

Over the years, the Congress—with the full knowledge of how the courts have interpreted this exemption—has never amended this exemption, nor called into question the universally held view that the exemption protects the personal privacy rights of individuals.

Given the clear legislative history and the longstanding case precedent in this area, I am deeply troubled by recent efforts to vastly—and I believe improperly—expand the scope of this exemption to reach corporations. While I do not quibble with the notion that certain corporate information should be exempt from public disclosure, I firmly believe that Congress has provided meaningful and adequate protections for sensitive corporate information in other parts of FOIA. Indeed, Congress specifically enacted FOIA exemption 4 to protect trade secrets and other sensitive corporate information from public disclosure. Tellingly, American corporations have successfully relied upon exemption 4 for decades, to safeguard their sensitive business information when it is shared with the government.

I fear that vastly expanding the personal privacy exemption for law enforcement records would close a vital window into how our government works. I also fear that extending this exemption to corporations would permit corporations to shield from public view critical information about public health and safety, environmental dangers, and financial misconduct, among other things—to the great detriment of the people's right to know and to our democracy.

As Senator Hart wisely noted during the debate of the 1974 FOIA amendments, "survival for a society such as ours hinges very importantly on the access that a citizen can have to the performance of those he has hired." I sincerely hope that our Nation's highest Court will carefully consider these words and that the Court will narrowly construe the personal privacy exemption, consistent with congressional intent. Should the Court decide to do otherwise, I will work with others in the Congress to ensure that FOIA, and specifically the personal privacy exemption for law enforcement records, remains a meaningful safeguard for the American people's right to know.

#### BREAST CANCER AWARENESS MONTH

Mr. BAUCUS. Mr. President, women are the backbone of the American family and a driving force of our economy. They are our mothers, sisters, wives, and daughters. Women are the heart of American families and local communities.

October is National Breast Cancer Awareness Month, and this October we have many reasons to reflect and celebrate. Thanks to the concerted efforts of the public and private sectors, we have come a long way to ensuring that women have long, healthy lives.

Twenty years ago, Congress created the National Breast and Cervical Cancer Early Detection Program. Today, the program provides screening services for breast and cervical cancer in all 50 States, the District of Columbia, five U.S. territories, and 12 American Indian or Alaska Native tribes and tribal organizations. Since the program got started, almost 4 million women have been served—giving them access to breast and cervical cancer screenings that they otherwise could not afford.

We have recently expanded opportunities for women across the country to be screened by including free preventive care, like mammograms and cervical cancer screenings, in the new health care reform law. The Affordable Care Act eliminates all insurance copays for these screenings, which means more women will have access to early detection and more women's lives will be saved.

This October, we are also celebrating the 30th anniversary of the beginnings of Susan G. Komen for the Cure, an organization founded on Susan's sister's promise to end breast cancer forever. Today, Susan G. Komen for the Cure is the largest source of nonprofit funds dedicated to the fight against breast cancer, investing nearly \$1.5 billion in grassroots advocacy for quality care and research.

These efforts have made a big difference. In the last 30 years, we have improved the rate of cancer screenings—increasing the percentage of women over 40 who receive regular mammograms from less than 30 to nearly 75 percent. We have improved the treatment outcomes for women with cancer—increasing the 5-year survival rate from 74 percent to 98 percent. We have also increased the amount of Federal funding going toward breast cancer research, prevention, and treatment—ensuring that American women benefit from the best that science has to offer.

Despite these advances, it is estimated that nearly 40,000 women will die of breast cancer this year. That means that 40,000 American families will lose their mother or grandmother, sister or daughter. We cannot let up in this fight. We made a commitment to improving women's health in health reform—ending insurance industry abuses that have disproportionately affected women for decades, providing preventive benefits tailored to meet women's unique health needs, and ensuring women of all ages have access to comprehensive, high-quality coverage.

Improving women's health has a positive effect on the whole family. According to the Department of Labor, women make four out of five health care decisions for their families and are more likely to be the caregivers when family members are ill.

Improving women's health also has a positive effect on the economy. A healthy pregnancy, for example, begins with a healthy woman and leads to

long, productive lives for mother and child.

We have come a long way, but we are not there yet. I am confident that with the consistent efforts of Congress and private sector groups such as Susan G. Komen for the Cure, we will continue to make progress for years to come.

#### AMERICAN DIABETES MONTH.

Mr. JOHNSON. Mr. President, I rise today in recognition of November as American Diabetes Month. National studies estimate 23.6 million Americans have diabetes and a quarter of people with diabetes do not know they have this disease. The State of South Dakota is home to nearly 40,000 diabetic adults, a figure which does not take into account the number of people who are undiagnosed, who are living with prediabetes, or those under age 18 who have child-onset diabetes, which is a growing problem linked to the increase of childhood obesity.

American Diabetes Month focuses on increased awareness of the disease and its risks. The disease carries with it an increased rate of heart disease and stroke, high blood pressure, kidney disease, blindness, and amputation of the lower extremities, among other associated health problems. As the prevalence of diabetes increases, we are beginning to understand the costs to both our citizens' health and to our economy. The high costs to our government in direct medical and indirect costs, coupled with the personal costs of rising health care coverage and treatment, make diabetes control and prevention a national priority.

Throughout my career in the U.S. House and Senate, I have strongly supported initiatives that would advance research, funding and education about diabetes, such as those conducted at the National Institutes of Health, the National Institute of Diabetes and Digestive and Kidney Diseases, as well as the Centers for Disease Control and Prevention.

Two special funding programs hold great promise in our efforts to prevent and cure diabetes among South Dakotans and our Nation at large. The Special Funding Program for Type One Diabetes Research provides additional funding for the National Institutes of Health to expand its juvenile diabetes research efforts. The program has funded clinical trials to test various drugs and therapies, increased understanding about reversing complications from the disease, improving our ability to predict risk of development, and helped develop new technologies for treatment.

I also am a proud supporter of the Special Diabetes Program for Indians, SDPI, which has addressed the high incidence of diabetes among Native Americans for the past 13 years by providing grants to tribal and urban Indian programs to create or enhance diabetes prevention and treatment efforts. Through SDPI, the Indian Health

Service has helped reduce diabetes-related complications, improve glucose and blood pressure levels and increase participation in treatment programs throughout the Native American population. Despite these advances, SDPI has found the incidence of type 2 diabetes among Indian children is steadily rising; as a result, they have developed plans to increase early education and prevention efforts in schools.

This year, Congress achieved comprehensive reform of our Nation's health care system. This historic legislation will improve access to quality, affordable health care for all Americans and help our country better manage the treatment and cost of chronic diseases. Given the cost of diabetes to American's personal finances and our economy, it is clear that increased awareness and funding for diabetes education and prevention should be a priority. I am pleased health care reform recognizes the significant impact of diabetes to our nation and includes efforts to specifically target the disease, including the creation of a National Diabetes Prevention Program.

American Diabetes Month provides us an opportunity to learn more about this disease, raise awareness about effective prevention strategies, encourage additional funding for research, and address the overall impact of diabetes on our Nation and our families.

#### INTELLIGENCE AUTHORIZATION BILL

Mr. ROCKEFELLER. Mr. President, Congress has acted to improve our Nation's intelligence community—and therefore our national security—by passing an intelligence authorization bill and sending it to the President.

The President's signature will enact this bill into law and will implement several common sense solutions to problems in our large and unwieldy intelligence community that we have recognized for years. I believe the new Director of National Intelligence, Jim Clapper, is the right leader at the right time, and this timely bill will provide him the authorities he needs to do this job well.

The bill provides the DNI streamlined personnel management authorities throughout the intelligence community, including the authority to convert contractor positions to government jobs, move personnel from one agency to another, provide annual assessments of personnel levels for each agency, harmonize language training in different agencies, and conduct performance evaluations of personnel throughout the intelligence community.

It provides the DNI streamlined oversight for major acquisitions—perhaps most critically, to provide for interoperable information technology systems in different intelligence agencies—and strengthened budget authorities for his management of the intelligence community.

Beyond these improved DNI authorities, which I believe will significantly improve intelligence integration among the 16 agencies of the intelligence community, this bill also makes three substantial improvements in the independent oversight of intelligence. This constructive oversight is necessary to ensure that secret intelligence activities are legal, effective, and serve the national security interests of the United States.

First, the bill establishes a Senate-confirmed inspector general for the intelligence community who will have the authority to inspect any element or activity in any intelligence agency. Inspectors general play an important troubleshooting role in all agencies of our government, but nowhere is this role more important than in the intelligence community, where—unlike in government agencies whose activities are public—problems can often escape scrutiny.

For instance, in 2004 the CIA inspector general's report on the CIA detention and interrogation program played a significant role in alerting the executive branch and the congressional Intelligence Committees to significant problems with the program.

The new intelligence community inspector general that this bill establishes will complement and supplement the important work of the inspectors general of individual intelligence agencies.

Second, the bill provides for access by the Comptroller General and the Government Accountability Office to information regarding intelligence activities. This access will be similar to the GAO's access to the Department of Defense's Special Access Programs. I believe that this agreement between Congress and the administration on this GAO provision bodes well for future cooperation on intelligence issues.

On that note, the third—and, I believe, most important—improvement this bill makes to the independent oversight of intelligence activities pertains to congressional oversight.

Constructive congressional oversight of intelligence activities is crucially important—both for our national security and our national identity. We are a transparent democracy, and there is a natural tension between transparent democracy and secret intelligence activities.

The Congressional Select Intelligence Committees—which consist of representatives of the American people, selected from other specific congressional committees with jurisdiction over foreign policy, defense and judiciary issues—are vital to resolving that tension between democracy and secrecy.

Simply put, these committees act as a board of directors who verify that secret executive actions serve the interests of the shareholders—the American people.

That is why title V of the National Security Act of 1947 requires the Presi-

dent to keep the congressional Intelligence Committees “fully and currently informed” on all intelligence activities.

However, during the time that I was chairman and vice chairman of the committee from 2003 through 2009, I became very concerned about the way in which the executive branch interpreted this obligation. Rather than briefing the full committee, the executive branch restricted briefings about certain classified programs to the chairman and vice chairman only.

These restrictions impeded our oversight of these programs. This is not an academic issue; it is crucial to how our democracy makes secret national security decisions. Without the intelligence committees' meaningful independent review and oversight—the very reason for the committees' existence—intelligence programs are more susceptible to both mistakes and illegitimacy. This is the case regardless of which party is in the White House or which party has a majority in Congress.

With this in mind, last year I offered an amendment to this authorization bill that will establish in statute new requirements regarding congressional notification. My intent was to strengthen the committees' constructive oversight relationship with the executive branch and the intelligence community.

A bipartisan majority of the committee approved my amendment. While this provision has undergone some changes in the process of Congress's consideration of this bill over the past year, the key elements of these new notification requirements remain. The bill that the President will soon sign into law requires that:

(1) the congressional Intelligence Committees and the President must establish written procedures regarding the details of notification processes and expectations;

(2) the President must provide the committees written notice about intelligence activities and covert actions, including changes in covert action findings and the legal authority under which an intelligence activity or a covert action is or will be conducted;

(3) the President must provide written reasons for limiting access to notifications to less than the full committee, and in such cases, provide the full committee a general description of the covert action in question; and

(4) the President must maintain records of all notifications, including names of Members briefed and dates of the briefings.

I strongly believe that congressional oversight of the executive branch's intelligence activities should not be adversarial; it should be a true, trusted and confidential partnership aimed exclusively at improving our Nation's collection and analysis capabilities, and ensuring the effectiveness and legitimacy of our covert action programs.