

are vital to the public's understanding of national security issues. Without transparent and informed public debate on foreign policy and national security topics, American voters would be ill-equipped to elect the policymakers who make important decisions in these areas.

Congress, too, would be much less effective in its oversight if Members did not have access to informed press accounts on foreign policy and national security topics. And while many Members of Congress don't like to admit it, members often rely on the press to inform them about problems that congressional overseers have not discovered on their own. I have been on the Senate Intelligence Committee for 12 years now, and I can recall numerous specific instances where I found out about serious government wrongdoing—such as the NSA's warrantless wiretapping program, or the CIA's coercive interrogation program—only as a result of disclosures by the press.

With all of that in mind, I am particularly concerned about sections 505 and 506 of this bill, both of which would limit the flow of unclassified information to the press and to the public. Section 505 would prohibit any government employee with a Top Secret, compartmented security clearance from, and I quote, "entering into any contract or other binding agreement" with, quote, "the media" to provide "analysis or commentary" concerning intelligence activities for a full year after that employee leaves the government. This provision would clearly lead to less-informed public debate on national security issues. News organizations often rely on former government officials to help explain complex stories or events, and I think it is entirely appropriate for former officials to help educate the public in this way. I am also concerned that prohibiting individuals from providing commentary could be an unconstitutional encroachment on free speech. For example, if a retired CIA Director wishes to publish an op-ed commenting on a public policy debate, I see no reason to try to ban him from doing so, even if he has been retired less than a year.

I understand my colleagues' desire to prohibit unauthorized disclosures by retired officials, but these officials are already legally bound not to disclose classified information that they learned while in government service. And I would also note that this bill does not define who is and who isn't a member of the media, and that this ambiguity could present a variety of problems. When this bill was being considered in committee, I suggested that we get feedback from outside groups before we voted on it, so that we could address problems like this, and I hope that the committee will take that step in the future.

Section 506 would also lead to a less-informed debate on national security issues, by prohibiting nearly all intelligence agency employees from pro-

viding briefings to the press, unless those employees give their names and provide the briefing on the record. The bill makes an exception for agency directors and deputy directors, and their public affairs offices, but no one else. It seems to me that authorized, unclassified background briefings from intelligence agency analysts and experts are a useful way to help inform the press and the public about a wide variety of issues, and there will often be good reasons to withhold the full names of the experts giving these briefings. I haven't seen any evidence that prohibiting the intelligence agencies from providing these briefings would benefit national security in any way, so I see no reason to limit the flow of information in this manner.

The third provision that I am most concerned about is section 511, which would require the Director of National Intelligence to establish an administrative process under which he and the heads of the various intelligence agencies would have the authority to take away pension benefits from an intelligence agency employee, or a former employee, if the DNI or the agency head determines that the employee has knowingly violated his or her non-disclosure agreement and disclosed classified information.

I am concerned that the Director of National Intelligence himself has said that this provision would not be a significant deterrent to leaks, and that it would neither help protect sensitive national security information nor make it easier to identify and punish actual leakers. Beyond these concerns about the provision's effectiveness, I am also concerned that giving intelligence agency heads broad new authority to take away the pensions of individuals who haven't been formally convicted of any wrongdoing could pose serious problems for the due process rights of intelligence professionals, particularly when the agency heads themselves haven't told Congress how they would interpret and implement this authority. As many of my colleagues will guess, I'm especially concerned about the rights of whistleblowers who report waste, fraud and abuse to Congress or Inspectors General.

I outlined these due process concerns in more detail in the committee report that accompanied this bill, so I won't restate them all here. I will note, though, that I am particularly confused by the fact that section 511 creates a special avenue of punishment that only applies to accused leakers who have worked for an intelligence agency at some point in their careers. There are literally thousands of employees at the Departments of Defense, State and Justice, as well as the White House, who have access to sensitive national security information. I don't see a clear justification for singling out intelligence community employees with this provision, when there is no apparent evidence that these employees are

responsible for a disproportionate number of leaks. And I am concerned that it will be harder to attract qualified individuals to work for intelligence agencies if Congress creates the perception that intelligence officers have fewer due process rights than other government employees.

While I have a number of smaller concerns regarding the language of these anti-leaks provisions, the issues that I have just laid out represent my central concerns, and I hope that my colleagues now have a better sense of why I oppose this bill. I would add that my view seems to be widely shared outside of Congress, and that when USA Today ran an editorial criticizing these anti-leaks provisions, they couldn't find a single senator who was willing to publicly defend them.

I know that the sponsors of this bill have worked hard on it, and I am still happy to sit down with them at any time to discuss my concerns in more detail, and help them make the major changes that I believe must be made before this authorization bill moves forward.

#### SPORTSMEN'S ACT OF 2012

Mr. BLUMENTHAL. Mr. President, I would like to make a brief statement regarding my vote to support the motion to proceed to S. 3525, the Sportsmen's Act of 2012. There are many worthy provisions in this bill that deserve our support. However, I remain concerned about the provision that would allow the importation of polar bear trophies taken in sport hunts in Canada before February 18, 1997. This provision would apply to trophies regardless of whether they were taken from an approved polar bear population. Prior to 1997, U.S. trophy hunters were only permitted to take bears and import trophies from approved populations; thus, only trophy hunters who killed polar bears from unapproved populations would benefit from this provision of the bill.

I find this very disturbing. This provision of the Sportsmen's Act undermines current wildlife protections, and further imperils an already threatened species by encouraging future killings for sport. For this reason, I am proud to cosponsor the amendment introduced by my two colleagues from Massachusetts to strike this provision. It would be my hope that the Senate would pass this important amendment.

#### HONORING CAPTAIN SHAWN G. HOGAN

Mrs. SHAHEEN. Mr. President, I wish to honor the service of a brave New Hampshire son, U.S. Army Special Forces CPT Shawn G. Hogan, who was killed in a tragic accident during a military training exercise on October 17 in Golden Pond, KY. Captain Hogan was commander of Company A, 4th Battalion, 5th Special Forces Group headquartered at Fort Campbell, KY.

He received his Green Beret earlier this year.

Shawn was born in Albany, NY and grew up in the Town of Salem, New Hampshire. An alumnus of Salem High School, Shawn attended the Virginia Military Institute where he was captain of both the cross-country team and the track and field team. He joined the U.S. Army upon graduation in 2006.

Shawn's military honors include the Bronze Star Medal, two Army Commendation Medals, two Army Achievement Medals, the Army Service Ribbon, the Global War on Terrorism Service Medal, the Iraq Campaign Medal with one Campaign Star, the National Defense Service Medal, the Army Service Ribbon, the Sapper Tab, the Ranger Tab, the Special Forces Tab, and the Parachutist Badge.

Shawn was an avid runner, hiker, rock climber, and skier and is remembered for his love of the great outdoors and for his impressive athletic ability. At the Virginia Military Institute, for instance, Shawn placed seventh out of 3,600 cadets in an Army ROTC competition. When he wasn't outperforming the competition on the playing field, Shawn was outperforming his peers in the classroom. Friends and teachers recall Shawn's intense intellectual curiosity and independent mind. He was a finalist in the prestigious Rhodes and Marshal Scholarship competitions, won an award for the best thesis in science and engineering, and was valedictorian of his class at the Institute.

Shawn is also remembered for the kindness he showed others and for his willingness to help anyone in need. He stood out as an athlete, a student, and a person, and his death is a huge loss for all who knew him, for New Hampshire, and for the country.

Shawn dedicated his talents and his life in the service of his community and his country. He answered the call of duty to defend our way of life, and for that, all Americans are forever grateful.

Sadly, Shawn is the fifth Salem High School graduate in recent years to die while serving our country. To honor Shawn and all others who have served before him, it is our duty to remain committed to the cause of freedom and to our returning veterans and their families.

Shawn is survived by his parents, Jean and Richard Hogan of Salem; and his sister, Nicole, also of Salem.

I ask my colleagues and all Americans to join me in honoring the bright life and service of CPT Shawn G. Hogan.

#### ADDITIONAL STATEMENTS

##### REMEMBERING DR. EMMA WALTON

• Mr. BEGICH. Mr. President, I wish to recognize the passing of one of Alaska's most accomplished, influential and respected educators, Dr. Emma Walton.

Dr. Walton died recently at the age of 79 in Anchorage, AK. At the time of her death, she was a science education consultant for NASA's Aerospace Education Services Project at the space agency's Ames Research Center.

An accomplished teacher, Dr. Walton taught high school biology in Louisiana, Maryland, and Alaska. Her advanced degrees in science education from Bowie State College and Doctoral Degree in Education Administration Policy gave her opportunities to meet, interact with and work alongside students, teachers and administrators from all over the world. Dr. Walton served as the president of the National Science Teachers Association and held countless chair positions on committees, advisory boards, task forces, judging panels and university groups.

Dr. Walton, a beloved teacher and mentor, played a key role in the development of science education in Alaska and in the United States. Her efforts to promote innovative and sound science teaching practices influenced countless students and teachers. Her passion for science education was second to none, and we are all better for knowing her. Dr. Walton will be missed by many. ●

#### RECOGNIZING THE D'ANTONI FAMILY

• Mr. MANCHIN. Mr. President, today I wish to speak about a great West Virginian, Lewis D'Antoni, and his extraordinary family. I do so because the D'Antoni family is being honored tonight for the countless lives they have influenced and the untold students they have inspired to reach for the stars. At its annual dinner in Charleston, the Education Alliance of West Virginia will celebrate the D'Antonis. And I wish to add my salute to this remarkable family and to thank its patriarch for all he has done for the people of West Virginia in a lifetime of almost 99 years—as a dedicated educator, as an innovative coach, as an inspiring man of integrity and industry.

Lewis D'Antoni had a long career as an educator but he is best known throughout West Virginia as the "coach's coach." And for good reason! He was one of West Virginia's greatest high school basketball coaches, with 450 victories, including a State championship, while coaching at Mullens High School in Wyoming County. He believed in fast-forward basketball even before there was a shot clock. So it should not surprise anyone that two of his sons, Mike and Dan, have been advocates of the run-and-gun offense in their NBA coaching careers. And with Mike named just this week as the new coach of the Los Angeles Lakers—reunited with point guard Steve Nash—look for a lot of full-court play at The Forum this season.

All four of the children Lewis parented with his late wife, Betty Jo, are accomplished and respected throughout West Virginia. Their youngest son, Mark, was an Academic All-American

basketball player at Coastal Carolina College and is a partner in a Charleston law firm. And their daughter, Kathy, is an assistant state superintendent of schools in West Virginia and the author of two books on adult education. The D'Antonis personify the power of families—working hard, supporting each other and standing together, no matter how tough times may get. These are the values of the D'Antoni family. These are the families of the West Virginia family.

Lewis D'Antoni's father, Andrea, came from Italy to West Virginia in 1910. He was so proud to be an American that he initiated what is probably a very unique tradition in any American household, especially these days. Every April 15, after paying his taxes, Andrea D'Antoni would open a bottle of wine and celebrate Tax Day with the entire family. Kathy D'Antoni remembers stories of how happy her grandfather was to pay his taxes because, as she explains, "he loved America and he wanted to show his appreciation and to give something back to this great country."

That has been the hallmark of the D'Antoni family ever since Andrea D'Antoni's Tax Day celebrations. That certainly has been the hallmark of Lewis D'Antoni's life work—through his many years as a coach, a teacher and school administrator. He taught discipline on the court and in the classroom. He emphasized that success depends on "how well you prepare" and "how you react to the ebb and flow" of the game. And never, ever give up. And that has also been the hallmark of the careers of his children, Mike, Dan, Mark and Kathy. All have given great service to their communities, their State and their country.

The Education Alliance is a non-profit organization that works to keep students in school and on track to graduate through various programs, including mentoring. And every year, at its annual dinner, the organization honors West Virginians who have had a positive impact on the lives of students, as role models for discipline and hard work. This year, the Education Alliance is honoring the D'Antoni family whose own lives bear witness to the fact that talent is unstoppable, that tenacity has rewards and that dreams can come true. They have lived lives that made Andrea D'Antoni's dream come true—that the D'Antoni family name would be honored in America and in West Virginia. ●

#### RECOGNIZING THE JUNEAU EMPIRE CENTENNIAL

• Ms. MURKOWSKI. On November 2, 1912, the Alaska Daily Empire published its first edition in Juneau. Over the next one hundred years it would bear the names Daily Alaska Empire, the Juneau Alaska Empire, the Southeast Alaska Empire and today, The Juneau Empire. I wish to pay tribute to The Juneau Empire on the occasion of its centennial anniversary.