

other purposes; to the Committee on Veterans' Affairs.

By Mr. BEGICH:

S. 3584. A bill to direct the Administrator of the National Oceanic and Atmospheric Administration to institute research into the special circumstances associated with oil spill prevention and response in the Arctic waters, including assessment of impacts on Arctic marine mammals and other wildlife, marine debris research and removal, and risk assessment, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. UDALL of Colorado (for himself and Mr. BENNET):

S. 3585. A bill to amend title 10, United States Code, to reform Department of Defense energy policy, and for other purposes; to the Committee on Armed Services.

By Mr. REID (for himself, Mr. TESTER, Mr. MERKLEY, Mr. UDALL of Colorado, and Mr. BEGICH):

S. 3586. A bill to promote the mapping and development of United States geothermal resources by establishing a direct loan program for high risk geothermal exploration wells; to the Committee on Energy and Natural Resources.

By Mr. REID (for himself and Mr. TESTER):

S. 3587. A bill to require the Secretary of the Interior to establish a competitive leasing program for wind and solar energy development on Federal land, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. VITTER (for himself, Mr. CORNYN, and Mr. WICKER):

S. 3588. A bill to limit the moratorium on certain permitting and drilling activities issued by the Secretary of the Interior, and for other purposes; read the first time.

By Mr. ROCKEFELLER (for himself and Mr. VOINOVICH):

S. 3589. A bill to provide financial incentives and a regulatory framework to facilitate the development and early deployment of carbon capture and sequestration technologies, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER (for himself and Mr. VOINOVICH):

S. 3590. A bill to amend the Internal Revenue Code of 1986 to provide financial incentives to facilitate the development and early deployment of carbon capture and sequestration technologies, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself and Mr. VOINOVICH):

S. 3591. A bill to provide financial incentives and a regulatory framework to facilitate the development and early deployment of carbon capture and sequestration technologies, and for other purposes; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. UDALL of New Mexico:

S. Res. 581. A resolution honoring the educational and scientific significance of Dr. Jane Goodall on the 50th anniversary of the beginning of her work in what is today Gombe Stream National Park in Tanzania; to the Committee on the Judiciary.

By Mr. WICKER (for himself, Mr. LANDRIEU, Mr. COCHRAN, Mr. CORNYN, Mrs. HUTCHISON, Mr. LEMIEUX, Mr. NELSON of Florida, Mr. SESSIONS, Mr. SHELBY, and Mr. VITTER):

S. Res. 582. A resolution recognizing the economic and environmental impacts of the British Petroleum oil spill on the people of the Gulf Coast and their way of life and urging British Petroleum to give all due consideration to offers of assistance, products, or services from the States directly impacted by the Deepwater Horizon oil spill; to the Committee on Environment and Public Works.

## ADDITIONAL COSPONSORS

S. 305

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 305, a bill to amend title IV of the Public Health Service Act to create a National Childhood Brain Tumor Prevention Network to provide grants and coordinate research with respect to the causes of and risk factors associated with childhood brain tumors, and for other purposes.

S. 335

At the request of Mrs. GILLIBRAND, the names of the Senator from Alaska (Mr. BEGICH), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 335, a bill to amend part D of title IV of the Social Security Act to repeal a fee imposed by States on certain child support collections.

S. 457

At the request of Mr. THUNE, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 457, a bill to establish pilot projects under the Medicare program to provide incentives for home health agencies to utilize home monitoring and communications technologies.

S. 981

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 981, a bill to support research and public awareness activities with respect to inflammatory bowel disease, and for other purposes.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1249

At the request of Ms. KLOBUCHAR, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1249, a bill to amend title XVIII of the Social Security Act to create a value indexing mechanism for the physician work component of the Medicare physician fee schedule.

S. 1273

At the request of Mr. DORGAN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1273, a bill to amend the Pub-

lic Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders.

S. 1562

At the request of Mr. BEGICH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1562, a bill to provide for a study and report on research on the United States Arctic Ocean and for other purposes.

S. 1674

At the request of Mr. WYDEN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1674, a bill to provide for an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions.

S. 1775

At the request of Mr. BAYH, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1775, a bill to amend the Higher Education Act of 1965 to provide that interest shall not accrue on Federal Direct Loans for members of the Armed Forces on active duty regardless of the date of disbursement.

S. 1932

At the request of Mr. MCCAIN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1932, a bill to amend the Elementary and Secondary Education Act of 1965 to allow members of the Armed Forces who served on active duty on or after September 11, 2001, to be eligible to participate in the Troops-to-Teachers Program, and for other purposes.

S. 3293

At the request of Mr. HARKIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3293, a bill to reauthorize the Special Olympics Sport and Empowerment Act of 2004, to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 3397

At the request of Ms. KLOBUCHAR, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 3397, a bill to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes.

S. 3434

At the request of Mr. BINGAMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3434, a bill to provide for the establishment of a Home Star Retrofit Rebate Program, and for other purposes.

S. 3570

At the request of Ms. MURKOWSKI, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S.

3570, a bill to improve hydropower, and for other purposes.

S. 3575

At the request of Mr. DURBIN, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 3575, a bill to amend and reauthorize the controlled substance monitoring program under section 3990 of the Public Health Service Act and to authorize the Secretary of Veterans Affairs to share information about the use of controlled substances by veterans with State prescription monitoring programs to prevent misuse and diversion of prescription medicines.

S. RES. 519

At the request of Mr. DEMINT, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Kansas (Mr. ROBERTS) 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.

AMENDMENT NO. 4417

At the request of Mr. BAUCUS, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of amendment No. 4417 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4442

At the request of Mr. BURRIS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 4442 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4453

At the request of Mr. THUNE, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of amendment No. 4453 intended to be proposed to H.R. 5297, an act to create

the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4464

At the request of Mr. DEMINT, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 4464 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARPER (for himself and Mr. BENNETT):

S. 3579. A bill to protect information relating to consumers, to require notice of security breaches, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CARPER. Mr. President, I rise today with my colleague Senator BENNETT to introduce an important and bipartisan piece of legislation that will help protect American's from identity and financial theft.

As you may have heard in the news, in 2009 Heartland Payment Systems—a national company that processes payments for retailers and restaurants located in nearly all 50 states—was hacked, leaving possibly 100 million people at risk of identity fraud or financial theft. These types of scenarios happen more than we would like and have the potential to keep American's from getting a loan, a new bank account, or—in worst case scenarios—from even paying the monthly bills. This situation is simply unacceptable and this bill will help address these serious problems.

Our bill requires entities such as financial institutions, retailers, and Federal agencies to safeguard sensitive information before it is compromised, investigate possible security breaches, and to notify customers when there is a substantial risk of identity theft or account fraud.

For example, these new requirements would apply to retailers who take credit card information, data brokers who compile private information, and government agencies that possess non-public personal information.

My colleague and I modeled our legislation after the data security and breach-response regime established under the Gramm-Leach-Bliley Act of 1999, and subsequent regulations. It also builds on existing law to better ensure federal and state regulators com-

ply with the law and to make certain that data security procedures are uniformly applied.

Lastly, we need to replace the current patchwork of State and Federal regulations for identity theft with a national law, like this one, that provides uniform protections across the country. Our comprehensive approach will better serve consumers by making it easier for businesses and government agencies to take the steps necessary to adequately protect all Americans from identity theft and account fraud.

I look forward to working with my colleagues to get this important and necessary bill enacted before it is too late. I think everyone can agree that our identities and bank accounts are some of the most important aspects of our lives and that, if stolen, can at a minimum make life extremely difficult.

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. 3579

*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 “Data Security Act of 2010”.

#### SEC. 2. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) **AFFILIATE.**—The term “affiliate” means any company that controls, is controlled by, or is under common control with another company.

(2) **AGENCY.**—The term “agency” has the same meaning as in section 551(1) of title 5, United States Code.

(3) **BREACH OF DATA SECURITY.**—

(A) **IN GENERAL.**—The term “breach of data security” means the unauthorized acquisition of sensitive account information or sensitive personal information.

(B) **EXCEPTION FOR DATA THAT IS NOT IN USABLE FORM.**—

(i) **IN GENERAL.**—The term “breach of data security” does not include the unauthorized acquisition of sensitive account information or sensitive personal information that is maintained or communicated in a manner that is not usable—

(I) to commit identity theft; or

(II) to make fraudulent transactions on financial accounts.

(ii) **RULE OF CONSTRUCTION.**—For purposes of this subparagraph, information that is maintained or communicated in a manner that is not usable includes any information that is maintained or communicated in an encrypted, redacted, altered, edited, or coded form.

(4) **COMMISSION.**—The term “Commission” means the Federal Trade Commission.

(5) **CONSUMER.**—The term “consumer” means an individual.

(6) **CONSUMER REPORTING AGENCY THAT COMPILES AND MAINTAINS FILES ON CONSUMERS ON A NATIONWIDE BASIS.**—The term “consumer reporting agency that compiles and maintains files on consumers on a nationwide basis” has the same meaning as in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)).

(7) **COVERED ENTITY.**—

(A) **IN GENERAL.**—The term “covered entity” means any—