr. Pope states: ''Ethanol now consumes more corn than animal agriculture does.''

Everyone with a basic understanding of a livestock farm—even a kernel of corn—or of an ethanol plant knows that is not a true statement. According to the U.S. Department of Agriculture, 37 percent of the corn crop is used in producing ethanol. But—and a very important but—the value of corn does not simply vanish when ethanol is produced.

One-third of the corn—that is, 18 pounds out of every 56-pound bushel—reenters the market as a high-value animal feed called dried distillers grain. I would imagine millions of hogs raised by our farms every year are fed a diet containing this ethanol coproduct. For sure it is a very big feed product for cattle. Of course, Mr. Pope appears to be unaware of its existence.

When the distillers grains are factored in; that is, 18 pounds out of the 56 pounds that is left over after you make ethanol, 43 percent of the corn supply is available for animal feed. Only 28 percent is used for ethanol—unlike the 40 percent Mr. Pope says. This is the inconvenient truth of ethanol detractors. They prefer to live in a bubble where they believe ethanol is diverting corn from livestock use. That is just not the case.

Mr. Pope also proclaims that ''ironically, if the ethanol mandate did not exist, even this year's drought-depleted corn crop would have been more than enough to meet the requirements for livestock feed and food production at decent prices.''

I would like to ask Mr. Pope why he thinks that is the case. Why did farmers plant 96 million acres of corn this year when normally they would plant between 86 and 88 million acres of corn? Why have seed producers spent millions to develop better yielding and drought-resistant traits so we can produce more corn on less acres? The answer is simple: Because this gigantic industry of ethanol is there to consume more corn and more production on each acre.

If not for ethanol, it is very clear farmers wouldn't have planted 96 million acres of corn this year because those are more acres of corn than farmers have planted in this country since 1938. Without ethanol, I doubt we would have seen investment in higher yielding and more drought-tolerant corn plants by our seed corn companies.

I happen to think Mr. Pope is an intelligent man, but he is woefully uninformed on the issue of what the ethanol industry and the demand for corn has done for the size and genetic improvement of the corn crop. It is easy to understand Smithfield's motives. They benefit from an abundant supply of corn, just not the competing demand for it.

What is Smithfield's primary problem? Again, the answer is simple: cost and profit. They still want to pay $2 for a bushel for corn. This is an important point that I hope people understand. For nearly 30 years, until about 2005, companies such as Smithfield had the luxury of buying corn below the cost of production. Corn prices remained for about 30 years between $1.50 a bushel and $3 a bushel. Farmers routinely lost money. The Federal Government then provided economic support for the farmers. Producers such as Smithfield had the best of both worlds. They were able to buy corn below the cost of production, and they were able to let the Federal Government subsidize their business by guaranteeing a cheap supply of corn.

In the view of corporate livestock producers, subsidies are fine—if they allow them to buy corn below the cost of production. Anybody could look like a genius with that sort of a business model.

Mr. Pope also continues to overstate the impact of corn prices on the consumer. Agriculture Secretary Vilsack recently stated that farmers receive about 14 cents of every dollar spent on food at the grocery store. Farmers get 14 percent and everybody else gets 86 percent, yet the farmers of America are the problem? It happens that that 14 cents works out to be about 3 cents of that 14 cents is because of corn.

A research economist at the U.S. Department of Agriculture recently stated that a 50-percent increase in the price of corn will raise the total grocery shopping bill by about 1 percent. To put it in perspective, the value of corn in a $4 box of corn flakes is about 10 cents.

Mr. Pope also exaggerated the impact of ethanol on food prices in 2010, and he is doing it again. He is using the devastating drought that we now have—over 62 percent of the country and worse in the Midwest, of Iowa where I live—to once again undermine our Nation's food, feed, and fuel producers,

and he is doing it—why? To make more money.

Repealing the renewable fuel standard will not bolster Smithfield's profits. Because of the flexibility built into the renewable fuels mandate, a waiver will not significantly reduce corn prices. A recent study by Professor Bruce Babcock, Iowa State University, found that a complete waiver of the renewable fuel standard—that is what the mandate is called—might reduce the corn prices by only 4.6 percent. That report goes on to state:

The desire by livestock groups to see the additional flexibility in ethanol mandates may not result in as large a drop in feed costs as hoped.

They continue:

. . . the flexibility built into the Renewable Fuels Standard allowing obligated parties to carry over blending credits from previous years, significantly lowers the economic impact of a short crop, because it introduces flexibility into that mandate.

The drought is enormous in both scale and severity. But we will not know the true impact until September when harvest begins. The latest estimates from the U.S. Department of Agriculture indicate an average yield of 146 bushels per acre. That would result in a harvest of 13 billion bushels. This would still be one of the largest corn harvests.

I suggest those claiming that the sky is falling withhold their call for waiving or repealing the renewable fuel standard. It is a premature action that will not produce desired results and it would increase our dependence upon foreign oil and it would drive up prices at the pump for consumers.

On another point with regard to taxes and the proposals around the Hill to increase taxes, I want to say that over the past few years my colleagues on the other side have come to the floor repeatedly to present a revisionist story regarding the fiscal history of the last two decades. On several occasions I have come to the floor to refute this history. Yet, again and again, the other side continues to present the same distorted facts, including lots of speeches last week.

The general misguided argument is that all of the economic and fiscal success of the 1990s is thanks to big tax increases by the Clinton administration and the 2001 and 2003 bipartisan tax relief is responsible for all of our economic ills and fiscal problems.

Neither of these claims is supported by facts or a basic understanding of economics. I will begin with the Clinton tax increase to which people are giving so much credit. Many on the other side of the aisle argue that the Clinton tax increases are proof that tax increases will not harm our economy today—when they have even heard their own President say otherwise several times, until recently, that you should not increase taxes when you have a depression. These people frequently ask, ''If our economy grew in the 1990s with higher marginal tax rates, how can it be bad to raise marginal taxes to these former levels?'' Engrained in this argument is the assertion that tax hikes can actually be good for our economy.

This assertion fails to take into account numerous economic factors that occurred alongside the Clinton tax increases. The fact is that the economy grew not because of the 1993 tax increases but despite them.

The economy of the mid-1990s is a result of economic conditions that we may never see again. It was a time of great economic expansion due in large part to the advent of the Internet economy. The Internet spawned new technologies and created efficiencies in our economy that have never been matched. In turn, these new technologies and efficiencies spurred startup businesses and new industries. Many seem to forget the huge Y2K fear that gripped the Nation, causing billions and billions in spending that helped prop up what became the infamous Internet bubble that blew up on all of us. Nevertheless, before the bubble burst these factors led to historically low unemployment and high workforce participation. Claiming that this was due to Clinton tax increases is equal to Vice President Gore claiming that he invented the Internet.

My colleagues on the other side of the aisle would be hard-pressed to find many economic studies indicating tax increases are stimulative. The focus of economic research in this area is not about whether tax increases are harmful or beneficial to the economy. Rather, the focus seems to be on the degree to which tax increases are very harmful to the economy. Admittedly, there are wide variations in views of economists on the responsiveness of individuals and businesses to taxes. However, even studies by economists who can hardly be labeled as conservative have concluded that tax increases have a significant negative effect on the economy.

For instance, a 2007 study by Christina Romer, President Obama's former chief economist, found ''tax increases are highly contractionary,'' and ''have very large effects on output.''

In fact, this study found that a tax increase of 1 percent of gross domestic product could lower real GDP by at least 3 percent.

Another likely contributor to the growth of the 1990s was a peace dividend we reaped from the end of the Cold War. We have Ronald Reagan's staredown of the Soviet Union to thank for that phenomenon. The end of the Cold War allowed for a reduction of government spending as a percent of GDP. Coupled with priorities pushed by the Republican-led Congress to reach a balanced budget and to reform welfare, spending as a percentage of GDP dropped to its lowest point in 30 years. With the Government spending less of the people's money, more was left in the hands of the private sector. This allowed the private sector to innovate, to invest, and eventually create jobs. The peace dividend is also the largest contributor to reining in deficits in the 1990s.

The biggest source of deficit reduction, 35 percent, came from the reduction of defense spending. The next biggest source of deficit reduction, 32 percent, came from other revenue because of a growing economy. Another 15 percent came from interest savings.

Let's get to the Clinton tax increase in reducing deficits. The Clinton tax increase, on the other hand, only accounted for 13 percent of the deficit reduction—only 13 percent.

There are further factors that contributed to the economic growth of the 1990s, including the expansion of free trade in the 1997 reduction in the capital gains tax rate. However, in the interest of time I am going to go on to other issues. One thing is clear, though, from this period of the 1990s. The economic growth of that time was not thanks to the Clinton tax increase nor was it a major player in bringing our deficit into balance.

Today we cannot rely on the unique economic conditions we experienced during that decade of the 1990s, some of which were artificial, to buttress the negative effects of the tax increase. In fact, we are in the middle of one of the worst economic eras since the Great Depression. Unemployment has remained above 8 percent now for over 41 straight months, almost 3½ years, in other words. Economic growth has been anemic.

Each passing day economic indicators are pointing more and more to the chance of a double-dip worldwide recession. Last Wednesday it was reported that Great Britain's economy contracted at the rate of .7 percent. Then on Friday it was reported that our own economy is stalling. Real GDP grew at an annual rate of just 1.5 percent, continuing its downward trend for three straight quarters. In a recent blog post, Nobel Laureate economist Gary Becker addressed the question of whether raising taxes on high-income earners is a very good idea. In his post, Professor Becker entertained arguments—these were arguments by the supporters of the tax increases—by hypothesizing that there is a 50–50 chance that higher taxes on the so-called rich would damage the economy.

Of course I believe, as does Professor Becker, that in reality this chance is much higher than 50–50. However, even granting the other side this generous assumption he concluded the benefit of raising taxes was outweighed by the potential damage they would cause. According to Professor Becker, even if richer individuals only slightly reduce their work hours and reduce their effort at work, the gain in tax revenue from these individuals would not be great. In contrast, ''the costs to the economy in the chance that higher taxes greatly discourage their efforts is likely to be substantial in terms of fewer hours worked and less work effort by high-income individuals, reduced incentives to start businesses,

less investment in their human capital, investing abroad rather than in [this country] . . . and even migration abroad.''

Yet my colleagues on the other side of the aisle are pushing billions of dollars in tax increases. Last week they voted to increase taxes on nearly 1 million flowthrough businesses. Their vote to increase taxes on job creators came on the heels of an Ernst and Young study detailing its ramifications. This study concluded that these proposed tax hikes—on top of the 3.8-percent tax increase on dividends, interest, and capital gains that was added to pay for the health care reform bill—would reduce our economic output by 1.3 percent. The Ernst and Young study also found that real aftertax wages would fall by 1.8 percent as a result of President Obama's policies.

Even in the face of this information, my colleagues on the other side seem all too willing to gamble with the chance that our stalling economy can withstand such a hit. By doing this, they are playing Russian roulette with our economy.

To my colleagues I ask: How certain are you that tax increases on job creators will not be damaging the economy? If you have any doubt, I suggest don't pull the trigger.

I wish to shift gears a little bit to address the record of the 2001 and 2003 tax relief. Just as a perfect storm of good economic conditions blew at the back of the Clinton administration, a perfect storm of bad economic conditions and unpredictable events blew in the face of the Bush administration.

It is undisputed that at the end of the Clinton administration, the Congressional Budget Office was projecting a 10-year budget surplus of $5.6 billion. Keep in mind, though, that CBO's projection was based on assumptions that did not pan out.

The CBO failed to predict the bursting of the tech bubble that was so beneficial in the previous years. CBO also did not predict the September 11, 2001 tragedy that wreaked havoc on our economy.

In reaction to the economic recession from these events, Congress enacted the bipartisan 2001 tax relief that cut tax rates across the board, providing tax relief to virtually all taxpayers. Then in 2003, Congress expedited this relief so the benefit of lower rates would take effect more quickly. This resulted in one of the shortest and shallowest economic recessions yet on record. The economy grew for 25 straight quarters, making it the fourth longest period of economic expansion since 1930. Additionally, we had 47 straight months of private sector job gain.

Moreover, the expanding economy led to higher than expected revenues. That is a fact. Revenue actually rose in the years following the tax relief bill, peaking at 18.5 percent of GDP in 2007, well above the historical average of around 18 percent.

In fact, the Congressional Budget Office projects that if we extended all the 2001 and 2003 tax relief today, revenues would once again exceed the historical average. Under this scenario, the CBO projects that by 2022 revenues will reach 18.5 percent of GDP.

From 2004 to 2007, the deficit also shrank from a high of $412 billion to a low of $160 billion. That means the budget deficit was cut by more than half in 3 years. Given the trillion dollar deficits we are experiencing under President Obama, a deficit below $200 billion would be very welcome news. Yet CBO projects that even if all the tax increases in President Obama's budget were enacted, deficits would never drop below $500 billion in the 10-year period from 2013 to 2022.

I will give President Obama credit when he says he took office in very tough economic times. The bursting of the housing bubble and the resulting financial crisis gave him a very high hill to climb, but any assertion the 2001 and 2003 tax relief is related to these events is without merit. There is plenty of blame to go around for the housing bubble. It was the culmination of housing policies spanning administrations of both parties. It was further fueled by the Federal Reserve providing historically low interest rates and cheap credit.

However, the President's policies have failed at getting us out of this mess. The President's party passed the President's nearly $1 trillion stimulus bill. He claimed this would keep the unemployment rate below 8 percent. However, the unemployment climbed to a high of 10.1 percent and has never dropped below 8 percent during his almost 4 years in office.

The President's party also passed the health care bill, which the President sold as a job creator, and the financial reform bill that was supposed to fix our financial system. However, both of these bills, which the President signed, have actually turned out to be costly to our economy and a hindrance to job creation.

Now President Obama appears ready to gamble with the economy. He appears to go all in on raising taxes on our Nation's job creators. In doing so, he is betting that raising taxes on the so-called wealthy will result in a political payoff exceeding the chance his actions will throw us back into recession. It is not so long ago that I remember the President saying what I have already referred to in this speech: ''You don't raise taxes in a recession.'' The President's statement is as true now it was then.

Let's end the political theater of holding votes for the purpose of campaign ads. Let's instead actually do what the people sent us here to do. Let us not drive the American economy head long off the fiscal cliff.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent to speak for up to 15 minutes on two subjects.

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

Mr. WARNER. Mr. President, first of all, I rise today to address the important legislation pending before this body, S. 3414, the Cybersecurity Act of 2012. I followed this debate, and I want to particularly compliment Senator LIEBERMAN, Senator COLLINS, Senator ROCKEFELLER, Senator FEINSTEIN, and folks such as Senator KYL and Senator WHITEHOUSE who have been trying to find some common ground in this area. I hope at some point in the next day or so we will be able to proceed to this bill and have it fully debated.

Many Senators bring different levels of expertise to this issue. As someone who spent 20 years in the technology field and in telecom in particular before entering government service, and has had the honor to serve for the last 3½ years on the Intelligence Committee, the Commerce Committee, and the Banking Committee, three of the committees that all immediately intersect with the challenges around cyber, I can add a bit of my perspective to this debate.

Let me start with concerns that have been raised by some of the opponents to this legislation. In the area around cyber, we need to make sure we have appropriate information sharing. How do we set some standards? Who should enforce those standards? I think most all of us, and anyone who has looked into this area, would recognize it is not a question of when we are going to have a major cyber attack or if we are going to have a cyber attack, it is only a question of when. We have already—as has been reported in the press in a number of fashions—been attacked on a daily basis by foreign agents, criminal elements, hackers who are constantly probing our country's cyber defenses on the public and private side. One of the reasons I think it is so important to move on this legislation soon is I have great fears that when we have a major cyber element or cyber attack, Congress may, as they have done so many times in the past, overreact because we didn't take action on something we knew was imminent.

I do think this piece of legislation—and, candidly, I could have supported an even stronger piece of legislation—is a great first step in this area. I am going to come back in a moment to some amendments I hope to offer to this legislation to deal with some of the concerns other Members and folks have raised on this issue.

Let's talk about why we need cyber legislation and why we need it now. Inaction is not a solution. Every national security expert—not just from the current administration but previous administrations, and most Members of Congress—agrees that the status quo is not sustainable. Over a 5-month period between October of 2011 and February of 2012, there were 50,000 cyber attacks

on private and government networks. We are told between 2009 and 2011 attacks on U.S. infrastructure increased by a factor of 17.

As more and more nations and rogue actors get more sophisticated with computer and technological knowledge, these numbers are going to grow exponentially. As the FBI has said, cyber espionage, computer crime, attacks on critical infrastructure will surpass terrorism as the No. 1 threat facing the United States. Think how many things we have done appropriately in the previous administration and this administration in terms of homeland security to protect our Nation against the threat of terrorists. We now have the Director of the FBI saying the cyber threat will soon surpass terrorism in terms of a threat to our Nation.

I know as a former businessman that we are already seeing manifestations of this threat in other areas. Intellectual property theft is one of the most insidious threats we face right now. A former FBI agent who specialized in counterintelligence and computer intrusion has said that in most cases companies don't realize they have been burned until years later when a foreign competitor puts out the very same product, only making it 30 percent cheaper. We have lost our manufacturing base in many ways. By not putting appropriate cyber protections in place, are we really prepared to lose our R&D base as well?

Some say cyber is different. Cyber is different in certain ways, but in many ways it is similar. Just as we would never have a nuclear facility without guards and a wall and a fence or—I see my good friend, the Senator from Louisiana—we would never have power facilities or levees without appropriate protections, how is it we would not have some level of standards and information sharing of threats that are coming in amongst not only our public sector entities but our private sector entities as well?

As a matter of fact, as a former businessman, I have been surprised at some of the resistance from some business organizations that are saying this requirement of both information sharing and some minimum standards would actually be a burden on us. In many ways I actually think somewhat the opposite because there are a number of businesses right now that have taken the responsible step and put in place significant cyber protections while competitors in their industry, because they are not putting those same protections in place, are actually free riders on the system. Yet, not if but when we have a major cyber event, if one of those companies that has not put appropriate protections in place ends up causing dramatic harm to our economy or to that industry sector, all the industries and all the businesses in that sector will in one way or another end up paying the price. Again, this is one of the reasons why we need both this information sharing and some level of standards.

I know to try to move forward in terms of actual or mandatory standards, we are not going to have them at this point. We have set up a measure—and again, I commend Senator KYL and Senator WHITEHOUSE for working through what I think is a pretty darn good compromise where there would be an industry group that would develop, in effect, best practices. It is hard with the government and bureaucracy moving so slowly to keep up with something like technology that would allow an industry group to come up with, in effect, best practices. Those companies that adhere to those best practices would actually receive legal and other protections so we could encourage folks to make sure we have in place the kind of protections that all industries and our country need.

To make clear that we don't have mandatory standards, we have put in place—I have been working with Senator SNOWE on a couple of amendments. I believe there are other Members who will join us on at least one of these amendments. The first amendment is very important and hopefully will go some distance in terms of clarifying one of the issues that seems to be a major subject of debate in this legislation, and that is to modify—again working with the chairs of the committee, we may even move beyond this modification to elimination—a key section of the bill, section 103. It will make clear that the standards set by this bill, the protection of infrastructure, are indeed voluntary. This amendment makes it clear that this bill does not in any way alter the authority of any Federal agency to regulate the security of critical infrastructure. Again, there were some concerns that there might have been a mistake in the earlier draft. This amendment makes clear that the standards that are developed by industry working groups will be voluntary and that nothing in this legislation will allow any Federal agency to regulate the security of critical infrastructure.

I believe this amendment should alleviate the concerns of some that the bill might put in place mandatory standards for infrastructure protection—again, despite the very clear language that already exists in the bill that standards are voluntary. It is my understanding this amendment will be considered as part of a broader set of solutions negotiated by Senator LIEBERMAN, and whether our amendment comes forward or whether it is broadened into a managers' package, I hope it will clarify this portion of the debate about mandatory versus voluntary.

Voluntary is a good first step. The fact that this will be developed by industry working groups, the fact that this will not be subject to the lagging time of government bureaucracy or rulemaking, hopefully, will move us in the right direction.

A second amendment, again, one I have been working on with Senator SNOWE, is a bit more technical, and particularly as to my colleagues on the Commerce Committee, I hope we will be able to gain some support from them. This amendment seeks to ensure that the authority provided to DHS to sole-source highly specialized products will result in the procurement of interoperable, standards-based products and services whenever possible.

What does that mean in English? It means when government goes out, and particularly during sole-sourcing of a solution set, too often—and I have seen this in my old industry of telecom years in and years out—people will develop a particular product or solution that works for that company's only set of standards, and when the government subsequently or other private sector entities go on and buy or replace or expand whatever particular system it is, if it is not interoperable with the rest of the telecommunications system or the rest of the network, then we are really not getting value for our dollar.

Again, this is a small issue in the context of cyber security, but both Senator SNOWE and I believe it is important for the purpose of competition, and it should lower the overall cost of key technologies and services for the taxpayer.

So as I close on my first comments, I hope we will be able to move forward before the break on the question of cyber security. I think great progress has been made in the negotiations. I know there are a lot of issues that remain to be resolved, but I would reinforce what so many other colleagues have already said. It is not a question of if we are hit by a cyber attack, it is only a question of when in terms of a major incident. Let's get ahead of the game.

TRIBUTE TO FEDERAL EMPLOYEES

DIANE BRAUNSTEIN

Let me take two more moments and rise on one other issue. As many of my colleagues and the floor staff know, I come down on a fairly regular basis to honor great Federal employees. With all of the challenges we face with the fiscal cliff—I see my good friend and partner here, the Senator from Oklahoma, and both he and I are always trying to look for ways we can get better value for the taxpayer. One of the things we need to do is find ways to reward and recognize the good work of so many Federal employees who share that goal of getting better value for the taxpayer. I know the Senator from Oklahoma has particularly worked with the GAO on a number of occasions to find and root out duplication and other issues of where we can save dollars.

I come down on a regular basis to recognize Federal employees—because so many times they are under assault—when they do good things. Today I do that one more time, with recognition of another great Federal employee, in this case Diane Braunstein, who is the Associate Commissioner for the Office of International Programs for the Social Security Administration. She has

overseen the creation of the Compassionate Allowance Program, which has allowed thousands of seriously ill Americans to gain quick approval for much needed Social Security benefits in a matter of days or weeks rather than months or years; although in this area of Social Security disability we need to make sure only the appropriate beneficiaries are receiving those funds.

For years, the Social Security Disability Insurance Program has faced backlogs and delays in processing claims. In 2011 there were on average 700,000 pending cases. We need to do a better job of evaluating and weeding out some of those cases. Couple this with what used to be a lack of caseworker knowledge on rare illnesses, and the result was a number of applications with rare illnesses being incorrectly denied Federal benefits. They then had to face an appeals process which took years to complete.

Beginning in 2008, Ms. Braunstein partnered with patient advocacy groups and NIH to come up with a list of 25 cancers and 25 rare diseases that would automatically qualify an applicant to receive benefits. To further improve the speed and efficiency and cost effectiveness of this process, an easy-to-use reference guide and training program was put together to aid caseworkers.

According to Social Security Commissioner Michael Astrue, when Ms. Braunstein began work on the compassionate allowances, some Americans were waiting 2 to 4 years for a decision. Now those with the most devastating disabilities get approved for benefits in a matter of days. In 2010, the program was able to assist an estimated 45,000 people, and 65,000 people in 2011.

I hope my colleagues will join me in honoring Ms. Braunstein for her innovation and excellent work she has done as well as her commitment to public service.

Again, we have some hard choices to make beyond the question of cyber security, but as we approach this fiscal cliff there will be more asked of all Americans and there will be more asked of our Federal employees. We will have to continue to find ways to ratchet out those programs that are duplicative, those areas where we are not getting value for our dollar.

Again, I know this is an issue of concern to the Senator from Louisiana and the Senator from Oklahoma. But when we find initiatives that work, and we find Federal employees who are helping us provide value, particularly for those in need at a good price, they deserve this recognition.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, first, before I begin the topic I wish to speak about, I thank Mr. WARNER, the Senator from Virginia, for his leadership. He has many Federal employees, many defense contractors in Virginia. He, as a Senator from Virginia, recognizes the great threat to our Nation today in cyber security. The Senator knows very well that there are literally thousands of attacks taking place as we speak. That is why as we get ready to go back to our States for the August recess and visit with constituents, we are pressing very hard for a positive vote to move forward on the debate to fashion a cyber security bill for our Nation. So I thank the Senator for his leadership and, of course, the tremendous Federal employees who do get beat up all the time but, in fact, do remarkable work for our Nation and for the world.

So I thank the Senator from Virginia.

(The remarks of Senator LANDRIEU pertaining to the introduction of S. 3472 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Ms. LANDRIEU. I thank Senator COBURN for letting me speak in advance of his time on the floor.

I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Oklahoma.

Mr. COBURN. Mr. President, I ask unanimous consent to speak as in morning business.

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

The Senator is recognized.

ARMY WEAPONRY

Mr. COBURN. Mr. President, it is pretty unusual for me to come to the floor to say I want to spend money. But I have had a longstanding problem as I sign the letters of condolences to hundreds of families in Oklahoma who have lost their loved one by serving this country.

I come to the floor to offer a critique on one of the most important things to the people who truly put their lives on the line for this country. It is a national security issue, but it is truly about our men and women in uniform and the most important deployed weapon system over the last 10 years of war; that is, the Army service rifle and their other small arms.

There is nothing more important to a soldier than his rifle or her rifle. There is simply no excuse for not providing our soldiers with the best weapon, not just a weapon that is ''good enough.''

As I go through this, I am going to give a history of what the military has done—or, rather, basically what they have not done—in terms of having available for our soldiers a weapon that is capable of giving them the best possible chance when they serve our country.

Over the last few years, we have spent $8,000 per soldier on new radios, but we still are using a weapon that is 25 years old when it comes to their M4.

I first got involved in this when I got e-mails. I gave many in the Oklahoma National Guard—who served multiple tours, with lots of life lost in Iraq and Afghanistan—I gave those soldiers my personal e-mail, and I said: If you are having a problem over there, e-mail me.

I started hearing about the malfunction, the lack of effectiveness of the M4 for the Oklahomans who were over there. It is the same weapon the career Army has. It is the same weapon everybody who is issued a standard rifle is given, except for our special forces and others in the world who have a better rifle than the U.S. soldier on the ground fighting on our behalf.

I have noted before in the CONGRESSIONAL RECORD that I have lifted my objection to the nomination of Ms. Heidi Shyu to be the Assistant Secretary of the Army for Acquisitions. It is an important position. She is in charge of $28 billion worth of expenditures. My objection was due to the Army's continued lack of urgency in modernizing and fielding new rifles, carbines, pistols, light machine guns, and ammunition for our troops in combat. Ms. Shyu has been very responsive to me and has provided some information regarding the Army's future plans for small arms and ammunition.

So when I started getting the questions from our troops in Iraq and Afghanistan, I started looking into what was happening. Most of our soldiers know exactly what to do and how to care for their rifle. They know how to take care of it. So we looked into the issue. What we found was that there were several studies that raised questions about the reliability of the M4 rifle and whether there was a better weapon out there for our troops.

For example, a special operations forces report in February 2001 said the M4's short barrel and gas tube increased the risk that a round might not eject from the rifle properly after it is fired. In other words, they fire it and the round does not come out. That is called a jam—when you are having bullets coming at you and your rifle is jamming.

What we did was we set up a test, and the Army would not do it. So I put a hold on the Secretary of the Army Pete Geren's nomination. We talked, and he assured me we would have a new competition for a new rifle for our troops. That was in 2007.

Here we are, 5 years later, and the Army is now telling us we are going to complete a new competition in 2014. But in the meantime, we had a test done against our soldiers' rifle and others available in the world, in terms of a dust test, and we came in last.

So we are sending our troops to defend us and fight for a cause that we have put blood, sweat, tears, and $1 trillion into, and we are sending them with one that does not work the best.

My question to the Army is, Why? I can tell you why. Because the guys who are responsible for making the decision on purchasing the rifles are not the guys who are out there on the line. Because if they were, we would have already had this competition and our service men and women would be getting new rifles.

It is not that we cannot do it because what we learned—as we went back in

and reupped in Afghanistan—we determined that the MRAP was not suitable for the rocky terrain as compared to what we used it for in Iraq.

In less than 16 months and after rapid testing and fielding, new MRAP All-Terrain Vehicles—that was designed specifically for Afghanistan; a complicated piece of vital equipment, costing $½ million each—started arriving in Afghanistan.

So it is not that we cannot supply our soldiers with a new rifle. It is not that it cannot be done. It is that we refuse to do it.

For $1,500, we can give every person on the line something equivalent to what our special forces have today.

Let me show some history.

The average age of our troops rifle is 26 years. The average age of the German military rifle, small arms, is 12 years. For the U.S. special operations forces, theirs is 8 years. Guess what. They have new technology. Our regular frontline guys, they do not get it. They cannot have it. It costs the same, but they cannot have it because it is not a priority for the leadership in the Army to give the most deployed piece of equipment our troops need—that defends them, protects them, and gives them the ability to come home alive—we will not give it to them. It is shameful. It is shameful.

Let me give a history of what happened just once in Afghanistan.

It was called the battle of Wanat. On July 13, 2008, in the battle of Wanat, in Afghanistan, 200 Taliban troops attacked U.S. troops at a remote outpost in eastern Afghanistan. The Taliban were able to break through our lines and entered the main base before eventually being repelled by artillery and aircraft.

What is notable about the battle was the perceived performance of the soldiers' small arms weapons in the initial part of the battle.

Here are some quotes:

My M4 quit firing and would no longer charge when I tried to correct the malfunction.

I couldn't charge my weapon and put another round in because it was too hot, so I got mad I threw my weapon down.

It would be bad enough if this was the first time it happened. But it is not the first time it has happened. It has happened multiple times to our troops in our present conflicts.

All we have to do is go back to what happened with the M16 when they were first used in Vietnam. There were instant reports of jamming and malfunctions. One tragic but indicative marine action report read:

We left with 72 men in our platoon and came back with 19. Believe it or not, you know what killed most of us? Our own rifle. Practically every one of our dead was found with his M16 torn down next to him where he had been trying to fix it.

That is occurring now, except it is not getting any press. Again, I would ask my colleagues in the Senate: Why would we not give our soldiers the capability that almost every other soldier has except ours?

There is another aspect of this that I think needs to be shared; that is, the fact that it is all about acquisitions and culture rather than about doing the right thing. I do not like giving this talk critical of the leadership of the Army. But when it is going to take 7 years to field a new rifle and in 18 months we can build and design a completely new $500,000 piece of equipment, an MRAP, for Afghanistan or when we can spend $8,000 per troop to give them a new radio—which are all going to be replaced in the next 2 years with another $8,000—and we cannot give them a $1,500 H&K or something equivalent, there is something wrong with our system. Our priorities are out of whack.

If the Department of Defense had spent just 15 percent less on radios, they could give every soldier in the military a new, capable, modern weapon, and it does not just apply to their rifle.

One of the biggest complaints, after the M4, is the fact that the regular Army gets a 9-millimeter pistol that weighs over 2 pounds, but our special operations forces get a .45-caliber pistol that weighs less than 1½ pounds. That is a big difference when you are out there all day. But the most important thing is, a .45-caliber round is twice the size of a 9-millimeter round, so when you are shooting it and you hit somebody, it is going to take them down. A 9-millimeter does not. So we are giving them an inferior pistol throughout the military.

Then, finally, here is what an M4 carbine looks like compared to an HK416, as shown on this chart. One other point I would make. This piece of equipment fires on automatic. This other piece of equipment—because the military wants to save some bullets—will not fire on automatic. So our soldiers are facing people who have automatic fire and they can fire in bursts of three and at half the rate of what they are facing.

Why would we do that? The real question is, we are asking people to defend this country. For essentially the same amount of money, we can buy an old-style, 26-year-old M4 or we can buy a brandnew one that gives them everything they need and gives them the best weapon. Do they not deserve that?

A lot of people do a lot of things for our country. But nobody does for our country what the soldier on the frontline does—nobody. This is a moral question, Mr. Secretary of the Army. This is a moral question. Get the rifle competition going.

Members of Congress, members of the Senate Armed Services Committee, do not allow this to continue to happen. Do not allow this to continue to happen. There is no excuse for it. We should be embarrassed. We should be ashamed. Because what we are doing is sending our troops into harm's way with less than the best that we can provide for them.

As I have noted, I have lifted my objection to the nomination of Ms. Heidi Shyu to be the Assistant Secretary of the Army for Acquisitions. This is an extremely important position for an organization as large as the U.S. Army which spends $28 billion per year on acquisition of goods and services. My objection was due to the Army's continued lack of urgency in modernizing and fielding new rifles, carbines, pistols, light machine guns, and ammunition to our troops in combat. Ms. Shyu has been responsive to me and provided some information regarding the Army's future plans for small arms and ammunition.

I first got involved in the Army small arms issue 6 years ago when Oklahoma National Guard soldiers told me that their issued weapon, the M4 carbine, was jamming in Iraq. These soldiers were told by their superiors that jamming resulted from poor weapons maintenance on their part and not from any fault of the rifle. While cleaning and proper maintenance of a weapon are extremely important, sand and dust in Iraq are a daily occurrence and any small arms weapon our troops use there should be able to fire reliably in spite of some sand and dust.

Also, the National Guard soldiers from my State—as is the case for Guard soldiers from many if not all of our States—are somewhat more likely to hunt or serve as police officers or security guards in their civilian lives. In other words, National Guard soldiers in the infantry generally know better than most how to care for rifles. So my staff looked into this issue and found that there were studies that raise questions on the reliability of the M4 and whether there was a better weapon out there for our troops. For example, a special operations forces report in February 2001 said that the M4's short barrel and gas tube increased risk that round might not eject from the rifle properly after firing.

I also learned that in the early 1990s Colt received funding from the Army to produce the M4 carbine, which would be a shorter variant on the M16 rifle. This was not done through a competition and was considered merely an extension of Colt's original M16 contract.

This lack of competition would later greatly benefit Colt. In 1999 Colt charged the military less than $600 per M4 carbine. This would rise to more than $900 in 2002 and more than $1,200 for a fully equipped carbine in 2010 when the wars in Iraq and Afghanistan resulted in more M4s being bought.

So in 2007 I raised these questions and even put a hold on the nomination of Secretary of the Army Pete Geren. To his credit, he ordered a full and open competition for a new carbine rifle no later than the end of 2009.

It is now 2012 and the Army still has not completed a competition for a new carbine rifle, now scheduled for 2014. The window for the regular Army soldiers to battlefield test an improved rifle in a war we have been in for 12 years is rapidly closing. This extended and lengthy process is for a weapon

system that—while vital—costs less than $2,000 each.

This 7-year effort differs greatly from their effort to field new armored combat vehicles in Afghanistan. According to the Government Accountability Office, in 2008 Army leaders determined that the Mine Resistant Ambush Protected, MRAP, vehicle was not suitable for the rocky terrain of Afghanistan. In less than 16 months and after rapid testing and fielding, new MRAP all-terrain vehicles, M–ATV, a complicated piece of vital equipment costing $500,000 each—started arriving in Afghanistan.

In contrast, according to the Government Accountability Office, the Department of Defense spent more than $11 billion buying newer models of existing legacy radios from 2003 to 2011 and is currently planning on spending billions more on even newer radios to replace the ones just purchased for Iraq and Afghanistan. There are only 1.4 million troops on active duty so the Department of Defense has spent nearly $8,000 per troop on new radios. A brand new rifle—that soldiers don't have—costs around $1,000 to $1,500.

If the Department of Defense had just spent 15 percent less on the billions and billions they spent on newer models of legacy radios in the last 10 years, every soldier in the Army could have had a brandnew carbine rifle going to war.

In addition to the rifle, there remains a great need for improvement of the Army's service pistol. This pistol, usually given to officers but also as an additional weapon to some infantry soldiers, is the M9 Beretta. This pistol entered the Army in 1985, 27 years ago, and fires a 9mm round. The M9 pistol had the lowest satisfaction rate of any weapon surveyed by the military in 2006 on troops returning from Iraq and Afghanistan with half feeling that the 9mm ammunition is insufficient.

Is the Army's failure to modernize its rifles, pistols and machine guns a recent occurrence? Sadly no, the Army's reluctance to field new weapons runs throughout its history. In far too many instances U.S. Army troops have entered battle with an inferior weapon to their adversaries and either during or after the war ended the Army was reluctant to change and adapt to the superior weapons.

In 1776 colonial forces faced the British at the Battle of Brandywine where the British used a new breech loading weapon that loaded at the rear of the weapon rather than the muzzle or front of the weapon. As a result trained British soldiers could fire more than twice as fast as trained colonial American soldiers. The breech loading weapon was not used much in the Revolutionary War but where it was used, such as at the Battle of Brandywine, it was described as acting magnificently: 93 British killed and 400 wounded compared to over 300 Americans that died, 600 wounded, and 400 prisoners captured.

However when Americans again fought the British in the War of 1812—36 years later—the Americans were still using the same muzzle loading weapon they fought with during the Battle of Brandywine.

U.S. Army troops at war against Mexico in 1845 did not have breech loading rifles, but rather continued to carry muzzle-loading rifles when fighting against Mexico—nearly 80 years after the breech-loading rifle was invented.

During the Civil War one Union officer in particular was unsatisfied with the Army's standard muzzle-loaded rifle and decided to do something about it. Colonel Wilder, commander of the Union's ''Lightning Brigade'' decided to go around the Army bureaucracy. His men spent $35 out of their paychecks to buy Spencer Repeating Rifles direct from the factory for his mounted cavalry. In one of the first battles using this new rifle Wilder's ''Lightning Brigade'' of 1,000 soldiers defended the Union flank against over 8,000 Confederate troops that could not pass. At one point one company of Colonel Wilder's men held off ten times as many Confederate troops using their repeating rifles for 5 hours.

However, the Army did not widely adopt the repeating rifle after the Civil War. More than 30 years later in the Spanish-American War, 5,000 American soldiers armed with single shot rifles attacked fewer than 1,000 Spanish soldiers armed with a German 'Mauser' repeating rifle. While Americans won the battle by attrition (there were 10,000 U.S. troops in reserve), the U.S. Army suffered over 1,400 casualties, with 205 killed, while the Spanish lost fewer than 250, with 58 killed, before surrendering.

A telling American newspaper column title from 1898 aptly summarizes the problems: ''The [U.S. Army] Gun: It is Inferior in Many Respects to the Mauser [rifle] used by the Spaniards.'' The article states unequivocally that the ''enemy's [Spain's] weapon is easier to load [and] can be fired more rapidly''.

The 20th Century would see a great deal of further modernization, improvement, and innovation in the area of small arms to include lighter fully automatic assault rifles capable of firing at a rate of more than 10 rounds per second rather than per minute.

The United States entered World War I with a Springfield 1903 rifle, named for the Armory and the year it was produced, which was possibly the third best rifle in the world at that time. The British Enfield-Lee rifle held ten rounds instead of 5 and could fire upwards of 20 rounds per minute. The American rifle held only 5 rounds and fired 10 rounds per minute which was similar, but still inferior to the German rifle that was capable of firing more rounds per minute.

The U.S. Army did enter World War II with one of the last great battle rifles, the M1 Garand, but its success during that conflict may have blinded the Army to a revolutionary development in small arms: the invention of the modern lightweight fully-automatic assault rifle. From 1942 to 1944 Germany invented the world's first assault rifles—rifles that could fire 550 to 600 rounds per minute and held detachable 30 round magazines. However, it would be over two decades later before U.S. Army soldiers were permitted to have lightweight assault rifles.

Shortly after World War II ended the Soviet Union invented the AK–47 fully automatic assault rifle. This rifle's success is easily stated: over 90 million AK–47s or derivatives have been built. It is very likely a weapon that has inflicted more casualties than any other weapon on earth. Soviet troops had this rifle nearly 20 years before the United States Army would issue assault rifles to its soldiers.

In 1958, an American inventor named Eugene Stoner developed the AR–15 rifle in less than 9 months, which would eventually become the M16. This revolutionary rifle weighed six pounds and fired at a rate between 700 and 900 shots per minute with little recoil and the lightweight but still deadly 5.56mm ammunition meant soldiers could carry more firepower than before.

However, it took the then-Chief of Staff of the Air Force General Curtis LeMay to purchase 85,000 of them for use by Air Force base defense airmen before they got into the military at all. The U.S. Army was strongly opposed to the M16. Some of these weapons were used by Special Forces troops serving as advisers in Vietnam, increasing the pressure for the Army to adopt it. The Army initially refused the AR–15s stating the ''lack of any military requirement.''

At this point, it should be clarified that the Army has used the phrase ''lack of a requirement'' for more than 50 years to justify slowing down and not innovating in the area of small arms. I first encountered the phrase ''lack of a requirement'' in 2006 when asking why the Army couldn't field a better carbine rifle that didn't jam in the desert. I am hearing the same phrase today when I ask why soldiers can't have a better light machine gun or pistol. Soldiers have complained about these weapons but they can't have a new one because there is no ''military requirement.'' Congress is often frustrated by the term ''military requirement'' because it can be used to deflect responsibility from the person using it. It says the Army is fearful of offering its judgment on whether or not someone made a weapon that is better than what the Army has, so it instead says that the weapon is not needed.

It took intervention by President Kennedy and Secretary of Defense McNamara to order the Army to adopt the M16 rifle—the military version of the AR–15. Then what happened in Vietnam was a tragic occurrence that took the direct involvement and investigation of Congress and deaths of thousands of soldiers to remedy.

When the M16s were first used in Vietnam there were nearly instant reports of jamming and malfunctions. One tragic but indicative Marine after-action report read:

> We left with 72 men in our platoon and came back with 19. Believe it or not, you know what killed most of us? Our own rifle. Practically every one of our dead was found with his M16 torn down next to him where he had been trying to fix it.

Before the necessary fixes could be made to the weapon which included switching back to the original type of ammunition propellant and issuing cleaning supplies in early 1967, nearly ten thousand American soldiers had been killed. Before the Army made the changes these soldiers were told—much as soldiers are told today—that problems with their weapons are their fault: a lack of care and cleaning or operator error. There is no formal process where soldiers are required to provide feedback to Army leadership on a jammed weapon in order to accurately note issues with reliability.

There were six warnings from various arsenals and offices within the Department of Defense as to the problems with the M16. However, the Army Materiel Command and Army senior leaders would not listen. It took public pressure and a massive congressional investigation by the House Armed Services Committee to get to the bottom of the problems with the Army's small arms in Vietnam. It was discovered that the Army was using a different ammunition propellant—procured from a sole-source contract—that caused the M16 to jam. After Congressional intervention, the original propellant was used and the problems with the M16 nearly disappeared. After Vietnam, the Army formally adopted the M16 as its service rifle and by 1968 nearly all troops surveyed said they preferred the M16 to any other rifle.

The post-Vietnam era saw changes for the M16 weapon, few of them positive. In 1980 the Army adopted a different, heavier 5.56mm round that required different rifling for the caliber which marginally improved penetration of armor and helmets but at the cost of greatly reducing.

U.S. troops would find out in Iraq and Afghanistan that the enemy did not wear helmets or armor. As a result the rounds would penetrate through the enemy and exit the other side without causing enough damage to incapacitate him and he kept fighting. Soldiers have regularly reported having to fire multiple rounds into enemy combatants in Iraq and Afghanistan as a result.

In 1982 the Army also altered the M16 to prohibit soldiers from firing on full automatic. The current M16A2 rifle has a choice between semiautomatic and three-round burst. The M16A2 is now the only major assault rifle in the world fielded for military use that does have a full automatic capability.

As I said the problems we see with small arms procurement may not be sinister, but they are serious and they are current.

On July 13, 2008 in the Battle of Wanat in Afghanistan around 200 Taliban attacked U.S. troops at a remote outpost in eastern Afghanistan. The Taliban were able to break through U.S. lines and enter the main base before eventually being repelled by artillery and aircraft. What is notable about the battle was the perceived poor performance of the soldiers' small arms weapons in the initial part of the battle. Some selected quotes from the report:

> My M4 quit firing and would no longer charge when I tried to correct the malfunction,

> I couldn't charge my weapon and put another round in because it was too hot, so I got mad and threw my weapon down.

Nine soldiers died and twenty-seven were wounded at the Battle of Wanat in Afghanistan.

For too much of its history from the Revolutionary War to today the Army has shown a slowness and reluctance to adopt improved small arms weapons and ammunition developed by others. It has also been slow to recognize and fix problems with its small arms. The Army has repeatedly engaged in poor negotiating and contracting on behalf of the American people. Senior Army leaders continue to go work for incumbent small arms manufacturers after they retire.

However, a major problem is also Congress. There have been far too few hearings and oversight on the topic of small arms. The House Armed Services Committee report in 1967 stands out as an exception that proves this point. Senior military leaders in uniform and civilians are regularly challenged and questioned—and in some cases chewed out—on all manner of programs and weapon systems here by Members of Congress including medical benefits, stealth fighter jets, missile defense, the size of the Army and Navy, and armored vehicles.

However, for some reason Congress, for the most part, has seen fit to give the Army a pass on small arms. For some reason the oversight committees responsible do not aggressively and regularly question whether the Army's rifle—the most deployed weapon system for the last ten years—is the best that American industry can offer our troops. There are many small arms experts that are independent of the industry that can inform Congress on this issue. I call on my colleagues to hold long overdue hearings on this topic with independent witnesses as soon as possible and will continue my efforts on this issue to raise awareness and push the Army to procure the best weapons and ammunition for our troops.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MORAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MORAN. Mr. President, I ask unanimous consent to speak as in morning business.

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

THE DROUGHT

Mr. MORAN. Back home in Kansas, we are spending our time down on our knees and then looking up to the sky. We are praying and hoping for rain. Our State, along with much of the country, is in a very serious drought. Crops are dying. Cattle are hungry and are being sold off and water is in scarce supply.

Every county in Kansas, all 105, have now been declared disaster communities. Half of the continental United States is in the worst drought since 1956, and the situation is expected only to get worse. In this photograph, my friend Ken Grecian from Palco, KS—it is a little town in northwest Kansas—is pictured here with dry grass and hungry cattle. Over the past few weeks, Ken has had to reduce his herd at lower prices than before because there is not enough feed to feed the cattle. Ken is similar to many producers who have been diligently building their herds of cattle over many years and are now seeing those cattle sold due to the drought, undermining their efforts, year after year, to develop a herd.

Paul and Tommie Westfahl from Haven, KS, just a little bit north and west of Wichita, and their two daughters Jenna and Raegan are pictured standing next to their failed crops. South central Kansas has been hard hit this year by the drought. The corn on the right never got above chest high and dried up months before it was time to harvest.

Paul swathed and will soon bale his failed beans on the left of the photo and try to save some of that for feed for cattle this winter. Hard times are there and they are not over.

The United States has a long history of drought and recovery. From the Dust Bowl to today, we have faced periods of drought. The thirties were often called the worst of hard times. Don Hartwell, a farmer on the Kansas and Nebraska border, captured how hard it was when he wrote this in his diary on May 21, 1936:

> 15 years ago, the Republican River bottom was a vast expanse of alfa and corn fields. Now, it is practically a desert of wasted, shifting sand, washed-out ditches, cockle burs, and devastation. I doubt very much if it ever can be reclaimed.

A few weeks later he wrote in his diary, ''I wonder where we will be a

year from now?'' In the 1930s, folks were faced with severe drought which resulted in the Dust Bowl. People were forced to abandon their farms and ranches and give up the only way of life they knew. Crops, livestock, and livelihoods vanished with the dust. They were unimaginable times. Thankfully, those unimaginable times passed and the rains came and the Republican River bottom was reclaimed.

This happened with the help of the good Lord and by individual efforts by those who refused to give in to those bad times, to give in to nature. If we look at the drought now and compare it to that of the 1930s, we will notice a huge difference. There is no Dust Bowl. The programs and conservation management tools that were used have worked. The forward-thinking American farmers and ranchers, the landowners who adopted new land and livestock management practices have made conservation the most effective drought mitigation effort available today.

But conservation programs are in danger. While many conservation practices can be planned and executed by individual farmers and ranchers, certain programs administered by the Department of Agriculture deserve our attention so these important initiatives do not expire on September 30. In just about 60 days, farm programs will expire, and that means more uncertainty, compounding an already disastrous drought situation.

Right now, farmers and ranchers are wondering the same thing Don Hartwell wondered in 1936: Where am I going to be 1 year from now? As Congress debates the future of domestic agricultural policy, it is critical risk mitigation tools are included for farmers and ranchers. Most important among these tools is crop insurance. With the absence of direct payments in both the House and Senate versions of a new farm bill, crop insurance is and will remain the last protective tool available to those producers.

Viable crop insurance ensures that a farm operation can survive difficult times, when there is drought or hail or flood, in hopes that they can experience a successful yield the following year. Farmers always have hope: Tough times now? Come back next year. But crop insurance, as valuable as it is, does not cover all the problems agriculture producers face, and particularly livestock producers are not usually generally eligible for crop insurance coverage.

These producers require risk mitigation and a safety net just like producers covered by crop insurance. Disaster programs for livestock, along with crop insurance for cultivation agriculture, give producers the security they need to plan and invest for the future.

Currently, ranchers and cattlemen are left with few disaster programs. The 2008 farm bill disaster farm programs expired this year, leaving producers across our drought-stricken country with less protection from Mother Nature. These programs are an important safety net for farmers and ranchers. Farmers and ranchers such as Ken and Paul deserve to know what the future of these programs will be.

We should not expect producers to plant crops or to buy and sell livestock if they do not know what the rules are. Putting these programs back in place and ensuring a sound safety net is vital for drought recovery, continued conservation work, and for the affordable food supply for the people of our country. Kansas farmers and ranchers should not have to keep guessing. It is too important to their families, their industry, and their Nation for more delay.

We must give agricultural producers the long-term certainty and support they deserve. While we wait for Washington, we will continue to hope and pray.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. We are on the motion to proceed.

CLIMATE CHANGE

Mr. KERRY. Mr. President, a number of us have spoken with increasing concern—I think probably most Senators have come to the floor in the course of the last months to express their alarm about the politics that surround big issues in our country that demand action and not partisanship, not acrimony, but which we continue to simply find a way to avoid. We have been artists in the politics of avoidance here in Washington over the course of too long a period now.

The debt and the fiscal cliff are obviously perfect examples of where, despite all of the warnings and all of the expert advice we get, Congress is fundamentally stuck in political cement of our own mixing. No one will credibly deny here the existence of the fiscal cliff, the crisis of our budget, the tax system, and so forth. So that, at least as an issue that is avoided, gets a credible amount of words being thrown at it.

But there is another issue that, in many ways, is just as serious because of its implications for all that we do on this planet, but which doesn't any longer elicit that kind of concern or expressions of alarm on both sides of the aisle, or from that many Senators. The two words that have described this particular issue over a long period of time now have actually become somewhat words of almost skepticism in many quarters in America, or a kind of shrug, where people say: I don't know what I can do about it. It is not something I ought to worry about. Somebody else will take care of it, or maybe it is not real. Those words are ''climate change.''

Climate change, over the last few years, has regrettably lost credibility in the eyes and ears of the American people because of a concerted campaign of disinformation, a concerted campaign to brand the concept as somehow slightly outside of the mainstream of American political thinking. I have to say it has been a remarkably effective campaign. You can't sit here and say it hasn't worked. Every opportunity to cast a pall on facts with some kind of cockamamie theory has been taken advantage of, and a lot of money has been spent in this process of disinformation and discrediting.

People used to joke years and years ago about those who argued that the Earth was flat. For a long period of time, people argued that the Earth was flat, even though the evidence of astronomers and explorers evidenced that it was in fact quite the opposite. So we have, in effect, with respect to climate change in America today what is fundamentally a ''flat Earth caucus''—a bunch of people, some in the U.S. Congress itself, who still argue against all of the science, all of the evidence, that somehow we don't know enough about climate change or that the evidence isn't sufficient or that it is a hoax. We have Members of the Senate who argue it is a hoax. But that is all they do. They make the argument it is a hoax, but they don't present—and they can't—any real, hard, scientific, peer-reviewed evidence to the effect that it is in fact a hoax. The reason they can't is there are 6,000-plus peer-reviewed studies, which is the way science has always been done in America. If you are a scientist and you are a researcher, you do your science and research, and then your analysis is put to the test by your peers in those particular disciplines. They pass on the methodology, the pedagogy by which you arrived at your conclusions.

We have more than 6,000 of those kinds of properly peer-reviewed analyses of the science of climate change, and the other side of the ledger has not one—not one, zero—peer-reviewed analysis that says human beings aren't doing this to the atmosphere and that humans are not contributing or the main cause of what is happening in terms of the warming of the surface of the Earth.

What has happened is that in America we all know it. We are seeing it in campaigns because of Citizens United. You have these unfathomable amounts of money being thrown into the political system—millionaires and billionaires who plunk down millions of dollars—a $10 million or $20 million check at a whack—and then what is happening is people buy their facts. They create their facts out of whole cloth.

As we all have been reminded so many times in the last year, certainly, because of this new debate we are having in America—as our colleague, with whom I was privileged to serve here, Pat Moynihan, reminded us again and again, everyone is entitled to their own opinion in America, but you are not entitled to your own facts. But in fact, in

American politics today, that is not true. Apparently, you are, because you can go out and buy them. You can buy some scientist to whom you give some appropriate amount of funds, and he does a study with a particular conclusion that has to be found, and they produce a whole bunch of hurly-burly to surround it and suggest that those are, in fact, facts.

The result of this is that over the last year and a half or 2 years, we have had this concerted assault on reason, an assault on science. This isn't the first time in the history of humankind we have been through these things. Galileo was put on trial for his findings and, as we all know, there have been countless periods of time—that is why we went through an Age of Enlightenment, Age of Reason, as people challenged these old precepts that weren't based on fact but were sort of raw belief and/or political interests in some cases, or religious interests in some cases. A handful of Senators here, including Senator BOXER, Senator WHITEHOUSE, Senator SANDERS, Senator LAUTENBERG, the occupant of the chair, and Senator FRANKEN have recently spoken out about this very process by which an incredibly important, legitimate issue of concern to all Americans—to everybody in the world—is being completely sidelined because of the status quo interests of powerful corporations and other interests in America that don't want to change, or some of whom find political advantage in somehow buying into the theory discrediting it.

This has not been an issue on which there is a profile of courage by some in the U.S. Congress who are prepared to stand up and say what they know is true, but what has become far more convenient to avoid. I believe the situation we face is as dangerous as any of the sort of real crises that we talk about.

Today we had a hearing in the Foreign Relations Committee on the subject of Syria. We all know what is happening with respect to Iran and nuclear weapons, and even the possibility of a war. This issue actually is of as significant a level of importance because it affects life itself on the planet, because it affects ecosystems on which the oceans and land depend for the relationship of the warmth of our Earth and the amount of moisture there is and all of the interactions that occur as a consequence of our climate. It involves our health because of policies that we do or don't choose to pursue with respect to pollution in the air.

Pollution didn't used to be a question mark in American politics. We fought that fight in the 1960s and 1970s. Rachel Carson started this enormous movement for reasonableness when she warned Americans they were living next to toxic wells and water that had been polluted by companies that put mercury or other poisons into the Earth, which went down into the water supply, and people got cancer and died. America decided in the early 1970s—with the first Earth Day in 1970 itself, and the actions that Congress took after that in response to the American people—everybody decided we didn't want that pollution in the air. We actually passed legislation in 1972, 1973, and 1974 that created the EPA.

America didn't even have an Environmental Protection Agency until Americans said we want to be protected, and the people in Congress responded to that. We passed the Clean Air Act, Clean Water Act, Safe Drinking Water Act, Marine Mammal Protection, Coastal Zone Management, and all of these came about because of an awareness among the American people because they wanted to make a different set of choices or have their politicians do so on their behalf. Now, suddenly, there is an assault on the EPA, the Clean Air Act and, all of a sudden, pollution doesn't matter. That is what we are talking about.

Greenhouse gases are, in fact, a pollutant. The particulates that come with that have the same effect on human beings in terms of their breathing, their lungs, the input in some of their food and water, which ultimately impacts cancer, emphysema, and other diseases that come as a consequence of the quality of air we breathe. Yet we have this whole notion now that somehow we have gone too far, that we have done enough, or that the job has been done and we can go home, when, in fact, it is exactly the opposite. With respect to pollution, there are choices, and with respect to health, the single greatest cause of young Americans going to the hospital in the summertime and costing billions of dollars to the American people is environmentally induced asthma. That environmentally induced asthma comes about as a consequence of the ingredients that go into the air. All of this is related.

In addition, there is not one person in the Senate who doesn't know that we are still more dependent than we want to be on foreign oil. We are better than we were, and we have made improvements, but we are still more dependent than we want to be on foreign oil. We could be doing better with respect to that if we pursued an intelligent energy policy. We still don't have an energy policy after the years we have been talking about doing it in the Senate and elsewhere.

Why is that important to climate change? Because energy policy is the solution to the problem of climate change. If you have an effective energy policy, then you are dealing not only with your independence issues, but with the sources of carbon and other greenhouse gases that are causing the problem today. Twenty years ago this year, I was privileged to go with the Senator from New Jersey, Senator LAUTENBERG, Senator John Chafee, Senator Al Gore, Senator Wirth, and others, down to Rio, where we took part in the first Earth Summit, which President George Herbert Walker Bush took seriously. To the great credit of George H. W. Bush, he not only sent a delegation, he personally went down there and spoke about the issue. He helped to embrace a forward-leaning idea. I think 160-some nations signed onto an agreement to try to restrain greenhouse gases. That was back in 1992. It was incredible.

Here we are, 20 years later, and we could not even get the time for the Senate to send a delegation down there, let alone enough people who thought it was important and of interest. The Earth summit, 20 years later, came and went without any major step forward or progress, and the procrastination continues.

Mr. President, today I remember the debate when we came back from Kyoto, in 1998 or so, and we had a debate in the Senate about whether the United States should take part in the Kyoto Treaty. We all know now, as a matter of long history, that we didn't because it was viewed as being too unilateral. In fact, everybody had the question of, what about China? We can't possibly sign up for this because China will not do it, and they will go racing ahead of us and continue to grow their economy at the expense of the United States.

Well, Mr. President, guess what. Today China is the leading clean energy producer in the world. China. The United States of America invented the technologies 50 years ago—of solar and wind, renewable energy technologies such as turbines, the transmission, and so forth, and photovoltaics. About 4 years ago, China had about 9 percent of the market. That was 4 years ago. Two years ago, China had 40 percent of the market. Today China has over 70 percent of the global solar market, and the United States, which invented the technology, doesn't have one company in the top 10 solar panel producers, solar energy producers in the world.

You know what is happening. Ninety-five percent of what China produces it exports to other countries, including the United States. So here we are, we give up our lead, and we don't get the jobs. Everybody is screaming about jobs. The energy market is a $6 trillion market with about 6 billion users. Just to put that in perspective, the market that created the great wealth of the 1990s in the United States was in fact a $1 trillion market with about 1 billion users. That was the technology market. We saw it with personal computers and with the rest of the telephone communications technology of the 1990s. We didn't even have an Internet in the United States until about 1995 or 1996 when that began to be commercialized. Yet in that short span of time we created more wealth in America than we had ever created at any time in America's history. We created 23 million new jobs because we led in that new industry.

Here we are today staring at the potential of this extraordinary industry—the energy market—and we are just

sitting on our hands while other countries take it and run with it and grow their economies. We are sitting around saying: Where are the jobs?

It is an insult. It is an insult to our intelligence. It is an insult to every American's aspirations about where they would like to see our country go. And the fact is it is not just China, but India, Mexico, Brazil, South Korea, and countless other countries have taken greater advantage of this than the United States.

One of the principal reasons we have trouble getting that market moving is we refuse to put a real price on the price of carbon. Carbon has a price. Everything we are doing to our country and to our communities today as a result of pollution is a price we are going to pay. But that price is not subsumed into the price of products, the price of doing business or anything else because we just avoid it altogether.

A lot of people here continue, unfortunately, to avoid the science and just not deal with the reality of what is happening. But 2 days ago, Mr. President, in the New York Times, there was a very important op-ed that appeared, written by a well-known climate skeptic Dr. Richard Muller, a professor of physics at the University of California at Berkeley. He has written many times about how he did not believe the science was adequate or had produced it. Let me read his words. This is Dr. Muller:

> Call me a converted skeptic. Three years ago I identified problems in the previous climate studies that, in my mind, threw doubt on the very existence of global warming. Last year, following an intensive research effort involving a dozen scientists, I concluded that global warming was real and that the prior estimates of the rate of warming were correct. I'm now going a step further: Humans are almost entirely the cause.

That is what this former climate skeptic has said. Bottom line: We need to be armed with the facts, not with empty rhetoric. That is exactly what Dr. Muller set out to do. Let me quote him again:

> We carefully studied issues raised by skeptics: biases from urban heating (we duplicated our results using rural data alone), from data collection selection (prior groups selected fewer than 20 percent of the available temperature stations; we used virtually 100 percent), from poor station quality (we separately analyzed good stations and poor ones) and from human intervention and data adjustment (our work is completely automated and hands-off). In our papers we demonstrate that none of these potentially troublesome effects unduly biased our conclusions.

Now, obviously, we all know the future has a hard way of humbling people who try to predict it too precisely, but I have to say, when the science is screaming pretty consistently over a period of 20 years—and not just screaming at us to say it is coming back correctly but that it is coming back with faster results in greater amounts than the scientists predicted—as a matter of human precaution that ought to be an alarm bell and people ought to take note.

Here again is what Dr. Muller says:

> What about the future? As carbon dioxide emissions increase, the temperature should continue to rise. I expect the rate of warming to proceed at a steady pace, about one and a half degrees over land in the next 50 years, less if the oceans are included.

And then he says ominously:

> But if China continues its rapid economic growth—

And I say, as a matter of parentheses, who doesn't believe China isn't going to do everything in its power to continue its growth path and do what it is doing? So he says:

> But if China continues its rapid economic growth (it has averaged 10 percent per year over the last 20 years) and its vast use of coal (it typically adds 1 new gigawatt per month), then that same warming could take place in less than 20 years.

Less than 20 years, folks. In North Carolina recently State Senators actually voted not to do any planning for the potential of sea level rise, even though scientists today tell us the sea level is rising. Ask insurance companies about what they are thinking in terms of their potential exposure and liability as we look down the road with respect to the disasters that could come as a consequence of these changes.

So the plain fact is we have all of the evidence—and I am not going to go through all of it right now, but it is there for colleagues to analyze—countless studies of what is happening in terms of the movement of forests—literally, movement—as it migrates, and species that have left Yellowstone National Park and migrated north. Talk to the park rangers. Talk to the folks in Canada and in Colorado and Montana and other places about the millions of acres of pine trees that have been destroyed by the pine bark beetle that now doesn't die off because it doesn't get as cold as it used to. Talk to people in Canada and in the Northern United States who used to skate on ponds that used to freeze over but that don't freeze over anymore.

There are hundreds of examples. Talk to the Audubon Society. Ask them about the reports from their members about certain plants and shrubs and trees that don't grow in the same places they used to. There is a 100-mile swath in the United States now where there has been a migration of things that grow and don't grow. This is going to have a profound impact on agriculture in our country as we go forward if it continues. And I would just share with my colleagues why that is true beyond any scientific doubt.

The first scientist who actually wrote something about global climate change was a Swedish scientist by the name of Arrhenius, and he wrote around the turn of the 19th century—1890 or something, I don't remember the year. But he is the guy who first said there was this relationship to the gases trapped in the atmosphere and this thing called the greenhouse effect. In fact, science has now determined to a certainty the reason we can breathe on Earth today, the reason it is warm enough for us to live, the reason life itself exists on Earth is because there is a greenhouse effect. And it is called a greenhouse effect because it behaves just like a greenhouse.

The light comes down from the Sun at a very direct angle on many things on Earth and is reflected back from things such as the ice and snow and off roofs and parking lots and other things. But in the ocean and in certain other dark spots it is subsumed into that mass, and it goes back much more opaque than it comes down in its directness. The reason, therefore, for the greenhouse gas is that it doesn't escape. It doesn't break out of the thin veneer of the atmosphere that contains the gases that create the greenhouse effect, which actually creates an average temperature globally of about 57 degrees Fahrenheit.

That is why life can exist; we have a greenhouse effect. And it stands to absolute high school, if not elementary-middle school logic, if a certain amount of gases are contained, and there has always been balance to some degree, and you add to that massively and thicken the amount that is there, less heat is going to escape and we wind up augmenting that effect of the greenhouse.

Scientists tell us now—and I am not a scientist, but I learned how to listen to them and at least read the science and try to think about it—that in order to keep the temperature of the Earth somewhere near where it is today or within the permissible range of change, we have to keep our greenhouse gases at—originally, they said—450 parts per million. As they then noticed the damage and did more calculation, they came and said: No, 350 parts per million.

Why is this important? Because today, as we are here assembled in the Senate, we are now at 397 parts per million. We are above where they say you have to hold it. And worse, without doing anything—and we are not doing anything—we are only adding amounts; we are moving at a rate that will take it up to 500 or 600 parts per million. If that happens, we will be at a tipping point with respect to the amount of temperature change—5 to 7 degrees—and nobody can predict with certainty what happens, except that we know the ice already melting in Greenland and in the Arctic will melt faster and disappear. As more water is exposed, that dark water subsumes more of the heat, and the heat creates greater, more rapid melting. And that is exactly what scientists are seeing in the Arctic and Antarctic today, where whole blocks of ice the size of the State of Rhode Island have broken off and dropped into the sea and floated south to melt.

There are dozens of other examples of what is happening. I said I wouldn't go into all of them today. I would just say

to my colleagues, please read and challenge the science and talk to the people who are the peer reviewers of these analyses because we have a responsibility here, to future generations and to all of us, to try to get this right. And in the balance of right and wrong, I don't understand the judgment some people are making.

We know this is a $6 trillion market. We know that if we were to price carbon, the marketplace would move rapidly toward the kinds of technologies and new job creation that would respond to that pricing and the United States could become a seller of these technologies and a builder of these new energy capacities in various parts of the world.

Astonishingly, the United States of America doesn't even have an energy grid. The east coast has an energy grid, the west coast has an energy grid, Texas has its own energy grid, and from Chicago out to the Dakotas, there is sort of an energy grid. But the entire center of the United States is just a great big gaping hole where we don't have any connected energy transmission capacity, and the result is that we can't produce renewable energy down in the four corners of the Southwest—in Colorado, New Mexico, Arizona, and so forth—and sell it to Minnesota in the wintertime or to New England, where we pay a very high price for energy. We can't send energy from one part to the other in the United States of America. It is an insult.

We need to build a national energy grid, and in the building of that grid, there are countless jobs to be created for Americans and countless technologies to be developed. For every $1 billion we spend on infrastructure, we put 27,000 to 35,000 people to work. If we passed our infrastructure bank effort here in the Senate, for $10 billion of American taxpayer leverage, we could have $650 billion to $700 billion of infrastructure investment paid for by Chinese investment, by Arab Emirates investment. It wouldn't cost the American taxpayers a dime to be building America and putting people to work. We are not doing it, and we are not even building the energy grid of our Nation.

I must say to my colleagues, the avoidance here of responsibility for a whole host of choices we ought to be making—and obviously, yes, it begins with the deficit and the debt, and we can deal with those issues. There isn't a person in the Senate who doesn't understand what the magic formula is going to be to do that. But everybody wants to wait until the end of the election. I got it. But this issue has been waiting and waiting for 20 years now while other countries are stealing our opportunities to be able to be in the marketplace and winning.

Nothing screams at us more than the need to have an energy policy for our country that begins to address the realities of climate change, and nothing screams at us more than to tell the truth to the American people about climate change, to stop having it be an unusable word in American politics and not to allow it to become a source of attack and ridicule with nonfacts and a bunch of cockamamie theories that have no foundation in science or in the kind of analysis that does this institution justice.

I hope over the course of the next months we can have this fight because nothing less than our economic future—which is, in the end, our greatest strength for our military, for our security, for all of our objectives—that is what is at stake in this effort. I hope we will finally wind up doing what is right.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, before the senior Senator from Massachusetts leaves the floor, I wish to commend him for his constant leadership on matters of a better environment, more effective ways to get our energy without spoiling the environment and putting what amounts to toxins in the air. I congratulate him for his constant leadership in this area.

SAFE CHEMICALS ACT

Mr. President, one thing Democrats and Republicans share is a desire to keep our children and grandchildren safe and healthy. Many of us remember the days when we simply counted to make sure our newborns had all of their fingers and toes and breathed a sigh of relief, but parents today face many more threats. As industrial chemicals have more common in consumer products, we have seen an increase in certain birth defects, childhood cancers, and behavioral disorders. That is why I have written legislation to reform our chemical management system and give parents peace of mind about chemicals in household products. My Safe Chemicals Act passed out of the Environment and Public Works Committee last week, and I hope we are going to see it on the floor of the Senate this fall.

We think of the home as a place where our families are safe. We don't expect the carpet in our bedrooms, the shampoo in our showers, or the detergent in our laundry to pose a threat to our family's health. Many everyday products contain chemicals. Most Americans just assume those chemicals have been tested and proven safe. But for the vast majority of chemicals in products in our homes, safety testing is not required, and we look at the articles that suggest what kinds of things we are talking about.

Every morning, millions of American kids wake up in beds that have been treated with chemicals, their breakfasts are cooked on pans coated with chemicals, and their plates are cleaned with chemicals. Today, EPA lists more than 80,000 chemicals in its inventory, many of which are in regular household products—products that our children are exposed to every day.

We see here a child getting a bottle. It is made of plastic, and we don't really know what is in it. I think we can all agree that a chemical that comes into contact with a child should be tested to see if it is safe.

Many, if not most, chemicals in products are safe, but we know some are not. There have been too many cases of toxic chemicals showing up in our everyday lives that have horrible health effects, and we have found that out only after our families have been exposed.

Recently, the Chicago Tribune exposed the latest example of untested chemicals wreaking havoc in our bodies. The Tribune reported that flame retardants are widespread in furniture, electronics, and other items throughout our homes. In fact, the average couch contains 2 pounds of chemical flame retardants.

As we see here, a sofa like this looks as if it is all good and no harm could come, but there could be chemical materials in there that are releasing toxic fumes. Chemicals in products don't always stay in products. Many of them find their way into our bodies. It is not clear that we are safe with any of these products because we don't know just exactly what is in there.

In fact, the Tribune tragically found that a typical American baby is born with the highest concentrations of flame retardants in the world. And many flame retardants are highly toxic. Children born with high concentrations of flame retardants can suffer devastating consequences for the rest of their lives. Flame-retardant chemicals have been linked to cancer, developmental problems, and other health risks. High levels of these chemicals put newborns at greater risk of low birthrates and birth defects, and then in childhood they face lower IQs and problems with fine motor skills. Even in adulthood, women who were born with flame retardants in their blood can have trouble becoming pregnant. Imagine, we are setting our children back from day one, before they have taken their first breath.

Flame retardants are just one example of the problems with our chemical safety system. According to the Centers for Disease Control and Prevention, Americans typically have 212 industrial chemicals—including 6 that cause cancer—coursing through their bodies. We know these chemicals can have serious health effects. We can see what kinds of health effects. Chemical exposure accounts for as much as 5 percent of childhood cancers, 10 percent of diabetes, 10 percent of Parkinson's disease, and 30 percent of childhood asthma. That is not a very comforting idea.

These chemicals are still around and untested because the 35-year-old law that is supposed to assess and protect against chemical health risks is broken. That law, called TSCA, is so severely flawed that the nonpartisan Government Accountability Office testified that it is ''a high-risk area of the

law.'' I want to repeat that. The law called TSCA is so severely flawed that the Government Accountability Office testified that it is ''a high-risk area of the law.'' That is a credible government department saying this is a high-risk area of the law.

Of the more than 80,000 chemicals on EPA's inventory, TSCA has allowed testing of only around 200 chemicals and restrictions on only 5. That is more than 80,000 chemicals that are being used routinely, in EPA's inventory, that might affect children or adults in a household.

Until this law is fixed, toxic chemicals will continue to poison our bodies and threaten our health. This status quo is dangerous, and it is unacceptable. We have heard from parents across the country that we should not wait any longer for reform. We had a demonstration here in Washington just a few weeks ago with people asking for safer chemicals now. They are worried about it. They are parents. They don't want their children exposed to chemicals that might injure their health.

It is easy to do. These chemicals should be tested before they are made into products, and then we don't have to worry about whether we are doing something that puts our kids at risk. We have already waited too long. Entire generations have grown up in homes filled with untested chemicals. Every year, more chemicals are introduced, more children get sick, and more lives are put at risk.

I was proud when the Environment and Public Works Committee took an important step last week by passing the Safe Chemicals Act. We began working on TSCA reform in 2005. In the 7 years since, we have explored the topic from many angles. We talked to scientists, workers, business leaders, State officials, firefighters, researchers, legal experts, and parents who are concerned about their children's health. We also heard from Senators on both sides of the aisle. Throughout this process, we have listened and we have learned.

The result is a commonsense bill that lays out a vision for strong but pragmatic regulation of chemicals. The bill requires the chemical manufacturers to demonstrate the safety of their products before they end up in our bodies. We already require this for pharmaceuticals and pesticides, so there is not any reason we should not require the same of industrial chemicals that are found in products in our bodies. The European Union, Canada, other countries require safety testing, but Americans remain unprotected. That is not acceptable.

I have received letters in support of the Safe Chemicals Act signed by more than 300 public health organizations—businesses, environmental organizations, health care providers, labor unions and, again, concerned parents. Twenty-four Senators have cosponsored my Safe Chemicals Act and I believe the full Senate should now be given a chance to vote for or against the testing of these industrial chemicals. We want to debate it on the floor of the Senate. We want families to know what we are thinking about as we go through this process. They deserve to know that Congress cares more about their kids' health than the concerns of the chemical industry lobbyists.

I come to this conclusion: There is risk out there that we take unnecessarily. It is time to take action to clear this up. It would be a positive act for the chemical manufacturers so they would not have to worry about responding to challenges from laws in 50 States but rather be under one guideline that takes care of them all.

It is time to take action. The health of our children is at stake. I hope my colleagues across the Chamber will stand and say yes, you are right, it is time we challenge what we know is an exposure that should not exist. Simply done, it would move the process very quickly, letting us know that everything we have that has a chemical component to it is safe for our use.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. HOEVEN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from North Dakota.

PROGROWTH TAX REFORM

Mr. HOEVEN. Mr. President, I rise to speak on the need for progrowth tax reform. It is a subject I have been here on the Senate floor speaking about repeatedly over the course of the year and certainly over the course of the recent weeks.

Last week the Senate voted on several tax measures. One of the measures was a measure we offered which would continue the current tax rates for a year, giving us an opportunity to engage in progrowth tax reform. That bill was defeated in the Senate.

The other bill, a bill which I voted against, was a bill that would raise taxes on approximately 1 million small businesses in this country. In fact, that bill was passed. But the fact is that under the Constitution any tax measure has to start in the House of Representatives. In fact, that is what is going on today. They are voting on a measure that would extend the current tax rates for a year, giving us the opportunity to engage in progrowth tax reform which I believe would truly help galvanize our economy and raise revenue for our country, not through higher taxes but in fact through growth and through more revenue from economic growth.

I believe that is exactly what we have to support in the Senate as well. The measure the administration favored, and that was earlier passed, as I say, will be blue-slipped so it will not take effect, but the problem with that measure is it would raise taxes on individuals and small businesses. Almost a million small businesses across this country would pay higher taxes and they are the generators of jobs for our economy. It also raises taxes on capital gains and it raises estate tax as well.

Let me talk about the estate tax or the death tax provision for a minute. Right now the estate tax provides an exemption on the first $5 million and then amounts in an estate over that $5 million threshold are taxed at 35 percent. However, reverting to the pre-2001–2003 tax rates, which happens at the end of the year unless action is taken—unless action is taken by both the House and the Senate to extend the current rates—then we revert to the tax rates before the 2001–2003 tax reductions. That means instead of a $5 million exemption and a 35-percent tax rate on estate tax or the death tax, we go to a $1 million exemption with a 55-percent tax rate after that.

Think about what that means to our farms and our small businesses across the country: 24 times more farms will then be in an estate tax situation and something like 14 times more businesses will be in an estate tax situation. What does that mean? What it means is when a family member dies and it is time to pass on that farm or pass on that business, they are going to have to borrow money to try to pay the estate tax. That farm or that business is going to have to generate enough revenue to pay that estate tax. If you cannot pay that estate tax at 55 percent of the value of what you are passing—if that business or that farm cannot service that level of debt, then you have to sell that farm or sell that small business, which may have been in the family for many generations. Remember that those farms, those ranches, those small businesses are the backbone of the American economy and here we are, at a time when we have 8.2 percent unemployment and we are trying to get this economy going and we are putting our small businesses across this country in that situation.

That is why it is so important that we act. That is exactly what we have proposed. We have said rather than putting our economy in that situation right now, let's set up a 1-year extension of current tax rates, let's engage in progrowth tax reform where we actually lower rates but close loopholes, which will generate economic growth, and we will get revenue from economic growth rather than from higher taxes. That is vitally important.

In fact, on a bipartisan basis 2 years ago that is what we did, we extended the current tax rates. I think we had 44 Democratic votes to do that here in the Senate. Republicans voted for it. I think across the board we had 44 votes on the Democratic side. Also, it was a bipartisan measure. I argue that is exactly what we have to do again. Even

the President—who came out that he supported doing exactly what I laid out because, he said, we can't raise taxes in a recession. He said raising taxes would hurt the economy and would hurt job creation.

If you look at the statistics today, we are actually in a more difficult economic situation now than we were then. Unemployment is at 8.2 percent and has been over 8 percent for more than 41 straight months. There are 13 million people who are out of work, 10 million people are underemployed, which makes 23 million people either looking for work or looking for a better job. Middle-class income has declined from approximately $55,000 to about $50,000 since this administration took office. Food stamp usage has increased from 32 million recipients to 46 million recipients, and as we have seen, economic growth is about 1.5 percent.

As far as job creation, there were 80,000 jobs gained during the month, but we need 150,000 jobs gained during the month just to keep up with population growth and not have our unemployment rate increase. So these are the facts, and the facts speak for themselves. We need to extend the current tax rates, we need progrowth tax reform on a bipartisan basis, and we need to get control of our spending.

If we look at the latest numbers from CBO, CBO says without taking those steps we are looking at economic growth next year of maybe one-half percent for the entire year. If we take the steps to address the fiscal cliff, as I have described, and take those steps to undertake progrowth tax reform, CBO talks in terms of a 4.4-percent growth rate next year. Think what that means to 13 million unemployed people. It means the difference between getting a job and not getting a job.

The uncertainty that our economy faces right now because of the expiration of the current tax rates at the end of the year, and businesses not knowing what is going to happen, is freezing investment capital on the sidelines and freezing business expansion. There is more private capital and investment capital sidelined now more than in the history of our country. We unleash it, and we get it going not by raising taxes but by providing the legal tax and regulatory certainty—the kind of progrowth tax reform with closing loopholes, as I have described—to get this economy going.

The administration says: Well, everyone needs to pay their fair share. I think that is certainly true. We are saying exactly that. That is exactly what we do by engaging in progrowth tax reform and closing loopholes. Everyone is treated fairly, and everyone pays their fair share.

In fact, just to give a sense of that whole concept, let's look at who pays the income taxes right now according to the National Taxpayers Union. Today the top 5 percent of taxpayers pay almost 60 percent of the income tax in this country. The top 10 percent pay almost 70 percent of the income tax in this country. The top 25 percent pay almost 90 percent of the income tax in this country. The top 50 percent of taxpayers pay 98 percent of the income tax that is paid in the country.

So the point is, let's engage in progrowth tax reform that will get our economy growing rather than stagnant as it is today. It is that economic growth that puts our people back to work and truly generates the revenue, not higher tax rates which will hurt our growth. We can lower rates, close loopholes, come up with a fairer system that is simpler and will generate revenue through economic growth. That is the only way that economic growth, along with controlling and managing our spending, will get us on top of our debt and deficit and get Americans back to work. We need to do it in a bipartisan way. We can do it. We have done it before, and we absolutely need to get started, and get started now, for the good of the American people and the good of our country.

If I may, I want to close on one short message; that is, as the House works on a tax measure—as I described today—to extend the current tax rates and put us in a situation where we can truly engage in progrowth tax reform, I also urge my colleagues in the House to make sure that at the same time they are acting on farm bill legislation and not just the drought legislation.

We passed a farm bill in this Senate several weeks ago on a bipartisan basis. I hope they are able to do the same thing and pass a farm bill in the House on a bipartisan basis as well that we can go to conference with. I believe the bill we produced in the Senate and the bill they have produced in the Agriculture Committee can be brought together in a conference committee. We can pass a farm bill that will be cost effective, will save money, and help reduce the deficit.

The bill we passed would generate $23 billion in savings to help address the deficit. It would provide the right kind of safety net for our farmers and ranchers and ultimately this: Good farm policy benefits every single American because our farmers and ranchers produce the highest quality, lowest cost food supply in the world. That benefits every single one of us, not to mention creating a lot of great jobs throughout the country.

So I call on the House to act on that farm bill as well as engage in the kind of progrowth tax reform that I know will truly benefit our country.

With that, Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

The Senator from Oklahoma is recognized.

Mr. INHOFE. I thank the Chair.

(The remarks of Senator INHOFE pertaining to the introduction of S. 3473 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. INHOFE. Madam President, I have a little bit of a problem in that I do not want to take time from the Senator who is in line to speak after me. But I would like to serve notice that there have been several things that were said on the floor today concerning this whole idea of global warming. We had a hearing this morning. It was kind of revealing because they have done everything they can to pass cap and trade, and it has not happened.

I wish to correct some statements that were made by Members. When the time comes that I have about 20 minutes to do this, I will do that. It will probably have to be later today because of the clock that is running now.

I yield the floor for my friend to take his turn.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. UDALL of Colorado. Madam President, I rise this afternoon in support of the bipartisan Cybersecurity Act of 2012, and I wish to share my concerns about the very real cyber threat facing our country. Most importantly, I rise to urge all my colleagues to move forward to the passage of this pending cyber security bill for the good of our national security. Top experts and respected members of both political parties have told us that time is wasting; we must debate and pass this critically important piece of legislation.

Cyber security policy is an issue with which I am deeply involved, given my seats on the Senate Intelligence Committee and the Senate Armed Services Committee. Moreover, Colorado's military and defense communities play a prominent role in defending our country, the United States, against cyber attacks.

The Air Force Space Command, located at Peterson Air Force Base in Colorado Springs, is responsible for protecting American space-based assets from network intrusions. The U.S. Northern Command, also located at Peterson Air Force Base, recently established a Joint Cyber Center to help provide on-demand cyber consequence response to civil authorities.

Multiple defense and technology industry companies based in Colorado also contribute hardware, software, and expertise to the effort to keep our networks and infrastructure secure.

Our Federal labs also conduct critical research into cyber security, most notably the National Institute of Standards and Technology, otherwise known as NIST, which is located in Boulder. They play a key role in helping establish cyber security standards.

The threats posed by cyber attacks have long been recognized, but we in the Congress have yet to act upon

these threats in a comprehensive way. It is as if we see the danger in front of us, but yet we cannot find the courage to face it. But Congress cannot afford to wait for a 9/11-sized attack in order to act. Waiting for a catastrophic act—something military and intelligence leaders and a bipartisan collection of national security experts are warning us against—is the exact opposite of leadership and the exact opposite of what our constituents expect us to do.

This debate, to me, has seemingly, unfortunately, unraveled into an antiquated argument about the public sector versus the private sector. We cannot let old ways of thinking bog us down. This is a threat that can only be addressed by both the public and private sectors working together.

The private sector owns 85 percent of our Nation's critical infrastructure, which is itself heavily dependent on computer networks. A successful attack on our critical infrastructure could result in disabled power grids, refineries, and nuclear plants, disrupted rail systems and air traffic control and telecommunications networks. A successful attack could bring commerce to a halt, our financial markets to their knees. It could also escalate into a war in cyber space or even a shooting war.

To defend against these serious threats, particularly those that involve national security, there needs to be an exchange of information between the public and the private sectors. Of course, allowing the government and industry to share information must be done with sufficient safeguards, so any legislation authorizing such sharing needs to strike a balance between privacy and civil liberties protections. I believe the bill's authors have achieved such a balance.

I recognize it is often difficult to find consensus on how to defend our Nation from security threats. Sometimes that is because we cannot agree on the nature of our vulnerabilities and in what priority to address them. Unfortunately, sometimes Congress is too polarized to act until after a crisis occurs.

But in the case of cyber security, we already know our Nation's computer networks are increasingly vulnerable. There is widespread agreement about the severity of the threat. Just last month, Defense Secretary Panetta testified before Congress that cyber attacks could ''virtually paralyze this country.'' The threat is not impending, it is here. We already know many of the steps we need to take to mitigate or prevent these attacks. The only issue getting in the way is politics. Frankly, Coloradans are tired of this. They want us to reason together and solve our most vexing national challenges.

The Cybersecurity Act of 2012 is not overly intrusive. It has been scaled back to a voluntary system of industry-driven security standards for critical infrastructure. The bill's authors have offered a further amendment to address some of the remaining concerns of the bill's opponents. As much as the bill's authors have compromised and worked with groups and businesses from across the policy spectrum, one would think they would get more in return from the Republicans than a demand to vote on the repeal of health care reform. But that is where the debate stands, and it is not a proud moment for our Chamber.

The cyber security bill before us may not be perfect. In fact, I have offered three amendments that I believe make this an even stronger bill.

The first would require the administration to provide a detailed plan on how it would develop a highly trained, robust Federal cyber security workforce. A stronger Federal workforce will not only better protect government assets, but these individuals will go on to fill critical roles protecting cyber assets in the private sector.

My second amendment would establish permanent faculty positions to train the next generation of military cyber leaders at the U.S. Air Force Academy.

My third amendment would require the assessment of the costs and benefits of building a strategic stockpile of extra high voltage transformers. We do not produce these highly specialized pieces of equipment domestically, and it would take months to replace transformers damaged by a physical or cyber attack.

I hope my colleagues will join me in passing these commonsense amendments aimed at improving our national security.

This cyber security bill is over 3 years in the making. I find it ironic some argue the process has been rushed and we need more time. But I believe this bill is long overdue and we simply cannot afford not to act.

As the head of U.S. Cyber Command and the Director of the National Security Agency, General Alexander, wrote in a letter to Congress this week, ''The cyber threat facing the Nation is real and demands immediate action.''

This is coming from the national security official who knows more than anyone about the cyber threats facing our country. As a member of the Intelligence Committee, I take his cautions and advice very seriously. The rest of us should as well.

As I close, I urge all of us, let's put aside partisan ploys and partisan differences. Let's work together to amend and pass this vitally important cyber security bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I understand the floor time is pretty much used up between now and 6:30. I have made inquiries. I understand I will have time at 6:30 for 25 minutes. I ask unanimous consent that I be recognized at 6:30 for 25 minutes.

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

Mr. INHOFE. I understand the next speakers are in the cloakroom at this time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT

Mr. LEAHY. Madam President, more than eight months ago, Senator CRAPO and I, two Senators from very different parts of the country with very different political perspectives, joined together to introduce the Leahy-Crapo Violence Against Women Reauthorization Act of 2011. We put aside our political differences, listened to the law enforcement and victim services professionals, and drafted a bill that put victims first.

It has been more than 3 months since an overwhelming majority of the Senate joined us in our bipartisan effort to pass the Violence Against Women Reauthorization Act of 2011 with 68 votes, more than two-thirds of this body, including every woman Senator, Republican and Democratic. In doing so, the Senate sent a very clear message. We said stopping domestic and sexual violence is a national priority, and we are going to stand together, Republicans and Democrats alike, to protect all victims from these devastating crimes—all victims. It was very clear. If you are a victim of domestic and sexual violence, we are passing laws to help protect you, no matter who you are or where you live in this country.

Having sent such a strong bipartisan message from this body, I was—I don't know whether to say bewildered or shocked to see the House Republican leadership abandon the bipartisan approach that was so successful in the Senate. Instead of allowing a vote on the Senate-passed bipartisan bill that has the support of more than 1,000 national, state, and local victim service organizations, they insisted on crafting a new, partisan measure that intentionally stripped out protections for some of the most vulnerable victims and weakened existing protections for others. They refused to allow votes on amendments as we had done here in the Senate, choosing to stifle a full and honest debate about how to best meet the needs of victims.

This overtly political approach was too much even for some in their own party. Nearly two dozen House Republicans, including the chair of the crime victims' caucus, stood up and voted against the inadequate and harmful House bill. That opposition was not surprising since a similar provision offered during the Senate debate was rejected by 61 Senators, including nine Republicans.

The House Speaker's recent announcement naming as conferees only

Republicans who supported that misguided and deeply partisan effort is hardly a step forward. Instead, I wish the Republican House leadership would do what it should have done four months ago—take up, debate, and vote on the bipartisan Senate-passed bill. I have no doubt we could reauthorize this life-saving bill in short order if they would just allow their members a straightforward vote on the merits.

Instead, Speaker BOEHNER continues to hide behind a procedural technicality, called a ''blue slip,'' as an excuse to avoid debating the bipartisan Senate bill. He acts as if he has no choice, but this is nonsense. The Speaker can waive the technicality and allow the House to vote on the Senate bill at any time. He is choosing to hold up this bill, and those efforts must stop.

Since the Senate bill passed, I have been consistently calling for House action on the legislation. Earlier this summer, Senator MURKOWSKI and I wrote a bipartisan letter to Speaker BOEHNER, urging him to allow an up-or-down vote. Two weeks ago, five House Republicans followed suit, calling on Speaker BOEHNER and Majority Leader CANTOR to take up the Senate-passed bill to resolve the ''blue slip'' problem. And yesterday Republican Representatives BIGGERT and DOLD again urged the House to work with the Senate to get this vital legislation signed into law.

But if the Speaker and the Republican leadership in the House insist on ignoring victims and the voices of the professionals in the field, and those in their own party, and continue to delay this crucial legislation on a technicality, a technicality which has been waived over and over and over again since I have been in the Senate, I think the Senate should once again lead by example.

We can solve this problem tonight—tonight, within the next few hours. If the Senate Republican leadership wants to get VAWA, the Violence Against Women Act, done, it can be done. We could take up a House revenue bill, substitute the bipartisan Senate VAWA bill, and send it to the House immediately.

To those who are watching and listening, this may sound like, what are these legislative moves? What they are is a simple thing I have seen done hundreds of times since I have been here. It would be our way of saying we want to stop violence against women. We have passed a bill that had Republicans and Democrats come together across the political spectrum. Now we are sending it to the other body, saying follow our example.

Majority Leader REID proposed this path forward nearly 2 months ago, but he was blocked by the Republican side. There is no good reason for their objection. Just this year, Republican Senators unanimously agreed to a similar procedure in order to overcome blue slip issues with both the transportation bill and the FAA reauthorization bill. Let's be clear about this—with just a little cooperation from Senate Republicans, we can move VAWA now. What I am saying is that just as 68 of us, Republicans and Democrats, came together before to pass this bill, I would urge the Republican leadership to join us and stop blocking it from moving forward.

We have only a precious few days left in this Congress to get this bill passed. The procedural excuses must stop. Partisan politicking must end, just as Senator CRAPO and I, two Senators of different political philosophies, came together when we started this process so many months ago, we came together to focus on the victims but also to make good on our promise to stop domestic and sexual violence in all its forms against all victims.

I have said so many times on this floor, this matter is deeply personal. I went to a lot of these crime scenes as a young prosecutor, a young prosecutor with a young family. I would see a victim of violence, sometimes a bloodied and barely conscious victim being taken in an ambulance to the hospital—but sometimes seeing a bloody corpse on the floor and then we would find out, as we unraveled the case, that we could have intervened and stopped this death if we had only had the tools. Well, now those early detection and intervention tools exist and we can stop this violence. Those tools, critical resources to reduce domestic violence homicide, are in the Senate-passed VAWA bill but they will not become law unless we act to pass this legislation now.

What I also learned is that the police officers who came to help investigate and help get the perpetrator, they never asked: Was this victim a Republican or Democrat, rich or poor, white or black, gay or straight, Native American or immigrant. They just said, as I have said so many times on the floor and the distinguished Presiding Officer, who herself was a prosecutor, has said: A victim is a victim is a victim.

I do not want to just be able to arrest people after the victim is dead. I want programs to stop the person from being abused in the first place. I want to protect victims before they become victims. If there is anything in this country that should unite all of us, it should be this, just as it united us before. Let's send it on to the other body. Let's get it passed. Let's get it on the President's desk, and let's hope we save the lives of people.

Helping these victims—no matter who they are—must be our goal. Their lives depend on it, and they are waiting on us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. BLUMENTHAL. Madam President, I am honored to follow the Senator from Vermont, who has been such an extraordinary leader in this area, and look forward to yielding shortly to the Senator from Washington, who has championed this bill and helped us all see the urgency of approving it.

In the minutes that I will be talking, and they will be brief minutes, every minute, two to three women will become victims of domestic abuse. Every minute that I am standing here, every minute that we occupy with debate and delay on this measure, two to three people in the United States, the greatest country in the history of the world, will become victims of domestic violence.

We cannot afford to wait. That is why I urge that my colleagues advance this critical piece of legislation and urge the House of Representatives to agree to the Senate version of this bill so we can make this bill more inclusive to include Native Americans and immigrants and others who would not be covered by the House version.

We find ourselves at a crossroads. We can either strengthen VAWA or we can retreat and go back. I say let's go forward with the philosophy that the Senator from Vermont has articulated so well as a prosecutor, not to mention knowing how our police work. We do not ask whether someone is an immigrant, what their sexual preference is, whether they are Native American. We protect them if they are victims of domestic abuse and violence. That should be our philosophy in the greatest country in the history of the world.

There are two protections for battered immigrant women in VAWA that are particularly important. The first allows immigrant women married to an abusive U.S. citizen to apply for legal status independent of that spouse. The second, which is the U visa, provides temporary status to victims who cooperate with law enforcement to prosecute their abuser.

The reauthorization of VAWA is currently stalled principally because of the U Visa provisions in the Senate bill, S. 1925.

Let me illustrate the importance of this provision with one story. A woman who came to Connecticut from Guatemala fled her native country to escape her abuser and arrived in Connecticut in 2005. Her abuser followed her to Connecticut, where he continued to abuse her. He was eventually deported to Guatemala on criminal charges, but she found herself in another abusive relationship. Eventually, she was able to find shelter at a local domestic violence agency. She could not convince family to sponsor her so she could apply for legal status. She would have had nowhere to turn but for a transitional living program for domestic violence victims that connected her to a Connecticut legal aid attorney, who then enabled her to file for a new visa.

I am happy to report that this constituent survivor received her new visa in May of 2012. Because of VAWA, she is now safe, and so is her son.

This story is repeated countless times across Connecticut and the country by women who suffer in silence.

Their undocumented status makes them particularly vulnerable and powerless to escape their abusive situations. My constituents tell me—and I want to listen to them—that we cannot afford to compromise those basic protections that are fundamental to human rights and dignity, and that is why I urge this body, and the Congress as a whole, to move forward, not backward.

Again, every minute, two to three women become the victims of domestic violence. The consequences of this horrific problem are too high and the costs too dire to stay the course and simply repeat the inaction we have seen so far.

Thousands of victims of domestic violence are entrusting us with their safety today. We have an obligation to them to avoid the gamesmanship, end the gridlock, and move forward with S. 1925.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I thank Senator LEAHY and Senator BLUMENTHAL and so many others who have come to the floor to speak on this critical issue.

Today the women of the Senate and the men who support the Violence Against Women Act are on the Senate floor to give Speaker BOEHNER and the Republicans another chance to do what is right. It is another chance to stop the delay. It is another chance to provide peace of mind to 30 million women whose protections are at risk, and it is another chance to pass the inclusive, bipartisan Senate, Violence Against Women Act bill.

The bipartisan Senate bill passed almost 100 days ago by a vote of 68 to 31. Fifteen of our Republican colleagues on the floor—I will repeat that—15 Republicans joined us that day, and they did so because they know the history of this bill. They know every time the Violence Against Women Act has been reauthorized, it has consistently included bipartisan provisions to address the women who have not been protected. They know domestic violence protections for all women should not be a Democratic or Republican issue.

But here we are back on the Senate floor urging support today for a bill that should not be controversial. Just as we did last week, just as we are doing today, and just as we will do in the coming weeks, we will be making sure this message resonates loudly and clearly both in Washington, DC, and back home in our States because we are not going to back down—not while there are thousands of women in the country who are excluded from the current law.

The numbers are staggering. One in three Native Americans will be raped in their lifetime. Two in five of them are victims of domestic violence, and they are killed at 10 times the rate of the national average.

Those shocking statistics are not just isolated to one group of women; 25 to 35 percent in the LGBT community experience domestic violence in their relationships. Three in four abused immigrant women never entered the process to obtain legal status, even though they are eligible. Why? Because their abuser husbands never filed their paperwork.

This should make it perfectly clear to our colleagues in the other Chamber that their current inaction has a real impact on the lives of women across America affected by violence. Where a person lives, their immigration status, or who they love should not determine whether perpetrators of domestic violence are brought to justice.

Last week, the New York Times ran an editorial on this bill that gets to the heart of where we are. It began by saying:

> House Republicans have to decide which is more important: protecting victims of domestic violence or advancing the harsh antigay and anti-immigrant sentiments of some of their party's far right. At the moment, harshness is winning.

The editorial also made the point that it doesn't have to be this way. It pointed out:

> In May, fifteen Senate Republicans joined with the chamber's Democratic majority to approve a strong reauthorization bill.

It ended with what we all know it will take to move this bill forward: leadership from Congressman BOEHNER. The effort that was started in the Senate last week—an effort that will continue for as long as it takes—is a call for the very same—leadership.

It is time for Speaker BOEHNER to look beyond ideology and partisan politics. It is time for him to look at the history of a bill that again and again has been supported and expanded by Republicans and Democrats and end the delay because, frankly, it is taking a toll.

Every moment the House continues to delay is another moment that 30 million vulnerable women are without the protections they deserve in this country.

The women this bill protects have seen their lives destroyed by the cowardice of those who claimed to care for them. We have a chance now to stand for them where others have not. But the only way we can help protect these women is to prove that we as a nation have the courage to do so—the courage to show them that discrimination has no place in our domestic violence laws. To do that, we need to pass the Senate's inclusive, bipartisan Violence Against Women Act.

Mrs. BOXER. Will my friend yield for a question?

Mrs. MURRAY. Yes.

Mrs. BOXER. I have a question, and I want to make sure everyone listening to this debate gets what is about to happen.

Is it not true that the Senate passed the bipartisan Leahy-Crapo Violence Against Women Act with well more than 60 votes?

Mrs. MURRAY. Yes, the Senator from California is correct.

Mrs. BOXER. Is it not correct that the House passed its version and left out 30 million Americans?

Mrs. MURRAY. The Senator from California is correct. In fact, those 30 million Americans would be covered under the Senate bill. We made sure that Native American women are covered, and we put in important provisions to make sure campus violence is covered, and those provisions have been left out of the House bill.

Mrs. BOXER. Yes. And the immigrant women, as the Senator has discussed, which Senator BLUMENTHAL pointed out, are the most vulnerable because they are so afraid of their status, they are very scared to report that someone is raping them, beating them, or harming them every single day; is that correct?

Mrs. MURRAY. The Senator from California is absolutely correct. We cannot even imagine what it is like to have somebody hold that kind of power over you and use it to beat you day in and day out. We cover those women in this bill so that they have the protections they ought to have as human beings.

Mrs. BOXER. Isn't it fair to say that the 30 million people we cover—which the House leaves out—include college students, enhanced protections for them on campus; the LGBT community; Native American communities; and undocumented immigrants; is that correct?

Mrs. MURRAY. The Senator is correct.

Mrs. BOXER. As my friend pointed out, is it not true that when you look at rates of violence against these particular people in our communities, they are higher than the population at large?

Mrs. MURRAY. The Senator from California is correct.

Mrs. BOXER. Isn't it fair to say that the House bill—their version of the Violence Against Women Act left out the most vulnerable people who are the most susceptible to violence?

Mrs. MURRAY. The Senator from California is correct. That is why we have work to do, in a bipartisan fashion in the Senate, to make sure in this country, America, we do not discriminate against women when it comes to violence.

Mrs. BOXER. I have two more points, and then I will yield to my friend so she can make the unanimous consent request.

Isn't it also true that the excuse Speaker BOEHNER is giving as to why he will not take up and pass the bipartisan Leahy-Crapo bill, isn't it true that the excuse is that there is a technical problem, which he calls a blue slip, in the Senate bill? And isn't it true that my friend today is going to ask unanimous consent to correct that problem so that we can send this inclusive bill over to Speaker BOEHNER?

Mrs. MURRAY. The Senator from California is correct. It seems to me such a simple procedure to do, which

we have done many times in the Senate, to just by unanimous consent send the Speaker back the bill so he can't put a piece of blue paper in front of us and say that stands between women and the protections we are trying to pass for them today.

Mrs. BOXER. Finally, I hope, when my friend makes the unanimous consent request, to take the very same text of the Violence Against Women Act, which passed this body with well over 60 votes, and put it into a bill that would overcome the technical problem and enable us to send it back to the House. It is my strong hope that the Republican leadership will not object. If they do, let the whole country understand what they are objecting to: a way to fix this technical problem so that Speaker BOEHNER and the Republicans can pass the Senate bipartisan Violence Against Women Act and include the 30 million people who have been left out.

I thank my friend for yielding.

Mrs. MURRAY. I thank the Senator from California and say that she is absolutely correct. What I am about to do is to ask consent to do what we have done on many pieces of legislation, including the jobs and Transportation bills the Senator from California was able to pass, and the Senate overcame that technicality through a motion on the floor.

We have done it time and time again on bills like that. It seems to me that on a bill like this, which is affecting so many women and their right to protect themselves and the ability to get help in their communities, there should not be a technicality between them and our passing protections for them in this country.

UNANIMOUS CONSENT REQUEST—H.R. 9

Having said that, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 9 and the Senate proceed to its consideration; that all after the enacting clause be stricken, and the language of S. 1925, the Violence Against Women Act reauthorization, as passed in the Senate on April 26 by a vote of 68 to 31, be inserted in lieu thereof; that the bill, as amended, be read the third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. Madam President, rather than doing the usual thing and reserving the right to object, I will object, and then I would appreciate the courtesy, before I offer a parallel UC, to make my remarks.

Mrs. MURRAY. Madam President, has the Senator from Iowa objected to my request?

The PRESIDING OFFICER. Objection has been heard. The Senator from Iowa——

Mrs. MURRAY. Madam President, the Senator from Iowa has objected. I just have to say that it is stunning to me that the Senator has objected to a simple procedure that we have done many times on Transportation bills and FAA bills and, sadly, now there is an inability to provide protections for the women we have been talking about.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I am going to make a unanimous consent request dealing with the same subject.

Before I do that, I am astounded that it took 100 days for the majority to decide that the bill they wanted to send to the House would be blue-slipped because they kept saying it really wasn't subject to a blue slip. Obviously, the Constitution gives the House of Representatives the power to make that decision, and they made the decision that the fee in this bill would keep it from being accepted by the House of Representatives.

They have obviously overcome that problem. But they have not overcome some other problems with the legislation. My reason for objecting for people on my side who voted against this bill is because of some unconstitutional provisions that it contains, and issues that don't have to be brought up to guarantee there is adequate legislation for fighting violence against women.

By the way, I believe this act, which has been on the books for more than a decade and a half, is going to be carried on. So there is not going to be a situation where, whether or not we go through this process, there is not going to be legislation protecting women on the books. It is just a question whether it will be expanded in a way that was intended to make the bill controversial so, presumably, it could be made a political issue in an election year.

What bothers me about this whole process—besides the fact it has taken 100 days to get to the point of offering it for conference—is it fits into a pattern of doing things at the last minute. We are 2 days away from a recess, and this is brought up at this particular time. I have to ask why. Why not sometime during the last 100 days?

I also see a pattern of this maneuver fitting into the maneuvers that have been going on ever since, I believe, the spring break we had in the Senate. Ever since then—as reported in an article published in the newspaper we know as Politico a couple of months ago about a strategy between the White House reelection effort and things that go on in the Senate—we seem to have a crisis every week.

We came back from the spring break, and we had the Buffett tax rule. That was carried on for a week. Everybody knew that wasn't going to pass, but we wasted a whole week on the Buffett tax rule.

Then this issue was brought up before and passed about that time as part of a strategy of having a war on women come up as an issue. That ended in this legislation being passed through the Senate but in a way where everybody knew it wasn't going to get through the House of Representatives. But it was a very convenient political issue.

Later on, we had the equal wages for women legislation that came up for about a week. Once again, everybody knew that wasn't going to go anyplace, but it was debated in this assembly, taking up time from a lot of important issues that ought to be dealt with—the economy and creating jobs. We spent a week on that.

Then we spent a week on taxing the rich, and everybody knew that wasn't going to go anywhere.

I think we spent a month on interest rates on student loans. Everybody knew there was a bipartisan solution to that, but nobody wanted to go there until the President had a whole month of going to university campuses to blame Republicans for not passing a bill that would keep interest rates low on student loans.

Then we spent last week on the DISCLOSE Act. Everybody knew that wasn't going to go anyplace.

So we have had a whole spring and summer in this body of accomplishing nothing because there is a strategy between the White House and the leadership of the Senate to help this President get reelected. And to keep away from issues the people of this country are concerned about, which are the economy and creating jobs and the fact that this White House and this Senate aren't going to do anything to work through those issues.

Here in the Senate it is an issue of politics and not an issue of process. I think the American people know the games being played, and they are sick and tired of it.

So I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 406, H.R. 4970, the House-passed Violence Against Women Reauthorization Act; provided further that all after the enacting clause be stricken, the text of the Senate-passed violence against women bill, S. 1925, with a modification that strikes sections 805 and 810 related to the immigration provisions; that the bill be read three times and passed, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate with a ratio agreed to by both leaders.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Is there objection?

The Senator from Washington.

Mrs. MURRAY. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I listened carefully to the passion of the Senator from Iowa on behalf of the Republican majority and Speaker BOEHNER, and, frankly, I have to say it is offensive to say that the issue of violence against women is about politics. This is about women who are abused, women who are powerless to fight back, and

women being able to get the protection they need in this country that has provided protection for a very long time, to make sure women who are immigrants, women who live in a tribe, women who are gay and lesbian, women who are on college campuses get the protection this legislation supports. This is not about politics, this is about violence and this country standing up and saying we are going to protect them.

Make no mistake about it, what the Republicans are saying is that they want to move this bill to conference so they can strip out those provisions. Well, they have crossed a line—a line that in the history of this nonpolitical, bipartisan bill has been so deeply important to so many of us. They made this bill about politics just now. I find that offensive.

What they want is to take the Senate's bipartisan-passed bill, supported by both Republicans and Democrats here, send it to conference, and then pick it apart. They want to take it to conference so they can have a discussion about which women in this country deserve protection and which do not. They want to pit one group of women against another. This is not a game. It is not politics. And it certainly is not a game I am going to play. The new protections in this bill have been supported by Republicans and Democrats, groups across this country, and millions of Americans. They are not bartering chips, and it is not about politics.

The objection of the Senator on behalf of the Republicans raises issues that really are nothing more than a smokescreen. They do not want to be out in front saying they are willing to discriminate against certain women. They would rather hide behind these procedural objections. But I would remind all our colleagues that these procedural objections they are out here talking about—the politics—have been routinely overcome here in the Senate. Just as I said a few minutes ago, the transportation and jobs bill we passed a month ago, the blue slip issue was overcome. The FAA reauthorization last year funding our Nation's airports—overcome. The Food Safety Act—overcome. The Travel Promotion Act. All those had blue slip issues, and all of them were overcome, and there was a reason why—leadership and the will to do the right thing.

So let me make it abundantly clear. This is not about politics. It is about protecting women in this country. It is about making sure we do what is right for so many women who are looking to Congress to put in place the protections they deserve.

So the ball is in the Speaker's court now. He is going to have to talk to women across the country about why their protections are at risk because of politics. But I want everyone to be clear: We are not going to compromise on the issues that are so important to so many women and throw them under the bus. That is not what we have fought for year after year on bipartisan legislation when we passed the Violence Against Women Act before. It is inclusive, it is bipartisan, and it is above ideology and partisan games. It is a bill that makes sure that no matter who you are or where you live or whom you love, you are protected in this great country in which we live.

Politics has no place in this. I would agree with the Senator from Iowa. Who is playing politics? We will leave it up for those who are watching. What I have asked is that the Senate do what we have done many times on many bills—move this bill to the House in a bipartisan way and pass it, and then politics won't matter, women will be covered.

I hope our Senate colleagues who have objected and the Speaker will reconsider. They can easily pass this bill today or next month, put it in place, and women in this country can say the leaders of this country are fighting for them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I just want to do one thing in terms of responding to Senator GRASSLEY, who is a friend. We enjoy a very good relationship on the Judiciary Committee, and we are just friends. But the idea that these new provisions in the VAWA bill are political just couldn't be further from the truth.

Let me talk about just one provision. It is about women on Indian reservations who get abused by a partner or a boyfriend or husband who isn't Native. And this happens all the time. This provision gave jurisdiction to the tribes to prosecute these individuals.

I am on the Indian Affairs Committee. I talk to tribal leaders all the time. I go to reservations all the time. My colleagues have no idea how grateful tribal leaders were and how important this was. One out of every three Indian women in this country is raped at some time in her life, and by far the largest majority of that is not by male Indians, it is by non-Indians. I can't think of anything that is less political. I just can't. And I ask my colleagues to think, to give a second of thought before they say stuff like that.

It really is, as Senator MURRAY said, offensive to her. I actually found it more sad. I find it sad.

THE MEDICARE DIABETES PREVENTION ACT OF 2012

Mr. President, I came to the floor to talk about diabetes. And the Presiding Officer has been such a champion in talking about the money that can be saved in our health care system by the prevention of chronic disease.

The burden of chronic disease in our country is staggering. Chronic disease affects half of all American adults, and 7 out of 10 deaths each year are due to chronic disease. If current trends continue, by the year 2020, 52 percent of American adults will either have type 2 diabetes or elevated glucose levels, known as prediabetes, and diabetes can often lead to other chronic diseases, such as heart disease.

But as grim as these statistics are for our country, we also have some of the best health care researchers in the world. A few years ago, the Centers for Disease Control and Prevention, the CDC, conducted a pilot program called the Diabetes Prevention Program in two cities: St. Paul, MN, and Indianapolis, IN. This program, which was administered by the YMCA, is a program focusing on 16 weeks of nutritional training, eating healthy, and physical activity. It costs about $300 per participant. The results of this pilot were extraordinary. Among adults with prediabetes—who are at the highest risk for developing type 2 diabetes—the program reduced chances that a participant would be diagnosed with diabetes by 58 percent. For adults over the age of 60, it reduced the likelihood of being diagnosed with type 2 diabetes by 71 percent.

That is why Senator LUGAR and I introduced legislation in 2009 to authorize the National Diabetes Prevention Program as a grant program through the CDC. This bill was passed as part of the health care law and is helping community-based organizations such as the YMCA administer the program across the country. No one can participate in this program if it is not available, which is why we needed the CDC to help expand the program and scale it up. Thanks to their work and to our provisions in the Affordable Care Act, the YMCA is now offering the Diabetes Prevention Program at more than 300 sites in 30 States.

But we also need health insurers to pay for the program to make sure everyone who needs it can get it. We know that when eligible adults participate in the program, it saves everyone money. In fact, the CEO of United Healthcare told me that they will cover this. Why? Because they save $4 for every $1 they invest in the program because their beneficiaries are healthier. And the Urban Institute estimated that implementing community programs such as the Diabetes Prevention Program could save $191 billion nationally, with 75 percent of the savings—more than $142 billion—going to Medicare and Medicaid Programs.

That is why the Federal Government should also invest in this cost-saving program for seniors. Nearly one-third of Medicare beneficiaries had diabetes in 2010. The Diabetes Prevention Program costs about $300 per participant, as compared to more than $6,000 a year in added health care costs for someone with type 2 diabetes. There is no question that by preventing diabetes, we can all save money while keeping our seniors healthier.

That is why I introduced legislation yesterday with my friends, Senators LUGAR, ROCKEFELLER, COLLINS, and SHAHEEN, to allow Medicare to cover the National Diabetes Prevention Program. We are doing this to help our

seniors enjoy their golden years while staying as healthy as possible. We are also doing it because it is the fiscally responsible thing to do. That is why the American Diabetes Association, the American Heart Association, the American Public Health Association, and the American Council on Aging have all endorsed this legislation. The National Association of Chronic Disease Directors, the National Association of State Long-Term Care Ombudsman Programs, and the YMCA of the USA have also endorsed the bill, as have 79 State and local organizations.

We know a really good way to prevent type 2 diabetes, and we know how to do it while saving the Federal Government billions of dollars. In fact, we know doing it will save the Federal Government billions of dollars.

Let's all here work together to prevent chronic disease in our country. I urge the Presiding Officer and my colleagues on both sides of the aisle to join me in guaranteeing that every senior has access to the Diabetes Prevention Program when they need it.

I–35W BRIDGE COLLAPSE

Mr. FRANKEN. Mr. President, I would like to take a moment to recognize that today is the fifth anniversary of a tragedy in my home State—the collapse of the I–35W bridge in Minneapolis. The collapse killed 13 people and injured 145 others. That collapse was a shock to Minnesotans and to the country. How could a bridge on our Interstate Highway System collapse? It underscores the importance, of course, of investing in our infrastructure. We did move quickly to replace the bridge—and it is a beautiful bridge—thanks to the leadership of Senator KLOBUCHAR and others.

I wish to say a few words about the response by the people and the first responders in Minneapolis and the metropolitan area. It was amazing. All the first responders had interoperable radio signals. People in Minneapolis ran to the bridge to help. People did heroic things. I am very proud of Minnesota. I am proud of Mayor Rybak and the response of other first responders in the metropolitan area. I am so proud to represent Minnesota.

My heart goes out to the families of those who perished that day and also to their loved ones and their friends and also to the survivors who are still recovering in so many different ways.

I urge my colleagues not to forget that day. We need to invest in our infrastructure to make sure this doesn't happen again.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank the Senator from Minnesota for his great remarks. He really does care about Minnesota. It is a nice State.

IRAN SANCTIONS

Mr. President, in a few hours the Iran sanctions bill is likely to pass both the House and the Senate. That is very good news because when it comes to Iran, time's a wastin'. We need to ratchet up the pressure. And this is a powerful package that will paralyze the Iranian economy. It tightens the screws tighter, tighter, tighter, so that the Iranians will have no choice but to see their economy basically in desperate shape if they continue to pursue obtaining a nuclear weapon.

I thank my colleague, Chairman JOHNSON of the Banking Committee, who has put so much time and effort into the Iran sanctions bill and done such a great job.

I thank Ranking Member SHELBY. We go to the gym in the Senate at about the same time early in the morning, and we have talked about this bill repeatedly. I know how much he cares about it.

I thank my colleague from New Jersey, whom I have worked with on this issue long and hard and who has taken a great leadership role. Senator MENENDEZ has been relentless in pushing this bill, and the many of us who wish not to see a nuclear Iran owe Senator MENENDEZ a great deal of thanks.

I thank my friend Senator KIRK, who, even though he is not physically present in the Chamber, has made this his highest priority. We have worked together on this issue a long time, and we continue to wish him a speedy recovery.

I believe that when it comes to Iran, of course, we should never take the military option off the table, but I believe—as almost everyone in this Chamber believes, our President believes, Prime Minister Netanyahu believes, and most Israelis believe—that economic sanctions are the preferred way to choke Iran's nuclear ambitions. If we can achieve sanctions and Iran truly backs off, not with a feint but in reality, by meeting the three standards that both President Obama and Prime Minister Netanyahu have set—turning over any 20-percent enriched uranium, stop producing any 20-percent enriched uranium, and destroying the new facility at Qom—then we will have achieved great victory. So we have to move forward.

Earlier this year a group of bipartisan Senators—I was proud to be amongst them—led by Senator LIEBERMAN called on the European Union to exert more pressure on Iran by imposing an oil embargo on this rogue regime. Our European partners have done just that, and their oil boycott is working. That, too, is furthering to ratchet the pressure on Iran's nuclear program.

Last November the report on Iran's nuclear program by the IAEA was its most alarming yet. It proved beyond a shadow of a doubt that Iran is developing a nuclear weapon. And according to published reports, they could have at least one workable weapon in less than a year and another in 6 months after that. So we don't have much time, and ratcheting up the economic pressure is imperative. We cannot dawdle. We cannot sit around and say: Let's wait 6 months and see if the existing sanctions are working. We have to ratchet up that pressure so that Iran sees that it is not in its interests economically, politically, militarily even, to pursue the path they have thus far chosen. The IAEA report details a highly organized program dedicated to acquiring the skills necessary to produce and test a nuclear bomb. And earlier this year DNI Director Clapper told the Senate Intelligence Committee that Iran's leaders even seem prepared to attack U.S. interests overseas. So we know Iran is on the path to continued evil.

Just last week a suspected suicide bomber killed 6 people and wounded 30 aboard an Israeli tourist bus in a coastal town in Bulgaria. Israel believes—and I tend to agree with them—that Hezbollah and Iran are to blame. Many questions remain about the bomb, but many Western counterterrorist officials share the suspicions that Israel and I, frankly, both have.

By giving our government the capability to impose even more crippling sanctions on Iran should they continue with their nuclear weapons program, the House and the Senate are putting forth a tough, smart plan to ratchet it up and prevent, hopefully, God willing, the very real threat Iran poses to the United States and our allies, particularly Israel.

I am not going to go over what the bill does. That has been talked about. But I want to mention one other part of the bill before I sit down. I am really happy and grateful to Chairman JOHNSON that the measure before us will also include language adopted from the Syrian Human Rights Accountability Act. That is legislation I cointroduced this year with my friend and colleague from New York, Senator GILLIBRAND. The legislation would require the administration to identify violators of human rights in Syria, it would call for reform and protection of the prodemocracy demonstrators, and it would also block any financial aid and property transactions in the United States involving Syrian leaders involved in the crackdown on protesters.

If the Syrian Government, which in many respects operates as a client state for the rogue Iranian regime, will not willingly change its brutal approach and continues to violate the human rights of those seeking to exercise their voices, then we have to do everything we can to send the strongest message possible to that nation's leadership that this behavior is beyond the pale and not without consequences.

In conclusion, I believe my colleagues Chairman JOHNSON, ranking member SHELBY, Senator MENENDEZ, and Senator KIRK, have done an excellent job crafting a comprehensive plan to arm the administration with the tools it needs to put a stop to Iran's nuclear program. I urge my colleagues to unanimously support the Iran Threat Reduction and Syria Human Rights Act of 2012.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

SERVICEMEMBERS' PROTECTION ACT

Mr. BROWN of Ohio. Mr. President, I rise today because servicemembers who risk their lives protecting our Nation should not have to ever worry about predatory banking practices. They should not have to worry about whether they can vote absentee while serving abroad. While they are fighting our Nation's foes, they should not have to worry about fighting a foreclosure. When they are serving our country, they should not have to worry if their civilian job, if they are Guard or Reserve, will be available when they return.

Unfortunately, too many do worry about that. Last week I joined the Attorney General of the United States at Wright Patterson Air Force base near Dayton, OH, and spoke with men and women who serve our country, air men and air women. Also around that time I spoke to some Guard and Reserve, members of the Guard and Reserve who serve our country, about some of these fraudulent practices. When they are overseas, some of them do not know when they return if they are going to still have their job. They don't know what happens to them when they go back to school if they are enrolled in a university, private or public, 2-year or 4-year. They don't know what happens sometimes with their families in foreclosure or facing financial fraud.

We know that employment is critical for servicemembers and military families. So is housing. So is protecting their ability to cast a ballot. That is why I am sponsoring legislation, the Servicemembers' Protection Act, which is so vital to those men and women in uniform. It would make critical changes to the Servicemembers Civil Relief Act that could improve the quality of life for members of the Armed Forces.

My bill first would strengthen housing and lending rights for servicemembers. Right now, a bank cannot foreclose upon servicemembers while they are serving overseas until it gets a court order. Yet the bank has no real obligation to actually investigate whether a homeowner is on active duty overseas. My bill would require lenders who want to foreclose on a home to conduct a meaningful investigation into a borrower's military status. It would increase civil penalties for violating a servicemember's rights as a homeowner.

The bill also would strengthen enforcement for the Uniformed and Overseas Citizens Absentee Voting Act, to make sure servicemembers' votes are counted. It would create a nationwide standard for getting absentee ballots to overseas servicemembers in a timely fashion.

Finally, it would make sure servicemembers can return to their jobs after they have completed their military service with the seniority and pay rate they would have earned if they remained continuously employed by the civilian employer.

We know the Guard and Reserve who are called up leave their civilian jobs and too often come home to the uncertainty of, What happens when I arrive home? Members of the Guard should not have to worry about whether they will return home to the same job and the correct pay rate.

As citizens of a grateful Nation, we have a responsibility to do something—more than something to protect servicemembers' rights as they sacrifice to keep our country safe. That is why I urge my colleagues to stand up for our servicemembers. It is time we serve those who served us.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the proceedings under the quorum call be rescinded.

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

ALASKA INTERNS

Ms. MURKOWSKI. Mr. President, I am delighted to have a fine group of young Alaskans with me—not only here on the floor, but in my office for four weeks, and I thank them for their help in Washington and really for all of Alaska. They have been back here for a month and have done a great job. It is always a true delight to have good, high energy young people from back home to help me in the work we do here. I am so pleased they are with me.

TSUNAMI DEBRIS

Mr. President, I rise today to discuss an issue that people back home are talking about a lot. We are discussing the Federal Government's need to plan for the increasing level of marine debris that is hitting the Pacific coastline, whether it is out in Hawaii or all the way up north in Alaska. This debris is coming from the earthquake and tsunami that struck Japan last March. This is a subject of great discussion and debate for folks who are out fishing or walking our beaches.

We all know that tragic event claimed nearly 16,000 lives and destroyed community infrastructure, homes, and livelihoods. Our prayers continue for the ones we have lost and those who have lost their loved ones.

As horrifying as these natural disasters were, the Earth only shook anywhere from 3 to 5 minutes, and the tsunami rushed to the shore and then receded. But the devastation to property and coastlines continues as debris has moved from the shores of Japan over a year and a half later and we begin to see the debris pile up on our shores over here.

The Japanese Government has estimated that about 5 million tons of debris were carried into the ocean. We have assumed that the majority of that either sank or will sink. There is no concrete idea of how much is still floating or when the bulk of it will reach our beaches, but in Alaska we know it has been arriving.

We saw the first evidence of it last winter, and it arrived ahead of the projected timelines. It is understandable that we were not able to anticipate exactly when the tsunami debris would start arriving, but now that we are starting to see it along the shoreline there is no doubt we need to respond.

Last January, in trying to get ahead of the curve, if you will, I held a roundtable in Anchorage to find out what our State and Federal agencies were doing to prepare for the debris we knew would be coming to our shores, how the interagency work was being coordinated, and how individuals could report sightings and navigational issues.

I think I have mentioned on this floor that I have two sons out on a fishing vessel in the Gulf of Alaska. As they cross the gulf, I wonder if they will encounter debris from the tsunami?

We saw at one point in time a Japanese vessel that was literally a ghost ship, a relic from that tsunami. The Coast Guard took that vessel out of the navigation channels. Alaskans and people who live on the coast are very aware when there is stuff out in the water unchartered and unknown, and we want to understand and know a little bit more.

This past June, I joined the U.S. Coast Guard to see for myself what was washing up on some of Alaska's remote shorelines and our beaches. We flew out of Cordova, AK. We went to Kayak Island. Kayak sticks out from the coastline at an angle that allows it to collect an incredible amount of marine debris on just an average year. So the reason to go to Kayak was to see what might be there other than the typical marine debris, unusual things like nets, ropes, and buoys. We saw real evidence of what is coming our way from the tsunami. We saw colored buoys. We saw large Styrofoam blocks. There was a large container that had washed up very recently.

We have a picture from NOAA that shows some of what we saw washed up there on Kayak Island. These are all the plastic buoys. The black ones, we were told, are what we see more of coming out of Japan.

Now, you may wonder, have we been clearly able to identify whether these items came from Japan or if this was the usual marine debris? NOAA is working to sort all of that out, but there are signs that give us somewhat of an idea of whether what we saw out there on Kayak Island was typical marine debris or not.

Many saw pictures of this huge dock that recently arrived on the coastline in Oregon. Just look at the size here and think: this concrete dock had flotations on either end and traveled all the way across the Pacific literally in one huge slab up onto the Oregon beach. I think when folks looked at that picture, their word was, Wow.

Again, for those who are navigators and fishermen, if they run across something like this in the water it is real evidence of why we need to be concerned.

This next photo is from somewhere in the Pacific. This shows the objects that are creating, again, a hazard to navigation. These same materials are going to end up somewhere on a shoreline, whether it is on our beaches or in our ports. Think about the impact this may have on sensitive habitats, making them unusable, possibly deadly for certain marine animals, such as shore birds and other species that may rely on them.

I think what is important to recognize from these three pictures I have just shown is that we are seeing now the debris that is floating on top or at least partly on top of the water. We are seeing it coming to U.S. shorelines earlier than anticipated because in addition to being carried by the currents from the ocean, this debris is being moved along by the wind.

What we are seeing in Alaska primarily are those buoys that sit up clear out of the water. You can also see fishing boats, building materials, and roofs in this photograph. Again, this is what we can see because it is above the water.

So one of the real questions we need to ask is, What is below the water? What is just below the surface that we can't see?

A couple of weeks ago, I met with some representatives from the Yakutat Tlingit Tribe from Yakutat, AK. Yakutat is in the northern part of the Alaska panhandle, on the eastern side of the Gulf of Alaska. It is a very remote community. It is only accessible by air or by boat. The closest community is hundreds of miles away and, Yakutat is surrounded by National Park Service and Forest Service lands.

So this community—the tribe, city, borough—is meeting weekly to assess the debris that is coming up on their beaches, and they are trying to put together a response. They have done some cleanup along 15 miles of area beaches.

One beautiful beach is called Cannon Beach. It has black sand. It is absolutely gorgeous. I visited it in March, and now we are seeing the Styrofoam, housing foam, and buoys coming up on it and the other beaches near Yakutat. The community estimates that they have about 600 pounds of marine debris per mile. The borough has 1,074 miles of coastline, so this small village community is looking at the possibility of 3,000 tons of debris.

This next picture is actually from Yakutat. This details another problem that our coastal communities are facing. What do we do with this marine debris? Our landfills, particularly in southeastern Alaska, are maxed out or close to being maxed out. This landfill space that is already filling up could very quickly be overwhelmed by tsunami debris. And not only are my residents working to clean up beaches with limited landfills, often they are in very rugged and very remote locations, many with no road to access. Sometimes they can't land a vessel or a boat on the shoreline because it is just too dangerous. So how do we access this debris? That is a challenge.

It is also costly, and we are faced with the question of what do we do with the debris we have collected?

Yakutat is exploring some pretty creative solutions and alternative disposal solutions. Yakutat is one of those communities that has extremely high energy costs. If my memory serves me, I believe they pay in excess of 50 cents a kilowatt hour for their energy. So when they are dealing with challenges and problems, they try to find solutions that help with their high cost of energy.

What Yakutat is looking at now is whether there is the potential for any waste-to-energy technologies that could deal with two problems: clean up debris and support long-term efforts to deal with the high cost of energy. It is kind of a two-for-one. They are trying to figure out how they can turn this problem into an energy source, and in this way they can support long-term community marine debris cleanup efforts. This would be a creative solution for this small remote community, largely on their own and facing truckloads of debris.

Now the State of Alaska has engaged in tsunami debris coordination, and I am told the Alaskan region representatives of various Federal agencies are as well, but headquarters of agencies across the Federal Government really need to be part of the plan and engage creatively to address this accumulating debris.

I don't have my typical Alaska map here that I usually use when I speak, but my State has an incredible coastline—more coastline than the rest of the country put together—and we depend on our marine sources for livelihood and recreation. We value a healthy coastline to support a resilient marine environment. Our fisheries, our tourism, and our coastal communities are so dependent on a strong and sustainable region.

So, think about this from the tourism perspective. When somebody is paying thousands of dollars to come up to Alaska to visit remote, wild areas, they are certainly going to be disappointed if they are greeted by a beach full of Styrofoam or pass by the many debris fields that are accumulating.

Communities up and down the coastline need assurance that the headquarters of various agencies are going to be part of the cleanup plan. In the aftermath of Hurricane Katrina, FEMA compiled a document denoting the debris removal authorities of Federal agencies. That document outlined that the Departments of Agriculture, Commerce, Defense, Homeland Security, and Transportation all had a role to play in debris removal.

So for this reason—and using this federal memorandum as an example—I have asked the White House to establish and lead an interagency task force to plan for tsunami debris. We also need to engage the relevant States, tribes, local governments, and international partners by inviting them to participate in this task force. We all need to work together. We cannot leave a little community like Yakutat and say: Clean up your section of the coastline.

I know private and government Japanese representatives have expressed interest in helping with the debris problem. The ability for Japan to offer experience and technology with waste-to-energy devices could provide a great opportunity for the U.S., Japan and public partnerships to come together and address the debris.

There are many reasons we need to act now. It is a difficult time of year for many of us here in Washington, DC, to think about winter storms. We are enjoying some pretty warm weather here. But we need to recognize and think about what winter weather in Alaska will mean for accumulating debris. We have a lot of areas being impacted by tsunami debris that have already had huge tide swings. If we add that to a winter storm in areas with beaches, some of the debris we see will be buried deep by the sand, and will only be uncovered when snow melts. However even during the spring, accessing the coastline can be challenging due to breakup conditions. We have extreme tides and, of course, the weather will also move the debris up into the tree line, making access and removal even more difficult.

This last picture will give my colleagues some indication of what I am talking about when we think about the Alaska coastline. This is in a part of the State called Montague Island. With good high tides and the weather we get, downed trees are part of the ocean accumulation on the shore. You can see tucked among the trees, kind of sprinkled like confetti, some of the Styrofoam that has washed up. Again, this is marine debris we are seeing. Think about how difficult it will be to access some of this after winter storms.

Where debris lands on rough and rocky shorelines, wave action is expected to break it up. We know that happens, and I am concerned about our marine life, birds and animals consuming smaller plastic particles that have been broken down by this wave action. A piece of Styrofoam that is easy to pick up today because it is reasonably good-sized is going to be much

more difficult to clean up when it has been broken down by wave action. So, again, all of this argues for prompt action.

Maybe the best we can do for now is pick up the debris and store it somewhere. But as we saw looking at the Yakutat picture, storing it in a landfill in most of these communities is probably not going to be feasible. Bailing technology could be available to Alaska communities for about $10,000, and these machines would at least support the voluntary cleanup efforts and provide a means to store the debris rather than force strained landfills to absorb the incoming debris. I throw this out because I think it is important that we get creative about this. We need to be exploring all available technologies to support the most efficient means to handle this tsunami debris and other marine debris for the long run.

Every year I attend an annual alternative energy fair. It is held in the interior part of the State at Chena Hot Springs. We always learn something good and new at this energy fair. Last year, when I was there, I saw a device that is actually in production. It is on-the-shelf technology. It may help turn much of the debris that is hitting our coastline into fuel. The device—I called it a gizmo but I know there is a much more technical term for it—processes plastics into fuel with the capacity to produce as much as 2,400 gallons per day. With fuel at over $6 a gallon in Yakutat, people are looking at this and saying, We can actually take some of the waste, the garbage, the debris, the plastic, and turn that into fuel so we don't have to pay 6 bucks a gallon to fill up a four-wheeler, truck, or boat.

Given the tight budgets across the country, again, I think we need to be creative. We need to identify and deploy all available resources and share information. We need to leverage local knowledge and our coastal residents' proximity to the debris, as well as their vested interest in the cleanup efforts.

Our Federal agencies have regional staff and they have facility resources. Many run programs that are consistent with the objectives of tsunami debris response and mitigation. For those who would suggest, Well, if it has come up on your shore, it is your responsibility; there is no Federal role here; it is up to the States to figure this out, I would remind them that in my State, much of our land is owned by the Federal Government. This picture here is of Montague Island. Montague Island is entirely within the Chugach National Forest. And, in fact, over 60 percent of my State is owned by the Federal Government, so clearly the Federal Government has a role to play in cleaning up the debris.

We also can't forget about the private interests in cleanup. Many industries and private citizens are dependent on our navigable waterways and healthy ecosystems. We need good communication, leadership, and a plan to guide an interagency and public-private approach to solve this challenge during what we all acknowledge are difficult fiscal times. I commend the NOAA marine debris program for their coordination and response to this work, but the fact is they are a small and an overtasked program. They need the help of their Federal partners to address this as a national priority.

I encourage my colleagues to join me in recognizing that marine debris is a national problem as well as a priority, and a comprehensive response to tsunami debris that we are seeing on our shoreline in Alaska and other Pacific States, in addition to Hawaii, is past due.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

CYBER SECURITY

Mr. GRASSLEY. Mr. President, over the last few days we have been lectured numerous times that we must protect cyber critical infrastructure; otherwise, our country is in jeopardy. Everybody agrees with that statement. Enhancing cyber security is important to our national security. I support efforts to strengthen our Nation against critical cyber attacks.

However, I take issue with those who have come to the floor and argued that those who don't support this bill are against strengthening our Nation's cyber security. Disagreements over how to address policy matters shouldn't evolve into accusations about a Member's willingness to tackle tough issues. The debate over cyber security legislation has turned from a substantive analysis of the merits into a political blame game as to which side supports defending our Nation more. If we want to tackle big issues such as cyber security, we need to rise above disagreements and work in a constructive manner. Disagreements over policy should be openly and freely debated.

Unfortunately, this isn't how the debate on cyber security proceeded. Instead, before a real debate began, the majority leader cut that debate off. As the discussion of cyber security began on the floor this week, Senators stated that a failure to grant broad new powers to the Federal Government will lead to a cyber 9/11. I agree that if we fail to take action on cyber security, there could be a national security consequence. However, I don't believe giving the Federal Government more regulatory authority over business and industry, as supporters of this bill propose, is the answer to strengthening cyber security.

Chief among my concerns with the pending bill is the role played by the Department of Homeland Security. These concerns stem from oversight that I have conducted on the implementation of a law called the Chemical Facility Antiterrorism Standards Program. That acronym would be CFATS. CFATS was the Department's first major foray into regulation of the chemical sector.

The Department of Homeland Security spent nearly $½ billion on that program. Now, 5 years later, they have just begun to approve site security plans for the more than 4,000 facilities designated under the rule.

I have continued to conduct oversight on this matter. Despite assurances from the Department of Homeland Security that they fixed all the problems with CFATS, I keep discovering more problems. So now I am baffled why we would take an agency that has proven problems with overseeing a critical infrastructure and give them chief responsibility for our country's cyber security.

Additionally, I am concerned with provisions that restrict the way information is shared. The restrictions imposed under title VII of the bill are a step backward from other information-sharing proposals. This includes the bill I have cosponsored, the SECURE IT bill. The bill before us places the Department of Homeland Security in the role of gatekeeper of cyber threat information. The bill calls for the Department of Homeland Security to share the information in ''as close to real time as possible'' with other agencies. However, this surely will create a bottleneck for information coming into the government.

Further, title VII includes restrictions on what types of information can be shared, limiting the use of it for criminal prosecution, except those that cause imminent harm.

This is exactly the type of restriction on information sharing that the 9/11 Commission warned us about. In fact, the 9/11 Commission said, ''the [wall] resulted in far less information sharing and coordination.'' The 9/11 Commission further added, ''the removal of the wall that existed before 9/11 between intelligence and law enforcement has opened up new opportunities for cooperative action.''

Why would we even consider legislation that could rebuild these walls that threaten our national security? How much of a real debate have we had on those issues I have raised? The lack of a real process in the Senate on this very bill amplifies my substantive concerns.

In fact, this is eerily reminiscent of the debate surrounding the health care reform bill. During that time, then-Speaker of the House PELOSI declared, ''We have to pass the bill so that you can find out what is in it.'' Well, we all know how well that worked out. Years of litigation later, the public is still learning what surprises the majority and President Obama had in store for the Nation's health care system.

Now here we are, once again, in the last week before our August summer break, tackling a serious problem that hasn't been given full process.

I do not want cyber security legislation to become another health care reform bill. If we are serious about our

Nation's security, then shouldn't we treat it as serious as it really is? We all agree how serious it is.

We are told that the Senate has been working on cyber security for 3 to 5 years. However, we have not been working on this bill before us for that long. The bill before us was introduced 13 days ago, and it was only pending on the floor for 4 days before the motion for cloture was filed. It did not go through the normal committee process. It was not debated or amended. Instead, it was brought straight to the floor, and we are being forced to consider it under a very rushed schedule.

Talking about the danger of cyber attacks for years is not the same as discussing the impact of the actual text of the bill which could become law. The words on the 212 pages of the bill are what must be analyzed, and analyzed in detail.

In fact, no one, except a handful of Senators, actually knows what the bill says or might say. And, of course, that is a process that debate in the U.S. Senate accomplishes or at least tries to accomplish.

We need full process and, unfortunately, that has not happened, and it does not look as if it will happen. Why won't it happen? Because the majority leader has limited debate. This week we were told that a group of Senators and their staff were working on a compromise.

Again, that is something all of us as a body do not know much about. We need an open debate in order to process this, as opposed to huddled, backroom meetings.

I do not think this is the way we are supposed to legislate. The people who elected us expect more. They expect transparency because they know when you get transparency, you have accountability.

How many Senators are prepared to vote on something this important without knowing its impact because we have not followed regular order? Are we to once again pass a bill so that the American public can then, at that time, find out what is in it a la Speaker PELOSI's statement on health care reform?

These are questions that all Senators should consider. And our citizens should know in advance what we are actually considering.

Yesterday, we heard claims that the amendments offered by Republicans were part of some obstructionist tactic. Why isn't the same statement made about the 77 or so amendments filed by Democrats? Somehow, are they acceptable and not obstructionist?

I had three amendments that addressed specific provisions in the bill, and I wanted to have a debate on them.

For example, I have an amendment to strike the provision in the bill that creates a cause of action against the Federal Government. What does that cause of action do? That provision waives sovereign immunity, provides for automatic damages, and provides for an award of attorney's fees.

This provision is, obviously, a gift to the trial lawyers lobby, which American taxpayers should not have to pay for. And I do not think class action lawsuits against the government will help with cyber security.

Another amendment of mine would have removed industry-specific carveouts from the bill. This is another example of how backroom deal making takes place so as to get support and build support for a bill. We saw this happen with the health care reform bill. You know the famous ''Cornhusker Kickback'' that was agreed to in order to pass ObamaCare, and this process reminds me of that.

Here, to get support from companies in the information technology industry, the bill clearly states those companies cannot be identified as critical cyber infrastructure. So to build support for this bill—but without people knowing what is in the bill—the authors carved out these companies from having to comply with the bill.

For example, under this carve-out, say an information technology company builds a router that has a flaw that is exploited by hackers. That router is purchased by every sector of the critical infrastructure, including power, water, and probably a lot of others that I ought to be able to name.

If that router flaw is exploited, and if that is attacked, the companies that bought the router are held responsible. However, the company that made the faulty router is not.

It is obvious how absurd this is. It is obvious how much of a major giveaway to a key industry it is, just to give the appearance of private sector support. This is not how we should handle cyber security, and I have an amendment to strike this provision. We should openly debate this issue and discuss whether this is the right course of action to give a carve-out to a specific segment of industry.

Again, the carve-out was a deal cut with one purpose: to limit opposition to the bill. Well, that was not good policy in 2009 on the ''Cornhusker Kickback'' in the health care reform debate, and we should learn from that lesson that it is, obviously, not good policy in 2012.

I also know that Senator RON JOHNSON of Wisconsin had an amendment that the Congressional Budget Office issued a score on the cost of the bill before it could take effect.

Why were the supporters of the bill opposed to doing that? Do they believe they have a right to spend millions or billions of taxpayers' dollars at will without making the amount public? Are the supporters of the bill really prepared to vote for this bill without revealing how much it will cost?

But I will not get a chance to debate my amendments or Senator JOHNSON's amendment before the cloture vote because that is how the majority leader runs the U.S. Senate.

There are serious questions about this bill. It needs to be amended. We need to discuss changes. Unfortunately, it does not look as though that is going to happen.

I know some will, again, say that this has been a long process. The only thing true about that statement is that the issue and problem has been discussed for a long time—but not discussed for a long time on this bill.

If we are serious about addressing this problem, then let's deal with it appropriately. Rushing something through that will impact the country in such a massive way is not the way the most deliberative body in the world, the U.S. Senate, should do its business. It is not good for the country, and it is, obviously, not good for the reputation of the U.S. Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I understand my distinguished colleague from Oklahoma has asked consent to speak at 6:30 p.m. I will take about 10 or 15 minutes, which would put us about 5 minutes past that time. So I ask unanimous consent to speak for about 15 minutes, if that is acceptable to the Senator.

Mr. INHOFE. That is perfectly all right. And I ask unanimous consent that at the conclusion of the remarks of my friend from New Jersey I be recognized for 30 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New Jersey is recognized.

Mr. MENENDEZ. I thank the Presiding Officer and I thank my colleague for his courtesy.

DEATH OF OSWALDO PAYA

Mr. President, while we are focused on issues here at home—and certainly we should be—there are incidents taking place around the world, and those of us who care about freedom and democracy and human rights, those of us like myself who sit on the Senate Foreign Relations Committee, also have our focus on what is happening in other places in the world.

I come to the floor to talk about the violence and repression that continues in the country of Cuba—this time in a dramatic and brazen attempt to exercise power through fear and intimidation over those who want nothing more than to see the day when the people of Cuba are free—and against members of the international community.

Once again, I am forced to come to the floor to put a spotlight on what is happening inside of Cuba and all those who put their lives on the line for freedom and human rights around the world.

The information we are receiving from both public reports and other information from Cuba concerning the circumstances surrounding the death of Oswaldo Paya—the island's most prominent and respected human rights advocate—is disturbing. It underscores the continued brutality and repression

of the Castro regime, and it demands a response from the international community, as well as from ourselves as part of that community.

The facts as we know them are that 50 prodemocracy activists were arrested and detained at the funeral—at the funeral—of Oswaldo Paya. At a funeral—they were not demonstrating, they were not marching or carrying signs, they were not engaged in acts of civil disobedience of any kind. They were not violating any laws. They were attending a funeral.

Hundreds gathered peacefully. Family, friends, and those who want nothing more than a free and democratic Cuba were at a funeral mourning the death of their hero, Oswaldo Paya.

But the arrest and detention of 50 dissidents who were mourning the loss of a friend and loved one is not the whole story of how far this regime will go.

The circumstances surrounding Oswaldo Paya's death leave any reasonable person to wonder what may have really happened on that road in Cuba that ended in the tragic automobile accident that took the life of Oswaldo Paya.

Paya's daughter Rosa Maria Paya immediately challenged the regime's version of events, stating that the family had received information from the survivors that their car was repeatedly rammed—rammed—by another vehicle.

She said:

So we think it's not an accident. They wanted to do harm and then ended up killing my father.

The family also said that Oswaldo Paya was targeted in a similar incident 2 weeks earlier in Havana. The same thing: an effort as they were driving to ram them off the road. In retrospect, the family now sees that incident as a warning from the regime.

What we know is the car, driven by a politician from Spain, Angel Carromero, a citizen of Spain, and Aron Modig, an activist in Sweden, was involved in the fatal automobile accident that killed Paya and his Cuban colleague Harold Cepero.

Of course, we have no proof of that. But we do know Carromero and Modig survived the accident, and they obviously know exactly what happened that day. These are two individuals—one is a Spanish citizen, the other one is a Swedish citizen—who were involved in helping Paya promote, from an international perspective, the views of his civil society movement toward peaceful change in democracy and human rights.

But instead of getting the two survivors' real story, in a demonstration of the twisted nature of the Castro regime, the Cuban Ministry of Interior detained, without consular access, the two foreigners who survived the crash and then paraded Modig, the Swede, before a Ministry of Interior press conference, where he was clearly forced to apologize for working with Paya and ''illegally aiding the Cuban opposition.''

The driver of the car, Carromero, the Spanish citizen, was less lucky than his Swedish colleague. It appears he will not be allowed to speak freely for years to come, courtesy of the Castro regime. They have formally charged him with vehicular manslaughter in the crash.

Carromero, like Modig, was forced to offer a mea culpa, which was made available in a video presentation hosted by Castro's nefarious Ministry of the Interior.

The regime's logic has to boggle the mind of any reasonable person who cares about the rule of law.

It is also my understanding, according to reports from Cuba, that—in a move typical of the Castro regime—Spanish diplomats were prohibited from seeing or meeting with Carromero until yesterday.

Meanwhile, the grieving widow of Oswaldo Paya has expressed outrage and has rejected Castro's official report regarding the death of her husband and the circumstances surrounding the accident which has now blamed the accident on the actions of Angel Carromero, who was driving the car.

Paya's widow has said: ''Until I'm able to speak with Angel or with Aron, the last two people who saw my husband alive, have access to the expert reports, and have the advice of people independent of the Cuban government, I can have no idea what really happened that day.''

I cannot be certain that the regime killed Oswaldo Paya, but the circumstances of his death are highly suspicious. There is no question that the regime had no motive to kill Oswaldo Paya. Oswaldo Paya was most—one of the most prominent opponents of the Castro dictatorship, a Catholic activist who funded the Christian Liberation Movement in 1988.

He is best known for the Varela Project, a petition drive he launched in 2002 that called for free elections and other rights. That drive led the Cuban Government to adopt a constitutional amendment making the Communist system in Cuba irrevocable. It followed that with the 2003 Black Spring, which arrested 75 of the most prominent Cuban activists in that year.

Paya had become the most known, most visible face of Cuba's peaceful opposition movement. The European Parliament awarded him the Sakharov Prize for Freedom of Thought in 2002. That year, he was also nominated for a Nobel Peace Prize by hundreds of parliamentarians in a campaign led by his friend Vaclav Havel, the Czech Republic President.

Paya was determined that Cuba and Cubans should enjoy the benefits of freedom and democracy and he committed his life to that cause and he may very well have lost his life to that cause. We cannot continue to turn our backs on those inside Cuba struggling in peaceful ways to promote democracy and human rights. We cannot allow the violence and the repression, the brutal detentions to continue without consequence. We cannot allow innocent members of the international community to be brutalized and victimized by the Castro brothers so they can hide the truth without the international community standing together and holding them accountable for their repressive and illegal actions.

Will the Castro regime stop at nothing, nothing to repress the rights of its people? Can we turn our back on the rule of law on the Cuban people, on the facts of this case, on Mr. Carromero or can we once again have that wink and nod and say: Oh, well, you know, it has been over 50 years; things are changing for the better in Cuba, and we should let bygones be bygones, as people languish in jail, as people die at the hands of the regime, as we see the hunger strikers who give up their lives because of the brutality they are facing, to try to rivet the world's attention in this regard.

Some say we should permit Castro's hooligans to parade across our Nation, which we seem to give visas to, spewing lies while American Alan Gross sits in a prison simply because he brought some communications equipment for the Jewish community in Havana to be able to collaborate and to inform each other. That was his crime. He has now been in prison, a U.S. citizen, for 2 years, languishing in Castro's jails, not to mention thousands of Cuban political prisoners who suffer in Cuban prisons.

As I have said on this floor over and over, to me, the silence is so deafening from so many of our colleagues. They may have a different view than I do about how we promote democracy, but I do not hear them speak out about these human rights abuses, about the deaths in Castro's prisons, about those who can get knocked off the side of a road and killed. The silence in that respect is deafening.

So there are some of us who are committed to making sure that silence is broken. Today, I am asking my colleagues to join me in sending a letter to Ban Ki-moon, the Secretary General of the United Nations, demanding that the United Nations and the Human Rights Council immediately undertake a full and thorough investigation of the circumstances surrounding Oswaldo Paya's tragic death and the detention of Angel Carromero. We must demand the truth about these tragic events that took the life of Cuba's most devoted human rights advocate.

I hope our colleagues will join us in that respect. We have supported democracy movements around the world. They have often made a big difference, from Vaclav Havel, Lech Walesa, Soviet Jewry, Alexander Solzhenitsyn, and so many others. When we side on behalf of those struggling against repressive regimes for democracy and human rights, it makes a difference. It can make a difference in this regard as well.

I am hoping our colleagues will join us in helping break the silence, on behalf of the memory of Oswaldo Paya and on behalf of all those who lose their lives every day or their liberty simply because they peacefully choose to try to change the nature of the country in which they live. It is something America should be a beacon of light for, something I hope we can shine very brightly, and in doing so, create a protective element to those who are peacefully trying to create change inside Cuba. We should do no less.

ALAN GROSS

Ms. MIKULSKI. Mr. President, 32 months almost 3 full years. That is how long Maryland native Alan Gross has been held by Cuba as a political prisoner.

Alan Gross went to Cuba in 2009 on an USAID contract to help install wireless Internet. The Cuban government responded by putting him in jail. They declared him a spy, ran a sham trial and sentenced him to 15 years in prison.

Alan Gross is from Potomac, MD, and like me, studied social work at the University of Maryland. I have met his wife on numerous occasions. Her focus and strength are truly inspiring. While her husband has been held in a Cuban prison, she has held down the fort and held the pressure on the Cuban government for its poor treatment of her husband.

And Alan Gross has held strong in the face of his unfair imprisonment. To maintain his physical and mental strength, he would pace his room and do pull ups. Unfortunately, however his health has declined. He has lost more than 100 pounds, is having difficulty walking, and—most worryingly—has had a mass develop behind his shoulder. Rather than act humanely, the Cuban government has been reluctant to share information on Mr. Gross's medical condition.

At home, Mr. Gross's mother is facing inoperable lung cancer and the family is concerned he will not have a chance to say goodbye. That is why the Gross family petitioned the Cuban government to allow him to come home for 2 weeks to see his mother for her 90th birthday.

This request was made following a U.S. Federal judge's humane decision to allow a Cuban intelligence agent on probation in the United States to return home to see his ailing brother. Their plea was met with silence.

Cuba has held Alan Gross as a political hostage, trying to leverage their possession of an American citizen for concessions from the United States. While Cuba might oppose U.S. policy, it has a responsibility to behave humanely to its people.

I want to thank Senator Dodd for his continued focus on the detention of Alan Gross. The Senator has been one trying to improve relations between the United States and Cuba, but has put those efforts on hold because of their unwillingness to release Mr. Gross. I appreciate his decision and his unrelenting work to see Mr. Gross freed.

And most importantly, I want to send my thoughts and prayers to Mr. Gross, his wife Judy and their family. I think about you every day and am hopeful your family will be reunited soon. The pain you face is unfair, but the strength you show is inspiring. I promise we will continue to work to bring Alan back to Maryland.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Oklahoma.

GLOBAL WARMING

Mr. INHOFE. Mr. President, when we came back to session this week, I was pleased to see a very good friend of mine on the floor, of a completely different philosophy from mine and a different background and a different State, talking about—being somewhat critical of my position on global warming, which everybody knows I have been involved in for some 12 years since the Koyoto treaty, which was never before us.

Nonetheless, I appreciated the fact that we had a chance to resurrect that issue because, to my knowledge, nobody has uttered the term ''global warming'' since 2009. It has been completely refuted in most areas. But I was pleased to hear my good friend from Vermont talking about it because he and I have a very honest relationship with each other but a total disagreement. We are able to go over those things.

Then again today two things happened. First of all, we had the senior Senator from Massachusetts come down to the floor and was somewhat quite critical of me and anyone who is a skeptic. I think it is important to realize that to understand—so you understand, when we are talking, what we are referring to.

Those people who believe the world is coming to an end because of global warming and that is all due to manmade anthropogenic gases, we call those people alarmists. Those people such as myself who have looked at it very carefully and have come to the conclusion that is not happening and the fact or the assertion that global warming is occurring today and it is occurring because of the release of CO_2 and anthropogenic gases, methane, and such as that, it is a hoax, which I said way back in 2003. This became quite a charge to a lot of people, a hoax that—the fact that all of this is happening is due to manmade gases. I believe it is the greatest hoax ever perpetrated on the American people.

As a result of that, a lot of people are trying to do things to this country that are detrimental. By the way, we also had this morning—it was enjoyable. This is the first time since 2009 that the Environment and Public Works Committee has had a hearing on global warming, on the science or lack of science behind global warming.

I was delighted to see all these things resurrected. I know it is not proper to talk about your own books on the floor, and I do not do it, except I have to do it because it was mentioned by some of my adversaries, my book which was called ''The Greatest Hoax.'' Things were taken out of this book so I had to defend them. Let me just mention, if I can in this fairly short period of time that I have, I think it is only 30 minutes, some of the things that were stated, first of all, on the floor by the senior Senator from Massachusetts and then make some comments about the hearing this morning.

In fact, I am glad it is coming to the surface again. First of all, I was referred to as a ''skeptic.'' I mentioned just now that skeptics are those who do not believe what I referred to as the hoax. He referred to us as ''flat earthers.'' I learned a long time ago that if they do not have logic on their side, they do not have the science on their side, they respond with name calling. I have been called a lot of names. Let me just name a few. This comes right out of the book and some of the things that were said this morning. The ''noisiest climate skeptic,'' ''the Senate's resident denier bunny,'' ''traitor,'' ''dumb,'' ''crazy man,'' ''science abuser,'' ''Holocaust denier,'' ''villain of the month,'' ''hate filled,'' ''war mongering,'' ''Neanderthal,'' ''Genghis Khan''. It goes on and on. I will submit this for the RECORD.

But quite often we hear these things, it is only because there is not logic or science on their side. So they do name calling, which is fine. To me, that gets attention, and it needs to have the attention. The second thing, one of the other things that came out this morning, the statement was made by the senior Senator from Massachusetts, and I am quoting now, I believe: There are 6,000 peer-reviewed studies that say that no one peer-reviewed study that proves it is not happening.

There is not one, not one peer-reviewed study. A peer-reviewed study is a study that is published and then the peers review it. I think that is a process that is necessary. Consequently, that statement was made. That statement just flat is not right. In fact, let me go ahead and talk about some of these studies. If we look at the Harvard-Smithsonian study, that was a study which examined the results of more than 240 peer-reviewed papers published by thousands of researchers over the past four decades.

The study covers a multitude of geophysical and biological climate indicators. They came to the conclusion—this is a Harvard-Smithsonian peer-reviewed study. They came to the conclusion that climate change is not real, that the science is not accurate.

Dr. Fred Seitz. Dr. Fred Seitz is a former president of the National Academy of Science. He said: ''There is no convincing scientific evidence that human release of carbon dioxide, methane or other greenhouse gasses is causing or will in the foreseeable future

cause catastrophic heating of the earth's atmosphere and disruption of the earth's climate.''

I would like to pause at this moment, because I see the majority leader on the floor of the Senate, and inquire if they care to have some leadership time. I would be very glad to yield to them that time. Apparently, that is not the case.

Thirdly, this is something that happened very recently. One of the universities, George Mason University, surveyed 430 weathercasters and found that only 19 percent of the weathercasters felt catastrophic global warming is taking place and is a result of human activity.

That is quite a change from what it used to be. That means 81 percent of those weathercasters that we all see every night are saying that is not true.

Dr. Robert Laughlin, a Nobel Prize-winning Stanford University physicist, said:

> Please remain calm. The earth will heal itself. Climate is beyond our power to control. The earth doesn't care about government and legislation. Climate change is a matter of geologic time, something the earth does on its own without asking anyone's permission or explaining itself.

I think the statement is certainly not an accurate statement that was made this morning. By the way, in terms of the climate change, I would like to suggest there is a Web site called Climate Depot by Marc Morano. In this, we can find multitudes of peer-reviewed studies. There is not time to go over them all, but we certainly can find them on that particular Web site.

Another statement made by the senior Senator from Massachusetts this morning was when they were talking about a former climate skeptic, Richard Muller, M-u-l-l-e-r. He changed his mind through extensive research, implying he at one time was a skeptic and he is now an alarmist. Let me tell you about Richard Muller. In 2008 Richard Muller said that the bottom line is that there is a consensus. The Intergovernmental Panel on Climate Change—we will talk about that later. The President needs to know what the IPCC says. Second, they say that most of the warming of the last 50 years is probably due to humans. You need to know that this is from carbon dioxide and that you need to know the understanding of the technology.

Mr. President, I was talking about and responding to the speech made on the floor this morning by the senior Senator from Massachusetts.

I think the main thing I got across at that time was the assertion that was made that there are 6,000 peer-reviewed studies that say not one peer-reviewed study proves that global warming is not happening and that anthropogenic gases would be the cause of it. I know it wasn't the intention of the senior Senator from Massachusetts to say something that was factually wrong, but I did read several peer-reviewed studies and referred to the Web site climatedepot.com, if anyone is interested in that.

Second is the fact that the Senator from Massachusetts—and then again in the hearing this morning, Richard Muller was referred to several times as being a former skeptic who converted over to an alarmist. I suggested—and I read something to show that, in my opinion, he never was a skeptic. I would like to make some comments about Richard Muller.

If you go to my Web site, you will find about 1,000 scientists who have come around and said: No, this assertion that we are having catastrophic global warming due to anthropogenic, manmade gases is not correct. Muller is not on that list. However, when they say that he is the one and made such a big issue, I will quote a couple people about their expressing themselves on the credibility of Richard Muller.

Professor Judith Curry, a climatologist at the Georgia Institute of Technology, stated ''way over-simplistic and not at all convincing, in my opinion.'' She was talking about the comments by Muller. She also said, ''I don't see that their paper adds anything to our understanding of the causes of the recent warming.'' That is on the paper submitted by Richard Muller.

Roger Peilke, Jr., said that the ''bigger issue is how the New York Times let itself be conned into running [Muller's] op-ed.''

Michael Mann is the guy who started this whole thing at the U.N., putting it together. He had the hockey stick thing that has been totally discredited. He said:

> It seems, in the end—quite sadly—that this is all really about Richard Muller's self-aggrandizement.

So much for the statements that were made to give credibility to their side by Richard Muller.

I think another thing that was stated this morning was we have evidence of climate change all around—wildfires, drought and vegetation, and all that type. Then they talked about glaciers. Well, let me just share the facts about that, which I think are very significant, as far as the droughts and all that are concerned. Again, this is a statement made by the senior Senator from Massachusetts this morning, talking about all these things that are happening as a result of global warming.

Well, hurricanes, according to NOAA, have been on the decline in the United States since the beginning of records in the 19th century. The worst decade for major—category 3, 4, and 5—hurricanes was in the 1940s.

To quote the Geophysical Research Letters:

> Since 2006, global tropical cyclone energy has decreased dramatically . . . to the lowest levels since the late 1970s. Global frequency of tropical cyclones has reached a historic low.

So just the opposite.

On tornadoes, NOAA scientists reject a global warming link to tornadoes. To quote them:

> No scientific consensus or connection between global warming or tornado activity.

Droughts. The Senator talked about droughts this morning. Reading from this article, the headline is ''Scientist disagrees with Obama on cause of Texas drought:'' and to quote Dr. Robert Hoerling, a NOAA research meteorologist, ''This is not a climate change drought.''

They further said severe drought in 1934 covered 80 percent of the country compared to only 25 percent in 2011.

The statements that were made about the Arctic and about Greenland this morning, if you look at a November 2007 peer-reviewed—and I stress peer-reviewed—study, conducted by a team of NASA and university experts, it found cyclical changes in ocean currents impacting the Arctic. The excerpt from this peer-reviewed study by NASA says:

> Our study confirms that many changes seen in upper Arctic Ocean circulation in the 1990s were mostly decadal in nature, rather than trends caused by global warming.

And 2011 sees 9,000 Manhattans of Arctic ice recovery since the low point in 2007.

Let me explain what that means. When we talk about the Manhattan Arctic recovery, they use Manhattan because that is something people can identify with, and then they relate that to the recovery of ice. In this case—this is, again, from NASA. In 2011, there were 9,000 Manhattans of Arctic ice recovery since the low point in 2007. Now, this study was 2011. So that means the low point was actually below that, and it has been decreasing since that time.

Now, that was the Arctic. In the Antarctic there is a 2008 peer-reviewed paper in the American Geophysical Union, and it found a doubling in snow accumulation in the western Antarctic Peninsula since 1850. In a paper published in the October Journal of Climate Examples, the trend of sea ice extends along the east Antarctic coast from 2000 to 2008 and finds a significant increase of 1.43 percent per year.

Let's talk about Greenland. And I will always remember when I had occasion—well, one of the things I have been interested in is aviation. I have been an active pilot for, I guess, 60 years now. The occupier of the chair is fully aware of this because he and I together were able to pass the pilots' bill of rights, so for the first time an accused pilot has access to the judicial system. But as the occupier of the chair is fully aware, I had occasion to fly an airplane around the world one time, emulating the flight of Wiley Post when he went around the world. It is an exciting thing, but it is one of those things where you feel you are glad you did it, but you never want to do it again. It was kind of miserable at times.

Anyway, I remember coming across Greenland, following Wiley Post, and starting in the United States, going up to Canada, then Greenland, to Iceland,

back to western Europe, and then across Siberia. But in Greenland they are still talking up there about what it used to be like in Greenland. They had gone through this melting period where everyone up there was growing things. They were ecstatic up there, talking about the great old times. Then, of course, the cold spell came along, and it got much colder and it was much worse.

Now, the IPCC, in 2001, covered this. They said that to melt the Greenland ice sheet would require temperatures to rise by 5½ degrees Celsius and remain for 1,000 years. The ice sheet is growing 2 inches a year. So that is Greenland, and they were just talking about Greenland this morning. In fact, they talked about it during this hearing too.

Let me mention this IPCC and remind everyone of something that people tend to forget. The IPCC is the Intergovernmental Panel on Climate Change. It was put together by the United Nations a long time ago. It all started in 1992 down in Rio de Janeiro. They had their big gathering down there to try to encourage everyone to pass the Kyoto Treaty. The treaty was never even submitted by the Clinton-Gore administration, although Gore went to this big meeting in Rio de Janeiro. They had a wonderful time down there. At that time they were all saying the world is coming to an end so we have to pass the Kyoto Treaty to stop all that. Well, that is the IPCC that I have been very critical of because that is the science on which all of these things are based that we are dealing with today.

So much for these things that were stated in terms of the disasters and the droughts and all of these problems. The next thing he talked about—and I have already talked about Greenland—is he talked about it is going to be necessary to have carbon caps. I think we talked about that this morning. Right now, there are those people who are advocating cap and trade—a very complex, difficult thing to explain—which is essentially requiring a cap on carbon emissions and then trading these emissions back and forth. That is something they do not talk about anymore because that has been completely discredited. Now they are talking about a carbon tax, and I think that was mentioned this morning.

Quoting the Senator from Massachusetts this morning once again:

> The avoidance of responsibility has to stop. We have been waiting for 20 years now while other countries, including China, are stealing our opportunities.

Let's put up that chart. Let's talk a little about China. You know China is the great beneficiary of anything we do here to put caps on carbon because they are the ones that are doing it. So they say China is making great strides in reducing their carbon emissions. Well, look at this. The green line there is China. This is in emissions—billions of tons of emissions. It starts down at 2, a little over 2, which was in 1990, and it was fairly low until 2002.

Look at what has happened. It has doubled in tons of emissions. China has actually doubled in that period of time, from 2002 to 2012—a 10-year period.

At the same time, we have actually reduced our emissions—both the United States and the European Union. To suggest that China is sitting back there waiting for us to provide the leadership for them to destroy their economy is pretty outrageous.

By the way, the other statement that has been made in the past, not just by the Senator to whom I have referred but several others, is that we are not going to be able to solve the problem and to do something about our reliance upon the Middle East just by developing our own resources. That is wrong.

There is a guy named Harold Hamm, who is now the authority, and he has actually had more successful production in tight formations. He happens to be from my State of Oklahoma. I called him up before a speech or a debate I was involved in probably 6 months ago, and I said to Harold Hamm: You know, if we were to open up the United States—now, granted, there has been a surge in the production in this country, in the recovery, but that is all in private lands; none in public lands because we have had a reduction in public lands.

The Obama administration has said over and over and over—and I guess if you say something wrong enough times people will believe it—that even if we open these public lands it would take 10 years before that would arrive at the pumps.

So I asked Harold Hamm, and I said: You are going to have to give me something you can document, but if we were to set up in New Mexico, for example, where you are precluded on public lands from drilling, and you put up your operation, how long would it take you to bring up the oil and actually go through the whole refinery process and get it to the pump to get the supply there so we can bring down the price of oil, of gas, at the pumps? He said: Seventy days. He didn't hesitate.

I said: Seventy days? They said it would take 10 years.

He said: No. He said: It would take 30 days to go down and lift it up—60 days before you hit the surface, and in preparation of sending it to a refinery, then in 10 days you get it to the refinery and to the pumps.

Well, I am just saying there is this whole idea we have to rely on some kind of green energy that has not even been developed yet in terms of technology and ration what we have in this country. I mean, this Obama administration has had a war on fossil fuels since before he was elected President of the United States. He wants to kill fossil fuels. We all know that. And I am not going to quote all the people in his administration who say we are going to have to raise the price at the pumps to be comparable to Central Europe before people will be weaned off of fossil fuel because I think people know that now.

This morning was kind of interesting. We had a hearing this morning, and one of the witnesses was a Dr. Christopher Field. He was a witness for the other side, and he made a lot of statements. It was kind of interesting because there is an article that was sent out, written by Roger Pielke, Jr., who is from the University of Colorado at Boulder, and he was actually on the IPCC at one time. But he is one of the authorities who disagrees with me, and he talked about how wrong Dr. Field was.

Now, this is what Field said, first of all:

> As the U.S. copes with the aftermath of last year's record-breaking series of $14 billion climate-related disasters and this year's massive wildfires and storms, it is critical to understand that the link between climate change and the kinds of extremes that lead to disasters is clear.

Well, what did Roger Pielke say this morning? He said:

> Field's assertion that the link between climate change and disaster ''is clear,'' which he supported with reference to U.S. ''billion dollar'' economic losses, is in reality scientifically unsupported by the IPCC. Period.

That was the response to the assertion made this morning.

Another assertion made this morning by Field was:

> The report identified some areas where droughts have become longer and more intense (including southern Europe and west Africa), but others where droughts have become less frequent, less intent or shorter.

This is what was said in response to that. Again, this is Dr. Roger Pielke, Jr., just today. This is in today's paper he published.

> Field conveniently neglected in his testimony to mention that one place where droughts have gotten less frequent, less intense or shorter is . . . the United States. Why did he fail to mention this region, surely of interest to U.S. Senators. . . .

Myself included—that were on the panel?

The third thing he mentioned on NOAA's billion-dollar disasters; Field said:

> The U.S. experienced 14 billion-dollar disasters in 2011, a record that far surpasses the previous maximum of 9.

Field says nothing about the serious issues with NOAA's tabulation. The billion-dollar disaster memo is a PR train wreck, not peer-reviewed, and is counter to the actual science summarized in the IPCC. Again, this is Dr. Pielke, Jr., who disagrees with me on this, but he said he is tired of people saying things that are not true.

I ask unanimous consent to include his entire statement in the RECORD because he goes over point after point and discredits everything that was said by this witness—whose name is Christopher Field—this morning.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ROGER PIELKE JR IPCC LEAD AUTHOR MISLEADS US CONGRESS

The politicization of climate science is so complete that the lead author of the IPCC's Working Group II on climate impacts feels comfortable presenting testimony to the US Congress that fundamentally misrepresents what the IPCC has concluded. I am referring to testimony given today by Christopher Field, a professor at Stanford, to the US Senate.

This is not a particularly nuanced or complex issue. What Field says the IPCC says is blantantly wrong, often 180 degrees wrong. It is one thing to disagree about scientific questions, but it is altogether different to fundamentally misrepresent an IPCC report to the US Congress. Below are five instances in which Field's testimony today completely and unambiguously misrepresented IPCC findings to the Senate.

1. On the economic costs of disasters:

Field: ''As the US copes with the aftermath of last year's record-breaking series of 14 billion-dollar climate-related disasters and this year's massive wildfires and storms, it is critical to understand that the link between climate change and the kinds of extremes that lead to disasters is clear.''

Field's assertion that the link between climate change and disasters ''is clear,'' which he supported with reference to US ''billion dollar'' economic losses, is in reality scientifically unsupported by the IPCC. Period. There is good reason for this—it is what the science says. Why fail to report to Congress the IPCC's most fundamental finding and indicate something quite the opposite?

2. On US droughts:

Field: ''The report identified some areas where droughts have become longer and more intense (including southern Europe and West Africa), but others where droughts have become less frequent, less intense, or shorter.''

What the IPCC actually said: . . . in some regions droughts have become less frequent, less intense, or shorter, for example, central North America. . .''

Field conveniently neglected in his testimony to mention that one place where droughts have gotten less frequent, less intense or shorter is . . . the United States. Why did he fail to mention this region, surely of interest to US Senators, but did include Europe and West Africa?

3. On NOAA's billion dollar disasters:,

Field: ''The US experienced 14 billion-dollar disasters in 2011, a record that far surpasses the previous maximum of 9.''

What NOAA actually says about its series of ''billion dollar'' disasters: ''Caution should be used in interpreting any trends based on this [data] for a variety of reasons''

Field says nothing about the serious issues with NOAA's tabulation. The billion dollar disaster meme is a PR train wreck, not peer reviewed and is counter to the actual science summarized in the IPCC. So why mention it?

4. On attributing billion dollar disasters to climate change, case of hurricanes and tornadoes:

Field: ''For several of these categories of disasters, the strength of any linkage to climate change, if there is one, is not known. Specifically, the IPCC (IPCC 2012) did not identify a trend or express confidence in projections concerning tornadoes and other small-area events. The evidence on hurricanes is mixed.''

What the IPCC actually said: ''The statement about the absence of trends in impacts attributable to natural or anthropogenic climate change holds for tropical and extratropical storms and tornados''

Hurricanes are, of course, tropical cyclones. Far from evidence being ''mixed'' the IPCC was unable to attribute any trend in tropical cyclone disasters to climate change (anywhere in the world and globally overall). In fact, there has been no trend in US hurricane frequency or intensity over a century or more, and the US is currently experiencing the longest period with no intense hurricane landfalls ever seen. Field fails to report any this and invents something different. Why present testimony so easily refuted? (He did get tornadoes right!)

5. On attributing billion dollar disasters to climate change, case of floods and droughts:

Field: ''For other categories of climate and weather extremes, the pattern is increasingly clear. Climate change is shifting the risk of hitting an extreme. The IPCC (IPCC 2012) concludes that climate change increases the risk of heat waves (90% or greater probability), heavy precipitation (66% or greater probability), and droughts (medium confidence) for most land areas.''

What the IPCC actually says: ''The absence of an attributable climate change signal in losses also holds for flood losses'' and (from above): ''in some regions droughts have become less frequent, less intense, or shorter, for example, central North America''

Field fails to explain that no linkage between flood disasters and climate change has been established. Increasing precipitation is not the same thing as increasing streamflow, floods or disasters. In fact, floods may be decreasing worldwide and are not increasing the US. The fact that drought has declined in the US means that there is no trend of rising impacts that can be attributed to climate change. Yet he implies exactly the opposite. Again, why include such obvious misrepresentations when they are so easily refuted?

Field is certainly entitled to his (wrong) opinion on the science of climate change and disasters. However, it utterly irresponsible to fundamentally misrepresent the conclusions of the IPCC before the US Congress. He might have explained why he thought the IPCC was wrong in its conclusions, but it is foolish to pretend that the body said something other than what it actually reported. Just like the inconvenient fact that people are influencing the climate and carbon dioxide is a main culprit, the science says what the science says.

Field can present such nonsense before Congress because the politics of climate change are so poisonous that he will be applauded for his misrepresentations by many, including some scientists. Undoubtedly, I will be attacked for pointing out his obvious misrepresentations. Neither response changes the basic facts here. Such is the sorry state of climate science today.

Mr. INHOFE. It is important to talk about the IPCC because if we stop and think about it, everything that has been happening comes from the science that was investigated and formulated by the IPCC—Intergovernmental Panel on Climate Change—that is, the United Nations. In my book I talk a little bit about that, but I don't believe it would be appropriate to mention it at this time. But at today's hearing, we talked about the IPCC.

When they were unable, through about five or six different bills, to get cap and trade through—keep in mind, cap and trade through legislation would cost the American people between $300 billion and $400 billion a year. But when that failed, we had something happen in December 2009.

The United Nations has this big party every year, and they invite countries from around the world to testify that global warming is happening and they are going to do something about it. One time in Milan, Italy, I saw one of my friends from West Africa. I said, What in the world are you doing here? You know better than this—in terms of global warming. He said, This is the biggest party of the year. Besides that, if we agree to go along with this, we in West Africa are going to get billions of dollars from the United Nations, from those countries in the developed nations.

Another big party was coming up in Copenhagen in 2009. I think Senator KERRY had gone over; Hillary Clinton had gone over. I don't believe Barack Obama was there. NANCY PELOSI was there and several others were there. They were telling all these countries: Don't you worry about it because we in the United States of America are going to pass cap-and-trade legislation this year. So I said I was going to go over as a one-man truth squad to let them know the truth, and I did. I went over and told the 191 other countries there: We are not going to pass cap and trade. It is dead. It is gone. They can't get one-third of the Senate to support it.

Before I left, one of my favorite liberals, Lisa Jackson—I really like her. She is Obama's appointee and is now the Director of the Environmental Protection Agency. Right before I went to Copenhagen, we had a hearing and she was a witness.

I said: Madam Administrator, I have a feeling that once I leave and go to Copenhagen, you are going to come out with an endangerment finding that will give you justification to start doing what they couldn't do by legislation through regulations. And I could see a smile on her face.

I said: When you do this, it has to be based on science. What science are you going to base this on?

She said: Well, the Intergovernmental Panel on Climate Change would be the major thing. And, sure enough, that is exactly what happened.

I could not have planned it, but she made this declaration that we now are going to be able to do through regulation what we couldn't do through legislation because the people of America had spoken through their elected representatives in the House and the Senate and had denied the opportunity to do cap and trade, so they decided to do it on an endangerment finding.

What happened after that is what I call poetic justice. Climategate occurred. I had nothing to do with it when it happened, but all the speeches I had made in the previous 10 years on the floor of this Senate were speeches saying exactly the same thing: that they were cooking the science and what they were saying was not real.

I read several of the editorials that came out after climategate. The New York Times has always been on the other side of this issue. They said:

Given the stakes, the IPCC cannot allow more missteps and, at the very least, must

tighten procedures and make its deliberation more transparent. The panel's chairman . . . is under fire for taking consulting fees from business interests. . . .

The Washington Post, which has also been on the other side of this issue, said:

Recent revelations about flaws in that seminal IPCC report, ranging from typos in key dates to sloppy sourcing, are undermining confidence not only in the panel's work but also in projections about climate change.

Newsweek:

Some of the IPCC's most-quoted data and recommendations were taken straight out of unchecked activist brochures, newspaper articles. . . .

Christopher Booker of the UK Telegraph said of climategate, '' . . . the worst scientific scandal of our generation.''

Clive Crook of the Financial Times said: ''The stink of intellectual corruption is overpowering.''

A prominent physicist from the IPCC said: ''Climategate was a fraud on the scale I have never seen.''

Another UN Scientist, bails:

UN IPCC Coordinating author Dr. Philip Lloyd calls out IPCC 'fraud'—the result is not scientific.

Newsweek:

Once celebrated climate researchers feeling like used car salesmen. Some of IPCC's most-quoted data and recommendations were taken straight out of unchecked activist brochures.

Clive Cook of the Atlantic Magazine, speaking of the IPCC, responds:

I had hoped, not very confidently, that the various Climategate inquiries would be severe. This would have been a first step towards restoring confidence in the scientific consensus.

So everyone is in agreement that this is what climategate was all about. And why I am spending so much time on this is because this is the science of all of these things that started since Kyoto.

By the way, the Senator, this morning on the floor, commented about the Kyoto Treaty. Let's keep in mind, the Kyoto Treaty was back during the Clinton-Gore administration. They were strongly in support of it. Vice President Gore went down to the summit they were having in Rio de Janeiro and signed the treaty, but they never submitted it to the Senate.

To become a part of a treaty, it has to be ratified by the United States. It never was, and people need to understand that there is a reason it never was submitted.

I would suggest a couple of other things in the remainder of the time that I have that I think are significant and worthy of bringing up. One would be the one-weather event. The thing that we are hearing more about than anything else is that it has been a very hot summer. On Monday, my wife called me up and said: In Tulsa it is 109 degrees today.

I was joking around with my good friend from Vermont—we disagree with each other, but he is a good friend. Sure, it is hot. But it is so important that people understand, weather is not climate.

Roger Pielke, Jr., a professor of environmental studies at University of Colorado, said:

Over the long term, there is no evidence that disasters are getting worse because of climate change.

Judith Curry, chair of the Georgia Institute of Technology's School of Earth and Atmospheric Sciences, has said:

I have been completely unconvinced by any of the arguments . . . that attribute a single extreme weather event, a cluster of extreme weather events, or statistics of extreme weather events to anthropogenic forcing.

Myles Allen at the University of Oxford's Atmospheric, Oceanic, and Planetary Physics Department:

When Al Gore said . . . that scientists now have clear proof that climate change is directly responsible for the extreme and devastating floods, storms and droughts . . . my heart sank.

I consider Rachel Maddow of MSNBC to be one of the outstanding liberals, and she is one of my four favorite liberals. I have been on her program, and I have enjoyed it. Bill Nye, the Science Guy, agrees that some of these weather events have nothing to do with global warming.

The other thing I made a note of that came up this morning was that they said there is no evidence on cooling. I think it is important to talk about that a little bit because a prominent Russian scientist said:

We should fear a deep temperature drop—not catastrophic global. . . . Warming had a natural origin . . . CO_2 is not guilty.

U.N. Fears (More) Global Cooling Cometh! An IPCC scientist warns the U.N.:

We may be about to enter one or even two decades during which temps cool.

I ask unanimous consent all of these be placed in the RECORD showing that a single weather event has nothing to do with climate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GLOBAL COOLING PREDICTIONS

3. Paleoclimate scientist Dr. Bob Carter, James Cook University in Austraila, who has testified before the U.S. Senate Committee on EPW, noted on June 18, 2007, ''The accepted global average temperature statistics used by the Intergovernmental Panel on Climate Change (IPCC) show that no ground-based warming has occurred since 1998. Oddly, this 8-year-long temperature stability as occurred despite an increase over the same period of 15 parts per million (or 4%) in atmospheric CO_2.

(ANDREW REVKIN)

4. Just months before Copenhagen, on September 23, 2009, the New York Times acknowledged, ''The world leaders who met at the United Nations to discuss climate change . . . are faced with an intricate challenge: building momentum for an international climate treaty at a time when global temperatures have been relatively stable for a decade and may even drop in the next few years.''

Mr. INHOFE. I do think it is important to bring this up because this is happening right now, after 3 years, and not one mention of global warming, and all of a sudden it is global warming.

Mr. President, I ask unanimous consent to extend my time by 5 minutes.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. INHOFE. This morning I showed a picture of an igloo. I have 20 kids and grandkids. My daughter Molly and her husband have four children. One of those is adopted from Africa, a little girl. She was brought over here when she was a little baby. She is now 12 years old, reading at a college level. She is an outstanding little girl. I sponsor the African dinner every February, and she, for the last 3 years, has been kind of a keynote speaker, and everybody loves her.

They were up here 2 years ago, and they couldn't leave because all the airports were closed because of the ice storm. What do you do with a family of six when they are stuck someplace? They built an igloo. That was fun—a real igloo that will sleep four people. This became quite an issue, and we had articles from France and Great Britain and all criticizing my family. In fact, my cute little family was declared by Keith Olbermann of MSNBC to be the worst family in America because of this.

The point they were trying to make is, no one ever asserted that because it was the coldest winter in several decades up here that somehow that refuted global warming. I said: No, that isn't true. Now those same people are saying that it is.

So you can fool the American people part of the time and you can talk about all the hysteria and all the things that are taking place, but the people of America have caught on.

In March 2010, in a Gallup poll, Americans ranked global warming dead last, No. 8 out of eight environmental issues. They had a vote, and this was dead last.

A March Rasmussen poll: 72 percent of American voters don't believe global warming is a serious problem.

An alarmist, Robert Socolow, laments:

We are losing the argument with the general public big time . . . I think the climate change activists—myself included—have lost the American middle.

So as much money as they have spent and the efforts they have made, and moveon.org and George Soros and Michael Moore and the United Nations and the Gore people and the elitists out in California in Hollywood, they have lost this battle. Now they are trying to resurrect it. They would love nothing more than to pass this $300 billion tax increase. It is not going to happen.

But I am glad that we are talking about it again, and I applaud my friend. Senator SANDERS from Vermont is a real sincere activist on the other side. We agree on hardly anything—except infrastructure, I would have to

say—and yet we respect each other. That is what this body is all about. We should have people who are on both sides of all these controversial issues talking about it. There has been a silence for 3 years. Now we are talking about it again.

So welcome back to the discussion of global warming. I look forward to future discussions about this.

Mr. President, I yield the floor.

UNANIMOUS CONSENT AGREEMENT S. 3326

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, we are about to do something really important in the Senate. It would increase U.S. textile exports to Central American countries, it would promote development and economic stability by creating jobs in, of course, African countries, and it would extend U.S. import sanctions with Burma, which the Republican leader will speak more about. This bill would help maintain about 2,000 jobs in North Carolina and South Carolina alone. It is a very good bill. It is fully paid for. It is an important piece of legislation.

Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Republican leader, the Senate proceed to the consideration of Calendar No. 459, S. 3326; that the only amendment in order be a Coburn amendment, the text of which is at the desk; that there be 30 minutes for debate equally divided and controlled in the usual form; that upon the use or yielding back of that time, the Senate proceed to vote in relation to the amendment; that if the amendment is not agreed to, the bill be read the third time and passed without further action or debate; that when the Senate receives H.R. 5986 and if its text is identical to S. 3326, the Senate proceed to the immediate consideration of H.R. 5986, the bill be read the third time and passed without further debate, with no amendments in order prior to passage; further, that if the Coburn amendment is agreed to, the Finance Committee be discharged from further consideration of H.R. 9 and the Senate proceed to its immediate consideration; that all after the enacting clause be stricken and the text of S. 3326, as amended, be inserted in lieu thereof, the bill be read the third time and passed without further debate; that when the Senate receives H.R. 5986, the Senate proceed to it forthwith and all after the enacting clause be stricken and the text of sections 2 and 3 of S. 3326, as reported, by inserted in lieu thereof, the bill be read the third time and passed, without further debate, as amended, and S. 3326 be returned to the Calendar of Business; finally, that no motions be in order other than motions to waive or motions to table and that motions to reconsider be made and laid on the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, and I will not be objecting, let me echo the remarks of the majority leader. This is an important piece of legislation.

The part I have the most interest in renews Burma's sanctions—something we have done on an annual basis for 10 years. We are renewing the sanctions in spite of the fact that much progress has been made in Burma in the last year and a half. Secretary Clinton will, of course, recommend to the President that these sanctions be waived in recognition of the significant progress that has been made in the last year and a half in that country, which is trying to move from a rather thuggish military dictatorship to a genuine democracy. There is still a long way to go.

This is an important step in the right direction. America speaks with one voice regarding Burma. My views are the same as the views of the Obama administration as expressed by Secretary Clinton.

I thank the chairman of the Finance Committee also for helping us work through the process, and particularly Senator COBURN, who had some reservations about the non-Burma parts of this bill. I think we have worked those out and are moving forward. It is an important step in the right direction.

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

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

IRAN THREAT REDUCTION AND SYRIA HUMAN RIGHTS ACT OF 2012

Mr. REID. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 1950.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Resolved, that the House agree to the amendment of the Senate to the bill (H.R. 1905) entitled ''An Act to strengthen Iran sanctions laws for the purpose of compelling Iran to abandon its pursuit of nuclear weapons and other threatening activities, and for other purposes'', with an amendment.

Mr. JOHNSON of South Dakota. Mr. President, I rise in strong support of the Iran Threat Reduction and Syria Human Rights Act, our legislation which embodies a bipartisan, bicameral agreement to reconcile the current Senate and House-passed versions of Iran sanctions legislation. Once implemented, this comprehensive new set of sanctions will help dramatically to increase the pressure on Iranian government leaders to abandon their illicit nuclear activities and support for terrorism. This bill passed the House of Representatives by an overwhelming bipartisan vote of 421 to 6 earlier this evening. I hope all of my colleagues will join me in supporting it so that it can be adopted by the Senate and signed into law by the President as soon as possible.

So far, in the sputtering P5+1 negotiations, Iran has shown no clear signs of a willingness to work with the international community to engage in a serious way on nuclear issues. It remains to be seen whether Iran will ultimately be willing to work towards progress on the central issues at upcoming negotiating sessions, or whether the meetings will simply be another in a series of stalling actions to buy time to enrich additional uranium and further fortify their nuclear program. That is why I think it necessary to intensify the pressure, and move forward quickly now on this new package that leaves no doubts about U.S. resolve on this issue. As we all recognize, economic sanctions are not an end: they are a means to an end. That end is to apply enough pressure to secure agreement from Iran's leaders to fully, completely and verifiably abandon their illicit nuclear activities.

Isolated diplomatically, economically, and otherwise, Iran must understand that the patience of the international community is fast running out. With these new sanctions, including those targeted at the I-R-G-C, we are pressing Iran's military and political leaders to make a clear choice. They can end the suppression of their people, come clean on their nuclear program, suspend enrichment, and stop supporting terrorist activities around the globe. Or they can continue to face sustained multilateral economic and diplomatic pressure, and deepen their international isolation.

This legislation is based on the Senate bill which passed with unanimous support in May. It incorporates new measures from Democrats and Republicans in the House and Senate. The sanctions contained in this bill reach more deeply into Iran's energy sector than ever before, and build on the sweeping banking sanctions Congress enacted 2 years ago to reach to insurance, shipping, trade, finance and other sectors, targeting those who help to bolster Iranian government revenues which support their illicit nuclear activities.

As I have said before, the prospect of a nuclear-armed Iran is the most pressing foreign policy challenge we face, and we must continue to do all we can—politically, economically, and diplomatically—to avoid that result. In recent months, we have seen increased signs that the Iranian regime is feeling the pressure of existing sanctions. Their currency has plummeted, their trade revenues have been sharply curtailed, and they are under increasing pressure from the oil sanctions regime currently in place. With passage of this bill, we are taking another significant step to block the remaining avenues for the Iranians to fund their illicit behavior and evade sanctions. The bill also requires sanctions on those who purchase new Iranian sovereign debt, thereby further limiting the regime's ability to finance its illicit activities.

In addition, there are substantial new sanctions for anyone who engages

in joint ventures with the National Iranian Oil Company, NIOC; provides insurance or re-insurance to the National Iranian Oil Company or the National Iranian Tanker Company, NITC; helps Iran evade oil sanctions through reflagging or other means; or sells, leases, or otherwise provides oil tankers to Iran, unless they are from a country that is sharply reducing its oil purchases from Iran.

The bill also expands sanctions against Iranian and Syrian officials for human rights abuses, including against those who engage in censorship, jamming and monitoring of communications, and tracking of Internet use by ordinary Iranian citizens.

Many of my colleagues, both Democrats and Republicans, have helped us get to this point. I want to particularly thank Chairman ROS-LEHTINEN of the House Foreign Affairs Committee. Without her help, we would not be here. I also want to thank my colleagues, including Senator MENENDEZ, who crafted many of its original provisions, and Senators SCHUMER, GILLIBRAND, LAUTENBERG, BROWN, KYL, LIEBERMAN, and others who contributed their ideas. I also want to thank Majority Leader REID for his tireless efforts to enact a strong comprehensive sanctions bill.

Finally, I want to thank the staff who crafted the details of this bill, and worked long hours in intensive discussions over the last several weeks to get it done. They include Patrick Grant, Steve Kroll, Georgina Cannon, Ingianni Acosta and Colin McGinnis of my Committee staff; Dr. Yleem Poblete, Matt Zweig, and Ari Friedman of Chairman ROS-LEHTINEN's staff; John O'Hara and Andrew Olmem of Senator SHELBY's staff, and Shanna Winters, Dr. Richard Kessler, and Alan Makovsky of Ranking Member BERMAN's staff.

All told, when enacted this bill and other efforts by the President will significantly increase pressure on Iran to abandon its illicit nuclear activities. I ask unanimous consent to have printed in the RECORD a detailed summary of the bill. I urge all my colleagues to support this measure.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IRAN THREAT REDUCTION AND SYRIA HUMAN RIGHTS ACT OF 2012

SECTION-BY-SECTION SUMMARY

Sec. 1—Short Title, Table of Contents

Sec. 2—Definitions: Provides that the definitions of key terms (''appropriate congressional committees,'' and ''knowingly,'') will be those found in the Iran Sanctions Act (ISA) of 1996, as amended, and that the definition of ''United States person'' will be that found in the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (CISADA). Also defines ''financial transaction,'' to mean any transfer of value involving a financial institution, including precious metals and various swaps, futures, and other activities.

Sec. 101—Enforcement of Multilateral Sanctions Regime and Expansion and Implementation of Sanctions: States the sense of Congress that (i) the goal of compelling Iran to abandon its efforts to achieve nuclear weapons capacity can be effectively achieved through a comprehensive policy that includes expansion and vigorous implementation and enforcement of bilateral and multilateral sanctions against Iran, diplomacy, and military planning and options, consistent with the President's 2012 State of the Union Address; and (ii) that intensified efforts to counter Iranian sanctions evasion are necessary.

Sec. 102—Diplomatic Efforts to Expand Multilateral Sanctions Regime: Urges efforts by the US to expand the UN sanctions regime to include (i) imposing additional travel restrictions on Iranian officials responsible for human rights violations, the development of Iran's nuclear and ballistic missile programs, and Iran's support for terrorism; (ii) withdrawing sea- and airport landing rights for Iran Shipping Lines and Iran Air, for their role in nuclear proliferation and illegal arms sales; (iii) expanding the range of sanctions imposed on Iran by US allies; (iv) expanding sanctions to limit Iran's petroleum development and imports of refined petroleum products; and (v) accelerating US diplomatic and economic efforts to help allies reduce their dependence on Iranian crude oil and other petroleum products. Requires periodic reporting to Congress on the status of such efforts.

Sec. 201—Expansion of Sanctions with Respect to Iran's Energy Sector: Makes a number of substantial changes in and additions to ISA's energy sanctions. These include (i) increasing the number of required sanctions from three to five; (ii) making sanctionable certain construction of transportation infrastructure to support delivery of domestically refined petroleum in Iran; (iii) making sanctionable certain barter transactions, and the purchase or facilitation of Iranian debt issued after the date of enactment, that contribute to Iran's ability to import refined petroleum products; (iv) extending ISA sanctions to persons knowingly participating in petroleum resources joint ventures established on or after January 1, 2002, anywhere in the world in which Iran's government is a substantial partner or investor; an exception is provided for ventures terminated within 180 days of enactment; (v) extending ISA sanctions to those providing certain goods and services (including construction of certain infrastructure) that support Iran's ability to develop its petroleum resources; and (vi) extending ISA sanctions to support for Iran's domestic production of petrochemical products.

Sec. 202—Imposition of Sanctions for Transportation of Crude Oil from Iran and Evasion of Sanctions by Shipping Companies: Requires imposition of at least five ISA sanctions on a person who owns or operates a vessel that within 90 days after the date of enactment is used to transport crude oil from Iran to another country; applies only if the President makes a determination, under the NDAA, that there is a sufficient supply of petroleum and petroleum products from countries other than Iran to permit purchasers of petroleum to significantly reduce their purchases from Iran; an exception is provided for transportation of crude oil from Iran to countries that are exempt from NDAA sanctions because they are significantly reducing such purchases. Also applies at least five ISA sanctions to persons that own or operate a vessel that conceals the Iranian origin of crude oil or refined petroleum products transported on the vessel, including by permitting the operator of the vessel to suspend the vessel's satellite tracking devices, or by obscuring or concealing the ownership by the government of Iran, or other entities owned or controlled by Iran. Ships involved could be barred from US ports for up to two years.

Sec. 203—Expansion of Sanctions with Respect to the Development by Iran of WMDs: Requires imposition of five or more ISA sanctions on persons who export, transfer, or otherwise facilitate the transshipment of goods, services, technology or other items and know or should have known this action would materially contribute to the ability of Iran to develop WMDs. Also requires ISA sanctions to be imposed (subject to certain conditions) on persons who knowingly participate in joint ventures with Iran's government, Iranian firms, or persons acting for or on behalf of Iran's government, in the mining, production or transportation of uranium anywhere in the world. Exempts persons if they withdraw from such joint ventures within six months after date of enactment.

Sec. 204—Expansion of Sanctions Available under the Iran Sanctions Act of 1996: Expands the current menu of sanctions available to the President under ISA, to include a prohibition on any US person from investing in or purchasing significant amounts of equity or debt instruments of a sanctioned person, an exclusion from the United States of aliens who are corporate officers, principals or controlling shareholders in a sanctioned firm, and application of applicable ISA sanctions to the CEO or other principal executive officers (or persons performing similar functions) of a sanctioned firm, which could include a freeze of their US assets.

Sec. 205—Modification of Waiver Standard under the Iran Sanctions Act of 1996: Revises the standard under section 9 of ISA for waivers of sanctions by the President (i) to require that energy-related sanctions can only be waived if waiver is essential to the national security interests of the United States; (ii) require that WMD-related sanctions can only be waived if waiver is ''vital to the national security interests of the United States; (iii) to eliminate the ''permanent'' waiver in prior law and replace it with a one-year renewable waiver; and (iv) to clarify that all waivers must be on a case-by-case basis .

Sec. 206—Briefings on Implementation of the Iran Sanctions Act of 1996: Amends ISA to require briefings by the Secretary of State to the appropriate congressional committees on ISA implementation.

Sec. 207—Expansion of Definitions under the Iran Sanctions Act of 1996: Adds definitions of ''credible information,'' ''petrochemical product,'' and ''services.'' ''Credible information'' includes public announcements by persons that they are engaged in certain activities, including those made in a report to stockholders, and may include announcements by the Government of Iran, and reports from the General Accountability Office (GAO), the Energy Information Administration, the Congressional Research Service, or other reputable governmental organizations, or trade or industry publications. ''Petrochemical product'' is defined consistent with Executive Order 13590. ''Services'' include software, hardware, financial, professional consulting, engineering, specialized energy information services, and others.

Sec. 208—Sense of Congress on Iran's Energy Sector: States the sense of Congress that Iran's energy sector remains a zone of proliferation concern, since the Iranian Government continues to divert substantial revenue from petroleum sales to finance its illicit nuclear and missile activities, and that the President should apply the full range of ISA sanctions to address the threat posed by Iran.

Sec. 211—Sanctions for Shipping WMD or Terrorism-Related Materials to or from Iran: Requires the blocking of assets of, and imposes other sanctions on, persons who knowingly sell, lease, or provide ships, insurance or reinsurance, or other shipping services,

for transportation of goods that materially contribute to Iran's WMD program or its terrorism-related activities. Applies as well to parents of the persons involved if they knew or should have known of the sanctionable activity and to any of subsidiaries or affiliates of the persons involved that knowingly participated in the activity. Permits the President to waive sanctions in cases ''vital to the national security interest,'' but requires a report to Congress regarding the use of such a waiver; the President must, in any event, submit a report to Congress identifying operators of vessels and other persons that conduct or facilitate significant financial transactions that manage Iranian ports designated for IEEPA sanctions.

Sec. 212—Imposition of Sanctions for Provision of Underwriting Services or Insurance or Reinsurance for NIOC and NITC: Requires five or more ISA sanctions against companies providing underwriting services, insurance, or reinsurance to National Iranian Oil Company (NIOC) or the National Iranian Tanker Company (NITC) or a successor entity to either company. Provides an exemption for persons providing such services for activities relating to the provision of food, medicine, and medical devices or humanitarian assistance to Iran.

Sec. 213—Imposition of Sanctions for Purchase, Subscription to, or Facilitation of the Issuance of Iran Sovereign Debt: Requires the imposition of five or more ISA sanctions on persons the President determines knowingly purchase, subscribe to, or facilitate the issuance of Iranian sovereign debt, or debt of an entity owned or controlled by the Iranian Government, issued on or after the date of enactment.

Sec. 214—Imposition of Sanctions on Subsidiaries and Agents of UN-Sanctioned Persons: Amends CISADA to ensure that US financial sanctions imposed on UN-designated entities reach those persons acting on behalf of, at the direction of, or owned or controlled by, the designated entities. Requires the Treasury Department to revise its regulations within 90 days of enactment to implement the change.

Sec. 215—Imposition of Sanctions for Transactions with Persons Sanctioned for Certain Activities Relating to Terrorism or Proliferation of WMD: Extends CISADA to impose sanctions on a foreign financial institution that facilitates a significant transaction or transactions or provides significant services not only to certain designated financial institutions but also to designated persons whose property or interests in property are blocked based on their connection to Iran's proliferation of weapons of mass destruction or support of terrorism.

Sec. 216—Expansion of Mandatory Sanctions with Respect to Financial Institutions that Engage in Certain Activities Relating to Iran: Requires the Treasury Secretary to revise regulations under Section 104 of CISADA to apply rules cutting off access to the U.S. financial institutions to foreign financial institutions knowingly facilitating, participating or assisting in, or acting on behalf of or as an intermediary, in connection with financial activities involving designated Iranian banks, whether or not the transactions are directly with those banks..

Sec. 217—Continuation of Sanction for the Government of Iran, the Central Bank of Iran, and Sanctions Evaders: Requires that various sanctions imposed by Executive Order, including blocking the property of the Government of Iran and Iranian financial institutions, imposing penalties on foreign sanction evaders, and blocking the property of the CBI, will remain in effect until the President certifies that Iran and the CBI have ceased to support terrorism and Iranian development of WMD.

Sec. 218—Liability of Parent Companies for Violations of Sanctions by Foreign Subsidiaries: Requires the imposition of civil penalties under the International Emergency Economic Powers Act (IEEPA) of up to twice the amount of the relevant transaction, on US parent companies for the activities of their foreign subsidiaries which, if undertaken by a US person or in the United States, would violate US sanctions law. Subsidiaries are defined as those entities in which a US person holds more than fifty percent equity interest or a majority of the seats on the board, or that a US person otherwise controls. Covers activities under the current US trade embargo with Iran and would apply regardless of whether the subsidiary was established to circumvent US sanctions.

Sec. 219—Securities and Exchange Commission Disclosures on Certain Activities in Iran: Amends the Securities and Exchange Act of 1934 to require issuers whose stock is traded on US stock exchanges to disclose whether they or their affiliates have knowingly engaged in activities (i) described in section 5 of ISA (energy sector activity); (ii) described in 104(c)(2) or (d)(1) of CISADA (related to foreign financial institutions who facilitate WMD/terrorism, money laundering, IRGC activity, and other violations); (iii) in 105A(b)(2) of CISADA (related transfer of weapons and other technologies to Iran likely to be used for human rights abuses); (iv) involving persons whose property is blocked for WMD/terrorism and; (v)involving persons or entities in the government of Iran (without the authorization of a Federal department or agency). Provides for periodic public disclosure of such information, and communication of that information by the SEC to Congress and the President. Requires the President to initiate an investigation into the possible imposition of sanctions as specified, and to make a sanctions determination within six months.

Sec. 220—Reports on, and Authorization of Imposition of Sanctions with Respect to, the Provision of Specialized Financial Messaging Services to the Central Bank of Iran and Other Sanctioned Iranian Financial Institutions: States the sense of Congress that specialized financial messaging services are a critical link to the international financial system; requires the Secretary of the Treasury to report periodically listing the persons who provide such services to the Central Bank of Iran and Iranian banks that have been designated for involvement in WMD or support for terror, and assessing efforts to cut off the direct provision of such services to such institutions. Authorizes the imposition of sanctions under CISADA or IEEPA on persons continuing to provide such services to the CBI or such other Iranian institutions, subject to an exception for persons subject to foreign sanctions regimes that require them to cut off services to a substantially similar group of Iranian institutions.

Sec. 221—Identification and Immigration Restrictions on Senior Iranian Officials and their Family Members: Requires the identification of and denial of visa requests to senior officials, including the Supreme Leader, the President, members of the Assembly of Experts, senior members of the Intelligence Ministry of Iran, and senior members of the IRGC that are involved in nuclear proliferation, support international terrorism or the commission of serious human rights abuses against citizens of Iran. Also includes their family members. Provides for Presidential waiver if essential to the national interest or if necessary to meet our UN obligations; requires a report to Congress regarding the use of such a waiver.

Sec. 222—Sense of Congress and Rule of Construction Relating to Certain Authorities of State and Local Governments: States the sense of Congress that the US should support actions by States or local governments, within their authority, including determining how investment assets are valued for financial institutions safety and soundness purposes, that are consistent with and in furtherance of this Act. Amends CISADA to state that it shall not be construed to abridge the authority of a State to issue and enforce rules governing the safety, soundness, and solvency of a financial institution subject to its jurisdiction or the business of insurance pursuant to the McCarran-Ferguson Act.

Sec. 223—GAO Reports on Foreign Investment in Iran's Energy Sector: Mandates reports from GAO on foreign investment in Iran's energy sector, exporters of refined petroleum products to Iran, entities providing shipping and insurance services to Iran, Iranian energy joint ventures worldwide, and countries where gasoline and refined petroleum products exported to Iran are produced or refined.

Sec. 224—Expanded Reporting on Iran's Crude Oil and Refined Petroleum Products: Amends section 110(b) of CISADA to require additional reporting by the President on the volume of crude oil and refined petroleum products imported to and exported from Iran, the persons selling and transporting crude oil and refined petroleum products, the countries with primary jurisdiction over those persons and the countries in which those products were refined, the sources of financing for such imports and the involvement of foreign persons in efforts to assist Iran in developing its oil and gas production capacity, importing advanced technology to upgrade existing Iranian refineries, converting existing chemical plants to petroleum refineries, and maintaining, upgrading or expanding refineries or constructing new refineries.

Sec. 301—Identifications and Sanctions on Iran Revolutionary Guard Corps Officials, Agents, and Affiliates: Requires the President to identify, and designate for sanctions, officials, affiliates and agents of the IRGC within 90 days of enactment, and periodically thereafter; designation requires exclusion of such persons from the United States, and imposition of sanctions related to WMD under IEEPA, including freezing their assets and otherwise isolating them financially. Also, outlines priorities for investigating certain foreign persons, entities, and transactions in assessing connections to the IRGC. Requires the President to report on designations and provides for a waiver if vital to the national security interest of the US.

Sec. 302—Identification and Sanctions on Foreign Persons Supporting IRGC: Subjects foreign persons to ISA sanctions if those persons knowingly provide material assistance to, or engage in any significant transaction—including barter transactions—with officials of the IRGC, its agents or affiliates. Requires imposition of similar sanctions against those persons who engage in significant transactions with UN-sanctioned persons, those acting for or on their behalf, or those owned or controlled by them. Provides for additional sanctions under IEEPA as the President deems appropriate. Requires the President to report on designations and waivers, as applicable. Waiver is available if essential to the national security interests of the US.

Sec. 303—Identification and Sanctions on Foreign Government Agencies Carrying Out Activities or Transactions with Certain Iran-Affiliated Persons: Requires the President, within 120 days and every 180 days thereafter, to submit to the appropriate congressional committees a report that identifies

each agency of the government of a foreign country, other than Iran, that the President determines knowingly and materially supported a foreign person that is an official, agent, or affiliate of IRGC designated pursuant to IEEPA or various UN Resolutions. Provides authority for the President to impose various measures described in the section, such as denying assistance under the Foreign Assistance Act or proscribing certain US loans to the agency involved.

Sec. 304—Rule of Construction: Clarifies that sections 301 to 303 sanctions do not limit the President's authority to designate persons for sanction under IEEPA.

Sec. 311—Expansion of US Procurement Ban to Foreign Persons who Interact with the IRGC: Requires certification by prospective US government contractors (for contract solicitations issued beginning 120 days from the date of enactment) that neither they nor their subsidiaries have engaged in significant economic transactions with designated IRGC officials, agents, or affiliates. Waiver is also amended, so that it is available if ''essential to the national security interests.'' Establishes a minimum procurement ban penalty of two years for violators.

Sec. 312—Sanctions Determinations on NIOC and NITC: Amends CISADA to require the Secretary of the Treasury to determine and notify Congress whether the National Iranian Oil Company (NIOC) and the National Iranian Tanker Company (NITC) are agents or affiliates of the IRGC. If found to be IRGC entities, sanctions apply to transactions or relevant financial services for the purchase of petroleum or petroleum products from the NIOC or NITC, but only if the President determines that there exists a sufficient supply of petroleum from countries other than Iran to permit purchasers to significantly reduce in volume their purchases from Iran. Provides for an exception to financial institutions of a country that is significantly reducing its purchases of Iranian petroleum or petroleum products within specified periods which track those provided for in section 1245 of the FY 2012 National Defense Authorization Act.

Sec. 401—Sanctions on those Complicit in Human Rights Abuses: States the sense of Congress that the Supreme Leader, seniors members of the Intelligence Ministry, senior members of the IRGC and paramilitary groups, and other Ministers, are responsible for directing and controlling serious human rights abuses against the Iranian people and should be included on the list of persons responsible for or complicit in those abuses and subject to property blocking and other CISADA 105 sanctions. Requires a report to appropriate congressional committees within 180 days detailing the involvement of the persons mentioned above in human rights abuses against the citizens of Iran.

Sec. 402—Sanctions on those Transferring to Iran Certain Goods or Technologies: Imposes sanctions provided for in CISADA, including a visa ban and property blocking/asset freeze, on persons and firms which supply Iran with equipment and technologies including weapons, rubber bullets, tear gas and other riot control equipment, and jamming, monitoring and surveillance equipment which the President determines are likely to be used by Iranian officials to commit human rights abuses. Requires the President to maintain and update lists of such persons who commit human rights abuses, submit updated lists to Congress, and make the unclassified portion of those lists public. Requires the President to report on designations and waivers, as applicable.

Sec. 403—Sanctions on those Engaging in Censorship and Repression in Iran: States the sense of Congress that satellite service providers and other entities that directly provide satellite service to the Iranian government or its entities should cease to provide such service unless the government ceases its activities intended to jam or restrict the signals and the US should address the illegal jamming through voice and vote at the UN International Telecommunications Union. Requires imposition of sanctions as in section 401 against individuals and firms found to have engaged in censorship or curtailment of the rights of freedom of expression or assembly of Iran's citizens.

Sec. 411—Codification of Sanctions with Respect to Human Rights Abuses by the Governments of Iran and Syria Using Information Technology: Codifies Executive Order 13606, Blocking The Property And Suspending Entry into the United States of Certain Persons with Respect to Grave Human Rights Abuses by the Governments of Iran and Syria Via Information Technology.

Sec. 412—Clarification of Sensitive Technologies for Purposes of Procurement Ban under CISADA: Requires the Secretary of State to issue guidelines, within 90 days of the date of enactment, describing technologies that may be considered ''sensitive technologies'' for the purposes of Sec. 106 of CISADA, with special attention to new technologies, determine the types of technology that enable Iran's indigenous capabilities to disrupt and monitor information and communications, and review the guidelines no less than once each year, adding items to the guidelines as necessary.

Sec. 413—Expedited Processing of Human Rights, Humanitarian, and Democracy Aid: Requires the Office of Foreign Assets Control (OFAC) of the Treasury Department to establish a 90-day process to expedite processing of US Iran-related humanitarian, human rights and democratization aid by entities receiving funds from the State Department; the Broadcasting Board of Governors; and other federal agencies. Requires the State Department to conduct a foreign policy review within 30 days of request submission. Provides for additional time for processing of applications involving certain specified sensitive goods and technology, and requests involving extraordinary circumstances.

Sec. 414—Comprehensive Strategy to Promote Internet Freedom in Iran: Requires the Administration to devise a comprehensive strategy and report to Congress on how best to assist Iran's citizens in freely and safely accessing the Internet, developing countercensorship technologies, expanding access to ''surrogate'' programming including Voice of America's Persian News Network, and Radio FARDA inside Iran, and taking other similar measures.

Sec. 415—Statement of Policy on Political Prisoners: Declares the policy of the US to expand efforts to identify, assist, and protect prisoners of conscience in Iran, intensify work to abolish Iranian human rights violations, and publicly call for the release of political prisoners, as appropriate.

Sec. 501—Exclusion of Certain Iranian Students from the US: Requires the Secretary of State to deny visas and the Secretary of Homeland Security to exclude certain Iranian university students who may seek to come to the U.S. to study to prepare for work in Iran's energy sector or in fields related to its nuclear program, including nuclear sciences or nuclear engineering.

Sec. 502—Interests in Financial Assets of Iran: Makes certain blocked assets available for execution to satisfy any judgment or judgments to the extent of any compensatory damages against Iran for state-sponsored terrorism, so long as the court determines that Iran has an equitable title to or beneficial interest in those assets (subject to an exception for certain custodial interests), and the court also determines that no one possesses a constitutionally-protected interest in the blocked assets under the Fifth Amendment.

Sec. 503—Technical Corrections: Reaffirms longstanding US policy allowing sale of certain licensed agricultural commodities to Iran by amending the National Defense Authorization Act to allow for continued payments related to such commodities. Adjusts date of delivery of EIA reports.

Sec. 504—Expansion of NDAA Sanctions: Amends the NDAA to provide that financial institutions located in countries that have been exempted because they are significantly reducing their reliance on Iranian oil may continue to do business with the Central Bank of Iran only for petroleum transactions and limited bilateral trade between Iran and those countries; for the first time treats state-owned banks (other than central banks) as subject to the same sanctions rules as foreign private banks; provides incentives for ''significantly reducing'' countries to reduce to zero; clarifies that ''significantly reducing'' includes a reduction in price or volume toward a complete cessation of crude oil imports; ties termination date to termination certification in CISADA. Makes other technical corrections.

Sec. 505—Report on Natural Gas Exports from Iran: Requires the Administrator of the Energy Information Administration to submit a report to Congress and the President within 60 days on Iran's natural gas sector, including an assessment of exports of Iranian natural gas, identification of countries purchasing the most Iranian natural gas, assessment of alternative supplies available to those countries, and assessment of the impact a reduction on exports would have on global supplies and pricing. Requires the President to submit a report to Congress within 60 days of receiving the EIA report, and using the information it contains to provide analysis and recommendations on the revenues received by Iran from its natural gas exports and whether further steps should be taken to limit such revenues.

Sec. 506—Report on Membership of Iran in International Organizations: Requires the Secretary of State to submit a report to Congress listing the international organizations of which Iran is a member and detailing the amount the US contributes to each such organization annually.

Sec. 507—Sense of Congress on Exportation of Goods, Services, and Technologies for Aircraft Produced in the US: States the sense of Congress that licenses to export or re-export goods, services, or technologies for aircraft produced in the US should be provided, in the case of Iran, only in situations where such licenses are essential and in a manner consistent with US laws and foreign policy goals.

Sec. 601—Implementation; Penalties: Provides the President with the necessary procedural tools to administer the provisions of the new law, including subpoena and other enforcement authorities for specified provisions of the bill.

Sec. 602—Applicability to Authorized Intelligence Activities: Provides a general exemption for authorized intelligence activities of the U.S.

Sec. 603—Applicability to Certain Natural Gas Projects: Contains special conditions for a project outside Iran of substantial importance to U.S. national interests and European energy security interests and energy independence from the Government of the Russian Federation.

Sec. 604—Rule of Construction: Provides that nothing in this Act shall be construed as a declaration of war or an authorization of the use of force against Iran or Syria.

Sec. 605—Termination: Provides for termination of some provisions of the new law if

the President certifies as required in CISADA that Iran has ceased its support for terrorism and ceased efforts to pursue, acquire or develop weapons of mass destruction and ballistic missiles and ballistic missile launch technology, and has verifiably dismantled its WMD.

Sec. 701—Short Title for Title VII: The ''Syria Human Rights Accountability Act of 2012.''

Sec. 702—Sanctions on those Responsible for Human Rights Abuses of Syria's Citizens: Requires the President to identify within 90 days, and sanction under IEEPA, officials of the Syrian government or those acting on their behalf who are complicit in or responsible for the commission of serious human rights abuses against Syria's citizens, regardless of whether the abuses occurred in Syria.

Sec. 703—Sanctions on those Transferring to Syria Technologies for Human Rights Abuses: Requires the President to identify and sanction persons determined to have engaged in the transfer of technologies—including weapons, rubber bullets, tear gas and other riot control equipment, and jamming, monitoring and surveillance equipment—which the President determines are likely to be used by Syrian officials to commit human rights abuses or restrict the free flow of information in Syria. Provides for exceptions where a person has agreed to stop providing such technologies, and agreed not to knowingly provide such technologies in the future. Requires the President to report on designations and waivers, where applicable, and to update the list periodically.

Sec. 704—Sanctions on those Engaging in Censorship and Repression in Syria: Requires the President to identify and report to Congress within 90 days of enactment those persons and firms found to have engaged in censorship or repression of the rights of freedom of expression or assembly of Syria's citizens, and impose sanctions under IEEPA on such persons. Requires periodic updating of the list, and public access via the websites of the Departments of State and Treasury.

Sec. 705—Waiver: Provides for Presidential national security interest waiver for Syria provisions; requires a report to Congress on the reasons for the waiver.

Sec. 706—Termination: Provides for termination of the Syria provisions if the President certifies that certain conditions are met.

PARENT COMPANIES

Mr. LAUTENBERG. Mr. President, I rise today to engage in a colloquy with my friend, the distinguished Chairman of the Senate Committee on Banking, Housing, and Urban Affairs, regarding HR 1905, the Iran Threat Reduction and Syria Human Rights Act of 2012. I want to thank the chairman for crafting a strong sanctions package that includes language I authored to close a loophole in current law that allows foreign subsidiaries of U.S. companies to continue doing business with Iran without imposing any penalties on their U.S. parent companies. We must close this loophole once and for all, and I am pleased the Chairman agrees with me.

Mr. JOHNSON of South Dakota. I thank Senator LAUTENBERG for his longstanding leadership on this issue. As I have previously noted, it is long past time for foreign subsidiaries of U.S. companies to end their business in Iran. That is already happening due to US and international pressure on the business and financial sectors, and this new provision will accelerate that process. Firms realize the huge risks such activity poses, reputationally and otherwise, to their companies. I note that it is already a violation of U.S. law for U.S. subsidiaries to engage in sanctionable activity in Iran's energy sector and certain other activities under U.S. sanctions laws. It is also a violation of U.S. trade law for a U.S. firm to do business of any kind in Iran via a subsidiary that it directs. The balance that has been struck in prior law is to focus only on the activity of U.S. companies. Foreign subsidiaries are not, by definition, U.S. companies, and your provision takes a major new step forward in this area of the law. I agree with you that the way we have addressed this issue authorizing for the first time penalties on U.S. parents if their foreign subsidiaries engages in an activity that would be sanctionable if committed by a U.S. person—is a sound and responsible one, and will hopefully shut down this activity once and for all.

Mr. LAUTENBERG. Does the chairman agree that the language in the bill currently under consideration would apply the same penalties that can be imposed on U.S. companies that directly violate the U.S. trade ban to those U.S. parent companies whose foreign subsidiaries are doing business with Iran?

Mr. JOHNSON of South Dakota. The bill would authorize the imposition of similar civil penalties on such U.S. parent companies.

Mr. LAUTENBERG. Does the chairman also agree that this language subjects to penalties U.S. parent companies if their foreign subsidiaries knew or should have known that the subsidiary was directly or indirectly doing business with an Iranian entity, even if it was the case that the parent companies were not actually aware of the activity of the subsidiary?

Mr. JOHNSON of South Dakota. I agree this legislation mandates penalties on a U.S. parent company if its foreign subsidiary has knowledge or should have had knowledge that the subsidiary was doing prohibited business with Iran, even if the U.S. parent company has no knowledge of these transactions.

Mr. LAUTENBERG. And does the chairman agree that this requirement that the foreign subsidiary knew or should have known that they were doing business with Iran relates only to the actual business transaction and does not require that the subsidiary had or should have had knowledge of current U.S. sanctions law in order to place penalties on the U.S. parent company?

Mr. JOHNSON of South Dakota. Yes. That is my intent.

Mr. LAUTENBERG. I thank Chairman JOHNSON for all of his work on this important Iran sanctions package. Iran continues to defy numerous United Nations Security Council resolutions. It funds Hamas, Hezbollah, and other terrorist organizations, and it commits severe human rights abuses against its own people. We must do everything we can to place as much pressure on the Iranian regime as possible to change its behavior, and I am pleased that we have finally closed this loophole in current law and put U.S. companies on notice that they will be held responsible for the activities of their subsidiaries with respect to Iran.

Mr. REID. I move to concur in the House amendment, and I believe the Senate is ready to act on this motion.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. REID. I ask unanimous consent that the motion to reconsider be laid upon the table with no intervening action or debate and that any statements related to this bill be printed in the RECORD.

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

Mr. JOHNSON of South Dakota. Humanitarian trade, including agricultural commodities, food, medicine and medical products has long been specifically exempted by Congress from successive rounds of Iran sanctions legislation, as long as such trade is licensed by the Department of the Treasury's Office of Foreign Assets Control, or OFAC.

With the sharp drop in the value of Iran's currency, and the worsening economic situation in Iran, it is becoming more apparent that U.S. financial sanctions targeting Iran's banking sector are causing increased concern among U.S. and other businesses, and banks of our allies engaged in such trade.

The fear is that engaging in humanitarian trade in the current sanctions environment might lead to sanctions for legitimately licensed humanitarian trade. We must underscore with other countries and their banks that humanitarian trade with Iran is not subject to sanctions if it is appropriately licensed by OFAC.

This has been a concern since the Senate first considered this bill and this concern still remains. It is not and has not been the intent of U.S. policy to harm the Iranian people by prohibiting humanitarian trade that is licensed by the U.S. Treasury Department, and we should do all we can to avoid this outcome. OFAC consistently issues many licenses, both general and specific, for this type of trade.

The practical financing difficulties arising today between banks and those engaging in licensed humanitarian trade can be best addressed by U.S. government officials, who should do more to make it clear that no U.S. sanctions will be imposed against third-country banks that facilitate OFAC-licensed or exempted humanitarian trade. The Administration must continue to make this clear in public statements, in private meetings with foreign financial institutions, and elsewhere as appropriate. Misinterpretation of U.S. law, among foreign financial institutions, should no longer deny

the people of Iran the benefit of OFAC-approved humanitarian trade.

Mr. REID. I am pleased that the Senate has just passed the final version of the Iran Sanctions legislation.

I want to thank Senators JOHNSON, SHELBY and MENENDEZ for their leadership and all of their hard work getting this bill completed.

At a time when Iran continues to defy the international community with its nuclear weapons program, it is critical we continue to tighten our sanctions regime.

This legislation expands our existing sanctions on Iran's energy sector, and imposes new sanctions targeting shipping and insurance.

Iran continues to try to evade existing sanctions. But this legislation, in combination with newly announced measures by the Obama administration, closes loopholes and stops the use of front companies or financial institutions to get around international sanctions.

Our current sanctions, and a recent European Union ban on purchasing Iranian oil, have already had an impact.

In spite of the rhetoric coming out of Iran, the regime is clearly feeling the heat.

Oil exports are down by 50 percent, and the Iranian currency has lost nearly 40 percent of its value.

Iranian tankers full of oil are crowding the waters around Iran, acting as floating storage facilities for oil the rogue nation cannot sell.

Over the past year, I have come to the floor many times urging passage of this measure.

I am pleased we have finally completed this important work.

There is no time to waste, as the Iranian regime continues to threaten our ally Israel and the national security of the United States.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes.

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

REMEMBERING CHIEF ROD MAGGARD

Mr. MCCONNELL. Mr. President, I rise today in memory of former Hazard Police Chief Rod Maggard. Chief Maggard was a prominent member of the Perry County, KY, community, and he dedicated his life to serving his country, State, and city.

A native of the southeastern Kentucky region, Chief Maggard was born on April 9, 1944, to Ivory and Margaret Maggard. After graduating from Cumberland High School, he attended Southeast Community College. Shortly thereafter, Chief Maggard received his draft notice for the Vietnam War. Initially, he was stationed in Biloxi, MI, where he worked as a Morse radio intercept operator, and he ultimately served a 14-month tour in DaNang, Vietnam.

Chief Maggard became a State trooper in 1967 when he returned home from the war. He was a decorated trooper and even received the Trooper of the Year Award for the Hazard KSP Post. In 1981, Maggard left public service and became director of Blue Diamond Coal's security. However, in 1991, he returned to public duty when he accepted the position of police chief for the City of Hazard.

His career was highly distinguished as he earned many different forms of recognition. Chief Maggard was invited to the White House to represent the Kentucky Chiefs of Police; he also served on the Kentucky Law Enforcement Council from 1995 to 2001; in 1997 he was appointed to the National Law Enforcement and Corrections Technology Center Advisory Council; and he was president of the Kentucky Association of Chiefs of Police from 1999 to 2000. In 2001, Chief Maggard retired from the police force and became the director of the Rural Law Enforcement Technology Center in Hazard.

Though a decorated police officer and public servant, the legacy Chief Rod Maggard hoped to leave was that of a good member of his community. Current Hazard police chief Minor Allen said that Chief Maggard was not just a mentor but more like a second father to him. It was his love of Hazard and Kentucky that set Maggard apart as a great police chief, and that is the reason why Rod will be dearly missed by those he knew and with whom he worked.

Today, I ask that my colleagues in the U.S. Senate would join me in honoring Chief Rod Maggard. I extend my most sincere condolences to his wife, Beverly; their daughters, Lesley Buckner, Brandi Townsley, and Vali Dye; his sons-in-law; brother; grandchildren; and many more beloved family members and friends. The Hazard Herald, a publication from Hazard, KY, published an obituary that highlighted Chief Maggard's outstanding service to Kentucky. Mr. President, I ask unanimous consent that said article appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Hazard Herald, June 20, 2012]

ROD MAGGARD

Rodney Mitchell Maggard, 68, of Hazard, passed away on Wednesday, June 13, at the hospice care center in Hazard. He was the former director of the Rural Law Enforcement Technology Center and former chief of police with the Hazard Police Department.

He was the son of the late Ivory Mitchell Maggard and the late Margaret McIntosh Maggard, and was also preceded in death by his brother, James Charles Maggard.

He is survived by his wife, Beverly Maggard; daughters Lesley Buckner and husband Jay, Brandi Townsley and husband Jeff, and Vali Dye and husband Kevin; brother Tommy Wayne Maggard; godson Anthony Bersaglia; grandchildren Ali Townsley, Walker Townsley, Mitchell Buckner, Grayson Dye, and Avery Dye; along with a host of family and friends.

Arrangements were handled by Maggard Mountain View Chapel of Hazard. Funeral services were held on Saturday, June 16, at the Forum, with Dr. Bill Scott and Rev. Chris Fugate officiating. Interment was at Charlie Maggard Cemetery at Blair, Kentucky.

REMEMBERING AURORA'S LOSS

Mr. LEVIN. Mr. President, as we gain perspective on the recent horrific shooting in Aurora, CO, our thoughts and prayers are with the victims, their families, and on all those who have been impacted by this tragedy. I, like many Americans, have been uplifted by the many examples of courage and heroism that have emerged from this dark moment. A young woman refusing to leave her injured friend, pulling her out of harm's way. A man giving his life to shield a loved one. A 19-year-old stepping back into danger to rescue a mother and her two young daughters. These stories and the others that will almost certainly emerge as time goes on serve as powerful reminders of the simple decency that makes our Nation strong.

But as we reflect on these stories, it is also important that we begin to understand what caused or contributed to this heinous act. When the alleged shooter burst into the theater, he opened fire on the audience with an AR–15 assault rifle. The AR–15 is a type of military-style assault weapon, built for no purpose other than combat. According to the Congressional Research Service, they were designed in the aftermath of the Second World War to give soldiers a weapon suited for the modern battlefield. Such weapons often use high-capacity ammunition magazines, which allow shooters to continuously fire rounds without reloading. It has been reported that the alleged shooter used an oversized drum magazine, which reports have indicated could fire 100 rounds without reloading.

Between 1994 and 2004, a Federal ban prohibited the purchase of assault weapons. The idea was that if we took lethal weapons with no sporting purpose off the streets, it would make our society safer and protect American lives. Our law enforcement community strongly supported it. And it worked. After the ban was enacted, Brady Campaign studies observed a 66 percent decrease in the number of assault weapons that the Bureau of Alcohol, Tobacco, and Firearms, ATF, traced back to a crime scene. When assault weapons were taken off the market, our Nation became safer. But, unfortunately, Congress allowed the assault weapons ban to lapse in 2004, and repeated efforts to reinstate it have been unsuccessful.

So this past May, when the alleged gunman walked into a local gun shop, he was able to purchase an AR–15 assault rifle. The sale was completely

legal. Two months later, he used that same weapon to open fire on a movie theater, filled with innocent people. The oversized ammunition magazine allowed him to fire continuously. Thankfully, the weapon jammed during the attack, and he was forced to switch to one of the other three firearms he had purchased, legally, in the preceding weeks. He killed 12 and injured 58. Some were fathers and sons, mothers and daughters. They were all individuals with plans and dreams. Some were members of our armed services, who had volunteered to fight for our country.

Mr. President, as elected officials, our greatest responsibility is to protect the lives of the American people. A renewal of the Federal ban on assault weapons would help keep these combat weapons off our streets and out of our neighborhoods. It would prevent them from getting into the hands of criminals who can legally buy them today or who can easily secure a straw purchaser to do so. They aren't used to hunt; they are too often used to kill. I urge my colleagues to reinstate the Federal ban on assault weapons and to take up and pass legislation like S. 32, the Large Capacity Ammunition Feeding Device Act, which would prohibit the sale of military-style ammunition cartridges. We can honor the memory of those who lost their lives in Aurora in many ways—one would be by passing such legislation.

CONGRATULATING KRISTIN ARMSTRONG

Mr. CRAPO. Mr. President, my colleague Senator JIM RISCH joins me today in congratulating fellow Idahoan Kristin Armstrong, who won her second consecutive gold medal in the Olympic cycling time trial. Kristin's perseverance and drive is an inspiration.

In the 2008 Olympics in Beijing, Kristin, who is a Boise resident and graduate of the University of Idaho, took home the gold. She returned to racing in 2011 after a retirement to give birth to her son, Lucas.

Throughout her racing career, Kristin has demonstrated remarkable dedication and strength. Despite breaking her collarbone in the Exergy Tour in Idaho 2 months ago and sustaining minor injuries from a crash just a few days before her London win, Kristin did not let these difficulties hold her back. She surpassed many skillful competitors to once again achieve the gold medal while also becoming the oldest champion in a road cycling event. Kristin's time of 37 minutes and 34.82 seconds for the 18-mile course was more than 15 seconds faster than the silver medalist. These are considerable accomplishments.

We join the many Idahoans and Americans who applaud Kristin's commitment and excellence. We also commend Kristin's friends and loved ones, including her husband, Joe Savola, and son, Lucas William Savola, who have supported Kristin. Kristin is truly a gifted athlete with immense abilities and talents. Her capacity to push forward beyond the challenges provides encouragement to all of us, and we congratulate her on this, and her many, extraordinary achievements.

JOHN ''JACK'' KIBBIE

Mr. HARKIN. Mr. President, I have come to the floor today to pay tribute to a truly exceptional public servant and fellow Iowan, Jack Kibbie. Jack is retiring this year after 32 years of public service in the Iowa State Legislature. A decorated war hero before his time in office, Jack was awarded the Bronze Star for his service as a tank commander during the Korean war. After serving 4 years each in the Iowa House of Representatives and the Iowa Senate, he left the Senate in 1968 but returned in 1988 and has served ever since. The longest serving Senate president in Iowa's history, Jack has dedicated his life to fighting for Iowans and all Americans and I am truly proud to have the opportunity to honor his life's work today.

Jack has spent much of his time in public office supporting Iowa students. Known as the ''Father of Iowa's Community Colleges,'' he sponsored the 1965 bill that created Iowa's community college system. Later on, Jack served on the Iowa Lakes Community College Board for 17 years and was president for 10 of those years. What is most remarkable about all of this work is that Jack himself does not have a college degree, but he spent his life making sure his fellow Iowans had the opportunity to attain one. Over the years, we have seen the Iowa community college system grow and succeed. The statewide community college student body, which began with a modest enrollment of 9,000 students, has flourished into a system of 15 schools that now serve more than 155,000 college students and more than 254,000 noncredit students in every corner of the State. Together, these students represent nearly 22 percent of Iowa's working population.

This will forever stand as Jack Kibbie's great legacy—a living legacy that will enrich and empower Iowans far into the future. By 2018, for instance, Iowa will add 101,000 jobs requiring postsecondary education, according to the Georgetown University Center on Education and the Workforce. By this same year, nearly two out of every three jobs in Iowa will require postsecondary training beyond high school. At a time when community colleges are needed more than ever to help the United States regain its standing as the Nation with the highest proportion of college graduates in the world, Iowa's system—thanks to Jack Kibbie's life's work—is up to that task.

Another legacy of Jack Kibbie—often overlooked—is his leadership in ensuring that the Iowa Public Employee Retirement System is rock-solid. Jack has fought to ensure Iowa has one of the best funded public pension funds in the United States because he believes strongly in providing workers with traditional pensions. I couldn't agree more.

And I don't think there is anyone in Iowa who has been more persistent and determined—going back many years—in championing alternative fuels such as ethanol, biodiesel, and wind energy. Today, Iowa is the No. 1 biofuels producer in the United States and that is in no small measure thanks to Jack Kibbie.

Mr. President, Jack Kibbie's retirement is a tremendous loss for Iowans. For more than five decades Jack has fought for them and stood up for the values that make this country great. I wish him a long and happy retirement with his wife Kay and family.

JUSTICE FOR THE BYTYQI FAMILY

Mr. CARDIN. Mr. President, today is the 37th anniversary of the Helsinki process. Starting with the signing of the Helsinki Final Act on August 1, 1975, this process began as an ongoing conference which helped end the Cold War and reunite Europe. It has continued as a Vienna-based organization that today seeks to resolve regional conflicts and promote democratic development and the rule of law throughout the region.

While serving in both chambers of the U.S. Congress, it has been a unique and rewarding privilege to engage in this diplomatic process and its parliamentary component as a member and chairman of the U.S. Helsinki Commission, with the goal of improving the lives of everyday people. While they may be citizens of other countries, promoting their human rights and fundamental freedoms helps us to protect our own. It is, therefore, in our national interest to engage in this process.

On this anniversary, however, I do want to focus on three U.S. citizens who suffered the ultimate violation of their human rights when they were taken into a field and shot, deliberately murdered, in July 1999 by a special operations unit under the control the Interior Ministry in Serbia. They were brothers: Ylli, Agron and Mehmet Bytyqi.

The Bytyqi brothers were Albanian-Americans from New York. Earlier in 1999, they went to Kosovo to fight as members of the Kosovo Liberation Army in a conflict which eventually prompted a NATO military intervention designed to stop Serbian leader Slobodan Milosevic and his forces. When the conflict ended, the Bytyqi brothers assisted ethnic Roma neighbors of their mother in Kosovo by escorting them to the Serbian border. Accidently straying into Serbian territory, they were arrested and sentenced to 2 weeks in jail for illegal entry. When released from prison, they were

not freed. Instead, the Bytyqi brothers were transported to an Interior Ministry training camp in eastern Serbia, where they were brutally executed and buried in a mass grave with 75 other ethnic Albanians from Kosovo. Two years later, after the fall of the Milosevic regime, their bodies were recovered and repatriated to the United States for burial.

Ylli, Agron and Mehmet were never given a fair and public trial, an opportunity to defend themselves, or any semblance of due process. Their post-conflict, extrajudicial killing was cold-blooded murder.

In the last decade Serbia has made a remarkable recovery from the Milosevic era. I saw this myself last year when I visited Belgrade. This progress, however, has not sufficiently infiltrated the Interior Ministry, affording protection to those who participated in the Bytyqi murders and other egregious Milosevic-era crimes. Nobody has been held accountable for the Bytyqi murders. Those in command of the camp and the forces operating there have never been charged.

The same situation applies to the April 1999 murder of prominent journalist and editor Slavko Curuvija, who testified before the Helsinki Commission on the abuses of the Milosevic regime just months before. There needs to be justice in each of these cases, but together with other unresolved cases they symbolize the lack of transparency and reform in Serbia's Interior Ministry to this day. Combined with continued denials of what transpired under Milosevic in the 1990s, including the 1995 genocide at Srebrenica in neighboring Bosnia, these cases show that Serbia has not completely put an ugly era in its past behind it. For that reason, not only does the surviving Bytyqi family in New York, as well as the friends and family of Slavko Curuvija, still need to have the satisfaction of justice. The people of Serbia need to see justice triumph in their country as well.

I want to thank the U.S. Mission to the OSCE in Vienna, which under the leadership of Ambassador Ian Kelly continues to move the Helsinki process forward, for recently raising the Bytyqi murders and calling for justice. I also want to commend the nominee for U.S. Ambassador to Serbia, Michael David Kirby, for responding to my question on the Bytyqi and Curuvija cases at his Foreign Relations Committee hearing by expressing his commitment, if confirmed, to make justice in these cases a priority matter. On this anniversary of the Helsinki Final Act, I join their call for justice.

TRIBUTE TO JOEL BOUSMAN

Mr. ENZI. Mr. President, I rise to speak on behalf of Joel Bousman who will be inducted into the Wyoming Agriculture Hall of Fame later this month at the 100th Wyoming State Fair. Since 1992, Wyoming has recognized the individuals each year who have made substantial contributions to agriculture in our State. This year I have the honor of presenting this award to Joel with my colleague Senator BARRASSO.

Joel Bousman is a fourth generation rancher and operator of Eastfork Livestock in Boulder, WY. Actively involved in the Wyoming Stock Growers Association, he is admired for his leadership in the State's livestock industry. Having served as regional vice president of the Wyoming Stock Growers and president of the Green River Valley Cattleman's Association, Joel is a determined advocate and defender of agriculture.

Wyoming ranchers are known nationwide for their stewardship and Joel leads by example with his own operation and when grazing on public lands. In 2003, he was presented with the Wyoming Stock Growers Environmental Stewardship Award and was most recently presented with the 2011 Guardian of the Range Award. Bousman's nomination letter reads, ''He was a pioneer in initiating grazing monitoring that is conducted jointly by the federal land agencies and the grazing permittees.'' To this day, he remains active in promoting joint efforts to improve grazing and wildlife habitat on Wyoming's working lands.

Wyoming Agriculture Hall of Fame Award recipients are also expected to serve their communities and Joel has been no exception as the chairman of the Sublette County Board of County Commissioners. Joel has not only served his community as a commissioner but has regularly come to Washington to bring his message before congressional committees and directly to Members. Wyoming Governor Matt Mead writes that Joel is, ''a proven leader who is well respected in all circles—from the halls of Congress to the Wyoming Capitol and from the Sublette County Building to a constituent's kitchen table.''

I am proud to have the opportunity to recognize Joel's achievements with Senator BARRASSO as a 2012 inductee into the Wyoming Agriculture Hall of Fame. Wyoming and its public lands are well served by his lasting and continuing contributions to our State.

TRIBUTE TO GENE HARDY

Mr. BARRASSO. Mr. President, during Wyoming's State Fair, Senator ENZI and I will have the honor of inducting Gene Hardy into the Wyoming Agriculture Hall of Fame.

Wyoming ranchers care for the land because it cares for them and their families. The Hardy Ranch tradition began in 1920 when Gene's father homesteaded in Converse County, WY. By the 1930s, the Hardy family was producing both cattle and sheep. Gene Hardy is a third generation rancher continuing the family business of multi-species livestock production. Additionally, he balances wildlife and energy production on the Hardy Ranch. Balancing the ranch's resources has led Gene to also be an industry leader in terms of multiple use land management.

Mr. President, innovative is a word that describes Gene. He has organized his livestock operation to improve production utilizing land management through aerial monitoring. As a pilot, he has been flying planes for 50 years over the Hardy Ranch with the result being profitable livestock production and sustainable grazing. Furthermore, he has focused on innovation through superior genetics to produce quality livestock.

Gene is committed to the livestock industry. He works tirelessly to help his fellow producers. Previously, Gene served as president of the Wyoming Wool Growers Association and on boards for the Wyoming Stock Growers Association. However, his involvement does not stop there. He is still actively involved in many local, State, and national agricultural organizations. Currently, Gene serves as the chairman of the American Sheep Industry Association's Predator Management Committee. Gene's dedication and leadership will help ensure the success of the industry for future generations of agriculturalists.

As my friend Bryce Reece, executive-vice president of the Wyoming Wool Growers Association, remarked, ''We need a lot more Gene Hardy's in this world.''

Mr. President, I ask my colleagues to join me and Senator ENZI in congratulating Gene Hardy, 2012 inductee into the Wyoming Agriculture Hall of Fame. Wyoming lands and livestock are better because of his service.

ADDITIONAL STATEMENTS

REMEMBERING MARY LOUISE RASMUSON

● Mr. BEGICH. Mr. President, I wish to recognize the passing of one of Alaska's most endeared philanthropists, Mary Louise Rasmuson. Mrs. Rasmuson died on July 30, 2012, at her home in Anchorage, AK. Mary Louise Rasmuson was a beloved Alaska pioneer who saw opportunity in every challenge. She was generous in spirit and deed, and through her family foundation made Alaska a much stronger and vibrant state.

Intelligent. Diplomatic. Principled and ethical. Gentle but firm. Mrs. Rasmuson spent her life breaking barriers, challenging conventions, and seeking to improve opportunities for those around her.

She was a trailblazer for women and left her mark across the country and the State of Alaska through her leadership, philanthropy, and the family foundation that she helped lead with her late husband Elmer.

Selected from the initial pool of 30,000 applicants for the new Women's Army Corp-WAC she rose quickly

through the ranks and in 1957 became the fifth commandant of the WAC, a position she occupied for 6 years, first appointed by President Eisenhower and reappointed by President Kennedy. Mary Louise led the way for women in the military. Mrs. Rasmuson's oral history of the WAC unit, World War II and the Korean War is among those recorded by The Library of Congress for The Veterans History Project.

In 1942, as the United States entered World War II, Mrs. Rasmuson left her job as an assistant principal in a school district near Pittsburgh and became a member of the first class of the new WAC.

As director of the WAC unit, military historians credit her with major achievements including increasing the WAC's strength, insisting on effectiveness in command, working with Congress to amend laws that deprived women of service credit and benefits, and expanding the range of military opportunities open to women.

Mrs. Rasmuson retired in 1962 after 20 years of military service, during which she received a Legion of Merit award with two oak leaf clusters for her work integrating Black women into the WAC. She was also awarded the Women's Army Auxiliary Corps Service Medal, the American Campaign Medal, World War II Victory Medal, Occupation Medal and National Defense Medal. At an event honoring her, former U.S. Secretary of Defense William Perry said, ''When you hear about women seizing new opportunities to serve, remember that they march behind Colonel Rasmuson.''

Mary Louise's impact can be felt virtually everywhere in Alaska, whether improving the position of families, founding a world-class museum, enhancing research in healthcare, and advancing understanding of Alaska Native cultures on a national stage. Her contributions have reached every corner of Alaska, from Ketchikan to Gambell.

Mrs. Rasmuson arrived in Alaska in 1962 after her marriage to Elmer E. Rasmuson, chairman of National Bank of Alaska. Together, they made a formidable team influential in the public and civic agenda in a rapidly developing city and State. She quickly adapted to life in Alaska and became active in several community groups. One of her most visible impacts on Alaska came from her service as head of the Municipality of Anchorage Historical and Fine Arts Commission and later as chair of the Anchorage Museum Foundation. Her vision, passion and personal effort led to the creation of the Anchorage Museum of Art and History in 1968. As Mayor of Anchorage, I was proud to be with Mrs. Rasmuson to cut the ribbon on the latest expansion of the museum, now named the Anchorage Museum at Rasmuson Center, a culminating moment in her decades-long vision to build a great museum for all Alaskans.

In 1967, Mrs. Rasmuson began what would become 45 years of service on the board of Rasmuson Foundation. She maintained an active voice in the affairs of the Foundation and regularly attended board meetings until her late 90s, when she transitioned to an emeritus position. Even in the last years of her life, Mrs. Rasmuson received briefings from Foundation staff on projects seeking Foundation support.

Facilities that bear her name include the Elmer and Mary Louise Rasmuson Theater at the Smithsonian National Museum of the American Indian in Washington, DC, the Elmer and Mary Louise Rasmuson Center for Rheumatic Disease at the Benaroya Research Institute of Virginia Mason Hospital in Seattle, WA, and the Mary Louise Rasmuson Pavilion at the Boy Scouts of America Camp Gorsuch in Chugiak, AK. Mary Louise Rasmuson will be missed by all who knew her, but her legacy will live forever in the hearts and minds of Alaskans.●

TRIBUTE TO SOFIA GUANA

● Mr. HELLER. Mr. President, I rise today in celebration of one of Nevada's own, Sofia Guana, on her 100th birthday. Her dedication to community service is commendable, and I am proud that she calls Nevada home.

After Sofia came to Carson City, NV, just more than 20 years ago, she dedicated her time to investing in the Silver State. Whether it was through working for the University of Nevada's Cooperative Extension or volunteering for the local senior citizen's center, Sofia's commitment to the betterment of her State and community is commendable. She serves as an example to us all, and I hope that many more will follow in her footsteps.

Sofia's dedication to the betterment of others does not stop with her local community of Carson. A devoted mother, grandmother, and great-grandmother, she is the lifeblood of her family.

Mr. President, I am proud to call Sofia one of Nevada's own and wish her a very happy 100th birthday. On behalf of the State and the residents of Carson City, I thank her for her service and wish her all the best.●

TRIBUTE TO JUDY KROLL

● Mr. THUNE. Mr. President, today I would like to take this opportunity to honor Judy Kroll of Volga, SD.

Judy Kroll has spent her career serving the community of Brookings, SD, in her capacity as an educator, as well as the director of the thriving speech and debate program at Brookings High School.

Judy, who retired this summer, served as a South Dakota educator for 37 years, teaching in both Madison and Parkston before starting at Brookings High School in 1980. During her 32 years as an educator and debate coach in Brookings, she has left an indelible impact on her students, dedicating an immeasurable amount of time to positively impacting the lives of young people. Judy has devoted countless hours to advance the critical and analytical skills of those students who she taught, coached, and mentored.

During her coaching career, Judy has been awarded South Dakota Forensic Coaches Association Coach of the Year on numerous occasions and coached her students to multiple State championships in various speech and debate events. Her success as a coach was also demonstrated at the national level. She coached policy debate teams to 2nd and 3rd place finishes in 2000 at the National Forensics League National Speech and Debate Tournament and a 7th place finish earlier this summer at the same tournament.

Judy's longstanding involvement in the debate community has been recognized not only by her South Dakota peers, but at a national level as well. In 2011, she was admitted to the National Forensics League Hall of Fame. Of the thousands of debate coaches who have been a part of the National Forensics League since its inception in 1925, only 158 individuals have earned this honor. Judy is one of four South Dakotans to have received this honor. In addition, she was recently named the 2012 National Forensics League Coach of the Year. This award recognizes Judy's outstanding leadership and commitment to National Forensic League activities. Judy's receipt of this award marks only the second time a South Dakotan has received such an honor since it was first awarded in 1953.

During her teaching and coaching career, Judy encouraged her students to never give up on accomplishing their goals. She promoted outstanding sportsmanship and for years a large display in her classroom read, ''What is popular is not always right, and what is right is not always popular.'' Judy exemplified for her students the importance of working hard and attaining success without compromising ethics and sense of doing what is right.

I join Judy's family, friends, and students in recognizing her meritorious work and extend my sincere thanks and appreciation to Judy for all she has done for her students and the State of South Dakota, and wish her the best in her retirement.●

MESSAGES FROM THE HOUSE

At 1:23 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 828. An act to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment.

H.R. 3641. An act to establish Pinnacles National Park in the State of California as a unit of the National Park System, and for other purposes.

The message further announced that the House has passed the following bill, without amendment:

S. 679. An act to reduce the number of executive position subject to Senate confirmation.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 1627) to amend title 38, United States Code, to provide for certain requirement for the placement of monuments in Arlington National Cemetery, and for other purposes.

At 5:23 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 55. Concurrent resolution directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1627.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

S. 679. An Act to reduce the number of executive positions subject to Senate confirmation.

S. 1959. An Act to require a report on the designation of the Haqqani Network as a foreign terrorist organization and for other purposes.

At 6:54 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 1905) to strengthen Iran sanctions laws for the purpose of compelling Iran to abandon its pursuit of nuclear weapons and other threatening activities, and for other purposes, with an amendment.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 828. An act to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7025. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's 2012 report to Congress on the Transportation Infrastructure Finance and Innovation Act of 1998; to the Committee on Commerce, Science, and Transportation.

EC–7026. A communication from the Attorney—Advisor, Office of the General Counsel, Department of Transportation, transmitting, pursuant to law, a report relative to a vacancy in the position of Under Secretary of Transportation for Policy, received in the Office of the President of the Senate on July 18, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7027. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Jig Gear in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XC079) received in the Office of the President of the Senate on July 18, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7028. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; 'Other Rockfish' in the Western Regulatory Area of the Gulf of Alaska'' (RIN0648–XC087) received in the Office of the President of the Senate on July 18, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7029. A communication from the Secretary of the Commission, Bureau of Consumer Protection Division of Marketing Practices, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Disclosure Requirements and Prohibitions Concerning Franchising'' (RIN3084–AA63) received in the Office of the President of the Senate on July 18, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7030. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Eureka, NV'' ((RIN2120–AA66) (Docket No. FAA–2011–1333)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7031. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Livingston, MT'' ((RIN2120–AA66) (Docket No. FAA–2012–0139)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7032. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Memphis, TN'' ((RIN2120–AA66) (Docket No. FAA–2011–1211)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7033. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class D Airspace; Andalusia, AL and Amendment of Class E Airspace; Fort Rucker, AL'' ((RIN2120–AA66) (Docket No. FAA–2011–1457)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7034. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Woodland, CA'' ((RIN2120–AA66) (Docket No. FAA–2012–0345)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7035. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace; Pontiac, MI'' ((RIN2120–AA66) (Docket No. FAA–2011–1142)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7036. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D and Class E Airspace; Lakehurst, NJ'' ((RIN2120–AA66) (Docket No. FAA–2012–0456)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7037. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation and Modification of Multiple Domestic, Alaskan, and Hawaiian Compulsory Reporting Points'' ((RIN2120–AA66) (Docket No. FAA–2012–0129)) received in the Office of the President of the Senate on July 24, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7038. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Removal of the Part 67 Requirement for Individuals Granted the Special Issuance of a Medical Certificate to Carry Their Letter of Authorization While Exercising Pilot Privileges; Confirmation of Effective Date'' ((RIN2120–AK00) (Docket No. FAA–2012–0056)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7039. A communication from the Senior Program Analyst, Federal Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Flightcrew Member Duty and Rest Requirements; OMB Approval of Information Collection'' ((RIN2120–AJ58) (Docket No. FAA–2009–1093)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7040. A communication from the Deputy Assistant General Counsel, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airport Concessions Disadvantaged Business Enterprise: Program Improvements'' (RIN2105–AE10) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7041. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Alpha Aviation Concept Limited (Type Certificate Previously Held by Alpha Aviation Design Limited) Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0279)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7042. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives;

Aeronautical Accessories, Inc., High Landing Gear Aft Crosstube Assembly'' ((RIN2120–AA64) (Docket No. FAA–2012–0083)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7043. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Services B.V. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0039)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7044. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Agusta S.p.A. Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2012–0013)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7045. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0298)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7046. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BAE SYSTEMS (OPERATIONS) LIMITED Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0106)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7047. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dassault Aviation Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0265)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7048. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0034)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7049. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Saab AB, Saab Aerosystems Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0330)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7050. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Services B.V. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0300)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7051. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–1170)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7052. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce plc Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2012–0418)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7053. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Hartzell Engine Technologies Turbochargers'' ((RIN2120–AA64) (Docket No. FAA–2012–0565)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7054. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; WACO Classic Aircraft Corporation Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0578)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7055. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Continental Motors, Inc. (CMI) Reciprocating Engines'' ((RIN2120–AA64) (Docket No. FAA–2011–1341)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7056. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileria de Aeronautica S.A. (EMBRAER) Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0441)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7057. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Enstrom Helicopter Corporation Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2012–0562)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7058. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; AGUSTA S.p.A. Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2012–0600)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7059. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopter Textron Canada, Limited, Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2012–0087)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7060. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0152)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7061. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0040)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7062. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter Deutschland GmbH Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2012–0659)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7063. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0645)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7064. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0719)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7065. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0673)) received during adjournment of the Senate in the Office of the President of the Senate on July

20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7066. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–1257)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7067. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0991)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7068. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–1415)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7069. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–1412)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7070. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–1254)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7071. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–1255)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7072. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–1115)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7073. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Area Navigation (RNAV) Routes; Southwestern United States'' ((RIN2120–AA66) (Docket No. FAA–2012–0286)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7074. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Part 95 Instrument Flight Rules (4); Amdt. No. 501'' (RIN2120–AA63) received in the Office of the President of the Senate on July 24, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7075. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (109); Amdt. No. 3484'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7076. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (97); Amdt. No. 3482'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7077. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (97); Amdt. No. 3483'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7078. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (33); Amdt. No. 3485'' (RIN2120–AA65) received in the Office of the President of the Senate on July 24, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7079. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (110); Amdt. No. 3486'' (RIN2120–AA65) received in the Office of the President of the Senate on July 24, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7080. A communication from the Deputy Bureau Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Misuse of Internet Protocol (IP) Relay Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities'' ((CG Docket Nos. 12–38 and 03–123) (FCC 12–71)) received in the Office of the President of the Senate on July 19, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7081. A communication from the Chief of the Policy and Rules Division, Office of Engineering, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Section 2.925 and 2.926 of the Rules Regarding Grantee Codes for Certified Radiofrequency Equipment'' (FCC 12–60) received in the Office of the President of the Senate on July 25, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7082. A communication from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Rural Health Care Support Mechanism'' ((RIN3060–AF85) (FCC 12–74)) received in the Office of the President of the Senate on July 25, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7083. A communication from the Deputy Division Chief of the Policy Division, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Procedures to Govern the Use of Satellite Earth Stations on Board Vessels in the 5925–6425 MHz/3700–4200 MHz Bands and 14.0–14.5 GHz/11.7–12.2 GHz Bands'' ((IB Docket No. 02–10) (FCC 12–79)) received in the Office of the President of the Senate on July 30, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7084. A communication from the Acting Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Information from Foreign Regions Applying for Recognition of Animal Health Status'' ((RIN0579–AD30) (Docket No. APHIS–2007–0158)) received in the Office of the President of the Senate on July 31, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7085. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to providing certain support aid to the Government of Uzbekistan; to the Committee on Armed Services.

EC–7086. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; DoD Voucher Processing'' ((RIN0750–AH52) (DFARS Case 2011–D054)) received during adjournment of the Senate in the Office of the President of the Senate on July 27, 2012; to the Committee on Armed Services.

EC–7087. A communication from the Assistant Secretary of Defense (Global Strategic Affairs), transmitting, pursuant to law, a report entitled ''Report on the National Academy of Sciences Assessment and Report on Metrics of the Cooperative Threat Reduction Program''; to the Committee on Armed Services.

EC–7088. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Adjudicatory Process Rules and Related Requirements: 10 CFR Parts 2, 12, 51, 54, and 61'' ((RIN3150–AI43) (NRC–2008–0415)) received in the Office of the President of the Senate on July 30, 2012; to the Committee on Environment and Public Works.

EC–7089. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Patient Protection and Affordable Care Act; Data Collection to Support Standards Related to Essential Health Benefits; Recognition of Entities for the Accreditation of Qualified Health Plans'' (RIN0938–AR36) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Finance.

EC–7090. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Third Party Payer Issues and Reporting Agent, Revisions to

Rev. Proc. 2007–38'' (Rev. Proc. 2012–32) received in the Office of the President of the Senate on July 31, 2012; to the Committee on Finance.

EC–7091. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Rev. Proc. 98–32'' (Rev. Proc. 2012–33) received in the Office of the President of the Senate on July 31, 2012; to the Committee on Finance.

EC–7092. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2012 Section 43 Inflation Adjustment'' (Notice 2012–49) received in the Office of the President of the Senate on July 31, 2012; to the Committee on Finance.

EC–7093. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2012 Marginal Production Rates'' (Notice 2012–50) received in the Office of the President of the Senate on July 31, 2012; to the Committee on Finance.

EC–7094. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12–089, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible effects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC–7095. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled ''Country Reports on Terrorism 2011''; to the Committee on Foreign Relations.

EC–7096. A communication from the Railroad Retirement Board, transmitting, pursuant to law, a report entitled ''Railroad Unemployment Insurance System''; to the Committee on Health, Education, Labor, and Pensions.

EC–7097. A joint communication from the Executive Director and the Chair of the Board of Governors, Patient-Centered Outcomes Research Institute, transmitting, pursuant to law, the Institute's 2011 Annual Report; to the Committee on Health, Education, Labor, and Pensions.

EC–7098. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12–092, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible effects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC–7099. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report relative to the cost of response and recovery efforts for FEMA–3330–EM in the Commonwealth of Massachusetts having exceeded the $5,000,000 limit for a single emergency declaration; to the Committee on Homeland Security and Governmental Affairs.

EC–7100. A communication from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Implementation of Statute of Limitations Provisions for Office Disciplinary Proceedings'' (RIN0651–AC76) received in the Office of the President of the Senate on July 30, 2012; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. AKAKA, from the Committee on Indian Affairs, without amendment:

H.R. 1272. A bill 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.

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 3370. A bill to authorize the Administrator of General Services to convey a parcel of real property in Albuquerque, New Mexico, to the Amy Biehl High School Foundation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY:

S. 3465. A bill to amend the Older Americans Act of 1965 to define care coordination, include care coordination as a fully restorative service, and detail the care coordination functions of the Assistant Secretary, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ:

S. 3466. A bill to amend the Internal Revenue Code of 1986 to provide a credit for employer-provided job training, and for other purposes; to the Committee on Finance.

By Mr. JOHANNS:

S. 3467. A bill to establish a moratorium on aerial surveillance conducted by the Administrator of the Environmental Protection Agency; to the Committee on Environment and Public Works.

By Mr. PORTMAN (for himself, Mr. WARNER, and Ms. COLLINS):

S. 3468. A bill to affirm the authority of the President to require independent regulatory agencies to comply with regulatory analysis requirements applicable to executive agencies, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BINGAMAN:

S. 3469. A bill to establish a new organization to manage nuclear waste, provide a consensual process for siting nuclear waste facilities, ensure adequate funding for managing nuclear waste, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. STABENOW (for herself and Mr. CRAPO):

S. 3470. A bill to permanently extend the private mortgage insurance tax deduction; to the Committee on Finance.

By Mr. RUBIO:

S. 3471. A bill to amend the Internal Revenue Code of 1986 to eliminate the tax on Olympic medals won by United States athletes; to the Committee on Finance.

By Ms. LANDRIEU (for herself, Mr. GRASSLEY, Mr. BEGICH, Mr. BLUNT, Mrs. BOXER, Mr. FRANKEN, and Ms. KLOBUCHAR):

S. 3472. A bill to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE:

S. 3473. A bill to replace automatic spending cuts with targeted reforms, and for other purposes; to the Committee on Finance.

By Mr. MERKLEY (for himself, Ms. MIKULSKI, and Mr. HARKIN):

S. 3474. A bill to provide consumer protection for students; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU:

S. 3475. A bill to increase the participation of historically underrepresented demographic groups in science, technology, engineering, and mathematics education and industry; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY (for herself, Mr. FRANKEN, and Mr. KERRY):

S. 3476. A bill to amend the Child Care and Development Block Grant Act of 1990 to ensure access to high—quality child care for homeless children and families, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself, Mrs. HUTCHISON, Mr. CASEY, Ms. SNOWE, Mrs. SHAHEEN, Mrs. GILLIBRAND, and Mr. BROWN of Massachusetts):

S. 3477. A bill to ensure that the United States promotes women's meaningful inclusion and participation in mediation and negotiation processes undertaken in order to prevent, mitigate, or resolve violent conflict and implements the United States National Action Plan on Women, Peace, and Security; to the Committee on Foreign Relations.

By Ms. LANDRIEU (for herself, Mr. GRASSLEY, Mr. BEGICH, Mr. BLUNT, Mrs. BOXER, Mr. FRANKEN, and Ms. KLOBUCHAR):

S. 3478. A bill to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PRYOR (for himself, Mr. BLUNT, Mr. BROWN of Ohio, Ms. SNOWE, Mr. WYDEN, and Mr. WARNER):

S. 3479. A bill to strengthen manufacturing in the United States through improved training, retention, and recruitment of workers, to deter evasion of antidumping and countervailing duty orders, and to promote United States exports, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JOHANNS (for himself, Mr. CRAPO, Mr. TESTER, Mr. KOHL, Mr. TOOMEY, and Mrs. HAGAN):

S. 3480. A bill to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. REED):

S.J. Res. 49. A joint resolution providing for the appointment of Barbara Barrett as a citizen regent of the Board of Regents of the Smithsonian Institution; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. KLOBUCHAR (for herself and Mr. CHAMBLISS):

S. Res. 535. A resolution recognizing the goals and ideals of the Movement is Life Caucus; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI (for herself, Mr. JOHNSON of South Dakota, and Mr. BEGICH):

S. Res. 536. A resolution designating September 9, 2012, as ''National Fetal Alcohol Spectrum Disorders Awareness Day''; considered and agreed to.

By Ms. STABENOW (for herself, Ms. SNOWE, Mr. BENNET, Mr. BLUMENTHAL, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Ms. CANTWELL, Mr. CARDIN, Mrs. FEINSTEIN, Mr. KERRY, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Mr. SCHUMER, Mr. TESTER, Mr. UDALL of Colorado, Mr. WEBB, Mr. WHITEHOUSE, and Ms. MURKOWSKI):

S. Res. 537. A resolution supporting the goals and ideals of National Ovarian Cancer Awareness Month; considered and agreed to.

By Mr. SESSIONS (for himself, Mr. CARDIN, Mr. KERRY, Mr. LUGAR, Mr. SHELBY, Mr. MENENDEZ, Mr. TESTER, Mr. LIEBERMAN, Mr. WYDEN, Mrs. HUTCHISON, Mr. ROBERTS, Mr. CRAPO, Mr. CHAMBLISS, Mr. COCHRAN, Mr. ISAKSON, Mr. WICKER, Mr. INHOFE, Mr. MORAN, Mr. BROWN of Massachusetts, Mr. AKAKA, Mr. KIRK, Ms. MURKOWSKI, and Mrs. FEINSTEIN):

S. Res. 538. A resolution designating September 2012 as ''National Prostate Cancer Awareness Month''; considered and agreed to.

By Mr. ROCKEFELLER (for himself, Mr. ALEXANDER, and Mr. LEVIN):

S. Res. 539. A resolution designating October 13, 2012, as ''National Chess Day''; considered and agreed to.

By Mr. INOUYE (for himself and Mr. COCHRAN):

S. Res. 540. A resolution designating the week of August 6 through August 10, 2012, as ''National Convenient Care Clinic Week''; considered and agreed to.

By Mr. HARKIN:

S. Con. Res. 55. A concurrent resolution directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1627; considered and agreed to.

ADDITIONAL COSPONSORS

S. 202

At the request of Mr. PAUL, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 202, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States before the end of 2012, and for other purposes.

S. 558

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 558, a bill to limit the use of cluster munitions.

S. 645

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 645, a bill to amend the National Child Protection Act of 1993 to establish a permanent background check system.

S. 704

At the request of Mr. WYDEN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 704, a bill to provide for duty-free treatment of certain recreational performance outerwear, and for other purposes.

S. 1461

At the request of Mr. NELSON of Florida, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1461, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

S. 1526

At the request of Mrs. GILLIBRAND, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1526, a bill to amend the Internal Revenue Code of 1986 to provide a tax incentive for the installation and maintenance of mechanical insulation property.

S. 1872

At the request of Mr. CASEY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1872, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 1880

At the request of Mr. BARRASSO, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1880, a bill to repeal the health care law's job-killing health insurance tax.

S. 1935

At the request of Ms. COLLINS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

At the request of Mrs. HAGAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1935, supra.

S. 1990

At the request of Mr. LIEBERMAN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1990, a bill to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act.

S. 1993

At the request of Mr. NELSON of Florida, the names of the Senator from Delaware (Mr. COONS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1993, a bill to posthumously award a Congressional Gold Medal to Lena Horne in recognition of her achievements and contributions to American culture and the civil rights movement.

S. 2118

At the request of Mr. CORNYN, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 2118, a bill to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board.

S. 2173

At the request of Mr. DEMINT, the names of the Senator from New Hampshire (Ms. AYOTTE) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 2173, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 2281

At the request of Mr. WHITEHOUSE, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2281, a bill to amend the Federal Food, Drug, and Cosmetic Act to strengthen the ability of the Food and Drug Administration to seek advice from external experts regarding rare diseases, the burden of rare diseases, and the unmet medical needs of individuals with rare diseases.

S. 3204

At the request of Mr. JOHANNS, the names of the Senator from Nebraska (Mr. NELSON), the Senator from South Carolina (Mr. GRAHAM), the Senator from Utah (Mr. LEE), the Senator from Mississippi (Mr. COCHRAN) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3237

At the request of Mr. WHITEHOUSE, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 3237, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. 3243

At the request of Mrs. GILLIBRAND, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 3243, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the low-income housing credit that may be allocated in States damaged in 2011 by Hurricane Irene or Tropical Storm Lee.

S. 3338

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3338, a bill to amend the Public Health Service Act and title XVIII of the Social Security Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 3384

At the request of Mr. BAUCUS, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 3384, a bill to extend supplemental agricultural disaster assistance programs.

S. 3407

At the request of Mr. WYDEN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 3407, a bill to amend the Public Health Service Act to increase the number of permanent faculty in palliative care at accredited allopathic and osteopathic medical schools, nursing schools, and other programs, to promote education in palliative care and hospice, and to support the development of faculty careers in academic palliative medicine.

S. 3441

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. 3441, a bill to provide for the transfer of excess Department of Defense aircraft to the Forest Service for wildfire suppression activities, and for other purposes.

S.J. RES. 39

At the request of Mr. CARDIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S.J. Res. 39, a joint resolution removing the deadline for the ratification of the equal rights amendment.

S.J. RES. 44

At the request of Mr. KOHL, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S.J. Res. 44, a joint resolution granting the consent of Congress to the State and Province Emergency Management Assistance Memorandum of Understanding.

S. RES. 399

At the request of Mr. MENENDEZ, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. Res. 399, a resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, crimes against humanity, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes.

AMENDMENT NO. 2574

At the request of Mrs. HUTCHISON, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 2574 intended to be proposed to S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

AMENDMENT NO. 2684

At the request of Mr. MCCONNELL, the names of the Senator from Wisconsin (Mr. JOHNSON), the Senator from Texas (Mr. CORNYN), the Senator from Missouri (Mr. BLUNT), the Senator from Utah (Mr. LEE) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of amendment No. 2684 intended to be proposed to S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

AMENDMENT NO. 2688

At the request of Mr. WYDEN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 2688 intended to be proposed to S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

AMENDMENT NO. 2699

At the request of Mr. DEMINT, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of amendment No. 2699 intended to be proposed to S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY:

S. 3465. A bill to amend the Older Americans Act of 1965 to define care coordination, include care coordination as a fully restorative service, and detail the care coordination functions of the Assistant Secretary, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KERRY. Mr. President, for the past 47 years, the Older Americans Act, OAA, has provided a wide array of services to improve the lives of older Americans, family caregivers, and persons with disabilities. Through the Act, millions of Americans receive critical home and community-based services including, home-delivered meal programs, transportation, adult day care, legal assistance and health promotion programs. The National Aging Network delivers these vital services to local communities through the Administration on Aging, State Units on Aging, SUAs, and over 600 Area Agencies on Aging, AAAs.

The aging network supports a number of health, prevention and wellness programs for older adults, such as, chronic disease self-management programs, alcohol and substance abuse reduction, smoking cessation, weight loss and control, and health screenings. Despite this focus on health promotion, currently, there is no definition of care coordination included in the Older Americans Act. In fact, the unique coordination needed for an older adult with multiple chronic conditions is absent from the definition of the OAA case manager role.

The inclusion of care coordination in the OAA is necessary to prepare the aging network for their role in linking medical care to community long-term services and supports. The Affordable Care Act is transforming the health care delivery system through medical home demonstration, Accountable Care Organizations, and the Partnership for Patient-Care Transitions. But to be truly successful, these reforms will require the coordination of care between state and federal health care programs and the aging network.

Today, I am introducing the Care Coordination for Older Americans Act, a bill that would integrate care coordination in the long-term services and supports system. My legislation would include a definition of care coordination in the declaration of objectives of the Older Americans Act and would require the aging network to develop and implement a care coordination plan to address the needs of older individuals with multiple chronic illnesses.

I would like to thank a number of aging organizations who have been integral to the development of this legislation and who have endorsed it today, including: Aging Services of California, the American Geriatrics Society, the American Society on Aging, the Benjamin Rose Institute on Aging, the Center for Medicare Advocacy, the Consumer Coalition for Quality Health Care, the Easter Seals, The Gerontological Society of America, LeadingAge, the National Association of Area Agencies on Aging, n4a, the National Academy of Elder Law Attorneys, the National Association of Nutrition and Aging Services Programs, the National Association of the Professional Geriatric Care Managers, the National Center on Caregiving, the Family Caregiver Alliance, PHI Quality Care through Quality Jobs, the Social Work Leadership Institute / New York Academy of Medicine, and the University of Illinois College of Nursing Institute for Health Care Innovation. In addition, the National Coalition for Care Coordination was pivotal in their assistance developing a definition of care coordination which adequately addresses the needs of the aging network.

Since being enacted in 1965, the OAA has evolved over time to meet the ever-changing needs of our aging population. As we work to reauthorize this successful program that has allowed millions of seniors to remain independent in their homes and communities, we should incorporate new initiatives that reflect the current challenges facing seniors, such as the lack of care coordination between health programs and community long-term services and supports.

For all of these reasons, I urge my colleagues to cosponsor this important legislation and to support its inclusion in the reauthorization of the OAA.

By Mr. JOHANNS:

S. 3467. A bill to establish a moratorium on aerial surveillance conducted by the Administrator of the Environmental Protection Agency; to the Committee on Environment and Public Works.

Mr. JOHANNS. Mr. President, I come to the floor today to discuss an issue I have brought up before in the Senate that continues to trouble me.

Whenever I meet with farmers and ranchers in Nebraska, they often raise concerns about regulatory overreach. I hear about the need for agencies such as the EPA to provide a more predictable and commonsense regulatory environment. So today I am introducing a bill that will do exactly that. It stops the EPA's use of aerial surveillance of

agricultural operations for a period of 12 months—1 year.

Earlier this year, I began hearing about this issue from constituents who are worried about privacy concerns. Thus, a few of my colleagues and I wrote to Administrator Jackson in late May asking her several questions about EPA's practice of flying over livestock operations and taking pictures. We were curious about the scope of flights over agriculture operations in Nebraska and around the country. We asked how the agency selects targets for surveillance and whether any images of residences, land, or buildings not subject to EPA regulation were being captured.

Additionally, we asked a very fair question: We asked about the use of the images, where are they stored, how are they used, who are they shared with, and how long they would remain on file—all seemingly straightforward, fair, basic questions.

Well, to say the least, EPA has been less than forthcoming about the use of aerial surveillance. EPA has acknowledged aerial surveillance activities in Nebraska, Iowa, and West Virginia. But despite repeated requests, details concerning the national scope of this program and its management by EPA headquarters have not been disclosed.

You see, I believe the American public deserves open, straightforward, honest information about why EPA is flying over their land—not just in Nebraska but across the country.

Time and time again, farmers have consistently proven they are excellent stewards of the environment. They make their living from the land, and they are very mindful of maintaining it and protecting it and leaving it improved.

I agree wholeheartedly that we should ensure our waterways are clean and our air is safe. So I want to be very clear: This legislation does not affect EPA's ability to use traditional onsite inspections. But given EPA's track record of ignorance about agriculture, if not downright contempt for it, farmers and ranchers do not trust this agency, and they sure as heck do not approve of EPA doing low-altitude surveillance flights over citizens' private property.

So until EPA takes a more commonsense, transparent, open approach, we need to step on the brakes. This bill simply does that. It places a 1-year moratorium on EPA from using aerial surveillance. This will give the agency time to come clean about its activities nationwide and make the case that these flights are an appropriate use of agency authority and taxpayer money.

Unless the EPA does that openly, the level of trust between farmers and ranchers and the EPA will continue to erode. In the meantime, passage of this legislation will help provide our farmers and our ranchers and others in rural America with much needed regulatory certainty.

I offered an amendment on this issue during the recent farm bill debate. It got broad bipartisan support—56 votes. Ten of my colleagues on the other side of the aisle joined me in this effort, so it is not a partisan issue.

I urge my colleagues to continue their support of this effort to bring accountability and transparency to the Environmental Protection Agency.

By Mr. BINGAMAN:

S. 3469. A bill to establish a new organization to manage nuclear waste, provide a consensual process for siting nuclear waste facilities, ensure adequate funding for managing nuclear waste, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am today introducing a bill to implement the recommendations of the Blue Ribbon Commission on America's Nuclear Future.

The Blue Ribbon Commission was appointed by Secretary of Energy Steven Chu, at the request of President Obama, in March 2010. The purpose of the Commission was to examine the nation's nuclear waste management policy, consider alternatives, and recommend a new approach. The Commission was made up of 15 distinguished members, and co-chaired by Representative Lee Hamilton and General Brent Scowcroft. Two of our former colleagues, Senator Domenici and Senator Hagel, were also members.

The Commission did an outstanding job. It met more than two dozen times over two years, conducted five public hearings across the country, heard testimony from countless experts and stakeholders, visited nuclear waste management facilities both here and abroad, and assembled a very thorough, thoughtful, and authoritative report.

The Commission made eight clear, concise, and eminently sensible recommendations. Principally, it recommended that we adopt a new, consent-based approach to siting nuclear waste management facilities, and that we establish a new organization to manage the nuclear waste management program. It affirmed the need to build one or more geologic repositories in which nuclear waste can be permanently buried, and it endorsed the need to build one or more temporary storage facilities in which nuclear waste can be stored until it can be permanently disposed of in a repository. It emphasized the importance of giving the new organization access to the funds needed to implement the program. It also made useful recommendations on transportation, and on the importance of continued support for nuclear research and development and international nuclear non-proliferation programs.

The Commission published its report at the end of January, and the two co-chairs, Representative Hamilton and General Scowcroft, testified to the Committee on Energy and Natural Resources on it in early February.

Since then, I have been working with the Ranking Republican on the Committee on Energy and Natural Resources, Senator MURKOWSKI, and the Chairman and Ranking Republican on the Energy and Water Development Subcommittee of the Appropriations Committee, Senator FEINSTEIN and Senator ALEXANDER, to try to put the commission's recommendations into legislative language.

Much of our time and effort centered on the Commission's recommendation for ''a new organization dedicated solely to implementing the waste management program.'' The Commission recommended that Congress establish a new ''single purpose organization,'' outside of the Department of Energy, but still within the Federal Government to manage the nation's nuclear wastes in place of the Department of Energy. More specifically, it proposed formation of a government corporation, and suggested that the Tennessee Valley Authority might provide a useful model.

Our initial efforts focused on the government corporation approach, but we ultimately agreed to set that model aside in favor of a structure that we believe may be both more effective and more accountable. We chose to focus full responsibility and authority for the program in a single administrator, and to establish a separate board made up of senior Federal officials to oversee the administrator.

Most of the rest of our discussions focused on the siting process for temporary storage facilities and permanent geologic repositories. We agreed with the commission's recommendation that the new organization employ a consent-based approach to siting nuclear waste facilities and with the need for to establish interim storage facilities pending completion of a repository. But we were unable to agree on the ''linkage'' between storage facilities and the repository.

Under current law, the Department of Energy cannot begin constructing a storage facility until the Nuclear Regulatory Commission issues a license to construct the repository. The Commission found that this tight linkage has prevented a storage facility from being built and recommended that it be eliminated. But the commission also recognized the need for what it called ''positive linkages'' between storage and disposal to ensure that progress continues on both fronts and interim storage does not end up become permanent.

Meanwhile, while our discussions were underway, the Energy and Water Development Appropriations Subcommittee reported legislation that authorizes the Secretary of Energy to begin storing nuclear waste at interim storage sites. My proposal for ''positive linkages'' was to allow the new agency to store up to 10,000 metric tons of spent nuclear fuel at a storage facility built under the authority in the appropriations bill, even if no agreement has

been reached on a repository, but to require there to be an agreement for a repository before allowing the new agency to store nuclear waste at other storage facilities.

Regrettably, we were not able to reach an agreement on this issue or on whether the siting process for storage facilities should be identical to the siting process for repositories wherever possible.

Nonetheless, we agreed that I should introduce the bill with the linkages that I have proposed and that the Committee on Energy and Natural Resources should hold a hearing on it in September. I recognize, of course, that the bill will not become law this year. But my hope is to obtain testimony on it and to build a legislative record that might serve as the foundation for further consideration and ultimate enactment in the next Congress.

The Blue Ribbon Commission found that ''it is long past time for the government to make good on its commitments to the American people to provide for the safe disposal of nuclear waste.''

''Put simply,'' the Commission said, ''this nation's failure to come to grips with the nuclear waste issue has already proved damaging and costly. It will be even more damaging and more costly the longer it continues. . . . ''

The commission has performed a very valuable service to the nation in showing us a way forward. Its recommendations merit our careful consideration and deserve our approval. I have attempted to put them into legislative form so that they can be enacted and implemented.

I recognize that will not happen this year. It will take a great deal more time and work. But it must begin and I hope it will continue in the next Congress.

Mr. President, I ask for unanimous consent that the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3469

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Nuclear Waste Administration Act of 2012''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—FINDINGS, PURPOSES, AND DEFINITIONS

SEC. 101. FINDINGS.

Congress finds that—

(1) the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.)—

(A) made the Federal Government responsible for providing for the permanent disposal of nuclear waste;

(B) vested the responsibility for siting, constructing, and operating a permanent geologic repository for the disposal of nuclear waste in the Secretary of Energy; and

(C) required the Secretary to enter into binding contracts with the generators and owners of nuclear waste pursuant to which the Secretary is obligated to have begun disposing of the nuclear waste in a repository not later than January 31, 1998;

(2) in 1987, Congress designated the Yucca Mountain site as the site for the repository and precluded consideration of other sites;

(3) in 2002, the Secretary found the Yucca Mountain site to be suitable for the development of the repository, the President recommended the site to Congress, and Congress enacted a joint resolution approving the Yucca Mountain site for the repository;

(4) in 2008, the Secretary applied to the Nuclear Regulatory Commission for a license to construct a repository at the Yucca Mountain site;

(5) in 2009, the Secretary found the Yucca Mountain site to be unworkable and abandoned efforts to construct a repository;

(6) in 2010, the Secretary, at the request of the President, established the Blue Ribbon Commission on America's Nuclear Future to conduct a comprehensive review of the nuclear waste management policies of the United States and recommend a new strategy for managing the nuclear waste of the United States; and

(7) the Blue Ribbon Commission has recommended that Congress establish a new nuclear waste management organization and adopt a new consensual approach to siting nuclear waste management facilities.

SEC. 102. PURPOSES.

The purposes of this Act are—

(1) to establish a new nuclear waste management organization;

(2) to transfer to the new organization the functions of the Secretary relating to the siting, licensing, construction, and operation of nuclear waste management facilities;

(3) to establish a new consensual process for the siting of nuclear waste management facilities;

(4) to provide for centralized storage of nuclear waste pending completion of a repository; and

(5) to ensure that—

(A) the generators and owners of nuclear waste pay the full cost of the program; and

(B) funds collected for the program are used for that purpose.

SEC. 103. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—The term ''Administration'' means the Nuclear Waste Administration established by section 201.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Administration.

(3) AFFECTED INDIAN TRIBE.—The term ''affected Indian tribe'' means any Indian tribe—

(A) within the reservation boundaries of which a repository or storage facility is proposed to be located; or

(B) that has federally defined possessory or usage rights to other land outside of the reservation boundaries that—

(i) arise out of a congressionally ratified treaty; and

(ii) the Secretary of the Interior finds, on petition of an appropriate governmental official of the Indian tribe, may be substantially and adversely affected by the repository or storage facility.

(4) AFFECTED UNIT OF GENERAL LOCAL GOVERNMENT.—

(A) IN GENERAL.—The term ''affected unit of general local government'' means the unit of general local government that has jurisdiction over the site of a repository or storage facility.

(B) INCLUSION.—The term ''affected unit of general local government'' may include, at the discretion of the Administrator, units of general local government that are contiguous with the unit that has jurisdiction over the site of a repository or storage facility.

(5) CIVILIAN NUCLEAR POWER REACTOR.—The term ''civilian nuclear power reactor'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(6) COMMISSION.—The term ''Commission'' means the Nuclear Regulatory Commission.

(7) CONTRACT HOLDER.—The term ''contract holder'' means any person who—

(A) generates or holds title to nuclear waste generated at a civilian nuclear power reactor; and

(B) has entered into a contract for the disposal of nuclear waste under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) or this Act.

(8) DEFENSE WASTE.—The term ''defense waste'' means nuclear waste generated by an atomic energy defense activity (as defined in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101)).

(9) DISPOSAL.—The term ''disposal'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(10) HIGH-LEVEL RADIOACTIVE WASTE.—The term ''high-level radioactive waste'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(11) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(12) NUCLEAR WASTE.—The term ''nuclear waste'' means—

(A) spent nuclear fuel; and

(B) high-level radioactive waste.

(13) NUCLEAR WASTE ACTIVITIES.—The term ''nuclear waste activities'' has the meaning given the term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

(14) NUCLEAR WASTE FACILITY.—The term ''nuclear waste facility'' means—

(A) a repository; and

(B) a storage facility.

(15) NUCLEAR WASTE FUND.—The term ''Nuclear Waste Fund'' means the separate fund in the Treasury established by section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)).

(16) OVERSIGHT BOARD.—The term ''Oversight Board'' means the Nuclear Waste Oversight Board established by section 205.

(17) PUBLIC LIABILITY.—The term ''public liability'' has the meaning given the term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

(18) REPOSITORY.—The term ''repository'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(19) RESERVATION.—The term ''reservation'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(20) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(21) SITE CHARACTERIZATION.—

(A) IN GENERAL.—The term ''site characterization'' means the site-specific activities that the Administrator determines necessary to support an application to the Commission for a license to construct a repository or storage facility under section 305(c).

(B) REPOSITORY SITE CHARACTERIZATION.—In the case of a site for a repository, the term ''site characterization'' may include borings, surface excavations, excavations of exploratory shafts, limited subsurface lateral excavations and borings, and in situ testing needed to evaluate the suitability of a candidate site for the location of a repository.

(C) STORAGE SITE CHARACTERIZATION.—In the case of a site for an above-ground storage facility, the term ''site characterization'' does not include subsurface borings and excavations that the Administrator determines are uniquely associated with underground disposal and unnecessary to evaluate the suitability of a candidate site for the location of an above-ground storage facility.

(D) PRELIMINARY ACTIVITIES.—The term ''site characterization'' does not include preliminary borings and geophysical testing needed to assess whether site characterization should be undertaken.

(22) SPENT NUCLEAR FUEL.—The term ''spent nuclear fuel'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(23) STORAGE.—The term ''storage'' means the temporary retention of nuclear waste pending the disposal of the nuclear waste in a repository.

(24) STORAGE FACILITY.—The term ''storage facility'' means a facility for the storage of nuclear waste from multiple contract holders or the Secretary pending the disposal of the spent nuclear fuel in a repository.

(25) TEST AND EVALUATION FACILITY.—The term ''test and evaluation facility'' means an at-depth, prototypic underground cavity used to develop data and experience for the safe handling and disposal of nuclear waste in a repository.

(26) UNIT OF GENERAL LOCAL GOVERNMENT.—The term ''unit of general local government'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(27) WORKING CAPITAL FUND.—The term ''Working Capital Fund'' means the Nuclear Waste Administration Working Capital Fund established by section 401.

TITLE II—NUCLEAR WASTE ADMINISTRATION

SEC. 201. ESTABLISHMENT.

(a) ESTABLISHMENT.—There is established an independent agency in the executive branch to be known as the ''Nuclear Waste Administration''.

(b) PURPOSE.—The purposes of the Administration are—

(1) to discharge the responsibility of the Federal Government to provide for the permanent disposal of nuclear waste;

(2) to protect the public health and safety and the environment in discharging the responsibility under paragraph (1); and

(3) to ensure that the costs of activities under paragraph (1) are borne by the persons responsible for generating the nuclear waste.

SEC. 202. PRINCIPAL OFFICERS.

(a) ADMINISTRATOR.—

(1) APPOINTMENT.—There shall be at the head of the Administration a Nuclear Waste Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who are, by reason of education, experience, and attainments, exceptionally well qualified to perform the duties of the Administrator.

(2) FUNCTIONS AND POWERS.—The functions and powers of the Administration shall be vested in and exercised by the Administrator.

(3) SUPERVISION AND DIRECTION.—The Administration shall be administrated under the supervision and direction of the Administrator, who shall be responsible for the efficient and coordinated management of the Administration.

(4) DELEGATION.—The Administrator may, from time to time and to the extent permitted by law, delegate such functions of the Administrator as the Administrator determines to be appropriate.

(5) COMPENSATION.—The President shall fix the total annual compensation of the Administrator in an amount that—

(A) is sufficient to recruit and retain a person of demonstrated ability and achievement in managing large corporate or governmental organizations; and

(B) does not exceed the total annual compensation paid to the Chief Executive Officer of the Tennessee Valley Authority.

(b) DEPUTY ADMINISTRATOR.—

(1) APPOINTMENT.—There shall be in the Administration a Deputy Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who are, by reason of education, experience, and attainments, exceptionally well qualified to perform the duties of the Deputy Administrator.

(2) DUTIES.—The Deputy Administrator shall—

(A) perform such functions as the Administrator shall from time to time assign or delegate; and

(B) act as the Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of the Administrator.

(3) COMPENSATION.—The President shall fix the total annual compensation of the Deputy Administrator in an amount that—

(A) is sufficient to recruit and retain a person of demonstrated ability and achievement in managing large corporate or governmental organizations; and

(B) does not exceed the total annual compensation paid to the Administrator.

SEC. 203. OTHER OFFICERS.

(a) ESTABLISHMENT.—There shall be in the Administration—

(1) a General Counsel;

(2) a Chief Financial Officer, who shall be appointed from among individuals who possess demonstrated ability in general management of, and knowledge of and extensive practical experience in, financial management practices in large governmental or business entities; and

(3) not more than 3 Assistant Administrators, who shall perform such functions as the Administrator shall specify from time to time.

(b) APPOINTMENT.—Officers appointed under this section shall—

(1) be appointed by the Administrator;

(2) be considered career appointees; and

(3) be subject to section 161 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(d)).

(c) ORDER OF SUCCESSION.—The Administrator may designate the order in which the officers appointed pursuant to this section shall act for, and perform the functions of, the Administrator during the absence or disability of the Administrator and the Deputy Administrator or in the event of vacancies in the offices of the Administrator and the Deputy Administrator.

SEC. 204. INSPECTOR GENERAL.

There shall be in the Administration an Inspector General, who shall be appointed by the President, by and with the advice and consent of the Senate, in accordance with section 3 of the Inspector General Act of 1978 (5 U.S.C. App.).

SEC. 205. NUCLEAR WASTE OVERSIGHT BOARD.

(a) ESTABLISHMENT.—There is established an independent establishment in the executive branch, to be known as the ''Nuclear Waste Oversight Board'', to oversee the administration of this Act and protect the public interest in the implementation of this Act.

(b) MEMBERS.—The Oversight Board shall consist of—

(1) the Deputy Director of the Office of Management and Budget;

(2) the Chief of Engineers of the Army Corps of Engineers; and

(3) the Deputy Secretary of Energy.

(c) CHAIR.—The President shall designate 1 of the 3 members as chair.

(d) FUNCTIONS.—The Oversight Board shall—

(1) review, on an ongoing basis—

(A) the progress made by the Administrator to site, construct, and operate nuclear waste facilities under this Act;

(B) the use of funds made available to the Administrator under this Act;

(C) whether the fees collected from contract holders are sufficient to ensure full cost recovery or require adjustment; and

(D) the liability of the United States to contract holders;

(2) identify any problems that may impede the implementation of this Act; and

(3) recommend to the Administrator, the President, or Congress, as appropriate, any actions that may be needed to ensure the implementation of this Act.

(e) MEETINGS.—The Oversight Board shall meet at least once every 90 days.

(f) REPORTS.—The Oversight Board shall report the findings, conclusions, and recommendations of the Oversight Board to the Administrator, the President, and Congress not less than once per year.

(g) EXECUTIVE SECRETARY.—The Oversight Board shall appoint and fix the compensation of an Executive Secretary, who shall—

(1) assemble and maintain the reports, records, and other papers of the Oversight Board; and

(2) perform such functions as the Oversight Board shall from time to time assign or delegate.

(h) ADDITIONAL STAFF.—

(1) APPOINTMENT.—The Oversight Board may appoint and fix the compensation of such additional clerical and professional

staff as may be necessary to discharge the responsibilities of the Oversight Board.

(2) LIMITATION.—The Oversight Board may appoint not more than 10 clerical or professional staff members under this subsection.

(3) SUPERVISION AND DIRECTION.—The clerical and professional staff of the Oversight Board shall be under the supervision and direction of the Executive Secretary.

(i) ACCESS TO INFORMATION.—

(1) DUTY TO INFORM.—The Administrator shall keep the Oversight Board fully and currently informed on all of the activities of the Administration.

(2) PRODUCTION OF DOCUMENTS.—The Administrator shall provide the Oversight Board with such records, files, papers, data, or information as may be requested by the Oversight Board.

(j) SUPPORT SERVICES.—To the extent permitted by law and requested by the Oversight Board, the Administrator of General Services shall provide the Oversight Board with necessary administrative services, facilities, and support on a reimbursable basis.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Oversight Board from amounts in the Nuclear Waste Fund to carry out this section such sums as are necessary.

SEC. 206. CONFORMING AMENDMENTS.

(a) Section 901(b)(2) of title 31, United States Code, is amended by adding at the end the following:

''(R) The Nuclear Waste Administration.''.

(b) Section 12 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by inserting ''the Nuclear Waste Administration;'' after ''Export-Import Bank;''; and

(2) in paragraph (2), by inserting ''the Nuclear Waste Administration,'' after ''Export-Import Bank,''.

TITLE III—FUNCTIONS

SEC. 301. TRANSFER OF FUNCTIONS.

There are transferred to and vested in the Administrator all functions vested in the Secretary by—

(1) the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.) relating to—

(A) the construction and operation of a repository;

(B) entering into and performing contracts for the disposal of nuclear waste under section 302 of that Act (42 U.S.C. 10222);

(C) the collection, adjustment, deposition, and use of fees to offset expenditures for the management of nuclear waste; and

(D) the issuance of obligations under section 302(e)(5) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(e)(5); and

(2) section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013, relating to the pilot program for the construction and operation of 1 or more storage facilities to the extent provided in a cooperative agreement transferred to the Administrator pursuant to section 302(b).

SEC. 302. TRANSFER OF CONTRACTS.

(a) DISPOSAL CONTRACTS.—Each contract for the disposal of nuclear waste entered into by the Secretary before the date of enactment of this Act shall continue in effect according to the terms of the contract with the Administrator substituted for the Secretary.

(b) COOPERATIVE AGREEMENT.—Each cooperative agreement entered into by the Secretary pursuant to section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013, before the date of enactment of this Act shall continue in effect according to the terms of the agreement with the Administrator substituted for the Secretary.

SEC. 303. ADDITIONAL FUNCTIONS.

In addition to the functions transferred to the Administrator under section 301, the Administrator may site, construct, and operate—

(1) additional repositories if the Administrator determines that additional disposal capacity is necessary to meet the disposal obligations of the Administrator;

(2) a test and evaluation facility in connection with a repository if the Administrator determines a test and evaluation facility is necessary to develop data and experience for the safe handling and disposal of nuclear waste at a repository; and

(3) additional storage facilities if the Administrator determines that additional storage capacity is necessary pending the availability of adequate disposal capacity.

SEC. 304. SITING NUCLEAR WASTE FACILITIES.

(a) IN GENERAL.—In siting nuclear waste facilities under this Act, the Administrator shall employ a process that—

(1) allows affected communities to decide whether, and on what terms, the affected communities will host a nuclear waste facility;

(2) is open to the public and allows interested persons to be heard in a meaningful way;

(3) is flexible and allows decisions to be reviewed and modified in response to new information or new technical, social, or political developments; and

(4) is based on sound science and meets public health, safety, and environmental standards.

(b) SITING GUIDELINES.—

(1) ISSUANCE.—Not later than 1 year after the date of enactment of this Act, the Administrator shall issue general guidelines for the consideration of candidate sites for—

(A) repositories; and

(B) storage facilities.

(2) REPOSITORIES.—In adopting guidelines for repositories under paragraph (1), the Administrator shall comply with the requirements of section 112(a) of the Nuclear Waste Policy Act of 1992 (42 U.S.C. 10132(a)).

(3) STORAGE FACILITIES.—

(A) IN GENERAL.—In adopting guidelines for storage facilities under paragraph (1), the Administrator shall comply with the requirements of section 112(a) of the Nuclear Waste Policy Act of 1992 (42 U.S.C. 10132(a)), except to the extent that section 112(a) of that Act requires consideration of underground geophysical conditions that the Administrator determines do not apply to above-ground storage.

(B) OTHER FACTORS.—In addition to the requirements described in subparagraph (A), the guidelines for storage facilities shall require the Administrator to take into account the extent to which a storage facility would—

(i) enhance the reliability and flexibility of the system for the disposal of nuclear waste;

(ii) minimize the impacts of transportation and handling of nuclear waste; and

(iii) unduly burden a State in which significant volumes of—

(I) defense wastes are stored; or

(II) transuranic wastes are disposed.

(4) REVISIONS.—The Administrator may revise the guidelines in a manner consistent with this subsection and section 112(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10132(a)).

(c) IDENTIFICATION OF CANDIDATE SITES.—

(1) REVIEW OF POTENTIAL SITES.—As soon as practicable after the date of the issuance of the guidelines under subsection (b), the Administrator shall evaluate potential sites for a nuclear waste facility to determine whether the sites are suitable for site characterization.

(2) SITES ELIGIBLE FOR REVIEW.—The Administrator shall select sites for evaluation under paragraph (1) from among sites recommended by—

(A) the Governor or duly authorized official of the State in which the site is located;

(B) the governing body of the affected unit of general local government;

(C) the governing body of an Indian tribe within the reservation boundaries of which the site is located; or

(D) the Administrator, after consultation with, and with the consent of—

(i) the Governor of the State in which the site is located;

(ii) the governing body of the affected unit of general local government; and

(iii) the governing body of the Indian tribe, if the site is located within the reservation of an Indian tribe.

(3) SITE INVESTIGATIONS.—In evaluating a site under this subsection prior to any determination of the suitability of the site for site characterization, the Administrator—

(A) shall use available geophysical, geological, geochemical, hydrological, and other information; and

(B) shall not perform any preliminary borings or excavations at the site unless necessary to determine the suitability of the site and authorized by the landowner.

(4) DETERMINATION OF SUITABILITY.—The Administrator shall determine whether a site is suitable for site characterization based on an environmental assessment of the site, which shall include—

(A) an evaluation by the Administrator of whether the site qualifies for development as a nuclear waste facility under the guidelines established under subsection (b), including a safety case that provides the basis for confidence in the safety of the proposed nuclear waste facility at the proposed site;

(B) an evaluation by the Administrator of the effects of site characterization activities on public health and safety and the environment;

(C) a reasonable comparative evaluation by the Administrator of the site with other sites considered by—

(i) the Administrator under this section; or

(ii) the Secretary under the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.);

(D) a description of the decision process by which the site was recommended; and

(E) an assessment of the regional and local impacts of locating a repository or storage facility at the site.

(d) SITE CHARACTERIZATION.—

(1) SELECTION OF SITES.—From among the sites determined to be suitable for site characterization under subsection (c), the Administrator shall select—

(A) at least 1 site for site characterization as a repository; and

(B) at least 1 site for site characterization as a storage facility.

(2) PREFERENCE FOR CO-LOCATED REPOSITORY AND STORAGE FACILITY.—In selecting sites for site characterization as a storage facility, the Administrator shall give preference to sites determined to be suitable for co-location of a storage facility and a repository.

(3) PUBLIC HEARINGS.—Before selecting a site for site characterization, the Administrator shall hold public hearings in the vicinity of the site and at least 1 other location within the State in which the site is located—

(A) to inform the public of the proposed site characterization; and

(B) to solicit public comments and recommendations with respect to the site characterization plan of the Administrator.

(4) CONSULTATION AND COOPERATION AGREEMENT.—

(A) REQUIREMENT.—Before selecting a site for site characterization, the Administrator shall enter into a consultation and cooperation agreement with—

(i) the Governor of the State in which the site is located;

(ii) the governing body of the affected unit of general local government; and

(iii) the governing body of an affected Indian tribe, in the case of—

(I) a site located within the boundaries of a reservation; or

(II) an Indian tribe the federally defined possessory or usage rights to land outside of a reservation of which may be substantially and adversely affected by the repository or storage facility.

(B) CONTENTS.—The consultation and cooperation agreement shall provide—

(i) compensation to the State, any affected units of local government, and any affected Indian tribes for any potential economic, social, public health and safety, and environmental impacts associated with site characterization; and

(ii) financial and technical assistance to enable the State, affected units of local government, and affected Indian tribes to monitor, review, evaluate, comment on, obtain information on, and make recommendations on site characterization activities.

(e) FINAL SITE SUITABILITY DETERMINATION.—

(1) DETERMINATION REQUIRED.—On completion of site characterization activities, the Administrator shall make a final determination of whether the site is suitable for development as a repository or storage facility.

(2) BASIS OF DETERMINATION.—In making a determination under paragraph (1), the Administrator shall determine if—

(A) the site is scientifically and technically suitable for development as a repository or storage facility, taking into account—

(i) whether the site meets the siting guidelines of the Administrator; and

(ii) whether there is reasonable assurance that a repository or storage facility at the site will meet—

(I) the radiation protection standards of the Administrator of the Environmental Protection Agency; and

(II) the licensing standards of the Commission; and

(B) development of a repository or storage facility at the site is in the national interest.

(3) PUBLIC HEARINGS.—Before making a final determination under paragraph (1), the Administrator shall hold public hearings in the vicinity of the site and at least 1 other location within the State in which the site is located to solicit public comments and recommendations on the proposed determination.

(f) CONSENT AGREEMENTS.—

(1) REQUIREMENT.—On making a final determination of site suitability under subsection (e), but before submitting a license application to the Commission under subsection (g), the Administrator shall enter into a consent agreement with—

(A) the Governor of the State in which the site is located;

(B) the governing body of the affected unit of general local government; and

(C) if the site is located on a reservation, the governing body of the affected Indian tribe.

(2) CONTENTS.—The consent agreement shall—

(A) contain the terms and conditions on which each State, local government, and Indian tribe consents to host the repository or storage facility; and

(B) express the consent of each State, local government, and Indian tribe to host the repository or storage facility.

(3) TERMS AND CONDITIONS.—The terms and conditions under paragraph (2)(A)—

(A) shall promote the economic and social well-being of the people living in the vicinity of the repository or storage facility; and

(B) may include—

(i) financial compensation and incentives;

(ii) economic development assistance;

(iii) operational limitations or requirements;

(iv) regulatory oversight authority; and

(v) in the case of a storage facility, an enforceable deadline for removing nuclear waste from the storage facility.

(4) RATIFICATION.—No consent agreement entered into under this section shall have legal effect unless ratified by law.

(5) BINDING EFFECT.—On ratification by law, the consent agreement—

(A) shall be binding on the parties; and

(B) shall not be amended or revoked except by mutual agreement of the parties.

(g) SUBMISSION OF LICENSE APPLICATION.—On determining that a site is suitable under subsection (e) and ratification of a consent agreement under subsection (f), the Administrator shall submit to the Commission an application for a construction authorization for the repository or storage facility.

SEC. 305. LICENSING NUCLEAR WASTE FACILITIES.

(a) RADIATION PROTECTION STANDARDS.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, pursuant to authority under other provisions of law, shall adopt, by rule, generally applicable standards for protection of the general environment from offsite releases from radioactive material in geological repositories.

(b) COMMISSION REGULATIONS.—Not later than 1 year after the adoption of generally applicable standards by the Administrator of the Environmental Protection Agency under subsection (a), the Commission, pursuant to authority under other provisions of law, shall amend the regulations of the Commission governing the licensing of geological repositories to be consistent with any comparable standards adopted by the Administrator of the Environmental Protection Agency under subsection (a).

(c) CONSTRUCTION AUTHORIZATION.—

(1) APPLICABLE LAWS.—The Commission shall consider an application for a construction authorization for a nuclear waste facility in accordance with the laws (including regulations) applicable to the applications.

(2) FINAL DECISION.—Not later than 3 years after the date of the submission of the application, the Commission shall issue a final decision approving or disapproving the issuance of a construction authorization.

(3) EXTENSION.—The Commission may extend the deadline under paragraph (2) by not more than 1 year if, not less than 30 days before the deadline, the Commission submits to Congress and the Administrator a written report that describes—

(A) the reason for failing to meet the deadline; and

(B) the estimated time by which the Commission will issue a final decision.

SEC. 306. LIMITATION ON STORAGE.

(a) IN GENERAL.—Except as provided in subsection (b), the Administrator may not possess, take title to, or store spent nuclear fuel at a storage facility licensed under this Act before ratification of a consent agreement for a repository under section 304(f)(4).

(b) EXCEPTION.—The Administrator may possess, take title to, and store not more than 10,000 metric tons of spent nuclear fuel at a storage facility licensed and constructed pursuant to a cooperative agreement entered into before the date of enactment of this Act under section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013, before ratification of a consent agreement for a repository under section 304(f)(4).

SEC. 307. DEFENSE WASTE.

(a) DISPOSAL AND STORAGE BY ADMINISTRATION.—The Secretary—

(1) shall arrange for the Administrator to dispose of defense wastes in a repository developed under this Act; and

(2) may arrange for the Administrator to store spent nuclear fuel from the naval nuclear propulsion program pending disposal in a repository.

(b) MEMORANDUM OF AGREEMENT.—The arrangements shall be covered by a memorandum of agreement between the Secretary and the Administrator.

(c) COSTS.—The portion of the cost of developing, constructing, and operating the repository or storage facilities under this Act that is attributable to defense wastes shall be allocated to the Federal Government and paid by the Federal Government into the Working Capital Fund.

(d) PROHIBITION.—No defense waste may be stored or disposed of by the Administrator in any storage facility or repository constructed under this Act or section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013, until funds are appropriated to the Working Capital Fund in an amount equal to the fees that would be paid by contract holders under section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222) if such nuclear waste were generated by a contract holder.

SEC. 308. TRANSPORTATION.

(a) IN GENERAL.—The Administrator shall be responsible for transporting nuclear waste—

(1) from the site of a contract holder to a storage facility or repository;

(2) from a storage facility to a repository; and

(3) in the case of defense waste, from a Department of Energy site to a repository.

(b) CERTIFIED PACKAGES.—No nuclear waste may be transported under this Act except in packages—

(1) the design of which has been certified by the Commission; and

(2) that have been determined by the Commission to satisfy the quality assurance requirements of the Commission.

(c) NOTIFICATION.—Prior to any transportation of nuclear waste under this Act, the Administrator shall provide advance notification to States and Indian tribes through whose jurisdiction the Administrator plans to transport the nuclear waste.

(d) TRANSPORTATION ASSISTANCE.—

(1) PUBLIC EDUCATION.—The Administrator shall conduct a program to provide information to the public about the transportation of nuclear waste.

(2) TRAINING.—The Administrator shall provide financial and technical assistance to States and Indian tribes through whose jurisdiction the Administrator plans to transport nuclear waste to train public safety officials and other emergency responders on—

(A) procedures required for the safe, routine transportation of nuclear waste; and

(B) procedures for dealing with emergency response situations involving nuclear waste, including instruction of—

(i) government and tribal officials and public safety officers in command and control procedures;

(ii) emergency response personnel; and

(iii) radiological protection and emergency medical personnel.

(3) EQUIPMENT.—The Administrator shall provide monetary grants and contributions in-kind to assist States and Indian tribes through whose jurisdiction the Administrator plans to transport nuclear waste for the purpose of acquiring equipment for responding to a transportation incident involving nuclear waste.

(4) TRANSPORTATION SAFETY PROGRAMS.—The Administrator shall provide in-kind, financial, technical, and other appropriate assistance to States and Indian tribes through whose jurisdiction the Administrator plans to transport nuclear waste for transportation safety programs related to shipments of nuclear waste.

TITLE IV—FUNDING AND LEGAL PROCEEDINGS

SEC. 401. WORKING CAPITAL FUND.

(a) ESTABLISHMENT.—There is established in the Treasury a separate fund, to be known as the ''Nuclear Waste Administration Working Capital Fund'', which shall be separate from the Nuclear Waste Fund.

(b) CONTENTS.—The Working Capital Fund shall consist of—

(1) all fees paid by contract holders pursuant to section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) on or after the date of enactment of this Act, which shall be paid into the Working Capital Fund—

(A) notwithstanding section 302(c)(1) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)(1)); and

(B) immediately on the payment of the fees;

(2) any appropriations made by Congress to pay the share of the cost of the program established under this Act attributable to defense wastes; and

(3) interest paid on the unexpended balance of the Working Capital Fund.

(c) AVAILABILITY.—All funds deposited in the Working Capital Fund—

(1) shall be immediately available to the Administrator to carry out the functions of the Administrator, except to the extent limited in annual authorization or appropriation Acts;

(2) shall remain available until expended; and

(3) shall not be subject to apportionment under subchapter II of chapter 15 of title 31, United States Code.

(d) USE OF FUND.—Except to the extent limited in annual authorization or appropriation Acts, the Administrator may make expenditures from the Working Capital Fund only for purposes of carrying out functions authorized by this Act.

SEC. 402. NUCLEAR WASTE FUND.

(a) ELIMINATION OF LEGISLATIVE VETO.—Section 302(a)(4) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(4)) is amended in the last sentence by striking ''transmittal unless'' and all that follows through the end of the sentence and inserting ''transmittal.''.

(b) INTEREST ON UNEXPENDED BALANCES.—Section 302(e)(3) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(e)(3)) is amended—

(1) by striking ''Secretary'' the first, second, and fourth place it appears and inserting ''Administrator of the Nuclear Waste Administration''; and

(2) by striking ''the Waste Fund'' each place it appears and inserting ''the Waste Fund or the Working Capital Fund established by section 401 of the Nuclear Waste Administration Act of 2012''.

SEC. 403. FULL COST RECOVERY.

In determining whether insufficient or excess revenues are being collected to ensure full cost recovery under section 302(a)(4) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(4)), the Administrator shall—

(1) assume that sufficient funds will be appropriated to the Nuclear Waste Fund to cover the costs attributable to disposal of defense wastes; and

(2) take into account the additional costs resulting from the enactment of this Act.

SEC. 404. JUDICIAL REVIEW.

(a) JURISDICTION.—

(1) COURTS OF APPEALS.—Except for review in the Supreme Court, a United States court of appeals shall have original and exclusive jurisdiction over any civil action—

(A) for review of any final decision or action of the Administrator or the Commission under this Act;

(B) alleging the failure of the Administrator or the Commission to make any decision, or take any action, required under this Act;

(C) challenging the constitutionality of any decision made, or action taken, under this Act; or

(D) for review of any environmental assessment or environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any action under this Act, or alleging a failure to prepare any such assessment or statement with respect to any such action.

(2) VENUE.—The venue of any proceeding under this section shall be in—

(A) the judicial circuit in which the petitioner involved resides or has the principal office of the petitioner; or

(B) the United States Court of Appeals for the District of Columbia Circuit.

(b) DEADLINE FOR COMMENCING ACTION.—

(1) IN GENERAL.—Except as provided in paragraph (2), a civil action for judicial review described in subsection (a)(1) may be brought not later than the date that is 180 days after the date of the decision or action or failure to act involved.

(2) NO KNOWLEDGE OF DECISION OR ACTION.—If a party shows that the party did not know of the decision or action complained of (or of the failure to act) and that a reasonable person acting under the circumstances would not have known, the party may bring a civil action not later than 180 days after the date the party acquired actual or constructive knowledge of the decision, action, or failure to act.

SEC. 405. LITIGATION AUTHORITY.

(a) SUPERVISION BY ATTORNEY GENERAL.—The litigation of the Administration shall be subject to the supervision of the Attorney General pursuant to chapter 31 of title 28, United States Code.

(b) ATTORNEYS OF ADMINISTRATION.—The Attorney General may authorize any attorney of the Administration to conduct any civil litigation of the Administration in any Federal court, except the Supreme Court.

SEC. 406. LIABILITIES.

(a) PENDING LEGAL PROCEEDINGS.—Any suit, cause of action, or judicial proceeding commenced by or against the Secretary relating to functions or contracts transferred to the Administrator by this Act shall—

(1) not abate by reason of the enactment of this Act; and

(2) continue in effect with the Administrator substituted for the Secretary.

(b) SETTLEMENT OF PENDING LITIGATION; CONTRACT MODIFICATION.—

(1) SETTLEMENT.—The Attorney General, in consultation with the Administrator, shall settle all claims against the United States by a contract holder for the breach of a contract for the disposal of nuclear waste under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) as a condition precedent of the agreement of the Administrator to take title to and store the nuclear waste of the contract holder at a storage facility.

(2) CONTRACT MODIFICATION.—The Administrator and contract holders shall modify contracts entered into under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) in accordance with the settlement under paragraph (1).

(c) PAYMENT OF JUDGMENTS AND SETTLEMENTS.—Payment of judgments and settlements in cases arising from the failure of the Secretary failure to meet the deadline of January 31, 1998, to begin to dispose of nuclear waste under contracts entered into under section 302(a)(1) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(1)) shall continue to be paid from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code.

(d) NEW CONTRACTS.—Notwithstanding section 302(a)(5) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(5)), the Administrator shall not enter into any contract after the date of enactment of this Act that obligates the Administrator to begin disposing of nuclear waste before the Commission has licensed the Administrator to operate a repository or storage facility.

(e) NUCLEAR INDEMNIFICATION.—

(1) INDEMNIFICATION AGREEMENTS.—For purposes of section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) (commonly known as the ''Price-Anderson Act'')—

(A) any person that conducts nuclear waste activities under a contract with the Administrator that may involve the risk of public liability shall be treated as a contractor of the Secretary; and

(B) the Secretary shall enter into an agreement of indemnification with any person described in subparagraph (A).

(2) CONFORMING AMENDMENT.—Section 11 ff. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(ff)) is amended by inserting ''or the Nuclear Waste Administration'' after ''Secretary of Energy''.

TITLE V—ADMINISTRATIVE AND SAVINGS PROVISIONS

SEC. 501. ADMINISTRATIVE POWERS OF ADMINISTRATOR.

The Administrator shall have the power—

(1) to perform the functions of the Secretary transferred to the Administrator pursuant to this Act;

(2) to enter into contracts with any person who generates or holds title to nuclear waste generated in a civilian nuclear power reactor for the acceptance of title, subsequent transportation, storage, and disposal of the nuclear waste;

(3) to enter into and perform contracts, leases, and cooperative agreements with public agencies, private organizations, and persons necessary or appropriate to carry out the functions of the Administrator;

(4) to acquire, in the name of the United States, real estate for the construction, operation, and decommissioning of nuclear waste facilities;

(5) to obtain from the Administrator of General Services the services the Administrator of General Services is authorized to provide agencies of the United States, on the same basis as those services are provided to other agencies of the United States;

(6) to conduct nongeneric research, development, and demonstration activities necessary or appropriate to carrying out the functions of the Administrator; and

(7) to make such rules and regulations, not inconsistent with this Act, as may be necessary to carry out the functions of the Administrator.

SEC. 502. PERSONNEL.

(a) OFFICERS AND EMPLOYEES.—

(1) APPOINTMENT.—In addition to the senior officers described in section 203, the Administrator may appoint and fix the compensation of such officers and employees as may be necessary to carry out the functions of the Administration.

(2) COMPENSATION.—Except as provided in paragraph (3), officers and employees appointed under this subsection shall be appointed in accordance with the civil service laws and the compensation of the officers

and employees shall be fixed in accordance with title 5, United States Code.

(3) EXCEPTION.—Notwithstanding paragraph (2), the Administrator may, to the extent the Administrator determines necessary to discharge the responsibilities of the Administrator—

(A) appoint exceptionally well qualified individuals to scientific, engineering, or other critical positions without regard to the provisions of chapter 33 of title 5, United States Code, governing appointments in the competitive service; and

(B) fix the basic pay of any individual appointed under subparagraph (A) at a rate of not more than level I of the Executive Schedule without regard to the civil service laws, except that the total annual compensation of the individual shall be at a rate of not more than the highest total annual compensation payable under section 104 of title 3, United States Code.

(4) MERIT PRINCIPLES.—The Administrator shall ensure that the exercise of the authority granted under paragraph (3) is consistent with the merit principles of section 2301 of title 5, United States Code.

(b) EXPERTS AND CONSULTANTS.—The Administrator may obtain the temporary or intermittent services of experts or consultants as authorized by section 3109 of title 5, United States Code.

(c) ADVISORY COMMITTEES.—

(1) ESTABLISHMENT.—The Administrator may establish, in accordance with the Federal Advisory Committee Act (5 U.S.C. App.), such advisory committees as the Administrator may consider appropriate to assist in the performance of the functions of the Administrator.

(2) COMPENSATION.—A member of an advisory committee, other than a full-time employees of the Federal Government, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service without pay, while attending meetings of the advisory committee or otherwise serving away from the homes or regular place of business of the member at the request of the Administrator.

SEC. 503. OFFICES.

(a) PRINCIPAL OFFICE.—The principal office of the Administration shall be in or near the District of Columbia.

(b) FIELD OFFICES.—The Administrator may maintain such field offices as the Administrator considers necessary to carry out the functions of the Administrator.

SEC. 504. MISSION PLAN.

(a) IN GENERAL.—The Administrator shall prepare a comprehensive report (referred to in this section as the ''mission plan''), which shall—

(1) provide an informational basis sufficient to permit informed decisions to be made in carrying out the functions of the Administrator; and

(2) provide verifiable indicators for oversight of the performance of the Administrator.

(b) CONTENTS.—The mission plan shall include—

(1) a description of the actions the Administrator plans to take to carry out the functions of the Administrator under this Act;

(2) schedules and milestones for carrying out the functions of the Administrator; and

(3) an estimate of the amounts that the Administration will need Congress to appropriate from the Nuclear Waste Fund (in addition to amounts expected to be available from the Working Capital Fund) to carry out the functions of the Nuclear Waste Fund, on an annual basis.

(c) PROPOSED MISSION PLAN.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit a proposed mission plan for comment to—

(1) Congress;

(2) the Oversight Board;

(3) the Commission;

(4) the Nuclear Waste Technical Review Board established by section 502 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10262);

(5) the States;

(6) affected Indian tribes; and

(7) such other interested persons as the Administrator considers appropriate.

(d) PUBLIC NOTICE AND COMMENT.—On submitting the proposed mission plan for comment under subsection (c), the Administrator shall—

(1) publish a notice in the Federal Register of the availability of the proposed mission plan for public comment; and

(2) provided interested persons an opportunity to comment on the proposed plan.

(e) SUBMISSION OF FINAL MISSION PLAN.—After consideration of the comments received, the Administrator shall—

(1) revise the proposed mission plan to the extent that the Administrator considers appropriate; and

(2) submit the final mission plan to Congress, the President, and the Oversight Board.

(f) REVISION OF THE MISSION PLAN.—The Administrator shall—

(1) revise the mission plan, as appropriate, to reflect major changes in the planned activities, schedules, milestones, and cost estimates reported in the mission plan; and

(2) submit the revised mission plan to Congress, the President, and the Oversight Board prior to implementing the proposed changes.

SEC. 505. ANNUAL REPORTS.

(a) IN GENERAL.—The Administrator shall annually prepare and submit to Congress, the President, and the Oversight Board a comprehensive report on the activities and expenditures of the Administration.

(b) MANAGEMENT REPORT.—The annual report submitted under subsection (a) shall include—

(1) the annual management report required under section 9106 of title 31, United States Code; and

(2) the report on any audit of the financial statements of the Administration conducted under section 9105 of title 31, United States Code.

SEC. 506. SAVINGS PROVISIONS; TERMINATIONS.

(a) COMMISSION PROCEEDINGS.—This Act shall not affect any proceeding or any application for any license or permit pending before the Commission on the date of enactment of this Act.

(b) AUTHORITY OF THE SECRETARY.—This Act shall not transfer or affect the authority of the Secretary with respect to—

(1) the maintenance, treatment, packaging, and storage of defense wastes at Department of Energy sites prior to delivery to, and acceptance by, the Administrator for disposal in a repository;

(2) the conduct of generic research, development, and demonstration activities related to nuclear waste management, including proliferation-resistant advanced fuel recycling and transmutation technologies that minimize environmental and public health and safety impacts; and

(3) training and workforce development programs relating to nuclear waste management.

(c) PILOT PROGRAM.—Nothwithstanding section 304, the Administrator may proceed with the siting and licensing of 1 or more consolidated storage facilities under a cooperative agreement entered into by the Secretary pursuant to section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013, before the date of enactment of this Act in accordance with—

(1) the terms of the cooperative agreement; and

(2) section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013.

(d) TERMINATIONS.—The authority for each function of the Secretary relating to the siting, construction, and operation of repositories, storage facilities, or test and evaluation facilities not transferred to the Administrator under this Act shall terminate on the date of enactment of this Act, including the authority—

(1) to provide interim storage or monitored, retrievable storage under subtitles B and C of title I of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10151 et seq.);

(2) to site or construct a test and evaluation facility under title II of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10191 et seq.); and

(3) to issue requests for proposals or enter into agreements under section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013.

SEC. 507. TECHNICAL ASSISTANCE IN THE FIELD OF SPENT FUEL STORAGE AND DISPOSAL.

(a) JOINT NOTICE.—Not later than 90 days after the date of enactment of this Act and annually for 5 succeeding years, the Secretary and the Commission shall update and publish in the Federal Register the joint notice required by section 223(b) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10203(b)).

(b) INFORMING FOREIGN GOVERNMENTS.—As soon as practicable after the date of the publication of the annual joint notice described in subsection (a), the Secretary of State shall inform the governments of nations and organizations operating nuclear power plants, solicit expressions of interest, and transmit any such expressions of interest to the Secretary and the Commission, as provided in section 223(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10203(c)).

(c) BUDGET REQUESTS.—The President shall include in the budget request of the President for the Commission and the Department of Energy for each of fiscal years 2014 through 2019 such funding requests for a program of cooperation and technical assistance with nations in the fields of spent nuclear fuel storage and disposal as the President determines appropriate in light of expressions of interest in the cooperation and assistance.

(d) ELIGIBILITY.—Notwithstanding any limitation on cooperation and technical assistance to non-nuclear weapon states under section 223 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10203), the Secretary and the Commission may cooperate with and provide technical assistance to nuclear weapon states, if the Secretary and the Commission determine the cooperation and technical assistance is in the national interest.

SEC. 508. NUCLEAR WASTE TECHNICAL REVIEW BOARD.

(a) ELIGIBILITY.—Section 502(b)(3)(C)(iii)(I) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10262(b)(3)(C)(iii)(I)) is amended by inserting ''or the Nuclear Waste Administration'' after ''the Department of Energy''.

(b) FUNCTIONS.—Section 503 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10263) is amended by striking ''Secretary after the date of the enactment of the Nuclear Waste Policy Amendments Act of 1987'' and inserting ''Nuclear Waste Administrator after the date of enactment of the Nuclear Waste Administration Act of 2012''.

(c) PRODUCTION OF DOCUMENTS.—Section 504(b) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10264(b)) is amended by striking

''Secretary'' each place it appears and inserting ''Nuclear Waste Administrator''.

(d) REPORTS.—Section 508 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10268) is amended in the first sentence by striking ''Congress and the Secretary'' and inserting ''Congress, the Nuclear Waste Administrator, and the Nuclear Waste Oversight Board''.

(e) TERMINATION.—Section 510 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10270) is amended by striking ''Secretary'' and inserting ''Nuclear Waste Administrator''.

SEC. 509. REPEAL OF VOLUME LIMITATION.

Section 114(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(d)) is amended by striking the second and third sentences.

By Ms. LANDRIEU (for herself, Mr. GRASSLEY, Mr. BEGICH, Mr. BLUNT, Mrs. BOXER, Mr. FRANKEN, and Ms. KLOBUCHAR):

S. 3472. A bill to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act; to the Committee on Health, Education, Labor, and Pensions.

Ms. LANDRIEU. Mr. President, I come to the floor to speak about a bill that I have the pleasure of helping to lead with several of my colleagues, particularly Senator GRASSLEY, who has been my long-standing partner and a wonderful cochair of the foster care caucus. There are any number of us, Republicans and Democrats, who have our eyes on and our hearts connected to the 500,000 children who are technically being raised by the government.

The government does many things well, but raising children isn't one of them. So it is our responsibility, when we enter into or respond to a case of abuse, gross abuse, neglect, or gross neglect, that we respond appropriately by removing children from homes who have, unfortunately, been tortured at times by their own parents. That, of course, is inconceivable to me and to many, but, unfortunately, it happens.

So we remove children—hopefully temporarily—until the situation at home can be addressed with community services, faith-based services and support, where the children can be reunited with parents who have been healed, possibly, of their situation. That is not always the case, and we work as quickly as we can to find responsible and able relatives to take in the child—willing and able relatives, the law says, to take in the child with sibling groups intact. If that is not possible, then we seek to find a family in the community that will adopt these children.

The thing I want to say about these wonderful children is that while their families may be broken—families may disintegrate for all sorts of reasons, including mental health, drug abuse, uncontrollable violence, criminal activity that disintegrates the family, and children are most certainly affected—these children, in many instances, aren't broken. Their families are broken. The possibility of these children, from the ages of zero to 1 or 2 or 3 or 9 or 12 or 15, being given an opportunity to be adopted into the loving arms of a stable family who will raise that child or children as their own or to be reunified with loving family members is ideal.

As I said, governments do many things well, but raising children isn't one of them. Human beings raise other human beings, and we need to do a better job of placing our children in quality, temporary foster homes, and then finding permanent, loving homes.

We have this crazy notion in America and around the world that children are grown when they are 18, so we put all of their belongings in a plastic bag and we say goodbye to them, and we tell them: Please forget my cell phone number because you have aged out of the system.

Several of us have been working for years, including former Senator Chafee, for one, to create more permanent opportunities for extended, independent living. While I support that—it is much better than putting their things in a bag, their few little items after 18 years, and sending them on their way—we now can extend that help until they are 21. However, what we really need to be doing is finding families for these children.

I am 57 and I still need my family. I still talk to my mother and father almost every day. I was with my family this weekend. They will be with me and have been with me for every important moment of my life. When did somebody get a notion that children don't need a family after they are 18? It is a silly notion, and it is not even true. We would not send our own children into the world alone by themselves. So our whole foster system needs great reform, and we are working on that.

But one piece of this system that needs reform is what we are trying to address today by introducing the Uninterrupted Scholars Act, which is a bill that Senator GRASSLEY and many others, including Senator BEGICH, Senator BLUNT, Senator BOXER, Senator FRANKEN, and Senator KLOBUCHAR have graciously agreed to cosponsor and provide their leadership. Congresswoman BASS is a U.S. Representative from California's 33rd District. She, along with Congresswoman BACHMANN from Minnesota, Congressman MARINO from Pennsylvania, and Congressman MCDERMOTT from Washington State, has introduced the same bipartisan bill in the House. So we are very excited about the strong bipartisan support for this bill.

All this bill says—and it makes such sense I can't believe it is not in the law already—is that when a child comes into the care of the government, the government agency responsible for the care of this child—now it is not parents any longer because the parents' rights either have been terminated or are in the process of being terminated—the government will have the right, or the agencies representing the government, to their academic records.

What is happening now is foster children are getting lost not only in the system but lost in their schools because of the difficulty in getting access to education records under the guise that these records should be private, et cetera.

What is happening is some of these privacy rules are not protecting the children, they are protecting the system that is broken, and that is the problem. We are doing everything we can to protect the privacy of the child, but what is happening is some of these privacy rules are putting up a screen so that we can't find out that the school is not doing its job on behalf of the child, or the social workers are not doing their job on behalf of the child.

So this simply streamlines the process of making sure academic records can be accessed by foster families—either adoptive families or guardians—without having to go through the courts for a long, extended timeframe.

I think this is an important change. It is one of probably 100 changes to this system that need to be made. Of course, we can make these new laws in Washington. A lot of this has to be carried out with heart and compassion and common sense, which, unfortunately, we cannot legislate from Washington. But what we can do is try, when we see a problem—this problem was identified not by me or by my staff. It was actually identified by foster youth who came up here this summer to intern and brought to our attention the issue that some of their records are not accessible to their foster families who are trying their best to raise them and to help them, et cetera. So the young people themselves have asked for this change. We are happy to accommodate that request.

Let me end by saying again, there are over 480,000—about 400,000 to 500,000—children who are in our foster care system representing less than one-half of 1 percent of all the children in America, which is about 100 million. But it is an important one-half of 1 percent because these are children whose families have failed them terribly. These are children who are vulnerable and need us to love them extra specially, to help them extra specially. That is what some of us spend a good bit of our time trying to do because they are willing and able to become great citizens of our Nation but need that extra special help.

So this Uninterrupted Scholars Act will give access, appropriately with protections, to their academic records. Senator FRANKEN has a bill to give them choice in public schools to help give them stability in their public schools, so they can stay with their friends, their teachers, as they, unfortunately, have to move around in the system.

Many people will benefit—most importantly, the youth involved.

By Mr. INHOFE:

S. 3473. A bill to replace automatic spending cuts with targeted reforms, and for other purposes; to the Committee on Finance.

Mr. INHOFE. Mr. President, I am waiting now for them to bring up a bill I have filed today and will have a number to go with it which I will announce in a moment.

First of all, let me say that the talk of the whole country right now is on the sequestration problems we are having. I would only observe that I don't know why it is so difficult for people to understand, but President Obama has written four budgets and these budgets have come before us, and if we add up all of the deficits in the four budgets, it comes to $5.3 trillion worth of deficits. I suggest that is more deficit than all Presidents in the history of this country for the past 200-plus years.

So, people say, how did we get into this mess? Because when we have those kinds of deficits over a period of time, we wonder where it is coming from. Let me tell my colleagues where it didn't come from, where it wasn't spent, and that is military.

I went over the first budget President Obama had. I went over to Afghanistan so I could make sure I could get the attention of the American people and let them know how this disarming of America by President Obama is going. Of course, if one of my colleagues was part of that first budget, they would know that it cut out our only fifth-generation fighter, the F–22; our lift capacity, the C–17; the future combat system; the ground based interceptor in Poland. That was just the first budget. Then it has gotten worse since that time. Since there isn't time to go over that detail year by year, I can only say that the President has already cut in his budget over the next decade $487 billion, roughly $500 billion, $½ trillion—from defense spending over the next 10 years.

I would suggest to my colleagues that the American people—this is something that is very frustrating, because they assume that when we send our kids into battle, they have the best of equipment, and this just flat isn't true. The British have an AS90, a Howitzer that is better than ours. The Russians have the 2S19 that is better than ours. Even South Africa has a system that is a better nonline-of-sight cannon than we have in our arsenal. The Chinese have a J–10 that is better than ours. In fact, they are now cranking them out to where they rival our F–15s, F–16s, and F/A18s.

So the point I am making here is there has been no emphasis. If we go out and borrow and increase the deficit by $5.3 trillion as this President is doing, one would think we would be in a position to have a lot more robust military, but the military has been consistently cut over that period of time.

In the event the Obama sequestration as it is designed right now goes through, that will be another $½ trillion that will come out of the military. Even the President's own Secretary of Defense, Secretary Panetta, has said if these cuts take place—talking about the Obama sequestration cuts—in addition to what he has already cut, it would be ''devastating to the military.'' That means we would have the smallest ground fleet since the 1940s, we would have the smallest fleet of ships since 1915, and the smallest tactical fighter capability or force in the history of the Air Force.

So if we want the United States to continue providing the type of global leadership our people have come to expect and meet the expectations of the American people—when we talk to the American people, they are shocked when they find out other countries have things that are better than we have.

If we want to beat this, then we are going to have to do something about, No. 1, what is happening to the military; and No. 2, the sequestration.

I have it all in one bill. In a minute we will get a number for that bill. Anyway, it is called the Sequestration Prevention Act of 2012. It replaces the sequestration cuts with some smart reforms, and I am going to go over those in a minute to show my colleagues what they are. It replaces the $1.2 trillion and then has a lot of money left over.

Let me just kind of go over what this bill would do. People keep saying: We cannot do anything about it. We cannot do anything about the sequestration, the cuts.

We had this great committee that was supposed to be out there finding $1.2 trillion over a 10-year period and yet we have a President who was able to give us deficits of five times that much over just a 4-year period.

What it does, first of all, to come up with this $1.2 trillion, plus rebuilding the military—we want to rebuild the military, in my estimation, up to 4 percent of GDP. For the last 100 years, prior to 1990—for 100 years—the average defense spending constituted 5.7 percent of GDP. That was the average, in times of war and in times of peace. Now it is all the way down, after his sequestration, to below 3 percent; in other words, about half of that.

What I wish to do with additional funds that come from this bill I am introducing today is put that back into the military and bring us up to 4 percent of GDP—still considerably less than where we have been over the last 100 years.

The first thing it does is completely repeal ObamaCare and adopts PAUL RYAN's approach to block granting the Medicaid Program so States have complete control over the dollars they use to reach their low-income populations with health care assistance. Together, these two changes will reduce spending by $1.1 trillion over 10 years.

Secondly, it returns nondefense discretionary spending to the 2006 levels. When this President came in, the amount of the nondefense discretionary spending surged. This would have a savings over that period of time of $952 billion.

The third thing it does is it block grants the Food Stamp Program and converts it into a discretionary program so States have complete control over the design of their nutrition assistance programs to best meet the needs of their low-income populations. This provision reverses the massive expansion we have seen of the Food Stamp Program under the Obama administration, which has literally doubled in size, up to 100 percent, since he took office.

On President Obama's inauguration day, just under 32 million people were on food stamps. Today, it is more than 46 million people, and they receive these benefits. It is going to have to stop. It will continue to go up if we do not do something about it. This provision saves $285 billion.

By the way, I think it is important to know, when we look at the farm program, the farm program is a welfare program because they increase all these provisions and call it part of the farm bill. But that is a different subject, and I will talk about it later, not today but later.

The fourth thing the legislation does is it reduces the Federal workforce by 10 percent through attrition. Nobody out there is going to be fired. There are not going to be any cuts. In fact, it would continue to have some modest increases in payment for those who are there. Through attrition, the savings would be about $144 billion over 10 years.

The fifth thing the bill does is it repeals the authority of the Federal Government to spend taxpayer dollars on climate change or global warming. This is kind of interesting because very few people know that—even though they remember that every time there has been a bill on cap and trade, there is a cost to the American people of somewhere between $300 billion and $400 billion a year, and people's heads start spinning when we talk about these large amounts. Sometimes in my State of Oklahoma, what I have done is take the total number of families who file Federal tax returns and then I apply this to it. This would be about $3,000 per family in my State of Oklahoma. Yet even the Director of the EPA admits that if we did this, it would not reduce CO_2 emissions worldwide. That is the Director of the EPA, Lisa Jackson, and that is on the record. I appreciate her honesty in that respect.

If we do this right now—what people do not know is this President has spent $68.4 billion since he has been President on all this global warming stuff. That is without authority because we have clearly defeated all those bills. What he has done through regulations is what he could not do through legislation. But nobody knows about it, until now. Now they know about it.

Anyway, if we stop doing that over the next 10 years, that will save an additional $83 billion.

Finally, the legislation includes comprehensive medical malpractice and

tort reform. That is the same thing that was passed by the House of Representatives and that would save $74 billion over 10 years.

All told, all the savings generated would be $2.6 trillion—not $1.2 trillion—$2.6 trillion over 10 years. So do not let anyone tell you, we cannot get there from here. Clearly, we can get there from here.

We use the remaining amount to beef up the military to get back to our 4-percent level. I believe if we were to talk to the average American, they would say: Yes, let's go ahead and do this. Why aren't we doing it now?

Let me mention one other thing before I conclude; that is, we have something called the WARN Act. What that does is require the employers—who know because of sequestration there are going to be layoffs—to give pink slips at least 60 days prior to the time that will happen. Under sequestration, if they do not adopt my act, if they do that, then those pink slips would have to be out there by the 2nd of November.

The President does not want that to happen. He does not want the Obama sequestration to be pointed out and identified as to what is causing them to lose their jobs, so he is trying to get companies not to comply with the WARN Act.

Clearly, the WARN Act says ''an employer shall not order a plant closing or mass layoff until the end of a 60-day period after the employer serves written notice of such an order.''

The WARN Act states—this is very significant because if there are companies out there that are listening to the President when he is asking them not to issue the pink slips, this is what would happen to them—it states that ''any employer who orders a plant closing or mass layoff in violation of Section 3 . . . shall be liable to each aggrieved employee who suffers an employment loss as a result of such closing or layoff.''

In other words, if they do not do it, then that opens the doors for all the trial lawyers to come in. Just imagine the cases. At Lockheed Martin, they say they are going to have to let go of some 120,000 people. If they had a class action suit, each one who was let go would receive something like $1,000. That would be $120 million that company would have to pay. I cannot imagine the board of directors of any company anywhere in America not complying with this legal act called the WARN Act.

By Mrs. BOXER (for herself, Mrs. HUTCHISON, Mr. CASEY, Ms. SNOWE, Mrs. SHAHEEN, Mrs. GILLIBRAND, and Mr. BROWN of Massachusetts):

S. 3477. A bill to ensure that the United States promotes women's meaningful inclusion and participation in mediation and negotiation processes undertaken in order to prevent, mitigate, or resolve violent conflict and implements the United States National Action Plan on Women, Peace, and Security; to the Committee on Foreign Relations.

Mrs. BOXER. Mr. President, I rise today to introduce the Women, Peace, and Security Act of 2012 with Senators HUTCHISON, CASEY, SNOWE, SHAHEEN, GILLIBRAND and SCOTT BROWN. A companion bill was also introduced in the House of Representatives today by Representatives CARNAHAN, BERMAN and SCHAKOWSKY.

This important legislation will help codify the United States National Action Plan on Women, Peace, and Security, which was released by the Obama administration in December, 2011, to help further ongoing U.S. initiatives regarding women, peace, and security and the objectives of United Nations Security Council Resolution 1325, UNSCR 1325.

UNSCR 1325 calls on all countries to establish national action plans aimed at promoting the inclusion of women in conflict resolution efforts and peacebuilding institutions, such as police services.

This is essential because women and girls are disproportionately impacted by violence and armed conflict. But at the same time, we know that women are critical to helping prevent violence before it occurs and resolving crises once they begin. Furthermore, evidence shows that integrating women into peace-building processes helps promote democracy and ensure the likelihood of a peace process succeeding.

With the National Action Plan on Women, Peace, and Security, the U.S. joins the more than 37 other countries who have released similar National Action Plans recognizing women's contributions to peace building and committing to support women's inclusion in all aspects of peace processes.

As Chair of the Senate Foreign Relations Subcommittee on International Operations and Organizations, Human Rights, Democracy, and Global Women's Issues, I am proud of the Obama Administration for undertaking this important initiative, and remain committed to continuing to promote the full inclusion of women in all aspects of peace-building efforts.

I look forward to working with my colleagues to pass this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 535—RECOGNIZING THE GOALS AND IDEALS OF THE MOVEMENT IS LIFE CAUCUS

Ms. KLOBUCHAR (for herself and Mr. CHAMBLISS) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 535

Whereas arthritis is the number one cause of disability in the United States, according to the Centers for Disease Control and Prevention, affecting 50,000,000 Americans, and among the leading reasons for doctors' visits and missed work;

Whereas the Centers for Disease Control and Prevention finds that in 2003 arthritis cost the United States economy $128,000,000,000 annually in medical costs and lost wages;

Whereas 27,000,000 Americans suffer from osteoarthritis (the most common form of arthritis) and almost 80 percent have some degree of movement limitation;

Whereas the onset of chronic joint pain and osteoarthritis can lead to disability and a loss of personal independence;

Whereas, women along with African Americans and Latinos, the two largest racial and ethnic minority groups in the United States, face more severe osteoarthritis and disability, yet receive less than optimal access to diagnostic, medical, and surgical intervention than do other groups;

Whereas women and minorities experiencing chronic diseases (such as diabetes, obesity, and heart disease (all medical conditions positively impacted by physical activity)) struggle disproportionately with undiagnosed and diagnosed osteoarthritis;

Whereas there is a lack of awareness about the connection between musculoskeletal health disparities, increasing physical inactivity levels and disparities in diabetes, obesity, and heart disease among women, African-Americans and Latinos, which have a significant impact on increasing health care costs and workforce productivity;

Whereas the first Movement is Life National Summit in September 2010 facilitated a national dialogue among stakeholders engaged in the continuum of care of women, African Americans, and Latinos, about musculoskeletal health disparities;

Whereas the National Movement is Life Work Group Caucus has been established and the third annual meeting will be held this September 16-18, 2012 in Washington, D.C.;

Whereas the National Movement is Life Work Group Caucus will facilitate the development of action plans to help reduce musculoskeletal health disparities; and

Whereas the National Movement is Life Work Group Caucus seeks to promote early intervention, slow musculoskeletal disease progression, reduce disability, and encourage physical activity and daily movement in order to improve the health of those currently disadvantaged as well as the overall health of the nation: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the musculoskeletal health disparities present among women, African Americans, and Latinos;

(2) acknowledges the dangers posed to these populations, from rising inactivity levels and the impact on increased risk of chronic diseases such as diabetes, obesity, and heart disease;

(3) seeks to raise public awareness in these communities about osteoarthritis and the importance of early intervention;

(4) encourages physical activity and daily movement, in order to limit the exasperation of related chronic diseases and loss of independence; and

(5) commends the Movement is Life National Caucus for its efforts in creating a dialogue which draws attention to these health disparities which continue to impact our national economy and many lives around the country.

SENATE RESOLUTION 536—DESIGNATING SEPTEMBER 9, 2012, AS ''NATIONAL FETAL ALCOHOL SPECTRUM DISORDERS AWARENESS DAY''

Ms. MURKOWSKI (for herself, Mr. JOHNSON of South Dakota, and Mr. BEGICH) submitted the following resolution; which was considered and agreed to:

S. RES. 536

Whereas the term ''fetal alcohol spectrum disorders'' includes a broader range of conditions than the term ''fetal alcohol syndrome'' and has replaced the term ''fetal alcohol syndrome'' as the umbrella term describing the range of effects that can occur in an individual whose mother consumed alcohol during her pregnancy;

Whereas fetal alcohol spectrum disorders are the leading cause of cognitive disability in Western civilization, including the United States, and are 100 percent preventable;

Whereas fetal alcohol spectrum disorders are a major cause of numerous social disorders, including learning disabilities, school failure, juvenile delinquency, homelessness, unemployment, mental illness, and crime;

Whereas the incidence rate of fetal alcohol syndrome is estimated at 1 out of every 500 live births and the incidence rate of fetal alcohol spectrum disorders is estimated at 1 out of every 100 live births;

Whereas, in February 1999, a small group of parents with children who suffer from fetal alcohol spectrum disorders united to promote awareness of the devastating consequences of alcohol consumption during pregnancy by establishing International Fetal Alcohol Syndrome Awareness Day;

Whereas September 9, 1999, became the first International Fetal Alcohol Syndrome Awareness Day;

Whereas Bonnie Buxton of Toronto, Canada, the co-founder of the first International Fetal Alcohol Syndrome Awareness Day, asked ''What if . . . a world full of FAS/E [Fetal Alcohol Syndrome/Effect] parents all got together on the ninth hour of the ninth day of the ninth month of the year and asked the world to remember that, during the 9 months of pregnancy, a woman should not consume alcohol . . . would the rest of the world listen?''; and

Whereas, on the ninth day of the ninth month of each year since 1999, communities around the world have observed International Fetal Alcohol Syndrome Awareness Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 9, 2012, as ''National Fetal Alcohol Spectrum Disorders Awareness Day''; and

(2) calls on the people of the United States to observe National Fetal Alcohol Spectrum Disorders Awareness Day with—

(A) appropriate ceremonies—

(i) to promote awareness of the effects of prenatal exposure to alcohol;

(ii) to increase compassion for individuals affected by prenatal exposure to alcohol;

(iii) to minimize the effects of prenatal exposure to alcohol; and

(iv) to ensure healthier communities across the United States; and

(B) a moment of reflection during the ninth hour of September 9, 2012, to remember that a woman should not consume alcohol during the 9 months of her pregnancy.

SENATE RESOLUTION 537—SUPPORTING THE GOALS AND IDEALS OF NATIONAL OVARIAN CANCER AWARENESS MONTH

Ms. STABENOW (for herself, Ms. SNOWE, Mr. BENNET, Mr. BLUMENTHAL, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Ms. CANTWELL, Mr. CARDIN, Mrs. FEINSTEIN, Mr. KERRY, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Mr. SCHUMER, Mr. TESTER, Mr. UDALL of Colorado, Mr. WEBB, Mr. WHITEHOUSE, and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 537

Whereas ovarian cancer is the deadliest of all gynecologic cancers;

Whereas ovarian cancer is the 5th leading cause of cancer deaths among women in the United States;

Whereas approximately 22,000 women will be diagnosed with ovarian cancer this year, and 15,500 will die from the disease;

Whereas these deaths are those of our mothers, sisters, daughters, family members, and community leaders;

Whereas the mortality rate for ovarian cancer has not significantly decreased since the ''War on Cancer'' was declared, more than 40 years ago;

Whereas all women are at risk for ovarian cancer, and 90 percent of women diagnosed with ovarian cancer do not have a family history that puts them at higher risk;

Whereas some women, such as those with a family history of breast or ovarian cancer, are at higher risk for developing the disease;

Whereas the Pap test is sensitive and specific to the early detection of cervical cancer, but not to ovarian cancer;

Whereas, as of the date of agreement to this resolution, there is no reliable early detection test for ovarian cancer;

Whereas many people are unaware that the symptoms of ovarian cancer often include bloating, pelvic or abdominal pain, difficulty eating or feeling full quickly, urinary symptoms, and several other symptoms that are easily confused with other diseases;

Whereas, in June 2007, the first national consensus statement on ovarian cancer symptoms was developed to provide consistency in describing symptoms to make it easier for women to learn and remember the symptoms;

Whereas there are known methods to reduce the risk of ovarian cancer, including prophylactic surgery, oral contraceptives, and breast-feeding;

Whereas, due to the lack of a reliable early detection test, 75 percent of cases of ovarian cancer are detected at an advanced stage, making the overall 5-year survival rate only 45 percent;

Whereas there are factors that are known to reduce the risk for ovarian cancer and that play an important role in the prevention of the disease;

Whereas awareness of the symptoms of ovarian cancer by women and health care providers can lead to a quicker diagnosis;

Whereas, each year during the month of September, the Ovarian Cancer National Alliance and its partner members hold a number of events to increase public awareness of ovarian cancer; and

Whereas September 2012 should be designated as ''National Ovarian Cancer Awareness Month'' to increase the awareness of the public regarding the cancer:

Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of National Ovarian Cancer Awareness Month.

SENATE RESOLUTION 538—DESIGNATING SEPTEMBER 2012 AS ''NATIONAL PROSTATE CANCER AWARENESS MONTH''

Mr. SESSIONS (for himself, Mr. CARDIN, Mr. KERRY, Mr. LUGAR, Mr. SHELBY, Mr. MENENDEZ, Mr. TESTER, Mr. LIEBERMAN, Mr. WYDEN, Mrs. HUTCHISON, Mr. ROBERTS, Mr. CRAPO, Mr. CHAMBLISS, Mr. COCHRAN, Mr. ISAKSON, Mr. WICKER, Mr. INHOFE, Mr. MORAN, Mr. BROWN of Massachusetts, Mr. AKAKA, Mr. KIRK, Ms. MURKOWSKI, and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 538

Whereas countless families in the United States live with prostate cancer;

Whereas 1 in 6 males in the United States will be diagnosed with prostate cancer during his lifetime;

Whereas prostate cancer is the most commonly diagnosed non-skin cancer and the second most common cause of cancer-related deaths among males in the United States;

Whereas, in 2012, the American Cancer Society estimates that 241,740 males will be diagnosed with prostate cancer, and 28,170 males will die from the disease;

Whereas 30 percent of newly diagnosed prostate cancer cases occur in males under the age of 65;

Whereas, approximately every 14 seconds, a male in the United States turns 50 years old and increases his odds of developing cancer, including prostate cancer;

Whereas African-American males suffer from a prostate cancer death rate that is more than twice the death rate of White males from prostate cancer;

Whereas obesity is a significant predictor of the severity of prostate cancer;

Whereas the probability that obesity will lead to death and high cholesterol levels is strongly associated with advanced prostate cancer;

Whereas males in the United States with 1 family member diagnosed with prostate cancer have a 33 percent chance of being diagnosed with the disease, males with 2 family members diagnosed have an 83 percent chance, and males with 3 family members diagnosed have a 97 percent chance;

Whereas screening by a digital rectal examination and a prostate-specific antigen blood test can detect the disease at the early stages, increasing the chances of survival for more than 5 years to nearly 100 percent;

Whereas only 27.8 percent of males survive more than 5 years if diagnosed with prostate cancer after the cancer has metastasized;

Whereas there are no noticeable symptoms of prostate cancer while the cancer is in the early stages, making screening critical;

Whereas ongoing research promises further improvements in prostate cancer prevention, early detection, and treatment; and

Whereas educating people in the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving the lives of males and preserving and protecting families: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2012 as ''National Prostate Cancer Awareness Month'';

(2) declares that steps should be taken—

(A) to raise awareness about the importance of screening methods for, and treatment of, prostate cancer;

(B) to increase research funding in an amount commensurate with the burden of prostate cancer so that—

(i) screening and treatment for prostate cancer may be improved;

(ii) the causes of prostate cancer may be discovered; and

(iii) a cure for prostate cancer may be developed; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) calls on the people of the United States, interested groups, and affected persons—

(A) to promote awareness of prostate cancer;

(B) to take an active role in the fight to end the devastating effects of prostate cancer on individuals, families, and the economy; and

(C) to observe National Prostate Cancer Awareness Month with appropriate ceremonies and activities.

SENATE RESOLUTION 539—DESIGNATING OCTOBER 13, 2012, AS ''NATIONAL CHESS DAY''

Mr. ROCKEFELLER (for himself, Mr. ALEXANDER, and Mr. LEVIN) submitted the following resolution; which was considered and agreed to:

S. RES. 539

Whereas there are more than 80,000 members of the United States Chess Federation (referred to in this preamble as the ''Federation''), and an unknown number of additional people in the United States who play chess without joining an official organization;

Whereas approximately ½ of the members of the Federation are members of scholastic chess programs, and many of those members join the Federation by the age of 10;

Whereas the Federation is very supportive of scholastic chess programs and sponsors a Certified Chess Coach program that provides the coaches involved in the scholastic chess programs with training and ensures schools and students can have confidence in the programs;

Whereas many studies have linked scholastic chess programs to the improvement of students' scores in reading and math, as well as improved self-esteem;

Whereas the Federation offers guidance to educators to help incorporate chess into the school curriculum;

Whereas chess is a powerful cognitive learning tool that can be used to successfully enhance students' reading skills and understanding of math concepts; and

Whereas chess engages students of all learning styles and strengths and promotes problem-solving and higher-level thinking skills: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 13, 2012, as ''National Chess Day'' to enhance awareness and encourage students and adults to play chess, a game known to enhance critical-thinking and problem-solving skills; and

(2) encourages the people of the United States to observe National Chess Day with appropriate programs and activities.

SENATE RESOLUTION 540—DESIGNATING THE WEEK OF AUGUST 6 THROUGH AUGUST 10, 2012, AS ''NATIONAL CONVENIENT CARE CLINIC WEEK''

Mr. INOUYE (for himself and Mr. COCHRAN) submitted the following resolution; which was considered and agreed to:

S. RES. 540

Whereas convenient care clinics are health care facilities located in high-traffic retail outlets that provide affordable and accessible care to patients who have little time to schedule an appointment with a traditional primary care provider or are otherwise unable to schedule such an appointment;

Whereas millions of people in the United States do not have a primary care provider, and there is a worsening primary care provider shortage that will prevent many people from obtaining one in the future;

Whereas convenient care clinics have provided an accessible alternative for more than 15,000,000 people in the United States since the first clinic opened in 2000, the number of convenient care clinics continues to increase rapidly, and as of June 2012, there are approximately 1,350 convenient care clinics in 35 States;

Whereas convenient care clinics follow rigid industry-wide quality of care and safety standards;

Whereas convenient care clinics are staffed by highly qualified health care providers, including advanced practice nurses, physician assistants, and physicians;

Whereas convenient care clinicians all have advanced education in providing quality health care for common episodic ailments including cold and flu, skin irritation, and muscle strains and sprains, and can also provide immunizations, physicals, and preventive health screening;

Whereas convenient care clinics are proven to be a cost-effective alternative to similar treatment obtained in physicians' offices, urgent care clinics, or emergency departments; and

Whereas convenient care clinics complement traditional medical service providers by providing extended weekday and weekend hours without the need for an appointment, short wait times, and visits that generally last only 15 to 20 minutes: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of August 6 through August 10, 2012, as ''National Convenient Care Clinic Week'';

(2) supports the goals and ideals of National Convenient Care Clinic Week to raise awareness of the need for accessible and cost-effective health care options to complement the traditional health care model;

(3) recognizes that many people in the United States face difficulties accessing traditional models of health care delivery;

(4) supports the use of convenient care clinics as an adjunct to the traditional model of health care delivery; and

(5) calls on the States to support the establishment of convenient care clinics so that more people in the United States will have access to the cost-effective and necessary emergent and preventive services provided in the clinics.

SENATE CONCURRENT RESOLUTION 55—DIRECTING THE CLERK OF THE HOUSE OF REPRESENTATIVES TO MAKE A CORRECTION IN THE ENROLLMENT OF H.R. 1627

Mr. HARKIN submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 55

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R. 1627) an Act to amend title 38, United States Code, to furnish hospital care and medical services to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune, to improve the provision of housing assistance to veterans and their families, and for other purposes, the Clerk of the House of Representatives shall make the following correction: in section 201, strike ''Andrew Connelly'' and insert ''Andrew Connolly''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2743. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table.

SA 2744. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2745. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2746. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2747. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2748. Mr. AKAKA (for himself, Mr. BLUMENTHAL, Mr. COONS, Mr. FRANKEN, Mr. SANDERS, Mr. UDALL of New Mexico, Mr. WYDEN, Mr. DURBIN, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2749. Mrs. MURRAY (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2750. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2751. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2752. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2753. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2754. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2755. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2756. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2757. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2758. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2759. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2760. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2761. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2762. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2763. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2764. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2765. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2766. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2767. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2768. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2769. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 2579 submitted by Mr. LEAHY and intended to be proposed to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2770. Mr. REID (for Mr. CARPER (for himself, Ms. COLLINS, Mr. BROWN of Massachusetts, and Mr. COBURN)) proposed an amendment to the bill S. 1409, to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending.

TEXT OF AMENDMENTS

SA 2743. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of section 604, add the following:

(__) CONSTRUCTION.—

(1) IN GENERAL.—Nothing in this Act may be construed as—

(A) an authorization for any person, entity, or element of the Federal Government, or any person or entity acting on behalf of an element of the Federal Government, to take, authorize, or direct any offensive cyber-related action against a foreign country or an entity owned or controlled by a foreign country; or

(B) an authorization for any person, entity, or element of the Federal Government, or any person or entity acting on behalf of an element of the Federal Government, to take, authorize, or direct any cyber-related action if such action is likely to cause death or serious bodily harm to any person outside of the jurisdiction of the United States,

unless Congress has declared war or otherwise specifically authorized such action pursuant to Article I, section 8, of the Constitution.

(2) CYBER-RELATED ACTIONS.—For purposes of this subsection, a cyber-related action includes, but is not limited to, any action by cyber means as follows:

(A) An action to disable a power grid or power source that will result in temporary or permanent loss of electricity to a civilian area.

(B) An action to disable or to cause a temporary or permanent malfunction of a civilian water supply, reservoir, or water source.

(C) An action to disable or otherwise cause a temporary or permanent loss of a civilian communication system, including telephone, electronic mail, or Internet services for a civilian population.

(D) An action to disrupt or disable a civilian transportation network, including, but not limited to—

(i) a transportation hub;

(ii) a railroad or train;

(iii) motor vehicles;

(iv) airplanes; and

(v) traffic signals, including motor vehicle and railroad traffic signals.

(3) DEFENSIVE ACTIONS.—Nothing in this subsection shall be construed to limit the ability of the President to respond to an imminent cyber threat to the extent that such response is solely defensive in nature and intended to terminate an ongoing cyber action that is causing, or is likely to cause, significant damage, injury, or loss of life.

SA 2744. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE VIII—MISCELLANEOUS

SEC. 801. PILOT PROJECT OFFICES OF FEDERAL PERMIT STREAMLINING PILOT PROJECT.

Section 365 of the Energy Policy Act of 2005 (42 U.S.C. 15924) is striking subsection (d) and inserting the following:

''(d) PILOT PROJECT OFFICES.—The following Bureau of Land Management Offices shall serve as the Pilot Project offices:

''(1) Rawlins Field Office, Wyoming.

''(2) Buffalo Field Office, Wyoming.

''(3) Eastern Montana/Dakotas District, Montana.

''(4) Farmington Field Office, New Mexico.

''(5) Carlsbad Field Office, New Mexico.

''(6) Grand Junction/Glenwood Springs Field Office, Colorado.

''(7) Vernal Field Office, Utah.''.

SA 2745. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 51, line 23, insert '', including through the use of security analytics whenever possible,'' after ''awareness''.

On page 53, line 9, insert '', including security analytics,'' after ''capabilities''.

On page 67, line 3, insert ''the use of real-time security analytics for'' before ''reporting''.

On page 72, line 1, insert '', real-time or near real-time analysis,'' after ''security testing''.

SA 2746. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 154, strike line 9, and insert the following:

SEC. 415. REPORT ON NATIONAL GUARD CYBER-SECURITY CAPABILITIES.

Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Defense, shall submit to the appropriate committees of Congress a report on—

(1) the current cybersecurity defensive, offensive, and training capabilities within the National Guard;

(2) the current balance of cybersecurity defensive, offensive, and training capabilities across the Active and Reserve components of the Armed Forces and whether it achieves the appropriate balance between capability and cost; and

(3) the number of Federal cyber security civilian employees who are currently serving as members of the National Guard, including the States and units to which such National Guard members are assigned.

SEC. 416. MARKETPLACE INFORMATION.

SA 2747. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 185, line 7, insert ''if a warrant has been obtained and'' after ''(A)''.

SA 2748. Mr. AKAKA (for himself, Mr. BLUMENTHAL, Mr. COONS, Mr. FRANKEN, Mr. SANDERS, Mr. UDALL of New Mexico, Mr. WYDEN, Mr. DURBIN, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 105, after the end of the matter between lines 11 and 12, insert the following:

SEC. 205. PRIVACY BREACH REQUIREMENTS.

(a) IN GENERAL.—Subchapter II of chapter 35 of title 44, United States Code, as amended by section 201 of this Act, is amended by adding at the end the following:

''§ 3559. Privacy breach requirements

''(a) POLICIES AND PROCEDURES.—The Director of the Office of Management and Budget shall establish and oversee policies and procedures for agencies to follow in the event of a breach of information security involving the disclosure of personally identifiable information, including requirements for—

''(1) timely notice to the individuals whose personally identifiable information could be compromised as a result of such breach;

''(2) timely reporting to a Federal cybersecurity center (as defined in section 708 of the Cybersecurity Act of 2012), as designated by the Director of the Office of Management and Budget; and

''(3) additional actions as necessary and appropriate, including data breach analysis, fraud resolution services, identity theft insurance, and credit protection or monitoring services.

''(b) REQUIRED AGENCY ACTION.—The head of each agency shall ensure that actions taken in response to a breach of information security involving the disclosure of personally identifiable information under the authority or control of the agency comply with policies and procedures established by the Director of the Office of Management and Budget under subsection (a).

''(c) REPORT.—Not later than March 1 of each year, the Director of the Office of Management and Budget shall report to Congress

on agency compliance with the policies and procedures established under subsection (a).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subtitle II for chapter 35 of title 44, United States Code, as amended by section 201 of this Act, is amended by adding at the end the following:

''3559. Privacy breach requirements.''.

SEC. 206. AMENDMENTS TO THE E-GOVERNMENT ACT OF 2002.

Section 208(b)(1)(A) of the E-Government Act of 2002 (44 U.S.C. 3501 note; Public Law 107–347) is amended—

(1) in clause (i), by striking ''or'' at the end;

(2) in clause (ii), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(iii) using information in an identifiable form purchased, or subscribed to for a fee, from a commercial data source.''.

SEC. 207. AUTHORITY OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET WITH RESPECT TO FEDERAL INFORMATION POLICY.

Section 3504(g) of title 44, United States Code, is amended—

(1) paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) designate a Federal Chief Privacy Officer within the Office of Management and Budget who is a noncareer appointee in a Senior Executive Service position and who is a trained and experienced privacy professional to carry out the responsibilities of the Director with regard to privacy.''.

SEC. 208. CIVIL REMEDIES UNDER THE PRIVACY ACT.

Section 552a(g)(4)(A) of title 5, United States Code, is amended—

(1) by striking ''actual damages'' and inserting ''provable damages, including damages that are not pecuniary damages,''; and

(2) by striking '', but in no case shall a person entitled to recovery receive less than the sum of $1,000'' and inserting ''or the sum of $1,000, whichever is greater.''.

On page 188, lines 5 through 7, strike ''the Chief Privacy and Civil Liberties Officer of the Department of Justice and the Chief Privacy Officer of the Department'' and insert ''the Federal Chief Privacy Officer''.

On page 191, line 19, strike ''actual damages'' and insert ''provable damages, including damages that are not pecuniary damages,''

SA 2749. Mrs. MURRAY (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 11, strike lines 12 and 13 and insert the following:

as appropriate;

(7) the National Guard Bureau; and

(8) the Department.

At the end of title IV, add the following:

SEC. 416. REPORT ON ROLES AND MISSIONS OF THE NATIONAL GUARD IN STATE STATUS IN SUPPORT OF THE CYBERSECURITY EFFORTS OF THE FEDERAL GOVERNMENT.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall, in consultation with the Secretary of Defense and the Chief of the National Guard Bureau, submit to the appropriate committees of Congress a report on the roles and missions of the National Guard in State status (commonly referred to as ''title 32 status'') in support of the cybersecurity efforts of the Department of Homeland Security, the Department of Defense, and other departments and agencies of the Federal Government.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the current roles and missions of the National Guard in State status in support of the cybersecurity efforts of the Federal Government, and a description of the policies and authorities governing the discharge of such roles and missions.

(2) A description of the current roles and missions of the National Guard while on active duty in support of the cybersecurity efforts of the Federal Government, and a comparison of the costs to organize, train, and equip units of the National Guard on active duty in support of such efforts with the costs to organize, train, and equip units of the regular components of the Armed Forces with the same or similar capabilities in support of such efforts.

(3) A description of potential roles and missions for the National Guard in State status in support of the cybersecurity efforts of the Federal Government, a description of the policies and authorities to govern the discharge of such roles and missions, and recommendations for such legislative or administrative actions as may be required to establish and implement such roles and missions.

(4) An assessment of the feasability and advisability of public-private partnerships on homeland cybersecurity missions involving the National Guard in State status, including the advisability of using pilot programs to evaluate feasability and advisability of such partnerships.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate; and

(2) the Committee on Homeland Security and the Committee on Armed Services of the House of Representatives.

SA 2750. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

SEC. 416. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON CRITICAL INFRASTRUCTURE OPERATIONS.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the efforts and authorities of the Federal Government and States relating to the resiliency of public and private critical infrastructure operations after natural or manmade disasters, cyber attacks, or accidents, including the ability to operate critical infrastructure with backup or alternative power generation.

(2) CONTENTS.—In conducting the study under paragraph (1), the Comptroller General shall—

(A) examine critical infrastructure, including—

(i) fueling stations;

(ii) water treatment facilities;

(iii) banking institutions;

(iv) health care facilities;

(v) the Emergency Alert System;

(vi) emergency 911 operations; and

(vii) any other critical infrastructure that the Comptroller General identifies;

(B) examine the role and authority of—

(i) State public utility or service commissions;

(ii) the Federal Communications Commission;

(iii) the Federal Energy Regulatory Commission;

(iv) the North American Electric Reliability Corporation;

(v) the Department of Energy; and

(vi) the Department;

(C) review policies on the priorities for restoring electrical power; and

(D) consider—

(i) the voluntary Defense Industrial Base Critical Infrastructure Protection program of the Department of Defense; and

(ii) the West Virginia University project for Cyber Security in Critical Infrastructure.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a) that includes recommendations, if any, to improve the reliability, resiliency, and sustainability of, and to reduce any redundancy in, the critical infrastructure and related systems studied.

SA 2751. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 6, beginning on line 2, strike ''the underlying framework that information systems and assets rely on'' and insert ''information and information systems relied upon''.

On page 7, strike line 20 and all that follows through page 8, line 9, and insert the following:

(21) OPERATOR.—The term ''operator''—

(A) means an entity that manages, runs, or operates, in whole or in part, the day-to-day operations of critical infrastructure; and

(B) may include the owner of critical infrastructure.

(22) OWNER.—The term ''owner''—

(A) means an entity that owns critical infrastructure; and

(B) does not include a company contracted by the owner to manage, run, or operate that critical infrastructure, or to provide a specific information technology product or service that is used or incorporated into that critical infrastructure.

On page 8, beginning on line 14, strike '', or an attempted to cause an incident that, if successful, would have resulted in''.

On page 8, after line 22, insert the following:

SEC. 3. RULE OF CONSTRUCTION.

(a) DEFINITION.—In this section, the term ''covered information'' means information collected by a Federal agency solely for statistical purposes under a pledge of confidentiality.

(b) RULE OF CONSTRUCTION RELATING TO COVERED INFORMATION.—Nothing in this Act or an amendment made by this Act shall be construed to alter, amend, or repeal any provision of title 13, United States Code, the International Investment and Trade in Services Survey Act (22 U.S.C. 3101 et seq.), or the Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note), or any similar provision of law, that relates to the unauthorized disclosure or use of covered information, except that the head of each Federal agency that collects covered information pursuant to any such provision of law is authorized to disclose the covered information to the Secretary to fulfill the information security responsibilities

of the head of the Federal agency and the Secretary under sections 3553 and 3554 of title 44, United States Code, as amended by this Act.

On page 10, line 7, before ''; and'' insert '', in connection with activities authorized and conducted in accordance with this title''.

On page 10, beginning on line 9, strike ''technical guidance or assistance to owners and operators consistent with this title'' and insert ''guidance on the application of cybersecurity practices in accordance with this title''.

On page 10, line 18, insert ''and'' after the semicolon.

On page 11, strike lines 1 through 13 and insert the following:

(d) MEMBERSHIP.—The Council shall be comprised of—

(1) the Secretary of Commerce;

(2) the Secretary of Defense;

(3) the Attorney General;

(4) the Director of National Intelligence;

(5) the heads of sector-specific Federal agencies that are appointed by the President, by and with the advice and consent of the Senate, as determined by the President in accordance with subsection (g);

(6) the heads of Federal agencies with responsibility for regulating the security of critical cyber infrastructure that are appointed by the President, by and with the advice and consent of the Senate, as determined by the President in accordance with subsection (g); and

(7) the Secretary.

On page 12, line 3, after ''provide'' insert '', to the maximum extent possible,''.

On page 12, line 5, after ''provide'' insert '', to the maximum extent possible,''.

On page 12, line 8, strike ''A'' and insert ''The head of a''.

On page 12, line 9, strike ''and a'' and insert ''or a''.

On page 12, line 13, after ''responsibility'' insert '', including''.

On page 13, line 13, after ''with'' insert ''appropriate''.

On page 13, line 20, strike ''180 days'' and insert ''90 days''.

On page 15, between lines 9 and 10, insert the following:

(6) INITIAL ASSESSMENTS.—Not later than 270 days after the date of enactment of this Act, the member agency designated under paragraph (1) shall complete initial cyber risk assessments described in paragraph (2)(B).

On page 17, line 16, strike ''damage'' and insert ''harm''.

On page 18, line 2, strike ''damage'' and insert ''harm''.

On page 20, line 5, strike ''180 days'' and insert ''1 year''.

On page 20, line 12, strike '', standards,''.

On page 20, line 22, after ''with'' insert ''appropriate''.

On page 21, beginning on line 3, strike ''relevant security experts and'' and insert ''appropriate security experts,''.

On page 21, between lines 17 and 18, insert the following:

(2) NIST INVOLVEMENT.—As part of the process described in paragraph (1), the Director of the National Institute of Standards and Technology shall be invited to provide advice and guidance on any possible amendments to the cybersecurity practices and any additional cybersecurity practices in consultation with appropriate public and private stakeholders.

On page 21, line 18, strike ''(2)'' and insert ''(3)''.

On page 21, line 19, strike ''1 year'' and insert ''18 months''.

On page 22, beginning on line 11, strike ''180 days'' and insert ''1 year''.

On page 22, line 13, strike ''1 year'' and insert ''18 months''.

On page 25, strike lines 10 through 17 and insert the following:

(1) IN GENERAL.—After the Council adopts a cybersecurity practice, a relevant sector coordinating council and the Critical Infrastructure Partnership Advisory Council may issue a public report evaluating the cybersecurity practice, which may include input from appropriate institutions of higher education, including university information security centers, national laboratories, and appropriate nongovernmental cybersecurity experts.

On page 25, line 19, strike ''consider any review conducted'' and insert ''consider, in accordance with subsection (c), any public report issued''.

On page 25, strike lines 21 through 24 and insert the following:

(i) VOLUNTARY GUIDANCE.—At the request of an owner or operator, the Council may provide guidance on the application of cybersecurity practices to the critical infrastructure in accordance with this title.

On page 26, line 5, strike ''1 year'' and insert ''18 months''.

On page 27, line 13, strike ''an assessment'' and insert ''a third-party assessment, in accordance with subsection (b),''.

On page 28, beginning on line 15, strike ''specific cybersecurity measures that, if implemented, would'' and insert ''guidance on how to''.

On page 29, line 5, strike ''owner'' and all that follows through line 7, and insert the following: ''owner has effectively implemented cybersecurity measures sufficient to satisfy the outcome-based cybersecurity practices established under section 103.''.

On page 30, line 20, strike ''Subaragraph'' and insert ''Subparagraph''.

On page 34, line 15, before ''or'' insert ''including under title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.),''.

On page 35, beginning on line 19, strike ''treated as voluntarily shared critical infrastructure information under'' and insert ''afforded the protections of''.

On page 36, beginning on line 16, strike ''covered critical'' and insert ''critical cyber''.

On page 36, beginning on line 19, strike ''concerns (in addition to any concerns described under subparagraph (A))'' and insert ''other concerns''.

On page 37, line 11, strike ''specifically prohibited by law or is''.

On page 37, line 14, after ''affairs'' insert ''or the disclosure of which is otherwise subject to legal restrictions''.

On page 41, line 4, strike ''1 year'' and insert ''2 years''.

On page 42, line 16, strike ''covered critical'' and insert ''critical cyber''.

On page 43, line 14, after ''and'' insert ''in connection with affording the protections of section 214 of the Homeland Security Act of 2012 (6 U.S.C. 133) to covered information in accordance with''.

On page 44, beginning on line 6, strike ''a private sector coordinating council'' and insert ''the entity''.

On page 44, line 9, strike ''sector of critical infrastructure'' and insert ''critical infrastructure or key resource sector''.

On page 44, line 10, after ''Plan'' insert '', or any successor plan''.

On page 44, line 15, strike ''under the National'' and all that follows through line 18, and insert the following: '', as designated by the President or the President's designee.''.

On page 46, beginning on line 6, strike ''improve and continuously monitor'' and insert ''continuously monitor and improve''.

On page 46, beginning on line 25, strike ''the complete set of''.

On page 47, line 2, after ''system'' insert ''have been implemented and''.

On page 47, line 5, strike ''To the maximum'' and all that follows through line 9.

On page 47, line 22, after ''protected'' insert '', or in accordance with section 3553(d)(3)''.

On page 47, between lines 22 and 23, insert the following:

''(4) CYBERSECURITY SERVICES.—The term ''cybersecurity services'' means products, goods, or services intended to detect, mitigate, or prevent cybersecurity threats.

On page 47, line 23, strike ''(4)'' and insert ''(5)''.

On page 48, line 8, strike ''(5)'' and insert ''(6)''.

On page 49, line 1, strike ''(6)'' and insert ''(7)''.

On page 49, line 4, strike ''(7)'' and insert ''(8)''.

On page 50, line 13, strike ''(8)'' and insert ''(9)''.

On page 53, line 7, strike ''and penetration testing'' and insert '', penetration testing, and the operation of a continuous monitoring capability to provide real-time visibility into the condition and status of agency information systems''.

On page 57, beginning on line 21, strike ''or information security services'' and insert ''services, remote computing services, or cybersecurity services''.

On page 57, line 24, strike ''or to deploy countermeasures'' and insert '', deploy countermeasures, or otherwise operate protective capabilities''.

On page 60, line 17, strike ''Assistant Secretary'' and all that follows through line 19, and insert the following: ''Director of the National Center for Cybersecurity and Communications.''.

On page 76, line 5, strike ''section 3553'' and insert ''section 3553(d)(3)''.

On page 77, beginning on line 17, strike ''under the control of the Department of Defense'' and insert ''described in section 3553(g)(2)''.

On page 77, beginning on line 20, strike ''under the control of the Central Intelligence Agency'' and insert ''described in section 3553(g)(3)''.

On page 77, beginning on line 24, strike ''under the control of the Office of the Director of National Intelligence'' and insert ''described in section 3553(g)(4)''.

On page 81, strike the matter between lines 15 and 16 and insert the following:

''SUBCHAPTER II—INFORMATION SECURITY

''3551. Purposes.
''3552. Definitions.
''3553. Federal information security authority and coordination.
''3554. Agency responsibilities.
''3555. Annual assessments.
''3556. Independent evaluations.
''3557. National security systems.
''3558. Effect on existing law.''.

On page 90, line 16, before ''National'' insert ''functions of the''.

On page 90, beginning on line 17, strike ''on the date of enactment of the Cybersecurity Act of 2012'' and insert ''transferred to the Department''.

On page 90, line 19, strike ''Order 12472'' and insert ''Order 13618''.

On page 91, beginning on line 19, strike ''National Communications System'' and insert ''functions of the National Communications System transferred to the Department under section 201(g)''.

On page 91, line 20, strike ''the'' and insert ''their''.

On page 91, line 21, strike ''liabilities of the'' and all that follows through line 24, and insert ''liabilities.''.

On page 93, line 20, after ''providing'' insert ''technical assistance, analysis of incidents, and other''.

On page 102, line 5, after ''as'' insert ''appropriate and''.

On page 105, line 23, strike ''authorized'' and insert ''permitted''.

On page 105, line 24, strike ''Code, or'' and insert ''Code,''.

On page 106, line 2, after ''et seq.)'' insert '', or section 3553 of title 44, United States Code''.

On page 113, line 19, after ''Communications'' insert '', and in consultation with the Director of the National Institute of Standards and Technology and the Administrator of the National Telecommunications and Information Administration''.

On page 120, line 15, before ''of'' insert ''and the Committee on Homeland Security and Governmental Affairs''.

On page 120, line 16, after ''Technology'' insert ''and the Committee on Oversight and Government Reform''.

On page 125, line 15, after ''other'' insert ''cybersecurity''.

On page 128, line 18, after ''Secretary'' insert ''and the Director of the Office of Personnel Management''.

On page 130, line 12, strike ''shall'' and insert ''may''.

On page 131, line 16, after ''Foundation'' insert '', in coordination with the Director of the Office of Personnel Management,''.

On page 134, line 6, strike ''all'' and insert ''appropriate''.

On page 136, line 17, strike ''engaged in'' and insert ''in vacant positions that are part of the Federal''.

On page 147, strike the matter between lines 3 and 4 and insert the following:

''Sec. 245. National Center for Cybersecurity and Communications acquisition authorities.

''Sec. 246. Recruitment and retention program for the National Center for Cybersecurity and Communications.''.

On page 152, strike line 20 and all that follows through page 153, line 14, and insert the following:

(1) legal or other impediments to appropriate public awareness of the nature of, methods of propagation of, and damage caused by common cybersecurity threats such as computer viruses, phishing techniques, and malware; and

(2) a summary of the plans of the Secretary to enhance public awareness of common cybersecurity threats, including a description of the metrics used by the Department for evaluating the efficacy of public awareness campaigns.

On page 201, line 19, strike ''or''.

On page 201, between lines 19 and 20, insert the following:

(11) to alter or amend the law enforcement or intelligence authorities of any agency or Federal cybersecurity center; or

On page 201, line 20, strike ''(11)'' and insert ''(12)''.

SA 2752. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 156, line 3, strike ''(1);'' and all that follows through ''any public'' on line 10 and insert ''(1); and

''(3) any public''.

SA 2753. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 61, between lines 4 and 5, insert the following:

''(D) CRITICAL INFRASTRUCTURE.—Notwithstanding subparagraph (A), if an agency identifies a system to the Secretary in writing as a system the disruption of which would cause grave damage to the economic infrastructure of the United States, including a system used to carry out payment, fiscal agency, lending, or liquidity activities or Federal open market operations, the Secretary may authorize the use of protective capabilities that affect the system only with the concurrence of the head of that agency.

SA 2754. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 60, strike lines 1 through 13 and insert the following:

''(A) IN GENERAL.—If the Secretary determines that there is a substantial and imminent threat to agency information systems and, after consultation with the affected agency, determines that a directive under this subsection is not reasonably likely to result in a timely response to the threat, the Secretary may authorize the use of protective capabilities under the control of the Secretary for communications or other system traffic transiting to or from or stored on an agency information system. If prior consultation with the affected agency is not reasonably practicable under the circumstances, the Secretary may authorize the use of the protective capabilities without prior consultation with the affected agency for the purpose of ensuring the security of the information or information system or other agency information systems.

SA 2755. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 58, strike lines 18 through 21 and insert the following:

''(B) EXCEPTION.—The authorities of the Secretary under this subsection shall not apply to—

''(i) a system described in paragraph (2), (3), or (4) of subsection (g); or

''(ii) a system used to carry out payment, fiscal agency, lending, or liquidity activities or Federal open market operations where the disruption of such system could reasonably result in catastrophic economic damage to the United States.

SA 2756. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 55, line 22, insert '', with the concurrence of the affected agency,'' after ''the Secretary''.

SA 2757. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 51, line 12, strike ''used or''.

SA 2758. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 18, line 25, strike ''or'' and all that follows through page 19, line 2, and insert the following:

(C) a commercial item that organizes or communicates information electronically; or

(D) critical infrastructure that is subject to the requirements under subchapter II of chapter 35 of title 44, United States Code, as amended by section 201 of this Act.

SA 2759. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 12, between lines 21 and 22, insert the following:

(h) FEDERAL RESERVE BANKS.—For purposes of this title, the Federal agency with responsibility for regulating the security of critical cyber infrastructure of the Federal Reserve Banks is the Board of Governors of the Federal Reserve System.

SA 2760. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 12, line 12, insert ''or owner'' after ''the sector''.

SA 2761. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 11, between lines 12 and 13, insert the following:

(7) the Department of the Treasury; and

SA 2762. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 11, line 12, strike ''and''.

On page 11, between lines 12 and 13, insert the following:

(7) the Department of the Treasury; and

On page 11, line 13, strike ''(7)'' and insert ''(8)''.

On page 12, line 12, insert ''or owner'' after ''the sector''.

On page 12, between lines 21 and 22, insert the following:

(h) FEDERAL RESERVE BANKS.—For purposes of this title, the Federal agency with responsibility for regulating the security of critical cyber infrastructure of the Federal Reserve Banks is the Board of Governors of the Federal Reserve System.

On page 18, line 25, strike ''or'' and all that follows through page 19, line 2, and insert the following:

(C) a commercial item that organizes or communicates information electronically; or

(D) critical infrastructure that is subject to the requirements under subchapter II of chapter 35 of title 44, United States Code, as amended by section 201 of this Act.

On page 51, line 12, strike ''used or''.

On page 55, line 22, insert '', with the concurrence of the affected agency,'' after ''the Secretary''.

On page 58, strike line 18 and all that follows through page 60, line 13, and insert the following:

''(B) EXCEPTION.—The authorities of the Secretary under this subsection shall not apply to—

''(i) a system described in paragraph (2), (3), or (4) of subsection (g); or

''(ii) a system used to carry out payment, fiscal agency, lending, or liquidity activities or Federal open market operations where the disruption of such system could reasonably result in catastrophic economic damage to the United States.

''(2) PROCEDURES FOR USE OF AUTHORITY.—The Secretary shall—

''(A) in coordination with the Director of the Office of Management and Budget and, as appropriate, in consultation with operators of information systems, establish procedures governing the circumstances under which a directive may be issued under this subsection, which shall include—

''(i) thresholds and other criteria;

''(ii) privacy and civil liberties protections; and

''(iii) providing notice to potentially affected third parties;

''(B) specify the reasons for the required action and the duration of the directive;

''(C) minimize the impact of directives under this subsection by—

''(i) adopting the least intrusive means possible under the circumstances to secure the agency information systems; and

''(ii) limiting directives to the shortest period practicable; and

''(D) notify the Director of the Office of Management and Budget and head of any affected agency immediately upon the issuance of a directive under this subsection.

''(3) IMMINENT THREATS.—

''(A) IN GENERAL.—If the Secretary determines that there is a substantial and imminent threat to agency information systems and, after consultation with the affected agency, determines that a directive under this subsection is not reasonably likely to result in a timely response to the threat, the Secretary may authorize the use of protective capabilities under the control of the Secretary for communications or other system traffic transiting to or from or stored on an agency information system. If prior consultation with the affected agency is not reasonably practicable under the circumstances, the Secretary may authorize the use of the protective capabilities without prior consultation with the affected agency for the purpose of ensuring the security of the information or information system or other agency information systems.

On page 61, between lines 4 and 5, insert the following:

''(D) CRITICAL INFRASTRUCTURE.—Notwithstanding subparagraph (A), if an agency identifies a system to the Secretary in writing as a system the disruption of which would cause grave damage to the economic infrastructure of the United States, including a system used to carry out payment, fiscal agency, lending, or liquidity activities or Federal open market operations, the Secretary may authorize the use of protective capabilities that affect the system only with the concurrence of the head of that agency.

On page 61, line 5, strike ''(D)'' and insert ''(E)''.

On page 156, line 3, insert ''and'' after the semicolon.

On page 156, strike lines 4 through 9.

On page 156, line 10, strike ''(4)'' and insert ''(3)''.

SA 2763. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 108, line 21, after ''software'' insert '', hardware, and other cybersecurity technology''.

On page 121, line 6, after ''science'' insert ''and cyber-engineering''.

On page 121, line 14, after ''Foundation'' insert '', in consultation with the Secretary,''.

On page 124, line 13, strike ''national and statewide'' and insert ''national, statewide, regional, and local''.

On page 125, line 24, after ''other'' insert ''nonprofit or''.

On page 137, between lines 5 and 6, insert the following:

(e) REPORT.—The Secretary, in coordination with the Director of the Office of Personnel Management, the Director of National Intelligence, the Secretary of Defense, and the Chief Information Officers Council established under section 3603 of title 44, United States Code, shall submit a report to the appropriate committees of Congress on whether the establishment of a national institute dedicated to cybersecurity education and training described under subsection (b) is appropriate.

SA 2764. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CRITICAL COMMUNICATIONS INFRASTRUCTURE PILOT PROGRAM.

(a) DEFINITION.—In this section, the term ''passive Internet Protocol route analytics'' means a method for determining behaviors, patterns, and statuses of Internet Protocol network equipment and paths without—

(1) actively communicating directly with network equipment, such as routers and switches; or

(2) significantly inspecting the contents of an Internet Protocol network packet.

(b) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Manager of the National Coordinating Center for Telecommunications, acting through the National Communications System, shall initiate a 12-month pilot program to evaluate enhanced critical communications infrastructure, including systems supporting operational and situational awareness, national security, and emergency preparedness.

(c) EVALUATION CRITERIA.—By means of passive Internet Protocol route analytics, the pilot program under this section shall include criteria to evaluate the status of a representative subset of critical communications infrastructure.

(d) CONNECTIVITY.—The program shall at a minimum provide—

(1) end-to-end connectivity between the National Center for Critical Information Processing and Storage and United States Pacific Command facilities; and

(2) undersea communications between the mainland of the United States and Europe.

(e) TERMINATION.—The pilot program established under this section shall terminate 1 year after the date on which the program is established.

(f) REPORT.—Not later than 6 months after the termination date described in subsection (e), the Manager of the National Coordinating Center for Telecommunications, acting through the National Communications System, shall submit to the appropriate Congressional committees a report on the effectiveness and scalability of enhanced critical communications infrastructure, including systems supporting operational and situational awareness, national security, and emergency preparedness.

SA 2765. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 107, line 1, after ''science'' insert '', legal,''.

On page 108, strike lines 10 and 11 and insert the following:

amended by subsection (f);

(12) how improved education of judges and other legal professionals can contribute to cybersecurity; and

(13) any additional objectives the Director or

On page 115, line 11, before ''; and'' insert the following: '', including by increasing educational opportunities for judges and other legal professionals''.

On page 125, line 20, after ''State,'' insert ''national,''.

On page 126, strike lines 9 through 11 and insert the following:

(F) offensive and defensive cyber operations;

(G) legal analysis of cyber crime and cybersecurity; and

(H) other areas to fulfill the cybersecurity

At the end of title IV, add the following:

SEC. 416. CYBER EDUCATION AT INSTITUTIONS OF HIGHER EDUCATION AND CAREER AND TECHNICAL INSTITUTIONS.

The Secretary of Education, in coordination with the Secretary, and after consultation with appropriate private entities, shall—

(1) develop model curriculum standards and guidelines to address cyber safety, cybersecurity, and cyber ethics for all students enrolled in institutions of higher education, and all students enrolled in career and technical institutions, in the United States; and

(2) analyze and develop recommended courses for students interested in pursuing careers in information technology, communications, computer science, engineering, law, mathematics, and science, as those subjects relate to cybersecurity.

SA 2766. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 174, strike line 12 and all that follows through page 180, line 14, and insert the following:

SEC. 703. CYBERSECURITY EXCHANGES.

(a) DESIGNATION OF CYBERSECURITY EXCHANGES.—The Secretary of Homeland Security, in consultation with the Director of National Intelligence, the Attorney General, and the Secretary of Defense, shall establish—

(1) a process for designating one or more appropriate civilian Federal entities or non-Federal entities to serve as cybersecurity exchanges to receive and distribute cybersecurity threat indicators;

(2) procedures to facilitate and ensure the sharing of classified and unclassified cybersecurity threat indicators in as close to real time as possible with appropriate Federal entities and non-Federal entities in accordance with this title, including through automated and other means that allow for the immediate sharing of such indicators in accordance with this title; and

(3) a process for identifying certified entities to receive classified cybersecurity threat indicators in accordance with paragraph (2).

(b) PURPOSE.—The purpose of a cybersecurity exchange is to receive and distribute, in as close to real time as possible, cybersecurity threat indicators in accordance with the requirements of this title and the procedures established under subsection (a)(2), and to thereby avoid unnecessary and duplicative Federal bureaucracy for information sharing as provided in this title.

(c) REQUIREMENT FOR A LEAD FEDERAL CIVILIAN CYBERSECURITY EXCHANGE.—

(1) IN GENERAL.—The Secretary, in consultation with the Director of National Intelligence, the Attorney General, and the Secretary of Defense, shall designate a civilian Federal entity as the lead cybersecurity exchange to serve as a focal point within the Federal Government for cybersecurity information sharing among Federal entities and with non-Federal entities.

(2) RESPONSIBILITIES.—The lead Federal civilian cybersecurity exchange designated under paragraph (1) shall—

(A) receive and distribute, in as close to real time as possible, cybersecurity threat indicators in accordance with this title and the procedures established under subsection (a)(2);

(B) facilitate information sharing, interaction, and collaboration among and between—

(i) Federal entities;

(ii) State, local, tribal, and territorial governments;

(iii) private entities;

(iv) academia;

(v) international partners, in consultation with the Secretary of State; and

(vi) other cybersecurity exchanges;

(C) disseminate timely and actionable cybersecurity threat, vulnerability, mitigation, and warning information lawfully obtained from any source, including alerts, advisories, indicators, signatures, and mitigation and response measures, to appropriate Federal and non-Federal entities in accordance with this title and the procedures established under subsection (a)(2) in as close to real time as possible to improve the security and protection of information systems;

(D) coordinate with other Federal and non-Federal entities, as appropriate, to integrate information from Federal and non-Federal entities, including Federal cybersecurity centers, non-Federal network or security operation centers, other cybersecurity exchanges, and non-Federal entities that disclose cybersecurity threat indicators under section 704(a), in accordance with this title and the procedures established under subsection (a)(2) in as close to real time as possible, to provide situational awareness of the United States information security posture and foster information security collaboration among information system owners and operators;

(E) conduct, in consultation with private entities and relevant Federal and other governmental entities, regular assessments of existing and proposed information sharing models to eliminate bureaucratic obstacles to information sharing and identify best practices for such sharing; and

(F) coordinate with other Federal entities, as appropriate, to compile and analyze information about risks and incidents that threaten information systems, including information voluntarily submitted in accordance with section 704(a) or otherwise in accordance with applicable laws.

(3) SCHEDULE FOR DESIGNATION.—The designation of a lead Federal civilian cybersecurity exchange under paragraph (1) shall be made concurrently with the issuance of the interim policies and procedures under section 704(g)(3)(D).

(d) ADDITIONAL CIVILIAN FEDERAL CYBERSECURITY EXCHANGES.—In accordance with the process and procedures established in subsection (a), the Secretary, in consultation with the Director of National Intelligence, the Attorney General, and the Secretary of Defense, may designate additional civilian Federal entities to receive and distribute cybersecurity threat indicators, if such entities are subject to the requirements for use, retention, and disclosure of information by a cybersecurity exchange under section 704(b) and the special requirements for Federal entities under section 704(g).

(e) REQUIREMENTS FOR NON-FEDERAL CYBERSECURITY EXCHANGES.—

(1) IN GENERAL.—In considering whether to designate a private entity or any other non-Federal entity as a cybersecurity exchange to receive and distribute cybersecurity threat indicators under section 704, and what entity to designate, the Secretary shall consider the following factors:

(A) The net effect that such designation would have on the overall cybersecurity of the United States.

(B) Whether such designation could substantially improve such overall cybersecurity by serving as a hub for receiving and sharing cybersecurity threat indicators in as close to real time as possible, including the capacity of the non-Federal entity for performing those functions in accordance with this title and the procedures established under subsection (a)(2).

(C) The capacity of such non-Federal entity to safeguard cybersecurity threat indicators from unauthorized disclosure and use.

(D) The adequacy of the policies and procedures of such non-Federal entity to protect personally identifiable information from unauthorized disclosure and use.

(E) The ability of the non-Federal entity to sustain operations using entirely non-Federal sources of funding.

(2) REGULATIONS.—The Secretary may promulgate regulations as may be necessary to carry out this subsection.

(f) CONSTRUCTION WITH OTHER AUTHORITIES.—Nothing in this section may be construed to alter the authorities of a Federal cybersecurity center, unless such cybersecurity center is acting in its capacity as a designated cybersecurity exchange.

(g) CONGRESSIONAL NOTIFICATION OF DESIGNATION OF CYBERSECURITY EXCHANGES.—

(1) IN GENERAL.—The Secretary, in coordination with the Director of National Intelligence, the Attorney General, and the Secretary of Defense, shall promptly notify Congress, in writing, of any designation of a cybersecurity exchange under this title.

(2) REQUIREMENT.—Written notification under paragraph (1) shall include a description of the criteria and processes used to make the designation.

SA 2767. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 117, strike line 14 and all that follows to page 119, line 2 and insert the following:

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Director of the National Science Foundation, in coordination with the Secretary, shall establish cybersecurity research centers based at institutions of higher education and other entities that meet the criteria described in subsection (b) to develop solutions and strategies that support the efforts of the Federal Government under this Act in—

(1) improving the security and resilience of information infrastructure;

(2) reducing cyber vulnerabilities;

(3) mitigating the consequences of cyber attacks on critical infrastructure;

(4) developing awareness training strategies for owners and operators of critical infrastructure; and

(5) diversifying cybersecurity research and education.

(b) CRITERIA FOR SELECTION.—In selecting an institution of higher education or other entity to serve as a Research Center for Cybersecurity, the Director of the National Science Foundation shall consider—

(1) demonstrated expertise in systems security, wireless security, networking and protocols, formal methods and high-performance computing, nanotechnology, and industrial control systems;

(2) demonstrated capability to conduct high performance computation integral to complex cybersecurity research, whether through on-site or off-site computing;

(3) demonstrated expertise in interdisciplinary cybersecurity research;

(4) affiliation with private sector entities involved with industrial research described in paragraph (1) and ready access to testable commercial data;

(5) prior formal research collaboration arrangements with institutions of higher education and Federal research laboratories;

(6) capability to conduct research in a secure environment; and

(7) affiliation with existing research programs of the Federal Government, including designation as a National Center of Academic Excellence by the National Security Agency.

(c) REQUIREMENTS.—The research centers established under subsection (a) shall include centers led by institutions of higher education that are eligible institutions, as defined in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)) that—

(1) have accredited engineering and law schools

(2) are classified by the Carnegie Foundation as research universities with high research activity; and

(3) have been designated as a center of excellence or model institute of excellence by a Federal agency.

(d) ADVISORY BOARD.—

(1) IN GENERAL.—The Secretary of Homeland Security shall establish a cybersecurity research advisory board, which shall meet regularly with the Director of the National Science Foundation, the Department of

Homeland Security Under Secretary for Science and Technology, and the Department of Homeland Security Under Secretary for the National Protection and Programs Directorate to review the activities of the research centers established under subsection (a).

(2) MEMBERSHIPS.—In establishing the advisory board under subsection (d), the Secretary of Homeland Security shall ensure that the members of the advisory board are—

(A) from institutions of higher education with the expertise in the protection of critical infrastructure against cyber attacks;

(B) from institutions described in subsection (c); and

(C) equally representative of the 10 Federal regions that comprise the Standard Federal Regions established by the Office of Management and Budget in the document entitled ''Standard Federal Regions'' and dated April 1974 (circular A-105).

SA 2768. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FEDERAL CYBERSECURITY SCHOLARSHIP FOR SERVICE PROGRAM.

(a) DEFINITION.—In this section, the term ''veteran'' has the meaning given that term under section 101 of title 38, United States Code.

(b) ESTABLISHMENT OF PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Personnel Management, in coordination with the National Initiative for Cybersecurity Education of the National Institute of Standards and Technology and the Director of the National Science Foundation, shall establish a program within the Federal Cyber Service Scholarship for Service to provide education and training in the area of cybersecurity to veterans (in this section referred to as the ''program'').

(c) ELIGIBLE STUDENTS.—To be eligible under the program, an applicant shall—

(1) be a veteran; and

(2) pursue a baccalaureate, master's, or doctorate degree in a program of study relevant to cybersecurity.

(d) PRIORITY FOR DISABLED VETERANS.—Priority for eligibility under the program shall be given to veterans who are disabled.

(e) ELIGIBLE INSTITUTIONS.—In developing the program, the Director of the Office of Personnel Management, in coordination with the Director of the National Institute of Standards and Technology, shall designate multiple institutions participating in the Federal Cyber Service Scholarship for Service program on the date of enactment of this Act as Centers of Academic Excellence in Veteran Cyber Security Education, which shall be participating institutions for purposes of the program.

(f) BENEFITS.—Subject to the availability of appropriations, the Director of the National Science Foundation shall provide scholarship benefits to eligible students for attendance at an institution designated under subsection (e).

(g) DIRECT HIRING AUTHORITY.—The Director of the Office of Personnel Management shall establish direct hiring authority, which shall not be limited to a specific job code or grade, for relevant Federal agencies desiring to hire graduates of the program.

SA 2769. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 2579 submitted by Mr. LEAHY and intended to be proposed to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 11, strike lines 1 through 10.

SA 2770. Mr. REID (for Mr. CARPER (for himself, Ms. COLLINS, Mr. BROWN of Massachusetts, and Mr. COBURN)) proposed an amendment to the bill S. 1409, to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending.

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Improper Payments Elimination and Recovery Improvement Act of 2012''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''agency'' means an executive agency as that term is defined under section 102 of title 31, United States Code; and

(2) the term ''improper payment'' has the meaning given that term in section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), as redesignated by section 3(a)(1) of this Act.

SEC. 3. IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS BY FEDERAL AGENCIES.

(a) IN GENERAL.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended—

(1) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively;

(2) by inserting after subsection (a) the following:

''(b) IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS.—

''(1) IN GENERAL.—The Director of the Office of Management and Budget shall on an annual basis—

''(A) identify a list of high-priority Federal programs for greater levels of oversight and review—

''(i) in which the highest dollar value or highest rate of improper payments occur; or

''(ii) for which there is a higher risk of improper payments; and

''(B) in coordination with the agency responsible for administering the high-priority program, establish annual targets and semi-annual or quarterly actions for reducing improper payments associated with each high-priority program.

''(2) REPORT ON HIGH-PRIORITY IMPROPER PAYMENTS.—

''(A) IN GENERAL.—Subject to Federal privacy policies and to the extent permitted by law, each agency with a program identified under paragraph (1)(A) on an annual basis shall submit to the Inspector General of that agency, and make available to the public (including availability through the Internet), a report on that program.

''(B) CONTENTS.—Each report under this paragraph—

''(i) shall describe—

''(I) any action the agency—

''(aa) has taken or plans to take to recover improper payments; and

''(bb) intends to take to prevent future improper payments; and

''(ii) shall not include any referrals the agency made or anticipates making to the Department of Justice, or any information provided in connection with such referrals.

''(C) PUBLIC AVAILABILITY ON CENTRAL WEBSITE.—The Office of Management and Budget shall make each report submitted under this paragraph available on a central website.

''(D) AVAILABILITY OF INFORMATION TO INSPECTOR GENERAL.—Subparagraph (B)(ii) shall not prohibit any referral or information being made available to an Inspector General as otherwise provided by law.

''(E) ASSESSMENT AND RECOMMENDATIONS.—The Inspector General of each agency that submits a report under this paragraph shall, for each program of the agency that is identified under paragraph (1)(A)—

''(i) review—

''(I) the assessment of the level of risk associated with the program, and the quality of the improper payment estimates and methodology of the agency relating to the program; and

''(II) the oversight or financial controls to identify and prevent improper payments under the program; and

''(ii) submit to Congress recommendations, which may be included in another report submitted by the Inspector General to Congress, for modifying any plans of the agency relating to the program, including improvements for improper payments determination and estimation methodology.'';

(3) in subsection (d) (as redesignated by paragraph (1) of this subsection), by striking ''subsection (b)'' each place that term appears and inserting ''subsection (c)'';

(4) in subsection (e) (as redesignated by paragraph (1) of this subsection), by striking ''subsection (b)'' and inserting ''subsection (c)''; and

(5) in subsection (g)(3) (as redesignated by paragraph (1) of this subsection), by inserting ''or a Federal employee'' after ''non-Federal person or entity''.

(b) IMPROVED ESTIMATES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall provide guidance to agencies for improving the estimates of improper payments under the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(2) GUIDANCE.—Guidance under this subsection shall—

(A) strengthen the estimation process of agencies by setting standards for agencies to follow in determining the underlying validity of sampled payments to ensure amounts being billed are proper; and

(B) instruct agencies to give the persons or entities performing improper payments estimates access to all necessary payment data, including access to relevant documentation;

(C) explicitly bar agencies from relying on self-reporting by the recipients of agency payments as the sole source basis for improper payments estimates;

(D) require agencies to include all identified improper payments in the reported estimate, regardless of whether the improper payment in question has been or is being recovered;

(E) include payments to employees, including salary, locality pay, travel pay, purchase card use, and other employee payments, as subject to risk assessment and, where appropriate, improper payment estimation; and

(F) require agencies to tailor their corrective actions for the high-priority programs identified under section 2(b)(1)(A) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) to better reflect the unique processes, procedures, and risks involved in each specific program.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The Improper Payments Elimination and Recovery Act of 2010 (Public Law 111–204; 124 Stat. 2224) is amended—

(1) in section 2(h)(1) (31 U.S.C. 3321 note), by striking ''section 2(f)'' and all that follows and inserting ''section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).''; and

(2) in section 3(a) (31 U.S.C. 3321 note)—

(A) in paragraph (1), by striking ''section 2(f)'' and all that follows and inserting ''section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).''; and

(B) in paragraph (3)—

(i) by striking ''section 2(b)'' each place it appears and inserting ''section 2(c)''; and

(ii) by striking ''section 2(c)'' each place it appears and inserting ''section 2(d)''.

SEC. 4. IMPROPER PAYMENTS INFORMATION.

Section 2(a)(3)(A)(ii) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking ''with respect to fiscal years following September 30th of a fiscal year beginning before fiscal year 2013 as determined by the Office of Management and Budget'' and inserting ''with respect to fiscal year 2014 and each fiscal year thereafter''.

SEC. 5. DO NOT PAY INITIATIVE.

(a) PREPAYMENT AND PREAWARD PROCEDURES.—

(1) IN GENERAL.—Each agency shall review prepayment and preaward procedures and ensure that a thorough review of available databases with relevant information on eligibility occurs to determine program or award eligibility and prevent improper payments before the release of any Federal funds.

(2) DATABASES.—At a minimum and before issuing any payment and award, each agency shall review as appropriate the following databases to verify eligibility of the payment and award:

(A) The Death Master File of the Social Security Administration.

(B) The General Services Administration's Excluded Parties List System.

(C) The Debt Check Database of the Department of the Treasury.

(D) The Credit Alert System or Credit Alert Interactive Voice Response System of the Department of Housing and Urban Development.

(E) The List of Excluded Individuals/Entities of the Office of Inspector General of the Department of Health and Human Services.

(b) DO NOT PAY INITIATIVE.—

(1) ESTABLISHMENT.—There is established the Do Not Pay Initiative which shall include—

(A) use of the databases described under subsection (a)(2); and

(B) use of other databases designated by the Director of the Office of Management and Budget in consultation with agencies and in accordance with paragraph (2).

(2) OTHER DATABASES.—In making designations of other databases under paragraph (1)(B), the Director of the Office of Management and Budget shall—

(A) consider any database that substantially assists in preventing improper payments; and

(B) provide public notice and an opportunity for comment before designating a database under paragraph (1)(B).

(3) ACCESS AND REVIEW BY AGENCIES.—For purposes of identifying and preventing improper payments, each agency shall have access to, and use of, the Do Not Pay Initiative to verify payment or award eligibility in accordance with subsection (a) when the Director of the Office of Management and Budget determines the Do Not Pay Initiative is appropriately established for the agency.

(4) PAYMENT OTHERWISE REQUIRED.—When using the Do Not Pay Initiative, an agency shall recognize that there may be circumstances under which the law requires a payment or award to be made to a recipient, regardless of whether that recipient is identified as potentially ineligible under the Do Not Pay Initiative.

(5) ANNUAL REPORT.—The Director of the Office of Management and Budget shall submit to Congress an annual report, which may be included as part of another report submitted to Congress by the Director, regarding the operation of the Do Not Pay Initiative, which shall—

(A) include an evaluation of whether the Do Not Pay Initiative has reduced improper payments or improper awards; and

(B) provide the frequency of corrections or identification of incorrect information.

(c) DATABASE INTEGRATION PLAN.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall provide to the Congress a plan for—

(1) inclusion of other databases on the Do Not Pay Initiative;

(2) to the extent permitted by law, agency access to the Do Not Pay Initiative; and

(3) the multilateral data use agreements described under subsection (e).

(d) INITIAL WORKING SYSTEM.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall establish a working system for prepayment and preaward review that includes the Do Not Pay Initiative as described under this section.

(2) WORKING SYSTEM.—The working system established under paragraph (1)—

(A) may be located within an appropriate agency;

(B) shall include not less than 3 agencies as users of the system; and

(C) shall include investigation activities for fraud and systemic improper payments detection through analytic technologies and other techniques, which may include commercial database use or access.

(3) APPLICATION TO ALL AGENCIES.—Not later than June 1, 2013, each agency shall review all payments and awards for all programs of that agency through the system established under this subsection.

(e) FACILITATING DATA ACCESS BY FEDERAL AGENCIES AND OFFICES OF INSPECTORS GENERAL FOR PURPOSES OF PROGRAM INTEGRITY.—

(1) DEFINITION.—In this subsection, the term ''Inspector General'' means an Inspector General described in subparagraph (A), (B), or (I) of section 11(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.).

(2) COMPUTER MATCHING BY FEDERAL AGENCIES FOR PURPOSES OF INVESTIGATION AND PREVENTION OF IMPROPER PAYMENTS AND FRAUD.—

(A) IN GENERAL.—Except as provided in this paragraph, in accordance with section 552a of title 5, United States Code (commonly known as the Privacy Act of 1974), each Inspector General and the head of each agency may enter into computer matching agreements that allow ongoing data matching (which shall include automated data matching) in order to assist in the detection and prevention of improper payments.

(B) REVIEW.—Not later than 60 days after a proposal for an agreement under subparagraph (A) has been presented to a Data Integrity Board established under section 552a(u) of title 5, United States Code, for consideration, the Data Integrity Board shall respond to the proposal.

(C) TERMINATION DATE.—An agreement under subparagraph (A)—

(i) shall have a termination date of less than 3 years; and

(ii) during the 3-month period ending on the date on which the agreement is scheduled to terminate, may be renewed by the agencies entering the agreement for not more than 3 years.

(D) MULTIPLE AGENCIES.—For purposes of this paragraph, section 552a(o)(1) of title 5, United States Code, shall be applied by substituting ''between the source agency and the recipient agency or non-Federal agency or an agreement governing multiple agencies'' for ''between the source agency and the recipient agency or non-Federal agency'' in the matter preceding subparagraph (A).

(E) COST-BENEFIT ANALYSIS.—A justification under section 552a(o)(1)(B) of title 5, United States Code, relating to an agreement under subparagraph (A) is not required to contain a specific estimate of any savings under the computer matching agreement.

(F) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—Not later than 6 months after the date of enactment of this Act, and in consultation with the Council of Inspectors General on Integrity and Efficiency, the Secretary of Health and Human Services, the Commissioner of Social Security, and the head of any other relevant agency, the Director of the Office of Management and Budget shall—

(i) issue guidance for agencies regarding implementing this paragraph, which shall include standards for—

(I) reimbursement of costs, when necessary, between agencies;

(II) retention and timely destruction of records in accordance with section 552a(o)(1)(F) of title 5, United States Code;

(III) prohibiting duplication and redisclosure of records in accordance with section 552a(o)(1)(H) of title 5, United States Code;

(ii) review the procedures of the Data Integrity Boards established under section 552a(u) of title 5, United States Code, and develop new guidance for the Data Integrity Boards to—

(I) improve the effectiveness and responsiveness of the Data Integrity Boards; and

(II) ensure privacy protections in accordance with section 552a of title 5, United States Code (commonly known as the Privacy Act of 1974); and

(III) establish standard matching agreements for use when appropriate; and

(iii) establish and clarify rules regarding what constitutes making an agreement entered under subparagraph (A) available upon request to the public for purposes of section 552a(o)(2)(A)(ii) of title 5, United States Code, which shall include requiring publication of the agreement on a public website.

(G) CORRECTIONS.—The Director of the Office of Management and Budget shall establish procedures providing for the correction of data in order to ensure—

(i) compliance with section 552a(p) of title 5, United States Code; and

(ii) that corrections are made in any Do Not Pay Initiative database and in any relevant source databases designated by the Director of the Office of Management and Budget under subsection (b)(1).

(H) COMPLIANCE.—The head of each agency, in consultation with the Inspector General of the agency, shall ensure that any information provided to an individual or entity under this subsection is provided in accordance with protocols established under this subsection.

(I) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect the rights of an individual under section 552a(p) of title 5, United States Code.

(f) DEVELOPMENT AND ACCESS TO A DATABASE OF INCARCERATED INDIVIDUALS.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress recommendations for increasing the use of, access to, and the technical feasibility of using data on the Federal,

State, and local conviction and incarceration status of individuals for purposes of identifying and preventing improper payments by Federal agencies and programs and fraud.

(g) PLAN TO CURB FEDERAL IMPROPER PAYMENTS TO DECEASED INDIVIDUALS BY IMPROVING THE QUALITY AND USE BY FEDERAL AGENCIES OF THE SOCIAL SECURITY ADMINISTRATION DEATH MASTER FILE.—

(1) ESTABLISHMENT.—In conjunction with the Commissioner of Social Security and in consultation with relevant stakeholders that have an interest in or responsibility for providing the data, and the States, the Director of the Office of Management and Budget shall establish a plan for improving the quality, accuracy, and timeliness of death data maintained by the Social Security Administration, including death information reported to the Commissioner under section 205(r) of the Social Security Act (42 U.S.C. 405(r)).

(2) ADDITIONAL ACTIONS UNDER PLAN.—The plan established under this subsection shall include recommended actions by agencies to—

(A) increase the quality and frequency of access to the Death Master File and other death data;

(B) achieve a goal of at least daily access as appropriate;

(C) provide for all States and other data providers to use improved and electronic means for providing data;

(D) identify improved methods by agencies for determining ineligible payments due to the death of a recipient through proactive verification means; and

(E) address improper payments made by agencies to deceased individuals as part of Federal retirement programs.

(3) REPORT.—Not later than 120 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit a report to Congress on the plan established under this subsection, including recommended legislation.

SEC. 6. IMPROVING RECOVERY OF IMPROPER PAYMENTS.

(a) DEFINITION.—In this section, the term ''recovery audit'' means a recovery audit described under section 2(h) of the Improper Payments Elimination and Recovery Act of 2010.

(b) REVIEW.—The Director of the Office of Management and Budget shall determine—

(1) current and historical rates and amounts of recovery of improper payments (or, in cases in which improper payments are identified solely on the basis of a sample, recovery rates and amounts estimated on the basis of the applicable sample), including a list of agency recovery audit contract programs and specific information of amounts and payments recovered by recovery audit contractors; and

(2) targets for recovering improper payments, including specific information on amounts and payments recovered by recovery audit contractors.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a field hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Wednesday, August 15, 2012, at 10:00 a.m., at the University of Colorado, Centennial Room 203, Colorado Springs, 1420 Austin Bluffs Pkwy, Colorado Springs, CO.

The purpose of the hearing is to discuss the recent Colorado wildfires, focusing on lessons learned that can be applied to future suppression, recovery, and mitigation efforts. The Fourmile Canyon fire report that was released on July 25 will be discussed, as will projections for future wildfire conditions and best practices that can improve forest health.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Meagan___Gins@energy.senate.gov.

For further information, please contact Kevin Rennert (202) 224–7826, Meagan Gins at (202) 224–0883, or Jacqueline Emanuel at (202) 224–5512.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a field hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Friday, August 17, 2012, at 10:00 a.m., at the Santa Fe Community College, 6401 Richards Avenue, Room 216 Lecture Hall, West Wing of the Main Building, Santa Fe, NM.

The purpose of the hearing is to examine the current and future impacts of climate change on the Intermountain West, focusing on drought, wildfire frequency and severity, and ecosystems.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Meagan___Gins@energy.senate.gov.

For further information, please contact Kevin Rennert at (202) 224–7826 or Meagan Gins at (202) 224–0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on August 1, 2012, at 9 a.m. in room SR 328A of the Russell Senate Office Building.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LIEBERMAN. 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 August 1, 2012, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, ''Marketplace Fairness: Leveling the Playing Field for Small Business.''

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LIEBERMAN. 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 August 1, 2012, at 10 a.m. in Dirksen 406 to conduct a hearing entitled, ''Update on the Latest Climate Change Science and Local Adaptation Measures.''

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

COMMITTEE ON FINANCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on August 1, 2012, at 10:30 a.m. in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Tax Reform: Examining the Taxation of Business Entities.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on August 1, 2012, at 10 a.m. to hold a hearing entitled ''Next Steps in Syria.''

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

COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on August 1, 2012, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Rising Prison Costs: Restricting Budgets and Crime Prevention Options.''

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

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on August 1, 2012, at 2:30 p.m., to hold a European Affairs subcommittee hearing entitled, ''The Future of the Eurozone: Outlook and Lessons.''

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

SUBCOMMITTEE ON HOUSING, TRANSPORTATION, AND COMMUNITY DEVELOPMENT

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Housing, Transportation, and Community Development be authorized to meet during the session of the Senate on August 1, 2012, at 10 a.m., to conduct a

hearing entitled, ''Streamlining and Strengthening HUD's Rental Housing Assistance Programs.''

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

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that privileges of the floor be granted to Jenny Carson, an intern in my office, for the remainder of the day.

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

Mr. CARDIN. Mr. President, I ask unanimous consent that Katharine Beamer, a Department of State detailee from my office, be granted the privilege of the floor during today's session.

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

Mr. LEAHY. Mr. President, I ask unanimous consent that Jasper Craven of my staff be given the privileges of the floor for the rest of today.

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

Mr. LEAHY. Mr. President, I ask unanimous consent that Jeanette Quick, a detailee on the Banking Committee staff, as well as Ingianni Acosta and Georgina Cannan, two interns on Senator JOHNSON's staff, be granted floor privileges for the remainder of today's session.

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

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that Kareem Yakub and Ghazan Jamal, members of my staff, be granted the privilege of the floor.

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

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the following interns from my office be granted floor privileges for today's session: Jenessa Albertson, Carly Colligan, Cale Clingenpeel, Courtney Lewis, Travis Logan, Joseph Mueller, Katherine Tomera, Marissa Torgerson, Sierra Udland, Douglas Watts, Mari Freitag, and Parker Haymans.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

DESIGNATING THE WARREN LINDLEY POST OFFICE

DESIGNATING THE REVEREND ABE BROWN POST OFFICE BUILDING

DESIGNATING THE SERGEANT RICHARD FRANKLIN ABSHIRE POST OFFICE BUILDING

DESIGNATING THE SPC NICHOLAS SCOTT HARTGE POST OFFICE

DESIGNATING THE FIRST SERGEANT LANDRES CHEEKS POST OFFICE BUILDING

Mr. REID. I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from the following postal-naming bills en bloc, and the Senate proceed to their consideration en bloc: H.R. 1369 through H.R. 3276, H.R. 3412, H.R. 3501 and H.R. 3772.

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

The Senate proceeded to consider the bills.

Mr. REID. Mr. President, I ask unanimous consent that the bills be read a third time and passed en bloc; the motions to reconsider be laid upon the table en bloc, with no intervening action or debate; and any related statements be printed in the RECORD.

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

The bill (H.R. 1369) to designate the facility of the United States Postal Service located at 1021 Pennsylvania Avenue in Hartshorne, Oklahoma, as the ''Warren Lindley Post Office'' was ordered to a third reading, was read the third time, and passed.

The bill (H.R. 3276) to designate the facility of the United States Postal Service located at 2810 East Hillsborough Avenue in Tampa, Florida, as the ''Reverend Abe Brown Post Office Building,'' was ordered to a third reading, was read the third time, and passed.

The bill (H.R. 3412) to designate the facility of the United States Postal Service located at 1421 Veterans Memorial Drive in Abbeville, Louisiana, as the ''Sergeant Richard Franklin Abshire Post Office Building,'' was ordered to a third reading, was read the third time, and passed.

A bill (H.R. 3501) to designate the facility of the United States Postal Service located at 125 Kerr Avenue in Rome City, Indiana, as the ''SPC Nicholas Scott Hartge Post Office,'' was ordered to a third reading, was read the third time, and passed.

A bill (H.R. 3772) to designate the facility of the United States Postal Service located at 150 South Union Street in Canton, Mississippi, as the ''First Sergeant Landres Cheeks Post Office Building,'' was ordered to a third reading, was read the third time, and passed.

AMENDING THE YSLETA DEL SUR PUEBLO AND ALABAMA AND COUSHATTA INDIAN TRIBES OF TEXAS RESTORATION ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 480, H.R. 1560.

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

The assistant legislative clerk read as follows:

A bill (H.R. 1560) to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe.

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

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be made and laid upon the table, there be no intervening action or debate, and that any statements related to this measure be printed in the RECORD.

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

The bill (H.R. 1560) was ordered to a third reading, was read the third time, and passed.

IMPROPER PAYMENTS ELIMINATION AND RECOVERY IMPROVEMENT ACT OF 2012

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 449, S. 1409.

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

The assistant legislative clerk read as follows:

A bill (S. 1409) to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Improper Payments Elimination and Recovery Improvement Act of 2012''.

SEC. 2. DEFINITION.

In this Act, the term ''agency'' means an executive agency as that term is defined under section 102 of title 31, United States Code.

SEC. 3. IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS BY FEDERAL AGENCIES.

(a) IN GENERAL.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended—

(1) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively;

(2) by inserting after subsection (a) the following:

''(b) IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS.—

''(1) IN GENERAL.—The Director of the Office of Management and Budget shall on an annual basis—

''(A) identify a list of high-priority Federal programs for greater levels of oversight and review—

''(i) in which the highest dollar value or highest frequency of improper payments occur; or

''(ii) for which there is a higher risk of improper payments; and

''(B) in coordination with the agency responsible for administering the high-priority program, establish annual targets and semi-annual or quarterly actions for reducing improper payments associated with each high-priority program.

''(2) REPORT ON HIGH-PRIORITY IMPROPER PAYMENTS.—

''(A) IN GENERAL.—Subject to Federal privacy policies and to the extent permitted by law, each agency with a program identified under paragraph (1)(A) on an annual basis shall submit to the Inspector General of that agency, and make available to the public (including availability through the Internet), a report on that program.

''(B) CONTENTS.—Each report under this paragraph—

''(i) shall describe—

''(I) any action the agency—

''(aa) has taken or plans to take to recover improper payments; and

''(bb) intends to take to prevent future improper payments; and

''(ii) shall not include any referrals the agency made or anticipates making to the Department of Justice, or any information provided in connection with such referrals.

''(C) PUBLIC AVAILABILITY ON CENTRAL WEBSITE.—The Office of Management and Budget shall make each report submitted under this paragraph available on a central website.

''(D) AVAILABILITY OF INFORMATION TO INSPECTOR GENERAL.—Subparagraph (B)(ii) shall not prohibit any referral or information being made available to an Inspector General as otherwise provided by law.

''(E) ASSESSMENT AND RECOMMENDATIONS.—The Inspector General of each agency that submits a report under this paragraph shall—

''(i) review—

''(I) the assessment of the level of risk associated with the applicable program, and the quality of the improper payment estimates and methodology of the agency; and

''(II) the oversight or financial controls to identify and prevent improper payments; and

''(ii) provide recommendations, for modifying any plans of the agency, including improvements for improper payments determination and estimation methodology.'';

(3) in subsection (d) (as redesignated by paragraph (1) of this subsection), by striking ''subsection (b)'' each place that term appears and inserting ''subsection (c)''; and

(4) in subsection (e) (as redesignated by paragraph (1) of this subsection), by striking ''subsection (b)'' and inserting ''subsection (c)''.

(b) IMPROVED ESTIMATES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall provide guidance to agencies for improving the estimates of improper payments under the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(2) GUIDANCE.—Guidance under this subsection shall—

(A) strengthen the estimation process of agencies by setting standards for agencies to follow in determining the underlying validity of sampled payments to ensure amounts being billed are proper; and

(B) instruct agencies to give the persons or entities performing improper payments estimates access to all necessary payment data, including access to relevant documentation;

(C) explicitly bar agencies from relying on self-reporting by the recipients of agency payments as the sole source basis for improper payments estimates;

(D) require agencies to include all identified improper payments in the reported estimate, regardless of whether the improper payment in question has been or is being recovered;

(E) include payments to employees, including salary, locality pay, travel pay, purchase card use, and other employee payments, as subject to risk assessment and, where appropriate, improper payment estimation; and

(F) require agencies to tailor their corrective actions for the high-priority programs identified under section 2(b)(1)(A) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) to better reflect the unique processes, procedures, and risks involved in each specific program.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The Improper Payments Elimination and Recovery Act of 2010 (Public Law 111–204; 124 Stat. 2224) is amended—

(1) in section 2(h)(1) (31 U.S.C. 3321 note), by striking ''section 2(f)'' and all that follows and inserting ''section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).''; and

(2) in section 3(a) (31 U.S.C. 3321 note)—

(A) in paragraph (1), by striking ''section 2(f)'' and all that follows and inserting ''section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).''; and

(B) in paragraph (3)—

(i) by striking ''section 2(b)'' each place it appears and inserting ''section 2(c)''; and

(ii) by striking ''section 2(c)'' each place it appears and inserting ''section 2(d)''.

SEC. 4. IMPROPER PAYMENTS INFORMATION.

Section 2(a)(3)(A)(ii) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking ''with respect to fiscal years following September 30th of a fiscal year beginning before fiscal year 2013 as determined by the Office of Management and Budget'' and inserting ''with respect to fiscal year 2014 and each fiscal year thereafter''.

SEC. 5. DO NOT PAY INITIATIVE.

(a) PREPAYMENT AND PREAWARD PROCEDURES.—

(1) IN GENERAL.—Each agency shall review prepayment and preaward procedures and ensure that a thorough review of available databases with relevant information on eligibility occurs to determine program or award eligibility and prevent improper payments before the release of any Federal funds.

(2) DATABASES.—At a minimum and before issuing any payment and award, each agency shall review as appropriate the following databases to verify eligibility of the payment and award:

(A) The Death Master File of the Social Security Administration.

(B) The General Services Administration's Excluded Parties List System.

(C) The Debt Check Database of the Department of the Treasury.

(D) The Credit Alert System or Credit Alert Interactive Voice Response System of the Department of Housing and Urban Development.

(E) The List of Excluded Individuals/Entities of the Office of Inspector General of the Department of Health and Human Services.

(b) DO NOT PAY INITIATIVE.—

(1) ESTABLISHMENT.—There is established the Do Not Pay Initiative which shall consist of—

(A) the databases described under subsection (a)(2); and

(B) any other database designated by the Director of the Office of Management and Budget in consultation with agencies.

(2) OTHER DATABASES.—In making designations of other databases under paragraph (1)(B), the Director of the Office of Management and Budget shall consider any database that assists in preventing improper payments.

(3) ACCESS AND REVIEW BY AGENCIES.—For purposes of identifying and preventing improper payments, each agency shall have access to, and use of, the Do Not Pay Initiative to determine payment or award eligibility when the Director of the Office of Management and Budget determines the Do Not Pay Initiative is appropriately established for the agency.

(4) PAYMENT OTHERWISE REQUIRED.—When using the Do Not Pay Initiative, an agency shall recognize that there may be circumstances under which the law requires a payment or award to be made to a recipient, regardless of whether that recipient is on the Do Not Pay Initiative.

(c) DATABASE INTEGRATION PLAN.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall provide to the Congress a plan for—

(1) inclusion of other databases on the Do Not Pay Initiative;

(2) to the extent permitted by law, agency access to the Do Not Pay Initiative; and

(3) the multilateral data use agreements described under subsection (e).

(d) INITIAL WORKING SYSTEM.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall establish a working system for prepayment and preaward review that includes the Do Not Pay Initiative as described under this section.

(2) WORKING SYSTEM.—The working system established under paragraph (1)—

(A) may be located within an appropriate agency;

(B) shall include not less than 3 agencies as users of the system; and

(C) shall include investigation activities for fraud and systemic improper payments detection through analytic technologies and other techniques, which may include commercial database use or access.

(3) APPLICATION TO ALL AGENCIES.—Not later than January 1, 2013, each agency shall review all payments and awards for all programs of that agency through the system established under this subsection.

(e) MULTILATERAL DATA USE AGREEMENTS.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall develop a plan to establish a multilateral data use agreement authority to carry out this section, including access to databases such as the New Hire Database under section 453(j) of the Social Security Act (42 U.S.C. 653(j)).

(2) PRIVACY ACT MATCHING AGREEMENTS.—Section 552a(o)(1) of title 5, United States Code, is amended in the matter preceding subparagraph (A), by inserting ''or an agreement governing multiple agencies'' before ''specifying''.

(3) GENERAL PROTOCOLS AND SECURITY.—

(A) IN GENERAL.—In developing the multilateral data use agreements, the Director of the Office of Management and Budget shall establish implementing regulations and guidelines that include streamlined interagency processes to ensure agency access to data, and provide for appropriate transfer and storage of any transferred data, in a manner consistent with relevant privacy, security and disclosure laws.

(B) CONSULTATION.—The Director of the Office of Management and Budget shall consult with—

(i) the Council of Inspectors General on Integrity and Efficiency before implementing this paragraph; and

(ii) the Secretary of Health and Human Services, the Social Security Administrator, and the head of any other agency, as appropriate.

(f) DEVELOPMENT AND ACCESS TO A DATABASE OF INCARCERATED INDIVIDUALS.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress recommendations for increasing the use of, access to, and the technical feasibility of using data on the Federal, State, and local conviction and incarceration status of individuals for purposes of identifying and preventing improper payments by Federal agencies and programs and fraud.

(g) PLAN TO CURB FEDERAL IMPROPER PAYMENTS TO DECEASED INDIVIDUALS BY IMPROVING THE QUALITY AND USE BY FEDERAL AGENCIES OF THE SOCIAL SECURITY ADMINISTRATION DEATH MASTER FILE.—

(1) ESTABLISHMENT.—In conjunction with the Commissioner of Social Security and in consultation with relevant stakeholders that have an interest in or responsibility for providing the data, and the States, the Director of the Office of Management and Budget shall establish a plan for improving the quality, accuracy, and timeliness of death data maintained by the Social Security Administration, including death information reported to the Commissioner under section 205(r) of the Social Security Act (42 U.S.C. 405(r)).

(2) ADDITIONAL ACTIONS UNDER PLAN.—The plan established under this subsection shall include recommended actions by agencies to—

(A) increase the quality and frequency of access to the Death Master File and other death data;

(B) achieve a goal of at least daily access as appropriate;

(C) provide for all States and other data providers to use improved and electronic means for providing data;

(D) identify improved methods by agencies for determining ineligible payments due to the death of a recipient through proactive verification means; and

(E) address improper payments made by agencies to deceased individuals as part of Federal retirement programs.

(3) REPORT.—Not later than 120 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit a report to Congress on the plan established under this subsection, including recommended legislation.

SEC. 6. IMPROVING RECOVERY OF IMPROPER PAYMENTS.

(a) DEFINITION.—In this section, the term ''recovery audit'' means a recovery audit described under section 2(h) of the Improper Payments Elimination and Recovery Act of 2010.

(b) IN GENERAL.—The Director of the Office of Management and Budget shall determine—

(1) current and historical rates and amounts of recovery of improper payments (or, in cases in which improper payments are identified solely on the basis of a sample, recovery rates and amounts estimated on the basis of the applicable sample), including specific information of amounts and payments recovered by recovery audit contractors; and

(2) targets for recovering improper payments, including specific information on amounts and payments recovered by recovery audit contractors.

(c) RECOVERY AUDIT CONTRACTOR PROGRAMS.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall establish a plan for no less than 10 Recovery Audit Contracting programs for the purpose of identifying and recovering overpayments and underpayments in 10 agencies.

(2) RANGE OF RECOVERY AUDIT CONTRACTING TYPES.—Programs established under paragraph (1) shall be representative of different types of—

(A) programs, including programs that differ in size, payment types, and recipient types (such as beneficiaries and vendors or contractors) across the Federal Government; and

(B) recover audit contracting (including individual payments review and demographic analysis).

(3) INITIAL OPERATION OF PROGRAMS.—Not later than 1 year after the plan under paragraph (1) is established, each applicable agency shall establish the programs included in that plan which shall be conducted for not more than a 3-year period.

(4) REPORTS.—

(A) IN GENERAL.—Not later than 2 years after establishing a program under the plan established under paragraph (1), the head of the agency conducting the program shall submit a report on the program to Congress.

(B) CONTENTS.—Each report under this paragraph shall include—

(i) a description of the impact of the program on savings and recoveries; and

(ii) such recommendations as the head of the agency considers appropriate on extending or expanding the program.

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be considered, the Carper amendment, which is at the desk, be agreed to, the committee-reported amendment, as amended, be agreed to, and the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any related statements be printed in the RECORD.

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

The amendment (No. 2770) was agreed to, as follows:

(Purpose: In the nature of a substitute)

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Improper Payments Elimination and Recovery Improvement Act of 2012''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''agency'' means an executive agency as that term is defined under section 102 of title 31, United States Code; and

(2) the term ''improper payment'' has the meaning given that term in section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), as redesignated by section 3(a)(1) of this Act.

SEC. 3. IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS BY FEDERAL AGENCIES.

(a) IN GENERAL.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended—

(1) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively;

(2) by inserting after subsection (a) the following:

''(b) IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS.—

''(1) IN GENERAL.—The Director of the Office of Management and Budget shall on an annual basis—

''(A) identify a list of high-priority Federal programs for greater levels of oversight and review—

''(i) in which the highest dollar value or highest rate of improper payments occur; or

''(ii) for which there is a higher risk of improper payments; and

''(B) in coordination with the agency responsible for administering the high-priority program, establish annual targets and semi-annual or quarterly actions for reducing improper payments associated with each high-priority program.

''(2) REPORT ON HIGH-PRIORITY IMPROPER PAYMENTS.—

''(A) IN GENERAL.—Subject to Federal privacy policies and to the extent permitted by law, each agency with a program identified under paragraph (1)(A) on an annual basis shall submit to the Inspector General of that agency, and make available to the public (including availability through the Internet), a report on that program.

''(B) CONTENTS.—Each report under this paragraph—

''(i) shall describe—

''(I) any action the agency—

''(aa) has taken or plans to take to recover improper payments; and

''(bb) intends to take to prevent future improper payments; and

''(ii) shall not include any referrals the agency made or anticipates making to the Department of Justice, or any information provided in connection with such referrals.

''(C) PUBLIC AVAILABILITY ON CENTRAL WEBSITE.—The Office of Management and Budget shall make each report submitted under this paragraph available on a central website.

''(D) AVAILABILITY OF INFORMATION TO INSPECTOR GENERAL.—Subparagraph (B)(ii) shall not prohibit any referral or information being made available to an Inspector General as otherwise provided by law.

''(E) ASSESSMENT AND RECOMMENDATIONS.—The Inspector General of each agency that submits a report under this paragraph shall, for each program of the agency that is identified under paragraph (1)(A)—

''(i) review—

''(I) the assessment of the level of risk associated with the program, and the quality of the improper payment estimates and methodology of the agency relating to the program; and

''(II) the oversight or financial controls to identify and prevent improper payments under the program; and

''(ii) submit to Congress recommendations, which may be included in another report submitted by the Inspector General to Congress, for modifying any plans of the agency relating to the program, including improvements for improper payments determination and estimation methodology.'';

(3) in subsection (d) (as redesignated by paragraph (1) of this subsection), by striking ''subsection (b)'' each place that term appears and inserting ''subsection (c)'';

(4) in subsection (e) (as redesignated by paragraph (1) of this subsection), by striking ''subsection (b)'' and inserting ''subsection (c)''; and

(5) in subsection (g)(3) (as redesignated by paragraph (1) of this subsection), by inserting ''or a Federal employee'' after ''non-Federal person or entity''.

(b) IMPROVED ESTIMATES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall provide guidance to agencies for improving the estimates of improper payments under the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(2) GUIDANCE.—Guidance under this subsection shall—

(A) strengthen the estimation process of agencies by setting standards for agencies to follow in determining the underlying validity of sampled payments to ensure amounts being billed are proper; and

(B) instruct agencies to give the persons or entities performing improper payments estimates access to all necessary payment data, including access to relevant documentation;

(C) explicitly bar agencies from relying on self-reporting by the recipients of agency payments as the sole source basis for improper payments estimates;

(D) require agencies to include all identified improper payments in the reported estimate, regardless of whether the improper payment in question has been or is being recovered;

(E) include payments to employees, including salary, locality pay, travel pay, purchase card use, and other employee payments, as subject to risk assessment and, where appropriate, improper payment estimation; and

(F) require agencies to tailor their corrective actions for the high-priority programs

identified under section 2(b)(1)(A) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) to better reflect the unique processes, procedures, and risks involved in each specific program.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The Improper Payments Elimination and Recovery Act of 2010 (Public Law 111–204; 124 Stat. 2224) is amended—

(1) in section 2(h)(1) (31 U.S.C. 3321 note), by striking ''section 2(f)'' and all that follows and inserting ''section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).''; and

(2) in section 3(a) (31 U.S.C. 3321 note)—

(A) in paragraph (1), by striking ''section 2(f)'' and all that follows and inserting ''section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).''; and

(B) in paragraph (3)—

(i) by striking ''section 2(b)'' each place it appears and inserting ''section 2(c)''; and

(ii) by striking ''section 2(c)'' each place it appears and inserting ''section 2(d)''.

SEC. 4. IMPROPER PAYMENTS INFORMATION.

Section 2(a)(3)(A)(ii) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking ''with respect to fiscal years following September 30th of a fiscal year beginning before fiscal year 2013 as determined by the Office of Management and Budget'' and inserting ''with respect to fiscal year 2014 and each fiscal year thereafter''.

SEC. 5. DO NOT PAY INITIATIVE.

(a) PREPAYMENT AND PREAWARD PROCEDURES.—

(1) IN GENERAL.—Each agency shall review prepayment and preaward procedures and ensure that a thorough review of available databases with relevant information on eligibility occurs to determine program or award eligibility and prevent improper payments before the release of any Federal funds.

(2) DATABASES.—At a minimum and before issuing any payment and award, each agency shall review as appropriate the following databases to verify eligibility of the payment and award:

(A) The Death Master File of the Social Security Administration.

(B) The General Services Administration's Excluded Parties List System.

(C) The Debt Check Database of the Department of the Treasury.

(D) The Credit Alert System or Credit Alert Interactive Voice Response System of the Department of Housing and Urban Development.

(E) The List of Excluded Individuals/Entities of the Office of Inspector General of the Department of Health and Human Services.

(b) DO NOT PAY INITIATIVE.—

(1) ESTABLISHMENT.—There is established the Do Not Pay Initiative which shall include—

(A) use of the databases described under subsection (a)(2); and

(B) use of other databases designated by the Director of the Office of Management and Budget in consultation with agencies and in accordance with paragraph (2).

(2) OTHER DATABASES.—In making designations of other databases under paragraph (1)(B), the Director of the Office of Management and Budget shall—

(A) consider any database that substantially assists in preventing improper payments; and

(B) provide public notice and an opportunity for comment before designating a database under paragraph (1)(B).

(3) ACCESS AND REVIEW BY AGENCIES.—For purposes of identifying and preventing improper payments, each agency shall have access to, and use of, the Do Not Pay Initiative to verify payment or award eligibility in accordance with subsection (a) when the Director of the Office of Management and Budget determines the Do Not Pay Initiative is appropriately established for the agency.

(4) PAYMENT OTHERWISE REQUIRED.—When using the Do Not Pay Initiative, an agency shall recognize that there may be circumstances under which the law requires a payment or award to be made to a recipient, regardless of whether that recipient is identified as potentially ineligible under the Do Not Pay Initiative.

(5) ANNUAL REPORT.—The Director of the Office of Management and Budget shall submit to Congress an annual report, which may be included as part of another report submitted to Congress by the Director, regarding the operation of the Do Not Pay Initiative, which shall—

(A) include an evaluation of whether the Do Not Pay Initiative has reduced improper payments or improper awards; and

(B) provide the frequency of corrections or identification of incorrect information.

(c) DATABASE INTEGRATION PLAN.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall provide to the Congress a plan for—

(1) inclusion of other databases on the Do Not Pay Initiative;

(2) to the extent permitted by law, agency access to the Do Not Pay Initiative; and

(3) the multilateral data use agreements described under subsection (e).

(d) INITIAL WORKING SYSTEM.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall establish a working system for prepayment and preaward review that includes the Do Not Pay Initiative as described under this section.

(2) WORKING SYSTEM.—The working system established under paragraph (1)—

(A) may be located within an appropriate agency;

(B) shall include not less than 3 agencies as users of the system; and

(C) shall include investigation activities for fraud and systemic improper payments detection through analytic technologies and other techniques, which may include commercial database use or access.

(3) APPLICATION TO ALL AGENCIES.—Not later than June 1, 2013, each agency shall review all payments and awards for all programs of that agency through the system established under this subsection.

(e) FACILITATING DATA ACCESS BY FEDERAL AGENCIES AND OFFICES OF INSPECTORS GENERAL FOR PURPOSES OF PROGRAM INTEGRITY.—

(1) DEFINITION.—In this subsection, the term ''Inspector General'' means an Inspector General described in subparagraph (A), (B), or (I) of section 11(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.).

(2) COMPUTER MATCHING BY FEDERAL AGENCIES FOR PURPOSES OF INVESTIGATION AND PREVENTION OF IMPROPER PAYMENTS AND FRAUD.—

(A) IN GENERAL.—Except as provided in this paragraph, in accordance with section 552a of title 5, United States Code (commonly known as the Privacy Act of 1974), each Inspector General and the head of each agency may enter into computer matching agreements that allow ongoing data matching (which shall include automated data matching) in order to assist in the detection and prevention of improper payments.

(B) REVIEW.—Not later than 60 days after a proposal for an agreement under subparagraph (A) has been presented to a Data Integrity Board established under section 552a(u) of title 5, United States Code, for consideration, the Data Integrity Board shall respond to the proposal.

(C) TERMINATION DATE.—An agreement under subparagraph (A)—

(i) shall have a termination date of less than 3 years; and

(ii) during the 3-month period ending on the date on which the agreement is scheduled to terminate, may be renewed by the agencies entering the agreement for not more than 3 years.

(D) MULTIPLE AGENCIES.—For purposes of this paragraph, section 552a(o)(1) of title 5, United States Code, shall be applied by substituting ''between the source agency and the recipient agency or non-Federal agency or an agreement governing multiple agencies'' for ''between the source agency and the recipient agency or non-Federal agency'' in the matter preceding subparagraph (A).

(E) COST-BENEFIT ANALYSIS.—A justification under section 552a(o)(1)(B) of title 5, United States Code, relating to an agreement under subparagraph (A) is not required to contain a specific estimate of any savings under the computer matching agreement.

(F) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—Not later than 6 months after the date of enactment of this Act, and in consultation with the Council of Inspectors General on Integrity and Efficiency, the Secretary of Health and Human Services, the Commissioner of Social Security, and the head of any other relevant agency, the Director of the Office of Management and Budget shall—

(i) issue guidance for agencies regarding implementing this paragraph, which shall include standards for—

(I) reimbursement of costs, when necessary, between agencies;

(II) retention and timely destruction of records in accordance with section 552a(o)(1)(F) of title 5, United States Code;

(III) prohibiting duplication and redisclosure of records in accordance with section 552a(o)(1)(H) of title 5, United States Code;

(ii) review the procedures of the Data Integrity Boards established under section 552a(u) of title 5, United States Code, and develop new guidance for the Data Integrity Boards to—

(I) improve the effectiveness and responsiveness of the Data Integrity Boards; and

(II) ensure privacy protections in accordance with section 552a of title 5, United States Code (commonly known as the Privacy Act of 1974); and

(III) establish standard matching agreements for use when appropriate; and

(iii) establish and clarify rules regarding what constitutes making an agreement entered under subparagraph (A) available upon request to the public for purposes of section 552a(o)(2)(A)(ii) of title 5, United States Code, which shall include requiring publication of the agreement on a public website.

(G) CORRECTIONS.—The Director of the Office of Management and Budget shall establish procedures providing for the correction of data in order to ensure—

(i) compliance with section 552a(p) of title 5, United States Code; and

(ii) that corrections are made in any Do Not Pay Initiative database and in any relevant source databases designated by the Director of the Office of Management and Budget under subsection (b)(1).

(H) COMPLIANCE.—The head of each agency, in consultation with the Inspector General of the agency, shall ensure that any information provided to an individual or entity under this subsection is provided in accordance with protocols established under this subsection.

(I) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect the

rights of an individual under section 552a(p) of title 5, United States Code.

(f) DEVELOPMENT AND ACCESS TO A DATABASE OF INCARCERATED INDIVIDUALS.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress recommendations for increasing the use of, access to, and the technical feasibility of using data on the Federal, State, and local conviction and incarceration status of individuals for purposes of identifying and preventing improper payments by Federal agencies and programs and fraud.

(g) PLAN TO CURB FEDERAL IMPROPER PAYMENTS TO DECEASED INDIVIDUALS BY IMPROVING THE QUALITY AND USE BY FEDERAL AGENCIES OF THE SOCIAL SECURITY ADMINISTRATION DEATH MASTER FILE.—

(1) ESTABLISHMENT.—In conjunction with the Commissioner of Social Security and in consultation with relevant stakeholders that have an interest in or responsibility for providing the data, and the States, the Director of the Office of Management and Budget shall establish a plan for improving the quality, accuracy, and timeliness of death data maintained by the Social Security Administration, including death information reported to the Commissioner under section 205(r) of the Social Security Act (42 U.S.C. 405(r)).

(2) ADDITIONAL ACTIONS UNDER PLAN.—The plan established under this subsection shall include recommended actions by agencies to—

(A) increase the quality and frequency of access to the Death Master File and other death data;

(B) achieve a goal of at least daily access as appropriate;

(C) provide for all States and other data providers to use improved and electronic means for providing data;

(D) identify improved methods by agencies for determining ineligible payments due to the death of a recipient through proactive verification means; and

(E) address improper payments made by agencies to deceased individuals as part of Federal retirement programs.

(3) REPORT.—Not later than 120 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit a report to Congress on the plan established under this subsection, including recommended legislation.

SEC. 6. IMPROVING RECOVERY OF IMPROPER PAYMENTS.

(a) DEFINITION.—In this section, the term ''recovery audit'' means a recovery audit described under section 2(h) of the Improper Payments Elimination and Recovery Act of 2010.

(b) REVIEW.—The Director of the Office of Management and Budget shall determine—

(1) current and historical rates and amounts of recovery of improper payments (or, in cases in which improper payments are identified solely on the basis of a sample, recovery rates and amounts estimated on the basis of the applicable sample), including a list of agency recovery audit contract programs and specific information of amounts and payments recovered by recovery audit contractors; and

(2) targets for recovering improper payments, including specific information on amounts and payments recovered by recovery audit contractors.

The committee-reported substitute, as amended, was agreed to.

The bill (S. 1409), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

PROVIDING FOR THE APPOINTMENT OF BARBARA BARRETT AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S.J. Res. 49.

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

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 49) providing for the appointment of Barbara Barrett as a citizen regent of the Board of Regents of the Smithsonian Institution.

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

Mr. REID. Mr. President, I ask unanimous consent that the joint resolution be read a third time and passed, the motion to reconsider be laid upon the table, there be no intervening action or debate, and any statements related to the matter be printed in the RECORD.

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

The joint resolution (S.J. Res. 49) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 49

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Alan Spoon of Massachusetts on May 5, 2012, is filled by the appointment of Barbara Barrett of Arizona. The appointment is for a term of 6 years, beginning on the later of May 5, 2012, or the date of the enactment of this joint resolution.

NATIONAL DAY OF REMEMBRANCE FOR NUCLEAR WEAPONS PROGRAM WORKERS

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 519, and that the Senate proceed to the resolution.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 519) designating October 30, 2012, as a national day of remembrance for nuclear weapons program workers.

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

Mr. REID. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements be printed in the RECORD as if read.

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

The resolution (S. Res. 519) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 519

Whereas, since World War II, hundreds of thousands of men and women, including uranium miners, millers, and haulers, have served the United States by building nuclear weapons for the defense of the United States;

Whereas those dedicated workers paid a high price for their service to develop a nuclear weapons program for the benefit of the United States, including by developing disabling or fatal illnesses;

Whereas the Senate recognized the contribution, service, and sacrifice those patriotic men and women made for the defense of the United States in Senate Resolution 151, 111th Congress, agreed to May 20, 2009; Senate Resolution 653, 111th Congress, agreed to September 28, 2010; and Senate Resolution 275, 112th Congress, agreed to September 26, 2011;

Whereas a national day of remembrance time capsule has been crossing the United States, collecting artifacts and the stories of nuclear weapons program workers relating to the nuclear defense era of the United States, and a remembrance quilt has been constructed to memorialize the contribution of those workers;

Whereas the stories and artifacts reflected in the time capsule and the remembrance quilt reinforce the importance of recognizing nuclear weapons program workers; and

Whereas those patriotic men and women deserve to be recognized for the contribution, service, and sacrifice they have made for the defense of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 30, 2012, as a national day of remembrance for the nuclear weapons program workers, including uranium miners, millers, and haulers, of the United States; and

(2) encourages the people of the United States to support and participate in appropriate ceremonies, programs, and other activities to commemorate October 30, 2012, as a national day of remembrance for past and present workers in the nuclear weapons program of the United States.

RESOLUTIONS SUBMITTED TODAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions which were submitted earlier today: S. Res. 536, S. Res. 537, S. Res. 538, S. Res. 539, and S. Res. 540.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will proceed to consider the resolutions en bloc.

Mr. REID. Mr. President, I ask unanimous consent the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc with no intervening action or debate, and any statements related to these matters be printed in the RECORD as if read.

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

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 536

(Designating September 9, 2012, as ''National Fetal Alcohol Spectrum Disorders Awareness Day'')

Whereas the term ''fetal alcohol spectrum disorders'' includes a broader range of conditions than the term ''fetal alcohol syndrome'' and has replaced the term ''fetal alcohol syndrome'' as the umbrella term describing the range of effects that can occur in an individual whose mother consumed alcohol during her pregnancy;

Whereas fetal alcohol spectrum disorders are the leading cause of cognitive disability in Western civilization, including the United States, and are 100 percent preventable;

Whereas fetal alcohol spectrum disorders are a major cause of numerous social disorders, including learning disabilities, school failure, juvenile delinquency, homelessness, unemployment, mental illness, and crime;

Whereas the incidence rate of fetal alcohol syndrome is estimated at 1 out of every 500 live births and the incidence rate of fetal alcohol spectrum disorders is estimated at 1 out of every 100 live births;

Whereas, in February 1999, a small group of parents with children who suffer from fetal alcohol spectrum disorders united to promote awareness of the devastating consequences of alcohol consumption during pregnancy by establishing International Fetal Alcohol Syndrome Awareness Day;

Whereas September 9, 1999, became the first International Fetal Alcohol Syndrome Awareness Day;

Whereas Bonnie Buxton of Toronto, Canada, the co-founder of the first International Fetal Alcohol Syndrome Awareness Day, asked ''What if . . . a world full of FAS/E [Fetal Alcohol Syndrome/Effect] parents all got together on the ninth hour of the ninth day of the ninth month of the year and asked the world to remember that, during the 9 months of pregnancy, a woman should not consume alcohol . . . would the rest of the world listen?''; and

Whereas, on the ninth day of the ninth month of each year since 1999, communities around the world have observed International Fetal Alcohol Syndrome Awareness Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 9, 2012, as ''National Fetal Alcohol Spectrum Disorders Awareness Day''; and

(2) calls on the people of the United States to observe National Fetal Alcohol Spectrum Disorders Awareness Day with—

(A) appropriate ceremonies—

(i) to promote awareness of the effects of prenatal exposure to alcohol;

(ii) to increase compassion for individuals affected by prenatal exposure to alcohol;

(iii) to minimize the effects of prenatal exposure to alcohol; and

(iv) to ensure healthier communities across the United States; and

(B) a moment of reflection during the ninth hour of September 9, 2012, to remember that a woman should not consume alcohol during the 9 months of her pregnancy.

S. RES. 537

(Supporting the goals and ideals of National Ovarian Cancer Awareness Month)

Whereas ovarian cancer is the deadliest of all gynecologic cancers;

Whereas ovarian cancer is the 5th leading cause of cancer deaths among women in the United States;

Whereas approximately 22,000 women will be diagnosed with ovarian cancer this year, and 15,500 will die from the disease;

Whereas these deaths are those of our mothers, sisters, daughters, family members, and community leaders;

Whereas the mortality rate for ovarian cancer has not significantly decreased since the ''War on Cancer'' was declared, more than 40 years ago;

Whereas all women are at risk for ovarian cancer, and 90 percent of women diagnosed with ovarian cancer do not have a family history that puts them at higher risk;

Whereas some women, such as those with a family history of breast or ovarian cancer, are at higher risk for developing the disease;

Whereas the Pap test is sensitive and specific to the early detection of cervical cancer, but not to ovarian cancer;

Whereas, as of the date of agreement to this resolution, there is no reliable early detection test for ovarian cancer;

Whereas many people are unaware that the symptoms of ovarian cancer often include bloating, pelvic or abdominal pain, difficulty eating or feeling full quickly, urinary symptoms, and several other symptoms that are easily confused with other diseases;

Whereas, in June 2007, the first national consensus statement on ovarian cancer symptoms was developed to provide consistency in describing symptoms to make it easier for women to learn and remember the symptoms;

Whereas there are known methods to reduce the risk of ovarian cancer, including prophylactic surgery, oral contraceptives, and breast-feeding;

Whereas, due to the lack of a reliable early detection test, 75 percent of cases of ovarian cancer are detected at an advanced stage, making the overall 5-year survival rate only 45 percent;

Whereas there are factors that are known to reduce the risk for ovarian cancer and that play an important role in the prevention of the disease;

Whereas awareness of the symptoms of ovarian cancer by women and health care providers can lead to a quicker diagnosis;

Whereas, each year during the month of September, the Ovarian Cancer National Alliance and its partner members hold a number of events to increase public awareness of ovarian cancer; and

Whereas September 2012 should be designated as ''National Ovarian Cancer Awareness Month'' to increase the awareness of the public regarding the cancer:

Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of National Ovarian Cancer Awareness Month.

S. RES. 538

(Designating September 2012 as ''National Prostate Cancer Awareness Month'')

Whereas countless families in the United States live with prostate cancer;

Whereas 1 in 6 males in the United States will be diagnosed with prostate cancer during his lifetime;

Whereas prostate cancer is the most commonly diagnosed non-skin cancer and the second most common cause of cancer-related deaths among males in the United States;

Whereas, in 2012, the American Cancer Society estimates that 241,740 males will be diagnosed with prostate cancer, and 28,170 males will die from the disease;

Whereas 30 percent of newly diagnosed prostate cancer cases occur in males under the age of 65;

Whereas, approximately every 14 seconds, a male in the United States turns 50 years old and increases his odds of developing cancer, including prostate cancer;

Whereas African-American males suffer from a prostate cancer death rate that is more than twice the death rate of White males from prostate cancer;

Whereas obesity is a significant predictor of the severity of prostate cancer;

Whereas the probability that obesity will lead to death and high cholesterol levels is strongly associated with advanced prostate cancer;

Whereas males in the United States with 1 family member diagnosed with prostate cancer have a 33 percent chance of being diagnosed with the disease, males with 2 family members diagnosed have an 83 percent chance, and males with 3 family members diagnosed have a 97 percent chance;

Whereas screening by a digital rectal examination and a prostate-specific antigen blood test can detect the disease at the early stages, increasing the chances of survival for more than 5 years to nearly 100 percent;

Whereas only 27.8 percent of males survive more than 5 years if diagnosed with prostate cancer after the cancer has metastasized;

Whereas there are no noticeable symptoms of prostate cancer while the cancer is in the early stages, making screening critical;

Whereas ongoing research promises further improvements in prostate cancer prevention, early detection, and treatment; and

Whereas educating people in the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving the lives of males and preserving and protecting families: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2012 as ''National Prostate Cancer Awareness Month'';

(2) declares that steps should be taken—

(A) to raise awareness about the importance of screening methods for, and treatment of, prostate cancer;

(B) to increase research funding in an amount commensurate with the burden of prostate cancer so that—

(i) screening and treatment for prostate cancer may be improved;

(ii) the causes of prostate cancer may be discovered; and

(iii) a cure for prostate cancer may be developed; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) calls on the people of the United States, interested groups, and affected persons—

(A) to promote awareness of prostate cancer;

(B) to take an active role in the fight to end the devastating effects of prostate cancer on individuals, families, and the economy; and

(C) to observe National Prostate Cancer Awareness Month with appropriate ceremonies and activities.

S. RES. 539

(Designating October 13, 2012, as ''National Chess Day'')

Whereas there are more than 80,000 members of the United States Chess Federation (referred to in this preamble as the ''Federation''), and an unknown number of additional people in the United States who play chess without joining an official organization;

Whereas approximately ½ of the members of the Federation are members of scholastic chess programs, and many of those members join the Federation by the age of 10;

Whereas the Federation is very supportive of scholastic chess programs and sponsors a Certified Chess Coach program that provides the coaches involved in the scholastic chess programs with training and ensures schools and students can have confidence in the programs;

Whereas many studies have linked scholastic chess programs to the improvement of students' scores in reading and math, as well as improved self-esteem;

Whereas the Federation offers guidance to educators to help incorporate chess into the school curriculum;

Whereas chess is a powerful cognitive learning tool that can be used to successfully enhance students' reading skills and understanding of math concepts; and

Whereas chess engages students of all learning styles and strengths and promotes problem-solving and higher-level thinking skills: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 13, 2012, as ''National Chess Day'' to enhance awareness and encourage students and adults to play chess, a game known to enhance critical-thinking and problem-solving skills; and

(2) encourages the people of the United States to observe National Chess Day with appropriate programs and activities.

NATIONAL CHESS DAY RESOLUTION

Mr. ROCKEFELLER. Mr. President, I rise in support of a bipartisan resolution to designate National Chess Day as October 13, 2012. I greatly appreciate the support of my colleagues, Senator LAMAR ALEXANDER of Tennessee and Senator CARL LEVIN of Michigan.

National Chess Day is designed to enhance awareness and encourage students and adults to engage in a game known to enhance critical thinking and problem-solving skills.

There are over 80,000 members of the Chess Federation with many of these members joining before the age of 10. Studies indicate that chess programs aid in improving students' scores in math and reading and interest students of all learning styles and strengths. Engaging students in such activities can make learning fun and help them develop a lifelong pastime to exercise their skills.

Engaging students in chess is a wonderful opportunity to promote education, and I hope as school begins in a few weeks, more students will join the Chess Federation and learn to love this historical game.

S. RES. 540

(Designating the week of August 6 through August 10, 2012, as ''National Convenient Care Clinic Week'')

Whereas convenient care clinics are health care facilities located in high-traffic retail outlets that provide affordable and accessible care to patients who have little time to schedule an appointment with a traditional primary care provider or are otherwise unable to schedule such an appointment;

Whereas millions of people in the United States do not have a primary care provider, and there is a worsening primary care provider shortage that will prevent many people from obtaining one in the future;

Whereas convenient care clinics have provided an accessible alternative for more than 15,000,000 people in the United States since the first clinic opened in 2000, the number of convenient care clinics continues to increase rapidly, and as of June 2012, there are approximately 1,350 convenient care clinics in 35 States;

Whereas convenient care clinics follow rigid industry-wide quality of care and safety standards;

Whereas convenient care clinics are staffed by highly qualified health care providers, including advanced practice nurses, physician assistants, and physicians;

Whereas convenient care clinicians all have advanced education in providing quality health care for common episodic ailments including cold and flu, skin irritation, and muscle strains and sprains, and can also provide immunizations, physicals, and preventive health screening;

Whereas convenient care clinics are proven to be a cost-effective alternative to similar treatment obtained in physicians' offices, urgent care clinics, or emergency departments; and

Whereas convenient care clinics complement traditional medical service providers by providing extended weekday and weekend hours without the need for an appointment, short wait times, and visits that generally last only 15 to 20 minutes: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of August 6 through August 10, 2012, as ''National Convenient Care Clinic Week'';

(2) supports the goals and ideals of National Convenient Care Clinic Week to raise awareness of the need for accessible and cost-effective health care options to complement the traditional health care model;

(3) recognizes that many people in the United States face difficulties accessing traditional models of health care delivery;

(4) supports the use of convenient care clinics as an adjunct to the traditional model of health care delivery; and

(5) calls on the States to support the establishment of convenient care clinics so that more people in the United States will have access to the cost-effective and necessary emergent and preventive services provided in the clinics.

Mr. INOUYE. Mr. President, today I rise to recognize all of the providers who work in retail-based Convenient Care Clinics in a Resolution to designate August 6 through August 10, 2012 as National Convenient Care Clinic Week. National Convenient Care Clinic Week will provide a platform from which to promote the pivotal services offered by the more than 1,350 retail-based convenient care clinics in the United States.

Today, thousands of nurse practitioners, physician assistants, and physicians provide care in convenient care clinics. At a time when Americans are more and more challenged by the inaccessibility and high costs of health care, convenient care clinics offer a primary care alternative.

A Senate Resolution will help pave the way for this effort. I ask my colleagues to join me in supporting this tribute to Convenient Care Clinics.

I request unanimous consent that the full text of my resolution be printed in the CONGRESSIONAL RECORD.

ORDERS FOR THURSDAY, AUGUST 2, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Thursday, August 2; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized, and that following his remarks, the Senate begin consideration of S. 3326, the AGOA/Burma sanctions bill and the Coburn amendment under the previous order.

Mr. President, I think it is important to note because of the time frame in the morning which Senator MCCONNELL and I just briefly announced, he and I will give no opening statements tomorrow.

Following the debate on the Coburn amendment, the time until 11 a.m. will be equally divided and controlled between the two leaders or their designees prior to the cloture vote on S. 3414, the cyber security bill; further, that notwithstanding the outcome of the cloture vote, the Senate then proceed to vote on the Coburn amendment to S. 3326, and the remaining provisions of the previous order be executed; and finally I ask consent that the filing deadline for second-degree amendments to S. 3414 be at 10 a.m. on Thursday morning.

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

PROGRAM

Mr. REID. Mr. President, there will be two rollcall votes tomorrow at 11 a.m. The first will be a cloture vote on the cyber security bill. The second will be on the Coburn amendment to the Burma sanctions legislation. Additional votes are possible tomorrow. Senators will be notified as soon as we know.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:05 p.m., adjourned until Thursday, August 2, 2012, at 9:30 a.m.