

to move through Kentucky and into Tennessee, affecting the outcome of the Civil War;

Whereas Mill Springs Battlefield has been designated as a National Historic Landmark by the Department of the Interior;

Whereas the Mill Springs Battlefield Association, along with volunteers in the surrounding community, has made significant strides in preserving the historic site of the battle and educating the public about the historic event that took place at that site;

Whereas the Mill Springs Battlefield Association Visitor Center provides visitors with battlefield tours, access to Civil War artifacts, and a Civil War library; and

Whereas more than 50,000 visitors have traveled to the uniquely preserved battlefield, which spans nearly 500 acres: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the 150th anniversary of the Battle of Mill Springs;

(2) recognizes—

(A) the work of the Mill Springs Battlefield Association in acquiring, preserving, and maintaining Mill Springs Battlefield for posterity; and

(B) the continuing effort of the Mill Springs Battlefield Association to educate the public about this significant historic event;

(3) encourages the people of the United States to visit Mill Springs Battlefield on the occasion of the 150th anniversary of the Battle of Mill Springs; and

(4) recognizes—

(A) the contributions of the soldiers who fought in the Battle of Mill Springs; and

(B) the outcome of the Battle of Mill Springs, which helped to preserve the union of the United States.

#### SENATE RESOLUTION 358—EXPRESSING SUPPORT FOR THE DESIGNATION OF JANUARY 28, 2012, AS “NATIONAL DATA PRIVACY DAY”

Mr. ROCKEFELLER (for himself, Mrs. HUTCHISON, Mrs. FEINSTEIN, Mr. KERRY, Mr. LEAHY, Mr. BEGICH, Ms. KLOBUCHAR, Mr. UDALL of New Mexico, Mr. PRYOR, and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 358

Whereas new and innovative technologies enhance our lives by increasing our ability to communicate, learn, share, and produce;

Whereas integration of new and innovative technologies into our everyday lives has the potential to compromise the privacy of our personal information if appropriate protection is not taken;

Whereas protecting the privacy of personal information is a global imperative for governments, commerce, civil society, and individuals;

Whereas many individuals and companies are unaware of the risks to the privacy of personal information posed by new and innovative technologies, of data protection and privacy laws, or of the specific steps they can take to protect the privacy of personal information;

Whereas “National Data Privacy Day” constitutes an international collaboration and a nationwide effort to educate and raise awareness about data privacy and about protecting the privacy of personal information;

Whereas the fourth annual recognition of “National Data Privacy Day” by Congress would encourage more people nationwide to be aware of data privacy and to protect the privacy of their personal information;

Whereas government officials and agencies from the United States, Canada, and Europe, as well as representatives of businesses and nonprofit organizations, privacy professionals, academic communities, legal scholars, educators, and others with an interest in data privacy are working together on January 28, 2012, to educate and raise awareness about data privacy and about protecting the privacy of personal information;

Whereas on January 28, 2012, privacy professionals and educators are being encouraged to discuss data privacy and security with teens and young adults in schools across the United States, and parents are being encouraged to discuss data privacy and security with their children; and

Whereas January 28, 2012, would be an appropriate day to designate as “National Data Privacy Day”: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the designation of January 28, 2012, as “National Data Privacy Day”;

(2) encourages State and local governments to observe the day with appropriate activities and initiatives that raise awareness about data privacy;

(3) encourages privacy professionals and educators to discuss data privacy and security with teens and young adults in schools across the United States;

(4) encourages corporations to take steps to protect the privacy and security of the personal information of their clients and consumers, to design data privacy into products they create wherever possible, and to promote trust in technologies; and

(5) encourages individuals across the United States to learn about data privacy and the specific steps they can take to protect the privacy of their personal information.

#### SENATE CONCURRENT RESOLUTION 34—EXPRESSING THE SENSE OF CONGRESS IN HONOR OF THE LIFE AND LEGACY OF VÁCLAV HAVEL

Mr. RUBIO (for himself, Mr. LIEBERMAN, Mr. LUGAR, Mr. KYL, Mr. CASEY, Mr. CARDIN, Mr. INHOFE, Mr. MENENDEZ, Mrs. FEINSTEIN, Mr. DURBIN, Mr. BARRASSO, Mr. CORNYN, Mr. NELSON of Florida, Mrs. SHAHEEN, Mr. ISAKSON, Mr. MCCAIN, and Mr. GRAHAM) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 34

Whereas Václav Havel, former President of the Czech Republic, passed away on December 18, 2011, at 75 years of age, at his country home in Hrdeček in the Czech Republic;

Whereas Václav Havel was widely recognized and respected throughout the world as a defender of democratic principles and human rights;

Whereas through his extensive writings, Václav Havel courageously challenged the ideology and legitimacy of the authoritarian communist regimes that ruled Central and Eastern Europe during the Cold War;

Whereas Václav Havel, who was imprisoned 3 times by the Communist Party of Czechoslovakia for his advocacy of universal human rights and democratic principles, maintained his convictions in the face of repression;

Whereas Václav Havel was one of the leading organizers of Charter 77, a group of 242 individuals who called for the human rights guaranteed under the 1975 Helsinki accords to be realized in Czechoslovakia;

Whereas Václav Havel was a cofounder of the Committee for the Defense of the Un-

justly Prosecuted, an organization dedicated to supporting dissidents and their families, which helped to advance the cause of freedom and justice in Czechoslovakia;

Whereas Václav Havel, as leader of the Civic Forum movement, was a key figure in the 1989 peaceful overthrow of the Czechoslovakian communist government known as the Velvet Revolution;

Whereas following the Velvet Revolution, Václav Havel was democratically elected as President of the Czech and Slovak Federal Republic in 1990, and after a peaceful partition forming 2 separate states, democratically elected President of the Czech Republic in 1993;

Whereas under the leadership of Václav Havel, the Czech Republic became a prosperous, democratic country and a respected member of the international community;

Whereas under the leadership of Václav Havel, the Czech Republic became a member of the North Atlantic Treaty Organization (NATO) on March 12, 1999, and continues to be a valued friend and treasured ally of the United States;

Whereas during his lifetime, Václav Havel received praise as one of the world's great democratic leaders and awarded many international prizes recognizing his commitment to peace and democratic principles;

Whereas on July 23, 2003, President George W. Bush honored Václav Havel with the Presidential Medal of Freedom, the highest civilian award of the United States Government, for being “one of liberty's great heroes”;

Whereas, after leaving office as president of the Czech Republic in February 2003, Václav Havel remained a voice on behalf of democratic dissidents worldwide and against authoritarian regimes, including Belarus, Iran, Cuba, and Burma;

Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That Congress—

(1) mourns the loss of Václav Havel and offers its heartfelt condolences to the Havel family and the people of the Czech Republic;

(2) recognizes Václav Havel's courage and commitment to democratic values in the face of communist repression;

(3) recognizes Václav Havel's pivotal historical legacy in defeating the ideology of communism, peacefully ending the Cold War, and building a Europe that is democratic, united, and at peace;

(4) recognizes Václav Havel's solidarity with democratic dissidents throughout the world and support for the expansion of freedom, including in Belarus, Iran, Cuba, and Burma; and

(5) reaffirms the commitment of the United States to the causes of freedom, democracy, and human rights for which Václav Havel stood.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1470. Mr. REID (for himself, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table.

SA 1471. Mr. MCCAIN (for himself, Mr. ROCKEFELLER, Mr. ENZI, Mrs. MCCASKILL, Mr. JOHANNIS, Mr. BARRASSO, Mr. BLUNT, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 2038, *supra*; which was ordered to lie on the table.

SA 1472. Mr. TOOMEY (for himself, Mrs. McCASKILL, Mr. DEMINT, Mr. UDALL of Colorado, Mr. RUBIO, Ms. AYOTTE, Mr. PORTMAN, Mr. THUNE, and Mr. JOHANNES) submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1473. Mr. COBURN (for himself, Mr. UDALL of Colorado, Mr. McCAIN, Mr. BURR, Mrs. McCASKILL, and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1474. Mr. COBURN (for himself and Mr. McCAIN) submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1475. Mr. COBURN (for himself, Mr. McCAIN, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1476. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

### TEXT OF AMENDMENTS

**SA 1470.** Mr. REID (for himself, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Stop Trading on Congressional Knowledge Act of 2012” or the “STOCK Act”.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) **MEMBER OF CONGRESS.**—The term “Member of Congress” means a member of the Senate or House of Representatives, a Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico.

(2) **EMPLOYEE OF CONGRESS.**—The term “employee of Congress” means—  
(A) an employee of the Senate; or  
(B) an employee of the House of Representatives.

(3) **EXECUTIVE BRANCH EMPLOYEE.**—The term “executive branch employee”—

(A) has the meaning given the term “employee” under section 2105 of title 5, United States Code; and

(B) includes—

(i) the President;

(ii) the Vice President; and

(iii) an employee of the United States Postal Service or the Postal Regulatory Commission.

(4) **JUDICIAL OFFICER.**—The term “judicial officer” has the meaning given that term under section 109(10) of the Ethics in Government Act of 1978.

#### SEC. 3. PROHIBITION OF THE USE OF NONPUBLIC INFORMATION FOR PRIVATE PROFIT.

The Select Committee on Ethics of the Senate and the Committee on Standards of Official Conduct of the House of Representatives shall issue interpretive guidance of the relevant rules of each chamber, including rules on conflicts of interest and gifts, clarifying that a Member of Congress and an em-

ployee of Congress may not use nonpublic information derived from such person’s position as a Member of Congress or employee of Congress or gained from the performance of such person’s official responsibilities as a means for making a private profit.

#### SEC. 4. PROHIBITION OF INSIDER TRADING.

(a) **AFFIRMATION OF NON-EXEMPTION.**—Members of Congress and employees of Congress are not exempt from the insider trading prohibitions arising under the securities laws, including section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder.

(b) **DUTY.**—

(1) **PURPOSE.**—The purpose of the amendment made by this subsection is to affirm a duty arising from a relationship of trust and confidence owed by each Member of Congress and each employee of Congress.

(2) **AMENDMENT.**—Section 21A of the Securities Exchange Act of 1934 (15 U.S.C. 78u-1) is amended by adding at the end the following:

“(g) **DUTY OF MEMBERS AND EMPLOYEES OF CONGRESS.**—

“(1) **IN GENERAL.**—For purposes of the insider trading prohibitions arising under the securities laws, including section 10(b) and Rule 10b-5 thereunder, each Member of Congress or employee of Congress owes a duty arising from a relationship of trust and confidence to the Congress, the United States Government, and the citizens of the United States with respect to material, nonpublic information derived from such person’s position as a Member of Congress or employee of Congress or gained from the performance of such person’s official responsibilities.

“(2) **DEFINITIONS.**—In this subsection—

“(A) the term ‘Member of Congress’ means a member of the Senate or House of Representatives, a Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico; and

“(B) the term ‘employee of Congress’ means—

“(i) an employee of the Senate; or

“(ii) an employee of the House of Representatives.

“(3) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to impair or limit the construction of the existing antifraud provisions of the securities laws or the authority of the Commission under those provisions.”.

#### SEC. 5. CONFORMING CHANGES TO THE COMMODITY EXCHANGE ACT.

Section 4c(a) of the Commodity Exchange Act (7 U.S.C. 6c(a)) is amended—

(1) in paragraph (3), in the matter preceding subparagraph (A)—

(A) by inserting “or any Member of Congress or employee of Congress (defined in this subsection as those terms are defined in section 2 of the Stop Trading on Congressional Knowledge Act of 2012)” after “Federal Government,” the first place it appears;

(B) by inserting “Member,” after “position of the”; and

(C) by inserting “or by Congress” before “in a manner”; and

(2) in paragraph (4)—

(A) in subparagraph (A), in the matter preceding clause (i)—

(i) by inserting “or any Member of Congress or employee of Congress” after “Federal Government,” the first place it appears;

(ii) by inserting “Member,” after “position of the”; and

(iii) by inserting “or by Congress” before “in a manner”;

(B) in subparagraph (B), in the matter preceding clause (i), by inserting “or any Member of Congress or employee of Congress” after “Federal Government,”; and

(C) in subparagraph (C)—

(i) in the matter preceding clause (i), by inserting “or by Congress”—

(I) before “that may affect”; and

(II) before “in a manner”; and

(ii) in clause (iii), by inserting “to Congress, or any Member of Congress or employee of Congress” after “Federal Government”.

#### SEC. 6. PROMPT REPORTING OF FINANCIAL TRANSACTIONS.

(a) **REPORTING REQUIREMENT.**—Section 101 of the Ethics in Government Act of 1978 is amended by adding at the end the following subsection:

“(j) Not later than 30 days after any transaction required to be reported under section 102(a)(5)(B), a Member of Congress or officer or employee of Congress shall file a report of the transaction.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to transactions occurring on or after the date that is 90 days after the date of enactment of this Act.

#### SEC. 7. REPORT ON POLITICAL INTELLIGENCE ACTIVITIES.

(a) **REPORT.**—

(1) **IN GENERAL.**—Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the Congressional Research Service, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the role of political intelligence in the financial markets.

(2) **CONTENTS.**—The report required by this section shall include a discussion of—

(A) what is known about the prevalence of the sale of political intelligence and the extent to which investors rely on such information;

(B) what is known about the effect that the sale of political intelligence may have on the financial markets;

(C) the extent to which information which is being sold would be considered non-public information;

(D) the legal and ethical issues that may be raised by the sale of political intelligence;

(E) any benefits from imposing disclosure requirements on those who engage in political intelligence activities; and

(F) any legal and practical issues that may be raised by the imposition of disclosure requirements on those who engage in political intelligence activities.

(b) **DEFINITION.**—For purposes of this section, the term “political intelligence” shall mean information that is—

(1) derived by a person from direct communications with executive branch and legislative branch officials; and

(2) provided in exchange for financial compensation to a client who intends, and who is known to intend, to use the information to inform investment decisions.

#### SEC. 8. PUBLIC FILING AND DISCLOSURE OF FINANCIAL DISCLOSURE FORMS OF MEMBERS OF CONGRESS AND CONGRESSIONAL STAFF.

(a) **PUBLIC, ON-LINE DISCLOSURE OF FINANCIAL DISCLOSURE FORMS OF MEMBERS OF CONGRESS AND CONGRESSIONAL STAFF.**—

(1) **IN GENERAL.**—Not later than August 31, 2012, or 90 days after the date of enactment of this Act, whichever is later, the Secretary of the Senate and the Sergeant at Arms of the Senate, and the Clerk of the House of Representatives, shall ensure that financial disclosure forms filed by Members of Congress, officers of the House and Senate, candidates for Congress, and employees of the Senate and the House of Representatives in calendar year 2012 and in subsequent years pursuant to title I of the Ethics in Government Act of 1978 are made available to the public on the respective official websites of