

S. 3036

At the request of Mr. BAYH, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 3036, a bill to establish the Office of the National Alzheimer's Project.

S. 3171

At the request of Mrs. LINCOLN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 3171, a bill to amend title 38, United States Code, to provide for the approval of certain programs of education for purposes of the Post-9/11 Educational Assistance Program.

S. 3192

At the request of Mr. SPECTER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3192, a bill to amend title 38, United States Code, to provide for the tolling of the timing of review for appeals of final decisions of the Board of Veterans' Appeals, and for other purposes.

S. 3196

At the request of Mr. KAUFMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3196, a bill to amend the Presidential Transition Act of 1963 to provide that certain transition services shall be available to eligible candidates before the general election.

S. 3213

At the request of Mr. LEVIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3213, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 3278

At the request of Mr. BENNET, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 3278, a bill to establish the Meth Project Prevention Campaign Grant Program.

S. 3320

At the request of Mr. WHITEHOUSE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 3320, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 3335

At the request of Mr. COBURN, the names of the Senator from Massachusetts (Mr. BROWN), the Senator from Pennsylvania (Mr. CASEY) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 3335, a bill to require Congress to establish a unified and searchable database on a public website for congressional earmarks as called for by the President in his 2010 State of the Union Address to Congress.

S. 3347

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 3347, a bill to extend the National Flood Insurance Program through December 31, 2010.

S. 3371

At the request of Mrs. MCCASKILL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3371, a bill to amend title 10, United States Code, to improve access to mental health care counselors under the TRICARE program, and for other purposes.

S. 3479

At the request of Mrs. HAGAN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 3479, a bill to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program.

S. 3481

At the request of Mr. CARDIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3481, a bill to amend the Federal Water Pollution Control Act to clarify Federal responsibility for stormwater pollution.

S. 3505

At the request of Ms. STABENOW, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3505, a bill to prohibit the purchases by the Federal Government of Chinese goods and services until China agrees to the Agreement on Government Procurement, and for other purposes.

S. 3512

At the request of Mrs. HUTCHISON, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 3512, a bill to provide a statutory waiver of compliance with the Jones Act to foreign flagged vessels assisting in responding to the Deepwater Horizon oil spill.

S. RES. 519

At the request of Mr. DEMINT, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. Res. 519, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

S. RES. 554

At the request of Mr. ENZI, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. Res. 554, a resolution designating

July 24, 2010, as "National Day of the American Cowboy".

S. RES. 564

At the request of Mr. WEBB, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Indiana (Mr. LUGAR) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. Res. 564, a resolution recognizing the 50th anniversary of the ratification of the Treaty of Mutual Security and Cooperation with Japan, and affirming support for the United States-Japan security alliance and relationship.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself, Mr. LAUTENBERG, Mr. WHITEHOUSE, Ms. COLLINS, Mrs. SHAHEEN, Mrs. BOXER, Mr. KERRY, Ms. CANTWELL, Mr. REED, Mr. BARRASSO, and Mr. BEGICH):

S. 3528. A bill to promote coastal jobs creation, promote sustainable fisheries and fishing communities, revitalize waterfronts, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce the Coastal Jobs Creation Act of 2010. This bill would establish a grant program within the Department of Commerce to enhance employment opportunities for coastal communities by increasing support for cooperative research programs, revitalization of coastal infrastructure, and stewardship of coastal and marine resources. As Ranking Member of the Senate Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard, and as a Senator from a State which relies heavily on its coastal region as an economic driver, I am acutely aware of the hardships that have been visited on these areas in recent years.

I particularly want to thank my lead cosponsor on this key piece of legislation, Senator LAUTENBERG. Clearly, his home State of New Jersey shares many of the same issues we face in Maine when it comes to ensuring the vitality of our historic fishing and coastal industries, and I greatly appreciate his support of this initiative. I also want to thank the bill's additional cosponsors, Senators WHITEHOUSE, COLLINS, SHAHEEN, BOXER, KERRY, and CANTWELL, for their vital contributions.

As our Nation struggles to recover from the ongoing recession, it is critical that we do all we can to create employment opportunities. I have said it before, and I will say it again: the jobless recovery that our Nation is currently experiencing is not a true economic recovery. While the most recent unemployment figures may have shown a decline from 9.9 to 9.7 percent—of course, welcome news—the private sector is not creating jobs. Indeed, there were 411,000 temporary Census employees hired in May, as opposed to the 41,000 new jobs in the private sector. This does not bode well for our future

economic health, and does not instill confidence in our fragile economy.

Ultimately, what affects our coastal economy drives our Nation's economy. More than 75 percent of growth in this country from 1997 to 2007, whether measured in population, jobs, or GDP, occurred in coastal States, and more than half of U.S. citizens live in coastal communities. As the Nation's economy has struggled through the ongoing recession, maritime industries have experienced more than their share of hardship. This has been compounded in the fishing industry by regulatory changes mandated by the Magnuson-Stevens Fishery Conservation and Management Act which we reauthorized in 2006. The law now requires strict, science-based annual catch limits to be imposed in all fisheries by 2011. While we expect these changes will ultimately be beneficial to the health of the fish stocks, they have dire economic implications today.

On April 18, 2010, Bumble Bee Foods shuttered the last sardine cannery in the United States, which had been located in Prospect Harbor, Maine. This closure can be attributed to a single cause: the National Marine Fisheries Service's decision to slash the catch limit for herring by 38 percent for 2010, meaning there were not enough fish available to supply the plant. Scientists did not recommend this reduction because herring is overfished—it is not—but rather because they did not have the data to provide sufficient confidence in the stock assessment. In addition to impacts on the herring and lobster fisheries, this lack of data has directly resulted in a century-old fish processing plant closing its doors, costing an economically depressed community 130 jobs and spelling the end of an entire industry in the United States. If the law's new mandates are to be effective, they will require an infusion of better scientific data. The grant program authorized in this legislation will lead to more cooperative research to improve fishery-dependent data and increase employment opportunities for fishermen by involving them in the research process.

An additional concern this bill would help alleviate is the rapid decline in availability of working waterfront property. As Americans move to the coast in greater numbers, the demand for waterfront property increases, boosting prices and raising the tax burdens on waterfront property owners. According to a report by Maine Sea Grant and the Island Institute, a nonprofit advocacy group, of the more than 5,300 miles of Maine's coastline, just 20 miles remain in use as working waterfront property—less than half of one percent of the potential area. This bill would authorize grants to recapitalize working waterfront property to stem the loss of this vital infrastructure without which our coastal industries will simply vanish.

If enacted, this critical legislation would greatly enhance the health and

vitality of our Nation's coastal communities, and help put our Nation on a path to a true economic recovery, driven by small businesses and private sector job creation. Once again, I thank Senator LAUTENBERG, and all of my cosponsors again for their efforts in developing this vital legislation.

By Mrs. HAGAN:

S. 3529. A bill to require that certain Federal job training and career education programs give priority to programs that provide an industry-recognized and nationally portable credential; to the Committee on Health, Education, Labor, and Pensions.

Mrs. HAGAN. Mr. President, today, I am proud to introduce an important piece of legislation to spur job growth across America. The American Manufacturing Efficiency and Retraining Investment Collaboration Achievement Works Act also known as the AMERICA Works Act is part of the solution to the Nation's unemployment problem.

With the national unemployment rate at 9.7 percent, and at 10.8 percent in my home state of North Carolina, we need to do everything we can to reinvigorate the American workforce.

The United States needs a strong technical workforce. Our country is facing a widening skills gap between older workers with advanced technical skills who will be retiring in the next few years, and the younger workers who have not yet received adequate training to replace them. The benefits of industry-recognized credentials are widely known, but too often those credentials do not count toward educational requirements, do not match the needs of local employers, or require too much time to earn just one credential. Ultimately, the system ends up breaking down, to the detriment of instructors, employers, and employees.

The AMERICA Works Act would give priority to Federal job training programs that provide an industry-recognized and nationally-portable credential. The legislation encourages national industries to come together and agree upon common standards, defining the skill sets needed in employees. Once industries have agreed upon standards, they can work with educational institutions to turn the standards into workable curriculums with tiered or stackable credentials. Ultimately, local workforce boards can help workers seeking training and employment opportunity by directing them toward job training programs that have priority under existing Federal programs.

The AMERICA Works Act would require certain Federal job training and career development education programs to give priority to programs that provide an industry-recognized and nationally-portable credential. This credentialing system starts out with basic competencies that prepare individuals for the workplace. Once basic competencies are completed, in-

dividuals can work toward high performance technical competencies and then progress further to highly skilled technical and management competencies. The credentialing levels are stackable, allowing workers flexibility along their career tracks. Stackable credentials provide straight forward paths, with clear entry and exit points, for workers to advance their careers and attain high quality jobs.

In North Carolina, we have an advanced manufacturing skills program at Forsyth Technical Community College in Winston-Salem. Forsyth Technical Community College is participating in the National Association of Manufacturers Endorsed Skills Certification System, which offers credit programs toward nationally-recognized, stackable credentials. Currently, they have 207 students enrolled in their programs. Forsyth Technical has already collaborated with State and local businesses to begin the process of incorporating their credentials into job descriptions. They believe that introducing graduates with skill certifications into the local workforce will help improve the hiring process, and these nationally-recognized credentials will increase employment opportunities.

The AMERICA Works Act will benefit business. When businesses clearly identify skills they need in their employees, educational institutions can tailor programs to teach those skills and workers will be better suited to meet their needs—starting on day one.

This legislation will benefit workers. Stackable credentials benefit workers by offering several on-ramps and off-ramps to a two-year technical degree: workers in training can exit the system having earned a basic, industry-recognized credential that qualifies them for employment, but without having completed the full two-year technical degree, and they can easily re-enter the system later to move up within their field and work toward the more advanced degree.

The AMERICA Works Act will benefit educational programs. Local educational institutes want to provide their students with the most useful skills possible. Open lines of communication between businesses, workforce boards and workers will better enable them to do just that.

This legislation will benefit local economies. Local workforce boards will have the chance to determine which skills training programs are most valuable for their region, today and into the future. Local areas with well-trained workforces can more effectively lure new businesses. While this bill mentions manufacturing, it would benefit any industry that meets the criteria established in the legislation.

I want to do everything I can to create jobs and make sure our workers have the skills needed to help our businesses grow and thrive. By incentivizing companies to work with educational institutes and develop industry-recognized, nationally-portable,

and stackable credentialing curricula, we can ensure that we have the best businesses, with the best workers, trained at the best institutes.

I urge my other colleagues to join me in supporting this important bill to enhance employment opportunity for hardworking Americans.

By Ms. LANDRIEU (for herself and Mr. DORGAN):

S. 3534. A bill to establish a Native American entrepreneurial development program in the Small Business Administration; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, as Chair of the Committee on Small Business and Entrepreneurship, I am pleased to introduce the Native American Small Business Assistance and Entrepreneurial Growth Act of 2010. This vital and timely legislation codifies and builds upon the Small Business Administration's, SBA, existing efforts through the Office of Native American Affairs, which is responsible for overseeing and implementing programs that are specifically tailored to meet the needs of the Native American community. By strengthening and improving these programs, the SBA will be able to reach even more Native Americans, helping them to achieve their dream of starting or growing their own small businesses and spurring vital and necessary growth within tribal communities.

According to the most recent report released by the U.S. Census bureau, the "three year average poverty rate for American Indians and Alaska Natives was 25.9 percent higher than for any other race groups." Additionally, research shows that entrepreneurial development is playing a significant role in promoting healthy tribal economies, and fostering much needed economic growth in various industries. Data from the 2000 U.S. Census shows that since 1997, the number of Native American-owned businesses has risen by 84 percent to 197,300, and that their gross incomes have increased by 179 percent to \$34.5 billion.

However, in the face of historically high unemployment and tight credit, particularly for Native Americans, starting a business has never been more difficult. During the 111th Congress, the Committee has heard from industry experts, organizational leaders and entrepreneurs working in or on behalf of Native American communities. From them, we know that, despite the growth we are seeing in Native American-owned businesses, more resources are needed to provide additional technical assistance and business development opportunities so as to ensure the economic sustainability and growth within tribal communities. According to the Aspen Institute, "training and technical assistance are arguably the most important components of microenterprise development services in the United States, particularly when those services are aimed at

low-income clients." Additionally, according to the Corporation for Enterprise Development, this is particularly true for Native American entrepreneurs operating in environments that have not traditionally been geared towards private enterprise. For these reasons, it is critical that we do more to provide necessary resources for Native American entrepreneurial development programs that are working to address critical sustainability issues in tribal communities.

That is why today I am introducing the Native American Small Business Assistance and Entrepreneurial Growth Act of 2010. Since its establishment, SBA's Office of Native American Affairs worked to promote and support Native American entrepreneurs and to encourage important entrepreneurial activity in Native American communities. This legislation will further enhance and improve the existing programs within the Office of Native American Affairs, as well as create a new program that provides financial assistance to eligible entities to create Native American business centers which will conduct projects to provide culturally tailored business development training and related services to Native Americans and Native American small business concerns.

In introducing this important piece of legislation today, I would note that many of the provisions in this bill were included in S. 1229, the Entrepreneurial Development Act of 2009, which I introduced earlier this Congress and which passed out of Committee with unanimous and bi-partisan support in June of 2009. It is also the basis for many of the SBA related provisions included in the Native American Employment Act of 2010 that Senator DORGAN, Chairman of the U.S. Senate Committee on Indian Affairs introduced earlier this month. Given the importance of this legislation to hundreds of thousands of Native American-owned businesses, and the potential we have before us to strengthen one of America's greatest emerging markets, I have decided to re-introduce these provisions as a stand-alone bill. I look forward to working with my colleagues in the Senate to bring this legislation to the President's desk in the coming months.

In closing, I would like to thank Chairman DORGAN for his continued leadership on behalf of existing and future Native American small business owners, and especially for his cosponsorship of this important legislation. Chairman DORGAN has been a tireless advocate for Native American communities across the country and in his home state of North Dakota, and I am pleased to have his support on this legislation.

Mr. President, I ask unanimous consent that the text of 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. 3534

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

# SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Small Business Assistance and Entrepreneurial Growth Act of 2010".

## SEC. 2. NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 4(b)(1) (15 U.S.C. 633(b)(1))—

(A) in the fifth sentence, by striking "five Associate Administrators" and inserting "6 Associate Administrators"; and

(B) by inserting after the fifth sentence the following: "1 Associate Administrator shall be the Associate Administrator of the Office of Native American Affairs established by section 44.";

(2) by redesignating section 44 as section 45; and

(3) by inserting after section 43 (15 U.S.C. 657o) the following:

## "SEC. 44. NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) ASSOCIATE ADMINISTRATOR.—The term 'Associate Administrator' means the Associate Administrator of the Office of Native American Affairs established under subsection (b).

"(2) CENTER; NATIVE AMERICAN BUSINESS CENTER.—The terms 'center' and 'Native American business center' mean a center established under subsection (c).

"(3) ELIGIBLE APPLICANT.—The term 'eligible applicant' means—

"(A) a tribal college;

"(B) a private, nonprofit organization—

"(i) that provides business and financial or procurement technical assistance to 1 or more Native American communities; and

"(ii) that is dedicated to assisting one or more Native American communities; or

"(C) a small business development center, women's business center, or other private organization participating in a joint project.

"(4) JOINT PROJECT.—The term 'joint project' means a project that—

"(A) combines the resources and expertise of 2 or more distinct entities at a physical location dedicated to assisting the Native American community; and

"(B) submits to the Administration a joint application that contains—

"(i) a certification that each participant of the project—

"(I) is an eligible applicant;

"(II) employs an executive director or program manager to manage the center; and

"(ii) information demonstrating a record of commitment to providing assistance to Native Americans and;

"(iii) information demonstrating that the participants in the joint project have the ability and resources to meet the needs, including the cultural needs, of the Native Americans to be served by the project.

"(5) NATIVE AMERICAN SMALL BUSINESS CONCERN.—The term 'Native American small business concern' means a small business concern that is at least 51 percent owned and controlled by—

"(A) an Indian tribe or a Native Hawaiian Organization, as the terms are described in paragraphs (13) and (15) of section 8(a), respectively; or

"(B) 1 or more individuals members of an Indian tribe or Native Hawaiian Organization.

"(6) NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM.—The term 'Native American small business development program' means the program established under subsection (c).

“(7) **SMALL BUSINESS CONCERN.**—The term ‘small business concern’ has the same meaning as in section 3.

“(8) **SMALL BUSINESS DEVELOPMENT CENTER.**—The term ‘small business development center’ means a small business development center described in section 21.

“(9) **TRIBAL COLLEGE.**—The term ‘tribal college’ has the meaning given the term ‘tribally controlled college or university’ in section 2(a) of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801(a)).

“(10) **TRIBAL LAND.**—The term ‘tribal land’ has the meaning given the term ‘reservation’ in section 3 of the Indian Financing Act ( 25 U.S.C. 1452).

“(b) **OFFICE OF NATIVE AMERICAN AFFAIRS.**—

“(1) **ESTABLISHMENT.**—There is established within the Administration the Office of Native American Affairs, which, under the direction of the Associate Administrator, shall implement the programs of the Administration for the development of business enterprises by Native Americans.

“(2) **PURPOSE.**—The purpose of the Office of Native American Affairs is to help Native American small business concerns—

“(A) to start, operate, and increase the business of small business concerns;

“(B) to develop management and technical skills;

“(C) to seek Federal procurement opportunities;

“(D) to increase employment opportunities for Native Americans through the establishment and expansion of small business concerns; and

“(E) to increase the access of Native Americans to capital markets.

“(3) **ASSOCIATE ADMINISTRATOR.**—

“(A) **APPOINTMENT.**—The Administrator shall appoint a qualified individual to serve as Associate Administrator of the Office of Native American Affairs in accordance with this paragraph.

“(B) **QUALIFICATIONS.**—The Associate Administrator appointed under subparagraph (A) shall have—

“(i) knowledge of Native American culture; and

“(ii) experience providing culturally tailored small business development assistance to Native Americans.

“(C) **EMPLOYMENT STATUS.**—The Administrator shall establish the position of Associate Administrator, who shall—

“(i) be an appointee in the Senior Executive Service (as defined in section 3132(a) of title 5, United States Code); and

“(ii) shall report to and be responsible directly to the Administrator.

“(D) **RESPONSIBILITIES AND DUTIES.**—The Associate Administrator shall—

“(i) administer and manage the Native American small business development program;

“(ii) formulate, execute, and promote the policies and programs of the Administration that provide assistance to small business concerns owned and controlled by Native Americans;

“(iii) act as an ombudsman for full consideration of Native Americans in all programs of the Administration;

“(iv) recommend the annual administrative and program budgets for the Office of Native American Affairs;

“(v) consult with Native American business centers in carrying out the Native American small business development program;

“(vi) recommend appropriate funding levels;

“(vii) review the annual budgets submitted by each applicant for the Native American small business development program;

“(viii) select applicants to participate in the Native American small business development program;

“(ix) implement this section; and

“(x) maintain a clearinghouse for the dissemination and exchange of information between all Administration-sponsored business centers.

“(E) **CONSULTATION REQUIREMENTS.**—In carrying out the responsibilities and duties described in this paragraph, the Associate Administrator shall confer with and seek the advice of—

“(i) officials of the Administration working in areas served by Native American business centers; and

“(ii) eligible applicants.

“(c) **NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM.**—

“(1) **FINANCIAL ASSISTANCE.**—

“(A) **IN GENERAL.**—The Administration, acting through the Associate Administrator, shall provide financial assistance to eligible applicants to establish Native American business centers in accordance with this section.

“(B) **USE OF FUNDS.**—The financial and resource assistance provided under this subsection shall be used to establish a Native American business center to overcome obstacles impeding the establishment, development, and expansion of small business concerns, in accordance with this section.

“(2) **5-YEAR PROJECTS.**—

“(A) **IN GENERAL.**—Each Native American business center that receives assistance under paragraph (1)(A) shall conduct a 5-year project that offers culturally tailored business development assistance in the form of—

“(i) financial education, including training and counseling in—

“(I) applying for and securing business credit and investment capital;

“(II) preparing and presenting financial statements; and

“(III) managing cash flow and other financial operations of a business concern;

“(ii) management education, including training and counseling in planning, organizing, staffing, directing, and controlling each major activity and function of a small business concern; and

“(iii) marketing education, including training and counseling in—

“(I) identifying and segmenting domestic and international market opportunities;

“(II) preparing and executing marketing plans;

“(III) developing pricing strategies;

“(IV) locating contract opportunities;

“(V) negotiating contracts; and

“(VI) using varying public relations and advertising techniques.

“(B) **BUSINESS DEVELOPMENT ASSISTANCE RECIPIENTS.**—The business development assistance under subparagraph (A) shall be offered to prospective and current owners of Native American small business concerns.

“(3) **FORM OF FEDERAL FINANCIAL ASSISTANCE.**—

“(A) **DOCUMENTATION.**—The financial assistance to Native American business centers authorized under this subsection may be made by grant, contract, or cooperative agreement.

“(B) **PAYMENTS.**—

“(i) **TIMING.**—Payments made under this subsection may be disbursed in periodic installments, at the request of the recipient.

“(ii) **ADVANCE.**—The Administrator may disburse not more than 25 percent of the annual amount of Federal financial assistance awarded to a Native American business center after notice of the award has been issued.

“(C) **NON-FEDERAL CONTRIBUTIONS.**—

“(i) **IN GENERAL.**—

“(I) **INITIAL FINANCIAL ASSISTANCE.**—Except as provided in subclause (II), an eligible ap-

plicant that receives financial assistance under this subsection shall provide non-Federal contributions for the operation of the Native American business center established by the eligible applicant in an amount equal to—

“(aa) in each of the first and second years of the project, not less than 33 percent of the amount of the financial assistance received under this subsection; and

“(bb) in the third through fifth years of the project, not less than 50 percent of the amount of the financial assistance received under this subsection.

“(II) **RENEWALS.**—An eligible applicant that receives a renewal of financial assistance under this subsection shall provide non-Federal contributions for the operation of a Native American business center established by the eligible applicant in an amount equal to not less than 50 percent of the amount of the financial assistance received under this subsection.

“(III) **EXCEPTIONS.**—The requirements of this section may be waived at the discretion of the Administrator, based on an evaluation of the ability of the eligible applicant to provide non-Federal contributions.

“(4) **CONTRACT AND COOPERATIVE AGREEMENT AUTHORITY.**—A Native American business center may enter into a contract or cooperative agreement with a Federal department or agency to provide specific assistance to Native American and other underserved small business concerns located on or near tribal land, to the extent that the contract or cooperative agreement is consistent with and does not duplicate the terms of any assistance received by the Native American business center from the Administration.

“(5) **APPLICATION PROCESS.**—

“(A) **SUBMISSION OF A 5-YEAR PLAN.**—Each applicant for assistance under paragraph (1) shall submit a 5-year plan to the Administration on proposed assistance and training activities.

“(B) **CRITERIA.**—

“(i) **IN GENERAL.**—The Administrator shall evaluate applicants for financial assistance under this subsection in accordance with selection criteria that are—

“(I) established before the date on which eligible applicants are required to submit the applications;

“(II) stated in terms of relative importance; and

“(III) publicly available and stated in each solicitation for applications for financial assistance under this subsection made by the Administrator.

“(ii) **CONSIDERATIONS.**—The criteria required by this subparagraph shall include—

“(I) the experience of the applicant in conducting programs or ongoing efforts designed to impart or upgrade the business skills of current or potential owners of Native American small business concerns;

“(II) the ability of the applicant to commence a project within a minimum amount of time;

“(III) the ability of the applicant to provide quality training and services to a significant number of Native Americans;

“(IV) previous assistance from the Administration to provide services in Native American communities;

“(V) the proposed location for the Native American business center, with priority given based on the proximity of the center to the population being served and to achieve a broad geographic dispersion of the centers; and

“(VI) demonstrated experience in providing technical assistance, including financial, marketing, and management assistance.

“(6) **CONDITIONS FOR PARTICIPATION.**—Each eligible applicant desiring a grant under this

subsection shall submit an application to the Administrator that contains—

“(A) a certification that the applicant—

“(i) is an eligible applicant;

“(ii) employs a full-time executive director, project director, or program manager to manage the Native American business center; and

“(iii) agrees—

“(I) to a site visit by the Administrator as part of the final selection process;

“(II) to an annual programmatic and financial examination; and

“(III) to the maximum extent practicable, to remedy any problems identified pursuant to that site visit or examination;

“(B) information demonstrating that the applicant has the ability and resources to meet the needs, including cultural needs, of the Native Americans to be served by the grant;

“(C) information relating to proposed assistance that the grant will provide, including—

“(i) the number of individuals to be assisted; and

“(ii) the number of hours of counseling, training, and workshops to be provided;

“(D) information demonstrating the effectiveness and experience of the applicant in—

“(i) conducting financial, management, and marketing assistance programs designed to educate or improve the business skills of current or prospective Native American business owners;

“(ii) providing training and services to a representative number of Native Americans;

“(iii) using resource partners of the Administration and other entities, including institutions of higher education, Indian tribes, or tribal colleges; and

“(iv) the prudent management of finances and staffing;

“(E) the location at which the applicant will provide training and services to Native Americans;

“(F) a 5-year plan that describes—

“(i) the number of Native Americans and Native American small business concerns to be served by the grant;

“(ii) if the Native American business center is located in the continental United States, the number of Native Americans to be served by the grant; and

“(iii) the training and services to be provided to a representative number of Native Americans; and

“(G) if the applicant is a joint project—

“(i) a certification that each participant in the joint project is an eligible applicant;

“(ii) information demonstrating a record of commitment to providing assistance to Native Americans; and

“(iii) information demonstrating that the participants in the joint project have the ability and resources to meet the needs, including the cultural needs, of the Native Americans to be served by the grant.

“(7) REVIEW OF APPLICATIONS.—The Administrator shall approve or disapprove each completed application submitted under this subsection not later than 90 days after the date on which the eligible applicant submits the application.

“(8) PROGRAM EXAMINATION.—

“(A) IN GENERAL.—Each Native American business center established under this subsection shall annually provide to the Administrator an itemized cost breakdown of actual expenditures made during the preceding year.

“(B) ADMINISTRATION ACTION.—Based on information received under subparagraph (A), the Administration shall—

“(i) develop and implement an annual programmatic and financial examination of each Native American business center assisted pursuant to this subsection; and

“(ii) analyze the results of each examination conducted under clause (i) to determine the programmatic and financial viability of each Native American business center.

“(C) CONDITIONS FOR CONTINUED FUNDING.—In determining whether to renew a grant, contract, or cooperative agreement with a Native American business center, the Administration—

“(i) shall consider the results of the most recent examination of the center under subparagraph (B), and, to a lesser extent, previous examinations; and

“(ii) may withhold the renewal, if the Administrator determines that—

“(I) the center has failed to provide the information required to be provided under subparagraph (A), or the information provided by the center is inadequate;

“(II) the center has failed to provide adequate information required to be provided by the center for purposes of the report of the Administrator under subparagraph (E);

“(III) the center has failed to comply with a requirement for participation in the Native American small business development program, as determined by the Administrator, including—

“(aa) failure to acquire or properly document a non-Federal contribution;

“(bb) failure to establish an appropriate partnership or program for marketing and outreach to reach new Native American small business concerns;

“(cc) failure to achieve results described in a financial assistance agreement; and

“(dd) failure to provide to the Administrator a description of the amount and sources of any non-Federal funding received by the center;

“(IV) the center has failed to carry out the 5-year plan under in paragraph (6)(F); or

“(V) the center cannot make the certification described in paragraph (6)(A).

“(D) CONTINUING CONTRACT AND COOPERATIVE AGREEMENT AUTHORITY.—

“(i) IN GENERAL.—The authority of the Administrator to enter into contracts or cooperative agreements in accordance with this subsection shall be in effect for each fiscal year only to the extent and in the amounts as are provided in advance in appropriations Acts.

“(ii) RENEWAL.—After the Administrator has entered into a contract or cooperative agreement with any Native American business center under this subsection, the Administrator may not suspend, terminate, or fail to renew or extend any such contract or cooperative agreement unless the Administrator—

“(I) provides the center with written notification that describes the reasons for the action of the Administrator; and

“(II) affords the center an opportunity for a hearing, appeal, or other administrative proceeding under chapter 5 of title 5, United States Code.

“(E) ANNUAL MANAGEMENT REPORT.—

“(i) IN GENERAL.—The Administrator shall prepare and submit to the Committee on Small Business and Entrepreneurship and the Committee on Indian Affairs of the Senate and the Committee on Small Business and the Committee on Natural Resources of the House of Representatives an annual report on the effectiveness of all projects conducted by Native American business centers under this subsection and any pilot programs administered by the Office of Native American Affairs.

“(ii) CONTENTS.—Each report submitted under clause (i) shall include, with respect to each Native American business center receiving financial assistance under this subsection—

“(I) the number of individuals receiving assistance from the Native American business center;

“(II) the number of startup business concerns established with the assistance of the Native American business center;

“(III) the number of existing businesses in the area served by the Native American business center seeking to expand employment;

“(IV) the number of jobs established or maintained, on an annual basis, by Native American small business concerns assisted by the center since receiving funding under this section;

“(V) to the maximum extent practicable, the amount of the capital investment and loan financing used by emerging and expanding businesses that were assisted by a Native American business center;

“(VI) any additional information on the counseling and training program that the Administrator determines to be necessary; and

“(VII) the most recent examination, as required under subparagraph (B), and the determination made by the Administration under that subparagraph.

“(9) ANNUAL REPORTS.—Each Native American business center receiving financial assistance under this subsection shall submit to the Administrator an annual report on the services provided with the financial assistance, including—

“(A) the number of individuals assisted, by tribal affiliation;

“(B) the number of hours spent providing counseling and training for those individuals;

“(C) the number of startup small business concerns established or maintained with the assistance of the Native American business center;

“(D) the gross receipts of small business concerns assisted by the Native American business center;

“(E) the number of jobs established or maintained by small business concerns assisted by the Native American business center; and

“(F) the number of jobs for Native Americans established or maintained at small business concerns assisted by the Native American business center.

“(10) RECORD RETENTION.—

“(A) APPLICATIONS.—The Administrator shall maintain a copy of each application submitted under this subsection for not less than 7 years.

“(B) ANNUAL REPORTS.—The Administrator shall maintain copies of the certification submitted under paragraph (6)(A) indefinitely.

“(d) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out the Native American small business development program \$10,000,000 for each of fiscal years 2011 through 2013.

“(2) ADMINISTRATION.—Not more than 10 percent of funds appropriated for a fiscal year may be used for the costs of administering the programs under this section.”.

By Mr. UDALL of Colorado (for himself, Mr. BENNETT, Mr. BENNETT, and Mr. HATCH):

S. 3537. A bill to provide for certain land exchanges in Gunnison County, Colorado, and Uintah County, Utah; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, I rise today to speak about legislation I am introducing, co-sponsored by Senators BENNETT, HATCH, and BENNETT of Colorado, to effectuate a relatively small land exchange involving

lands in Colorado and Utah. The exchange involves a private ranch, the U.S. Bureau of Land Management and the National Park Service.

In a nutshell, the private Bear Ranch in central/west Colorado is completely bisected by a narrow strip of BLM land, mostly 1/4 to 1/2 mile wide, which is of limited public use due to its narrow configuration. The Bear Ranch would like to acquire the BLM strip in order to consolidate its ranch holdings for more efficient land, ranch and wildlife management, and to improve wildlife enhancement. There is also an issue of inadvertent trespass onto the Bear Ranch from the neighboring BLM land that would be eliminated by the Bear Ranch's acquisition of the BLM land strip.

In return for the BLM land, the Bear Ranch has purchased or optioned two magnificent tracts of land in Colorado and Utah that would be added into the National Park System. The first is a 911 acre property near the shores of the heavily used Blue Mesa Reservoir in the Curecanti National Recreation Area outside of Gunnison, CO. This property has an important sage grouse habitat, superb views of both the Blue Mesa Reservoir and the spectacular Dillon Pinnacles, and an important elk and deer winter range. A portion of it might also be utilized for a future park visitor center.

In Utah, the Bear Ranch has optioned 80 acres located inside Dinosaur National Monument. The so-called Orchid Draw property is about 1 mile west of the Monument's Quarry Visitor Center and is thought to contain rich dinosaur and vertebrate fossil resources. It is also within an area of special botanic interest, with nine sensitive plant species. The Park Service has been trying to acquire this property for a long time.

There are several other special features of our legislation which deserve special mention.

First, the Bear Ranch will place a permanent conservation status on all the land it acquires from the BLM which will limit future use of the land to ranching, wildlife conservation, open space and recreational purposes only.

Second, the BLM land will be appraised at its full market value before the conservation easement is put in place so that the U.S. taxpayers will get full value for the land they convey to the Bear Ranch.

Third, if the land Bear Ranch conveys to the Park Service appraises higher than the BLM land, the Bear Ranch will forego any cash equalization payment which might otherwise be due from the U.S., and will instead donate the excess value to the U.S.

Fourth, the Bear Ranch has committed to donate up to \$250,000 for new trail, trailhead and other outdoor recreational improvements in the vicinity of the land exchange in order to improve public access and enhance recreational opportunities on nearby For-

est Service and BLM lands. Exactly where, and how, those funds will be used will be determined by BLM and Forest Service planning that is currently underway.

Our legislation has received the support of the local county and town governments of jurisdiction in both Colorado and Utah, and from numerous environmental, conservation, recreation, historic and natural preservation organizations. Those include Gunnison County, CO, Uintah County, UT, the City of Gunnison, CO, City of Vernal, UT, the Nature Conservancy, National Parks & Conservation Association, Thunder Mountain Wheelers, Inter-mountain Natural History Association, and several others.

The bill also effectuates another small land for right of way exchange near Marble, CO, in order to facilitate a proposed small hydroelectric project and to acquire a new public trailhead to access the popular Maroon Bells-Snowmass Wilderness Area. That exchange is endorsed by the Aspen Valley Land Trust, Holy Cross Electric Association, a rural electric cooperative, the Town of Marble, CO and Gunnison County, CO, among others.

In summary, this legislation represents a true "win-win" for both the general public and numerous local communities. I thank my colleagues, Senators BENNETT, HATCH, and BENNET for joining me in sponsoring the bill, and for Congressmen JOHN SALAZAR, JIM MATHESON and MIKE THOMPSON for introducing an identical bill in the House. I am looking forward to the Senate's expeditious consideration and approval so that it can become law this year.

By Mr. BOND (for himself and Mr. HATCH):

S. 3538. A bill to improve the cyber security of the United States and for other purposes; to the Committee on Homeland Security and Government Affairs.

Mr. BOND. Mr. President, over the past several months, our Homeland has experienced direct terrorist attacks against two military bases and attempted terrorist attacks on Christmas Day and in Times Square. These attacks quickly captured the attention of the American public and stand as stark reminders of the threats our Nation continues to face from terrorists across the globe.

After these recent attacks, I have no doubt that every American is aware of the threat from a terrorist with a bomb, which could take out a city block or bring down an airplane. But I am afraid that right now, the American public is largely unaware of a silent threat that could devastate our entire Nation—cyber attacks.

These cyber attacks happen every day, but have remained largely under the public radar. Our government, businesses, citizens, and even social networking sites all have been hit. Cyber attacks are on the rise and unless our

private sector and Congress start down a better path to protect our information networks, serious damage to our economy and our national security will follow.

In an ever-increasing cyber age, where our financial system conducts trades via the Internet, families pay bills online, and the government uses computers to calculate benefits and implement war strategies, successful cyber attacks can be devastating. The nightmare scenarios no longer exist just in Hollywood movies. Imagine if a terrorist disrupted our air traffic control on an average day with more than 28,000 commercial aircraft in our skies; if a hacker took down Wall Street trading for just hours; or if an attack destroyed an electrical grid in a major city.

Scenarios like these make it even more important that we listen to the recent comments by former Director of National Intelligence Mike McConnell who testified that "[i]f we were in a cyber war today, the United States would lose." That is no insignificant statement coming from a military and intelligence veteran like Mike McConnell and it should cause all of us to pause and take a look at how we should neutralize this rising threat. Our networks and way of life could be taken down by an enemy state, a terrorist group, or a single hacker. That is why Senator HATCH and I are introducing the National Cyber Infrastructure Protection Act of 2010 today.

Let me be blunt here: our enemies won't wait for us to do our homework, solve our turf battles, or modernize our laws before using our networks as a deadly weapon; in fact, the attacks have already started. We do not have another day to waste, and I believe our bill is the best solution to address this threat.

This act is built on three principles: first, we must be clear about where Congress should, and, more importantly, should not legislate. Congress should set lanes in the road to protect our Nation's cyber security, but leave flexibility for the private sector and government to adapt to changing threats within those lanes.

In 1978, when the Foreign Intelligence Surveillance Act was enacted, it put into law certain technologies. Those technologies changed and thus FISA was ineffective in enabling us to listen in on cell phone and e-mail traffic between terrorists in foreign countries.

We have seen within the past few years the national security problems that can arise when laws are too rigid to keep pace with technology. We have also heard repeated concerns from industry, the private sector, and those operating critical infrastructure that overlegislating by Congress ultimately will make it harder to protect our networks as innovation and quick response get overrun by unnecessary regulatory schemes and mandates.

Second, right now virtually every Federal department or agency has

someone who is responsible for cyber security issues. But who makes sure that all those departments and agencies work together to protect all of our government networks? Who is the one person responsible, with authority to impact our cyber security strategies and activities? Unfortunately, right now, the answer is “no one.”

To solve this problem, our bill establishes a National Cyber Center and designates a single, Senate-confirmed individual, accountable to the Congress and the American people and reporting directly to the President, to serve as the Director. The Director has the statutory responsibility and authority to coordinate activities to protect government networks and develop policies and procedures to help Federal agencies do the job.

In order to reduce the center's operating costs and to capitalize on the cyber expertise we all know resides in the Department of Defense, the National Cyber Center is administratively placed in DOD. But, out of deference to concerns that the military should not have too much control over government networks, the center is not run by the Defense Department and the Director does not report to the Secretary of Defense.

Because a key part of the center is to make sure the right people are talking to each other, the act requires those parts of DOD, the Department of Homeland Security, the Office of the Director of National Intelligence, and the Federal Bureau of Investigation needed to carry out the center's missions to collocate and integrate within the center, much like the National Counterterrorism Center integrates elements of the intelligence community. Other Federal agencies may also participate in the center.

As we put this bill together, former senior intelligence community officials told us that providing strong budget authority was essential for the Director to have the clout needed to do the job. And so, this act gives the Director clear input into cyber budgets across all Federal agencies, much like the Federal drug czar has in coordinating counterdrug budgets across different agencies. To hit this point home, the act also creates a National Cyber Security Program, similar to the National Intelligence Program. Such influence—influence that the current cyber czar simply does not have—is essential to creating a comprehensive, cost-effective approach to securing our government information networks.

The third and final principle underlying this act is the idea that there must be a venue for the government and the private sector to collaborate and share information on cyber-related matters. The private sector is often on the front lines of cyber attacks, so any information it can provide to increase government awareness of the source and nature of cyber threats will make both government and the private sector stronger. The corollary to this is

that the Government must share its own cyber threat information, including classified or declassified intelligence, with the private sector.

Moreover, this collaboration, in order to be effective, must be voluntary. Once the private sector stands to gain technical advice and greater access to cyber threat information, there will be a clear incentive to join with the government in protecting our networks.

Our bill codifies this collaboration, creating a public-private partnership known as the Cyber Defense Alliance to facilitate the flow of information about cyber threats and the latest technologies between the private sector and the government. The Alliance will be the clearinghouse for passing sensitive cyber threat information to the private and critical infrastructure entities on the front lines, but without compromising our intelligence sources and methods.

We agree with intelligence experts and private sector representatives who have told us if the heavy hand of government drives this collaboration, it will not be effective. Therefore, the alliance will be managed by a board of directors consisting largely of private sector representatives and located in the Department of Energy, where the existing National Labs have great expertise to share. Because our private partners must know the information will not be compromised or other consequences will occur, the act gives solid protections from FOIA, antitrust restrictions, and other limitations.

This bill is one of many cyber-bills introduced in Congress, so some may be asking why this approach is better.

A key aspect of this bill is that it provides a practical public-private cyber infrastructure designed to address effectively the cyber threat rather than preserve the jurisdictional turf of any one agency or congressional oversight committee. In other words—I don't have a dog in this fight—I just want to pass the best bill to protect our networks. The cyber threat will only be eliminated when we get all of the public and private players working together in harmony under a common vision toward common mission objectives.

Our bill does not impose mandates on industry and the private sector—mandates and regulations that form the core of other bills, raising substantial concerns among our industry and private sector partners. Our economy is in turmoil as it is and the last thing we need are mandates imposed on U.S. businesses that will put them at a serious competitive disadvantage and jeopardize their proprietary information in the global marketplace. Many industry partners have told us that if we mandate this it would put them at a competitive disadvantage.

Finally, our bill moves away from the notion that creating a statutory cyber coordinator in the Executive Office of the President will solve the cyber security problem. The current

cyber security coordinator in the White House has neither the authority nor the staff to coordinate the government's wide-range of cyber operations and strategies. Simply enshrining his position in statute will not overcome the claims of “Executive Privilege” that are bound to come when Congress asks for information and it will not guarantee the leadership necessary to address the cyber threat.

Also, I think many of my colleagues would agree that now is not the time to give the Department of Homeland Security more responsibility, as some of the cyber bills out there want to do. I don't think many in this Chamber would disagree that DHS is already overburdened.

The bill we are introducing today has already earned praise from the electric power sector because of the cooperative relationship that the Cyber Defense Alliance created in this bill fosters between the government and private sector. The entities that are part of the electric power sector recognize that this bill builds on what is already working and creates the infrastructure necessary to ensure a cooperative relationship between all of the relevant public and private cyber players to address the evolving cyber-security threat. I ask unanimous consent that this statement from the electric power sector be made a part of the RECORD.

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

THE NATIONAL CYBER INFRASTRUCTURE  
PROTECTION ACT OF 2010

Protecting the North American electric grid and ensuring a reliable supply of power is the electric power industry's top priority. Reliability is more than a buzzword for the electric industry—it's a mandate. In fact, electric companies can be assessed substantial penalties for failure to comply with reliability standards.

This focus on reliability, resiliency and recovery requires the power sector to take an all-hazards approach, recognizing risks from natural phenomena such as hurricanes or geomagnetic disturbances to intentional cyber attacks. The electric power sector works closely with the North American Electric Reliability Corporation (NERC) and federal agencies to enhance the cyber security of the bulk power system. This includes coordination with the Federal Energy Regulatory Commission (FERC), the Department of Homeland Security (DHS), and the Department of Energy (DOE), as well as federal intelligence and law enforcement agencies, and various federal and provincial authorities in Canada.

To complement its cyber security efforts and to address rapidly changing intelligence on evolving threats, the industry welcomes a cooperative relationship with federal authorities to protect against situations that threaten national security or public welfare, and to prioritize the assets that need enhanced security. A well-practiced, public-private partnership utilizes all stakeholders' expertise, including the government's ability to gather and share timely and actionable threat information with critical infrastructure asset owners and operators, upon which they can formulate appropriate mitigation strategies to prevent significant adverse consequences to utility operations or assets.

The comprehensive draft cyber security legislation under development in the Senate Select Committee on Intelligence attempts to create such a cooperative relationship by:  
\* \* \*

Mr. BOND. In addition, because, the vice chairman of the Intelligence Committee, believe no legislation in this area should impede the intelligence community's ability to protect our nation from terrorist attacks and other threats, we asked the Office of the Director of National Intelligence for an informal assessment of our bill. They told us that, unlike other bills that have been introduced, this bill protects intelligence community equities, especially with respect to protecting classified intelligence sources and methods.

The National Cyber Infrastructure Protection Act of 2010 provides broad lanes in the road, without micromanaging, to give all partners in cyber security, whether government or private, the flexibility to defend against threats from our enemies. The private sector already has a tremendous incentive to protect their own networks; all the Federal Government needs to do is support them with technology and information and get out of the way.

Cyber attackers have been stealing intellectual property, threatening to take down our critical infrastructure, and gaining insight into our national security networks. The longer Congress waits to act, the more our vulnerability to these attacks increases. The National Cyber Infrastructure Protection Act will put the Government, our critical infrastructure companies, and the private sector on the right path to securing our networks. I urge my colleagues to join us in supporting this important legislation.

Mr. HATCH. Mr. President, today I rise to express my support as a cosponsor of the National Cyber Infrastructure Protection Act. At long last, our Nation is finally recognizing the increasing danger posed by cyber threats and the devastating disruption that they can cause because of the interdependent nature of information systems that support our Nation's critical infrastructure.

As a Nation, we must develop a strategy that provides a strategic framework to prevent cyber attacks against America's critical infrastructures. As a government, we must reduce national vulnerability to cyber attacks and minimize the damage and recovery time from cyber attacks should they occur. I believe that the legislation that my colleague from Missouri and I are introducing today will provide a sure foundation to put our Nation on a path to begin to address cyber vulnerabilities.

The challenge to protect cyberspace is vast and complex and ultimately requires the efforts of the entire government. As a Nation, we must recognize that cyber threats are multi-faceted and global in nature. These threats operate in an environment that rapidly changes. The sharing of information

between government and the private sector is crucial to our overall national and economic viability.

Last January, McAfee issued a report that concluded that the use of cyber attacks as a strategic weapon by governments and political organizations is on the rise. The U.S. is the most targeted nation in the world—and our military, government, and private sector systems are often attacked with impunity. Our Nation has experienced large-scale malicious cyber intrusions from individuals, groups and nations. These attacks have dramatically increased in number and complexity.

Just last year, Google and over 30 other companies linked to our energy, finance, defense, technology and media sectors fell prey to costly cyber attacks. Too many nations either directly sanction this activity or give it tacit approval by failing to investigate or prosecute the perpetrators. Many of the major incidents are presently coming out of Russia and China.

The National Cyber Infrastructure Protection Act would establish a National Cyber Center, housed within the Department of Defense. The mission of the National Cyber Center would be to serve as the primary organization for coordinating Federal Government defensive operations, cyber intelligence collection and analysis, and activities to protect and defend Federal Government information networks. Critical in achieving this mission would be the sharing of information between the private sector and federal agencies regarding cyber threats. This center would be led by a Senate-confirmed director modeled after the Director of National Intelligence position. The director reports directly to the President and would coordinate cyber activities to protect and defend Federal Government information networks. The director would serve as the President's principal adviser on such matters and developing policies for securing Federal Government information networks.

In our Nation today, over 3/4 of our Nation's critical infrastructure is under the control of the private sector. One such example is smart grid technology for power grids. The Smart Grid will use automated meters, two-way communications and advanced sensors to improve electricity efficiency and reliability. The nation's utilities have embraced the concept and are installing millions of automated meters on homes across the country. However, cyber security experts have determined that some types of meters can be hacked. As we rely on technology developed by private industry, we must ensure that we harden this technology against threats that could leave our citizens vulnerable.

The opening salvos of future conflicts will be launched in cyberspace. In 2008, we saw this occur when Russian forces launched a cyber attack on Georgian defense and information networks. The Russians essentially blinded the Georgian military during the South

Ostessia conflict. Our reliance on technology and integrated networks certainly makes our military and critical infrastructure more efficient. However, that efficiency can have its price in the form of cyber vulnerability.

As Americans, we must be prepared to fight back should we be attacked. We must also harden our networks against the tools that criminals use to steal a person's identity and a company's trade secrets. These are the same tools that today can and will be used by terrorists in the future to attack and erode our infrastructure and defense systems. The stakes are too high and the risks are too grave to delay. If we don't move now to protect our national cyber infrastructure, the consequences to our economy, security and citizens could be dire. This is a fight we must win. The only way to win is to be prepared.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 565—SUPPORTING AND RECOGNIZING THE ACHIEVEMENTS OF THE FAMILY PLANNING SERVICES PROGRAMS OPERATING UNDER TITLE X OF THE PUBLIC HEALTH SERVICE ACT

Mr. MERKLEY (for himself, Mr. FRANKEN, Mr. BROWN of Ohio, Mr. BEGICH, Mr. KERRY, Mr. WYDEN, Mrs. SHAHEEN, Ms. CANTWELL, Mrs. FEINSTEIN, Mrs. BOXER, Ms. MIKULSKI, Mrs. MURRAY, and Mrs. GILLIBRAND) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 565

Whereas 2010 marks the 40th anniversary of the family planning services programs operating under title X of the Public Health Service Act which has for 40 years provided low-income people in the United States access to contraceptive services, supplies, and information regardless of their ability to pay for these services;

Whereas a 2009 report from the Institute of Medicine echoed the Centers for Disease Control and Prevention's finding that, "family planning is one of the most significant public health achievements of the twentieth century";

Whereas the family planning services programs operating under title X are the only dedicated source of Federal funding for family planning services in the United States;

Whereas in 2008, 17,400,000 people were in need of publicly funded services and supplies;

Whereas in 2008, title X-funded family planning providers worked tirelessly to serve over 5,000,000 low-income men and women;

Whereas publicly supported family planning services, such as those provided by title X, help to prevent 1,500,000 unintended pregnancies each year;

Whereas the contribution of family planning services in assisting women in the planning and spacing of their pregnancies is linked to a reduction in infant mortality;

Whereas every dollar spent to provide services in the nationwide network of publicly funded family planning clinics saves \$3.74 in Medicaid-related costs;