S. 296

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 296, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 309

At the request of Mr. HARKIN, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from West Virginia (Mr. MANCHIN) and the Senator from Illinois (Mr. KIRK) were added as cosponsors of S. 309, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 315

At the request of Ms. KLOBUCHAR, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 315, a bill to reauthorize and extend the Paul D. Wellstone Muscular Dystrophy Community Assistance, Research, and Education Amendments of 2008.

S. 316

At the request of Mr. SANDERS, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 316, a bill to recalculate and restore retirement annuity obligations of the United States Postal Service, to eliminate the requirement that the United States Postal Service prefund the Postal Service Retiree Health Benefits Fund, to place restrictions on the closure of postal facilities, to create incentives for innovation for the United States Postal Service, to maintain levels of postal service, and for other purposes.

S. 320

At the request of Mr. JOHANNS, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 320, a bill to amend chapter 8 of title 5, United States Code, to provide for congressional review of agency guidance documents.

S. 338

At the request of Mr. BAUCUS, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 338, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 345

At the request of Mrs. SHAHEEN, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from Indiana (Mr. COATS) were added as cosponsors of S. 345, a bill to reform the Federal sugar program, and for other purposes.

S. 370

At the request of Mr. COCHRAN, the names of the Senator from Alaska (Ms. MURKOWSKI), the Senator from Mississippi (Mr. WICKER) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 370, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOOZMAN (for himself and Mr. MERKLEY):

S. 400. A bill to amend the Federal Lands Recreation Enhancement Act to include the Corps of Engineers as a Federal land management agency, and for other purposes; to the Committee on Environment and Public Works.

Mr. BOOZMAN. Mr. President, today Senator MERKLEY and I are introducing the Corps of Engineers Recreation Improvement Act. This legislation enables the U.S. Army Corps of Engineers to reinvest recreation fees to improve facilities where the funds are collected. Our bill creates an incentive for the Corps to maintain good facilities and provide quality recreational opportunities on our public lands. The Corps currently collects recreation fees at many sites. This legislation would not change the way the Corps determines use fee rates. Existing law provides that users of specialized sites, facilities, equipment, or services provided by Federal expense shall be assessed fair and equitable fees. Section 210 of the Flood Control Act of 1968 also provides that no entrance fees shall be charged by the Corps. Our bill is not intended to and does not make any changes in that regard.

In Arkansas, recreation on our public Corps-operated lands is an important driver of economic activity, job opportunities, and tourism. In fiscal year 2012, over $4.2 million in revenue was collected at Corps recreation sites in Arkansas. When citizens spend money at Corps recreation sites in Arkansas, Oregon, or other States, many of them expect that their money will be invested on-site to improve facilities and create recreation opportunities. Our bill would ensure those expectations are met.

The Corps of Engineers Recreation Improvement Act would also enable the Corps to participate in the interagency America the Beautiful Pass program to allow customers an alternative payment option at sites where entrance or amenity fees are charged. This includes the distribution and sale of the passes and the retention of a portion of the revenue for the sales of those passes. It would also allow the Corps to distribute Military Passes. This will make it easier for our men and women in uniform and their families to acquire passes. The Corps currently honors these passes but the Corps is not allowed to distribute the passes. Providing the ability for the Corps to offer passes to customers is a commonsense solution that will encourage continued use of Federal recreation sites.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 402. A bill to provide for the addition of certain real property to the reservation of the Siletz Tribe in the State of Oregon; to the Committee on Indian Affairs.

Mr. WYDEN. Mr. President, today I rise to introduce a bill that will address a cumbersome and time consuming process in place under existing law within the Bureau of Indian Affairs. This piece of legislation will streamline the land acquisition process for the Confederated Tribes of Siletz Indians. The current process for taking land into trust is simply not working, and I believe there are changes that need to be made in the existing process. I am pleased to be joined by Senator MERKLEY in this effort. I want to note that I introduced similar legislation last Congress that was stalled at the Committee level due to certain language in that bill—language that, at the time, we thought was needed but found later was unnecessary and was preventing the bill from moving forward. In the bill I am introducing today, I took that language out to resolve the needs of the various stakeholders and to ensure the bill has a chance to pass the Committee and be signed into law.

The original Siletz Coastal Treaty Reservation, established by the Executive Order on November 9, 1855, was diminished and then eliminated by the Federal Government's allotment and termination policies. Tribal members and the tribal government have worked to rebuild the Siletz community since the Western Oregon Termination Act of August 1954 stripped the Siletz people of Federal tribal recognition. Since then the tribe has been struggling to rebuild its land base. This legislation would work to facilitate the tribe's land into trust process within the original Siletz coast reservation to overcome chronic agency delays in processing applications. Instead of having two cumbersome processes to bring each piece of former reservation land back into the reservation after purchase, one to bring the land into trust and another to make it reservation land, my legislation would allow the tribe to combine the process.

In this case, because the original reservation was disassembled, and the tribe terminated and provided a very small land base upon restoration, virtually every tract of land the tribe seeks to place into trust today is considered by the Bureau of Indian Affairs,

BIA, pursuant to off-reservation fee-to-trust procedures. Off-reservation requests would mean that, according the regulations, the ''. . . secretary gives greater scrutiny to the tribe's justification of anticipated benefits. . .''

By applying the on-reservation fee-to-trust criteria for lands within the Siletz Tribe's original reservation, this legislation allows the Tribe to take land into trust that will ultimately provide for vital tribal programs such as housing, government administration, and jobs—for both tribal and county residents. In addition, the bill emphasizes the importance and the intent of the Indian Reorganization Act of 1934—which allows the Secretary of Interior, in his or her discretion, to take land into trust for the benefit of an Indian tribe or of individual Indians. Essentially, reversing the loss of tribal lands and restoring some of the tribe's original land base by allowing the Tribe to take land into trust under the same provisions as other Indian tribes within their reservations.

This bill underscores the importance of economic stability and self-determination for the Confederated Tribes of Siletz Indians and its members. Due to failed Termination Era policies, Oregon Tribal communities suffer some of the greatest hurdles, whether it is health care, education, or crime on reservations. This bill would alleviate much of the cost and much needed resources associated with the bureaucratic hoops the tribe has had to jump through for years—which mean a significant savings of time and resources.

The Siletz Tribe has approached all the involved counties and has developed great communication and working relationships with them. This legislation establishes and confirms a positive and beneficial partnership between the Federal Government, Siletz Tribe and local counties Lincoln, Lane, Tillamook, Yamhill, Benton, and Douglas.

That is why I am introducing this legislation. The process remains cumbersome and costly and I recognize the need for more action. It is always great to see tribes and local counties work together to come up with proactive solutions for their communities to tackle challenging economic conditions.

I want to express my thanks to all the citizens and community and tribal leaders who have worked to build their communities. They represent the pioneering spirit and vision that defines my state.

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. 402

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

**SECTION 1. TREATMENT OF CERTAIN PROPERTY OF THE SILETZ TRIBE OF THE STATE OF OREGON.**

Section 7 of the Siletz Tribe Indian Restoration Act (25 U.S.C. 711e) is amended by adding at the end the following:

''(f) TREATMENT OF CERTAIN PROPERTY.—

''(1) IN GENERAL.—

''(A) TITLE.—The Secretary may accept title to any additional number of acres of real property located within the boundaries of the original 1855 Siletz Coast Reservation established by Executive Order dated November 9, 1855, comprised of land within the political boundaries of Benton, Douglas, Lane, Lincoln, Tillamook, and Yamhill Counties in the State of Oregon, if that real property is conveyed or otherwise transferred to the United States by or on behalf of the tribe.

''(B) TRUST.—Land to which title is accepted by the Secretary under this paragraph shall be held in trust by the United States for the benefit of the tribe.

''(2) TREATMENT AS PART OF RESERVATION.—All real property that is taken into trust under paragraph (1) shall—

''(A) be considered and evaluated as an on-reservation acquisition under part 151.10 of title 25, Code of Federal Regulations (or successor regulations); and

''(B) become part of the reservation of the tribe.

''(3) PROHIBITION ON GAMING.—Any real property taken into trust under paragraph (1) shall not be eligible, or used, for any gaming activity carried out under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).''.

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By Mr. GRASSLEY (for himself, Mr. SCHUMER, Mr. LEAHY, Mr. CORNYN, Mr. DURBIN, Ms. KLOBUCHAR, and Mr. BLUMENTHAL):

S. 405. A bill to provide for media coverage of Federal court proceedings; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, today I am reintroducing the Sunshine in the Courtroom Act, a bipartisan bill which permits judges at all federal court levels to open their courtrooms to television cameras and radio broadcasts.

Openness in our courts improves the public's understanding of what happens inside our courts. Our judicial system remains a mystery to too many people across the country. That doesn't need to continue. Letting the sun shine in on federal courtrooms will give Americans an opportunity to better understand the judicial process. Courts are the bedrock of the American justice system. I believe that granting the public greater access to an already public proceeding will inspire greater faith in and appreciation for our judges who pledge equal and impartial justice for all.

For decades, States such as my home state of Iowa have allowed cameras in their courtrooms with great results. As a matter of fact, only the District of Columbia prohibits trial and appellate court coverage entirely. Nineteen states allow news coverage in most courts; sixteen allow coverage with slight restrictions; and the remaining fifteen allow coverage with stricter rules.

The bill I am introducing today, along with Senator SCHUMER and five other cosponsors from both sides of the aisle, including Judiciary Chairman LEAHY, will greatly improve public access to federal courts by letting federal judges open their courtrooms to television cameras and other forms of electronic media.

The Sunshine in the Courtroom Act is full of provisions that ensure that the introduction of cameras and other broadcasting devices into courtrooms goes as smoothly as it has at the state level. First, the presence of the cameras in Federal trial and appellate courts is at the sole discretion of the judges, it is not mandatory. The bill also provides a mechanism for Congress to study the effects of this legislation on our judiciary before making this change permanent through a three-year sunset provision. The bill protects the privacy and safety of non-party witnesses by giving them the right to have their faces and voices obscured. The bill prohibits the televising of jurors. Finally, it includes a provision to protect the due process rights of each party.

We need to open the doors and let the light shine in on the Federal Judiciary. This bill improves public access to and therefore understanding of our Federal courts. It has safety provisions to ensure that the cameras won't interfere with the proceedings or with the safety or due process of anyone involved in the cases. Our states have allowed news coverage of their courtrooms for decades. It is time we join them.

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. 405

*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 ''Sunshine in the Courtroom Act of 2013''.

**SEC. 2. FEDERAL APPELLATE AND DISTRICT COURTS.**

(a) DEFINITIONS.—In this section:

(1) PRESIDING JUDGE.—The term ''presiding judge'' means the judge presiding over the court proceeding concerned. In proceedings in which more than 1 judge participates, the presiding judge shall be the senior active judge so participating or, in the case of a circuit court of appeals, the senior active circuit judge so participating, except that—

(A) in en banc sittings of any United States circuit court of appeals, the presiding judge shall be the chief judge of the circuit whenever the chief judge participates; and

(B) in en banc sittings of the Supreme Court of the United States, the presiding judge shall be the Chief Justice whenever the Chief Justice participates.

(2) APPELLATE COURT OF THE UNITED STATES.—The term ''appellate court of the United States'' means any United States circuit court of appeals and the Supreme Court of the United States.

(b) AUTHORITY OF PRESIDING JUDGE TO ALLOW MEDIA COVERAGE OF COURT PROCEEDINGS.—

(1) AUTHORITY OF APPELLATE COURTS.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the presiding judge of an

appellate court of the United States may, at the discretion of that judge, permit the photographing, electronic recording, broadcasting, or televising to the public of any court proceeding over which that judge presides.

(B) EXCEPTION.—The presiding judge shall not permit any action under subparagraph (A), if—

(i) in the case of a proceeding involving only the presiding judge, that judge determines the action would constitute a violation of the due process rights of any party; or

(ii) in the case of a proceeding involving the participation of more than 1 judge, a majority of the judges participating determine that the action would constitute a violation of the due process rights of any party.

(2) AUTHORITY OF DISTRICT COURTS.—

(A) IN GENERAL.—

(i) AUTHORITY.—Notwithstanding any other provision of law, except as provided under clause (iii), the presiding judge of a district court of the United States may, at the discretion of that judge, permit the photographing, electronic recording, broadcasting, or televising to the public of any court proceeding over which that judge presides.

(ii) OBSCURING OF WITNESSES.—Except as provided under clause (iii)—

(I) upon the request of any witness (other than a party) in a trial proceeding, the court shall order the face and voice of the witness to be disguised or otherwise obscured in such manner as to render the witness unrecognizable to the broadcast audience of the trial proceeding; and

(II) the presiding judge in a trial proceeding shall inform each witness who is not a party that the witness has the right to request the image and voice of that witness to be obscured during the witness' testimony.

(iii) EXCEPTION.—The presiding judge shall not permit any action under this subparagraph—

(I) if that judge determines the action would constitute a violation of the due process rights of any party; and

(II) until the Judicial Conference of the United States promulgates mandatory guidelines under paragraph (5).

(B) NO MEDIA COVERAGE OF JURORS.—The presiding judge shall not permit the photographing, electronic recording, broadcasting, or televising of any juror in a trial proceeding, or of the jury selection process.

(C) DISCRETION OF THE JUDGE.—The presiding judge shall have the discretion to obscure the face and voice of an individual, if good cause is shown that the photographing, electronic recording, broadcasting, or televising of the individual would threaten—

(i) the safety of the individual;

(ii) the security of the court;

(iii) the integrity of future or ongoing law enforcement operations; or

(iv) the interest of justice.

(D) SUNSET OF DISTRICT COURT AUTHORITY.—The authority under this paragraph shall terminate 3 years after the date of the enactment of this Act.

(3) INTERLOCUTORY APPEALS BARRED.—The decision of the presiding judge under this subsection of whether or not to permit, deny, or terminate the photographing, electronic recording, broadcasting, or televising of a court proceeding may not be challenged through an interlocutory appeal.

(4) ADVISORY GUIDELINES.—The Judicial Conference of the United States may promulgate advisory guidelines to which a presiding judge, at the discretion of that judge, may refer in making decisions with respect to the management and administration of photographing, recording, broadcasting, or televising described under paragraphs (1) and (2).

(5) MANDATORY GUIDELINES.—Not later than 6 months after the date of enactment of this Act, the Judicial Conference of the United States shall promulgate mandatory guidelines which a presiding judge is required to follow for obscuring of certain vulnerable witnesses, including crime victims, minor victims, families of victims, cooperating witnesses, undercover law enforcement officers or agents, witnesses subject to section 3521 of title 18, United States Code, relating to witness relocation and protection, or minors under the age of 18 years. The guidelines shall include procedures for determining, at the earliest practicable time in any investigation or case, which witnesses should be considered vulnerable under this section.

(6) PROCEDURES.—In the interests of justice and fairness, the presiding judge of the court in which media use is desired has discretion to promulgate rules and disciplinary measures for the courtroom use of any form of media or media equipment and the acquisition or distribution of any of the images or sounds obtained in the courtroom. The presiding judge shall also have discretion to require written acknowledgment of the rules by anyone individually or on behalf of any entity before being allowed to acquire any images or sounds from the courtroom.

(7) NO BROADCAST OF CONFERENCES BETWEEN ATTORNEYS AND CLIENTS.—There shall be no audio pickup or broadcast of conferences which occur in a court proceeding between attorneys and their clients, between co-counsel of a client, between adverse counsel, or between counsel and the presiding judge, if the conferences are not part of the official record of the proceedings.

(8) EXPENSES.—A court may require that any accommodations to effectuate this Act be made without public expense.

(9) INHERENT AUTHORITY.—Nothing in this Act shall limit the inherent authority of a court to protect witnesses or clear the courtroom to preserve the decorum and integrity of the legal process or protect the safety of an individual.

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By Mr. DURBIN (for himself, Mr. REED, and Mr. WHITEHOUSE):

S. 408. A bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare program; to the Committee on Finance.

Mr. DURBIN. Mr. President, last week TIME Magazine published an extensive piece that took a close look at the hidden costs within our health care system and how the Medicare program, which is widely disparaged these days, is effective in controlling costs.

We as a nation will spend $2.8 trillion this year on health care. That is on average 27 percent more than what is spent per capita in other developed countries.

According to the TIME article, many hospitals routinely overcharge patients and reap profits at the expense of American families. As one former hospital billing officer put it, ''hospitals all know the bills are fiction.''

Too many families are put on the path to financial ruin because of hospital bills.

Another thing the TIME piece highlighted was that Medicare is much more effective at controlling costs than private sector providers, whether non-profit or for-profit.

Because Medicare sets the prices it is willing to pay providers in advance, patients with Medicare coverage are charged substantially less than patients with private health insurance who have received the same services.

In fact, projected Medicare spending over the 2011–2020 period is more than $500 billion lower since late 2010 than CBO projected.

But we can do more. Every day, 10,000 Americans turn 65 and become eligible for Medicare. In 11 years, Medicare's hospital insurance fund will start paying out more in benefits than it takes in.

Meaningful reforms that lead to better health care at lower costs are good for America's seniors—and for our entire health care system. And that should start with changes to Part D.

Today, I am introducing with Senators WHITEHOUSE and JACK REED the Medicare Prescription Drug Savings and Choice Act.

Our bill would save taxpayer dollars by giving Medicare beneficiaries the choice to participate in a Medicare Part D prescription drug plan run by Medicare, not private insurance companies.

Seniors want the ability to choose a Medicare-administered drug plan, so let's give them this option.

In 2010, Americans spent approximately $260 billion on prescription drugs. That figure is projected to double over the next decade. However, patients in the United States spend 50 percent more than other developed countries for the same drugs.

The average monthly price of cancer drugs has doubled over the past 10 years, from about $5,000 to more than $10,000.

Of the 12 new cancer drugs approved by the FDA last year, 11 were priced above $100,000 a year.

About 77 percent of all cancers are diagnosed in persons 55 years of age and older.

As these people enter the program, Medicare should be allowed to control how much it pays for these prescription drugs.

While the Affordable Care Act does a lot to control costs in the private insurance market, current law handcuffs Medicare beneficiaries from obtaining competitive prices for their prescription drugs.

For all other Medicare programs, beneficiaries can choose whether to receive benefits directly through Medicare or through a private insurance plan.

The overwhelming majority of seniors choose the Medicare-run option for their hospital and physician coverage.

Our bill requires the Secretary of HHS to develop at least one nationwide prescription drug plan.

Why? Because we should take advantage of the Federal Government's purchasing power.

The Veterans Administration uses this type of negotiating authority and has cut drug prices by as much as 50 percent for our Nation's veterans.

Savings from negotiating on behalf of seniors in Medicare could be used to further reduce costs in the program and ensure the program is there for future generations.

America's health care system is burdening families and hindering our ability to invest in the future.

The Affordable Care Act takes important steps to begin bringing down costs in the private market and in Medicare, but there is more we can do. This proposal is a simple and common sense option that should be available for seniors.

Allowing Medicare to manage a prescription drug plan and negotiate prices, taxpayers will save money and seniors will get high quality drug coverage.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

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

S. 408

*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 ''Medicare Prescription Drug Savings and Choice Act of 2013''.

**SEC. 2. ESTABLISHMENT OF MEDICARE OPERATED PRESCRIPTION DRUG PLAN OPTION.**

(a) IN GENERAL.—Subpart 2 of part D of title XVIII of the Social Security Act is amended by inserting after section 1860D–11 (42 U.S.C. 1395w–111) the following new section:

''MEDICARE OPERATED PRESCRIPTION DRUG PLAN OPTION

''SEC. 1860D–11A. (a) IN GENERAL.—Notwithstanding any other provision of this part, for each year (beginning with 2014), in addition to any plans offered under section 1860D–11, the Secretary shall offer one or more Medicare operated prescription drug plans (as defined in subsection (c)) with a service area that consists of the entire United States and shall enter into negotiations in accordance with subsection (b) with pharmaceutical manufacturers to reduce the purchase cost of covered part D drugs for eligible part D individuals who enroll in such a plan.

''(b) NEGOTIATIONS.—Notwithstanding section 1860D–11(i), for purposes of offering a Medicare operated prescription drug plan under this section, the Secretary shall negotiate with pharmaceutical manufacturers with respect to the purchase price of covered part D drugs in a Medicare operated prescription drug plan and shall encourage the use of more affordable therapeutic equivalents to the extent such practices do not override medical necessity as determined by the prescribing physician. To the extent practicable and consistent with the previous sentence, the Secretary shall implement strategies similar to those used by other Federal purchasers of prescription drugs, and other strategies, including the use of a formulary and formulary incentives in subsection (e), to reduce the purchase cost of covered part D drugs.

''(c) MEDICARE OPERATED PRESCRIPTION DRUG PLAN DEFINED.—For purposes of this part, the term 'Medicare operated prescription drug plan' means a prescription drug plan that offers qualified prescription drug coverage and access to negotiated prices described in section 1860D–2(a)(1)(A). Such a plan may offer supplemental prescription drug coverage in the same manner as other qualified prescription drug coverage offered by other prescription drug plans.

''(d) MONTHLY BENEFICIARY PREMIUM.—

''(1) QUALIFIED PRESCRIPTION DRUG COVERAGE.—The monthly beneficiary premium for qualified prescription drug coverage and access to negotiated prices described in section 1860D–2(a)(1)(A) to be charged under a Medicare operated prescription drug plan shall be uniform nationally. Such premium for months in 2014 and each succeeding year shall be based on the average monthly per capita actuarial cost of offering the Medicare operated prescription drug plan for the year involved, including administrative expenses.

''(2) SUPPLEMENTAL PRESCRIPTION DRUG COVERAGE.—Insofar as a Medicare operated prescription drug plan offers supplemental prescription drug coverage, the Secretary may adjust the amount of the premium charged under paragraph (1).

''(e) USE OF A FORMULARY AND FORMULARY INCENTIVES.—

''(1) IN GENERAL.—With respect to the operation of a Medicare operated prescription drug plan, the Secretary shall establish and apply a formulary (and may include formulary incentives described in paragraph (2)(C)(ii)) in accordance with this subsection in order to—

''(A) increase patient safety;

''(B) increase appropriate use and reduce inappropriate use of drugs; and

''(C) reward value.

''(2) DEVELOPMENT OF INITIAL FORMULARY.—

''(A) IN GENERAL.—In selecting covered part D drugs for inclusion in a formulary, the Secretary shall consider clinical benefit and price.

''(B) ROLE OF AHRQ.—The Director of the Agency for Healthcare Research and Quality shall be responsible for assessing the clinical benefit of covered part D drugs and making recommendations to the Secretary regarding which drugs should be included in the formulary. In conducting such assessments and making such recommendations, the Director shall—

''(i) consider safety concerns including those identified by the Federal Food and Drug Administration;

''(ii) use available data and evaluations, with priority given to randomized controlled trials, to examine clinical effectiveness, comparative effectiveness, safety, and enhanced compliance with a drug regimen;

''(iii) use the same classes of drugs developed by the United States Pharmacopeia for this part;

''(iv) consider evaluations made by—

''(I) the Director under section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003;

''(II) other Federal entities, such as the Secretary of Veterans Affairs; and

''(III) other private and public entities, such as the Drug Effectiveness Review Project and State plans under title XIX; and

''(v) recommend to the Secretary—

''(I) those drugs in a class that provide a greater clinical benefit, including fewer safety concerns or less risk of side-effects, than another drug in the same class that should be included in the formulary;

''(II) those drugs in a class that provide less clinical benefit, including greater safety concerns or a greater risk of side-effects, than another drug in the same class that should be excluded from the formulary; and

''(III) drugs in a class with same or similar clinical benefit for which it would be appropriate for the Secretary to competitively bid (or negotiate) for placement on the formulary.

''(C) CONSIDERATION OF AHRQ RECOMMENDATIONS.—

''(i) IN GENERAL.—The Secretary, after taking into consideration the recommendations under subparagraph (B)(v), shall establish a formulary, and formulary incentives, to encourage use of covered part D drugs that—

''(I) have a lower cost and provide a greater clinical benefit than other drugs;

''(II) have a lower cost than other drugs with the same or similar clinical benefit; and

''(III) drugs that have the same cost but provide greater clinical benefit than other drugs.

''(ii) FORMULARY INCENTIVES.—The formulary incentives under clause (i) may be in the form of one or more of the following:

''(I) Tiered copayments.

''(II) Reference pricing.

''(III) Prior authorization.

''(IV) Step therapy.

''(V) Medication therapy management.

''(VI) Generic drug substitution.

''(iii) FLEXIBILITY.—In applying such formulary incentives the Secretary may decide not to impose any cost-sharing for a covered part D drug for which—

''(I) the elimination of cost sharing would be expected to increase compliance with a drug regimen; and

''(II) compliance would be expected to produce savings under part A or B or both.

''(3) LIMITATIONS ON FORMULARY.—In any formulary established under this subsection, the formulary may not be changed during a year, except—

''(A) to add a generic version of a covered part D drug that entered the market;

''(B) to remove such a drug for which a safety problem is found; and

''(C) to add a drug that the Secretary identifies as a drug which treats a condition for which there has not previously been a treatment option or for which a clear and significant benefit has been demonstrated over other covered part D drugs.

''(4) ADDING DRUGS TO THE INITIAL FORMULARY.—

''(A) USE OF ADVISORY COMMITTEE.—The Secretary shall establish and appoint an advisory committee (in this paragraph referred to as the 'advisory committee')—

''(i) to review petitions from drug manufacturers, health care provider organizations, patient groups, and other entities for inclusion of a drug in, or other changes to, such formulary; and

''(ii) to recommend any changes to the formulary established under this subsection.

''(B) COMPOSITION.—The advisory committee shall be composed of 9 members and shall include representatives of physicians, pharmacists, and consumers and others with expertise in evaluating prescription drugs. The Secretary shall select members based on their knowledge of pharmaceuticals and the Medicare population. Members shall be deemed to be special Government employees for purposes of applying the conflict of interest provisions under section 208 of title 18, United States Code, and no waiver of such provisions for such a member shall be permitted.

''(C) CONSULTATION.—The advisory committee shall consult, as necessary, with physicians who are specialists in treating the disease for which a drug is being considered.

''(D) REQUEST FOR STUDIES.—The advisory committee may request the Agency for Healthcare Research and Quality or an academic or research institution to study and make a report on a petition described in subparagraph (A)(i) in order to assess—

''(i) clinical effectiveness;

''(ii) comparative effectiveness;

''(iii) safety; and

''(iv) enhanced compliance with a drug regimen.

''(E) RECOMMENDATIONS.—The advisory committee shall make recommendations to the Secretary regarding—

''(i) whether a covered part D drug is found to provide a greater clinical benefit, including fewer safety concerns or less risk of side-effects, than another drug in the same class that is currently included in the formulary and should be included in the formulary;

''(ii) whether a covered part D drug is found to provide less clinical benefit, including greater safety concerns or a greater risk of side-effects, than another drug in the same class that is currently included in the formulary and should not be included in the formulary; and

''(iii) whether a covered part D drug has the same or similar clinical benefit to a drug in the same class that is currently included in the formulary and whether the drug should be included in the formulary.

''(F) LIMITATIONS ON REVIEW OF MANUFACTURER PETITIONS.—The advisory committee shall not review a petition of a drug manufacturer under subparagraph (A)(i) with respect to a covered part D drug unless the petition is accompanied by the following:

''(i) Raw data from clinical trials on the safety and effectiveness of the drug.

''(ii) Any data from clinical trials conducted using active controls on the drug or drugs that are the current standard of care.

''(iii) Any available data on comparative effectiveness of the drug.

''(iv) Any other information the Secretary requires for the advisory committee to complete its review.

''(G) RESPONSE TO RECOMMENDATIONS.—The Secretary shall review the recommendations of the advisory committee and if the Secretary accepts such recommendations the Secretary shall modify the formulary established under this subsection accordingly. Nothing in this section shall preclude the Secretary from adding to the formulary a drug for which the Director of the Agency for Healthcare Research and Quality or the advisory committee has not made a recommendation.

''(H) NOTICE OF CHANGES.—The Secretary shall provide timely notice to beneficiaries and health professionals about changes to the formulary or formulary incentives.

''(f) INFORMING BENEFICIARIES.—The Secretary shall take steps to inform beneficiaries about the availability of a Medicare operated drug plan or plans including providing information in the annual handbook distributed to all beneficiaries and adding information to the official public Medicare website related to prescription drug coverage available through this part.

''(g) APPLICATION OF ALL OTHER REQUIREMENTS FOR PRESCRIPTION DRUG PLANS.—Except as specifically provided in this section, any Medicare operated drug plan shall meet the same requirements as apply to any other prescription drug plan, including the requirements of section 1860D–4(b)(1) relating to assuring pharmacy access.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1860D–3(a) of the Social Security Act (42 U.S.C. 1395w–103(a)) is amended by adding at the end the following new paragraph:

''(4) AVAILABILITY OF THE MEDICARE OPERATED PRESCRIPTION DRUG PLAN.—A Medicare operated prescription drug plan (as defined in section 1860D–11A(c)) shall be offered nationally in accordance with section 1860D–11A.''.

(2)(A) Section 1860D–3 of the Social Security Act (42 U.S.C. 1395w–103) is amended by adding at the end the following new subsection:

''(c) PROVISIONS ONLY APPLICABLE IN 2006 THROUGH 2013.—The provisions of this section shall only apply with respect to 2006 through 2013.''.

(B) Section 1860D–11(g) of such Act (42 U.S.C. 1395w–111(g)) is amended by adding at the end the following new paragraph:

''(8) NO AUTHORITY FOR FALLBACK PLANS AFTER 2013.—A fallback prescription drug plan shall not be available after December 31, 2013.''.

(3) Section 1860D–13(c)(3) of the Social Security Act (42 U.S.C. 1395w–113(c)(3)) is amended—

(A) in the heading, by inserting ''AND MEDICARE OPERATED PRESCRIPTION DRUG PLANS'' after ''FALLBACK PLANS''; and

(B) by inserting ''or a Medicare operated prescription drug plan'' after ''a fallback prescription drug plan''.

(4) Section 1860D–16(b)(1) of the Social Security Act (42 U.S.C. 1395w–116(b)(1)) is amended—

(A) in subparagraph (C), by striking ''and'' after the semicolon at the end;

(B) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(E) payments for expenses incurred with respect to the operation of Medicare operated prescription drug plans under section 1860D–11A.''.

(5) Section 1860D–41(a) of the Social Security Act (42 U.S.C. 1395w–151(a)) is amended by adding at the end the following new paragraph:

''(19) MEDICARE OPERATED PRESCRIPTION DRUG PLAN.—The term 'Medicare operated prescription drug plan' has the meaning given such term in section 1860D–11A(c).''.

**SEC. 3. IMPROVED APPEALS PROCESS UNDER THE MEDICARE OPERATED PRESCRIPTION DRUG PLAN.**

Section 1860D–4(h) of the Social Security Act (42 U.S.C. 1305w–104(h)) is amended by adding at the end the following new paragraph:

''(4) APPEALS PROCESS FOR MEDICARE OPERATED PRESCRIPTION DRUG PLAN.—

''(A) IN GENERAL.—The Secretary shall develop a well-defined process for appeals for denials of benefits under this part under the Medicare operated prescription drug plan. Such process shall be efficient, impose minimal administrative burdens, and ensure the timely procurement of non-formulary drugs or exemption from formulary incentives when medically necessary. Medical necessity shall be based on professional medical judgment, the medical condition of the beneficiary, and other medical evidence. Such appeals process shall include—

''(i) an initial review and determination made by the Secretary; and

''(ii) for appeals denied during the initial review and determination, the option of an external review and determination by an independent entity selected by the Secretary.

''(B) CONSULTATION IN DEVELOPMENT OF PROCESS.—In developing the appeals process under subparagraph (A), the Secretary shall consult with consumer and patient groups, as well as other key stakeholders to ensure the goals described in subparagraph (A) are achieved.''.

ALLIANCE FOR A JUST SOCIETY,
*February 28, 2013.*

Reduce Pharmaceutical Prices—Do Not Cut Benefits

DEAR PRESIDENT OBAMA AND SENATOR/REPRESENTATIVE: We have noted with great concern that federal budget discussions have included the possibility of cuts to Medicare and Medicaid. We wish to be clear: We strongly oppose such an approach and believe it to be both unnecessary and a no-growth policy for an economy that remains stagnant.

Medicare and Medicaid not only provide critical protections against the economic deprivation caused by illness, especially for older Americans; they also create jobs and boost an economy that is slumbering. Cutting these programs leads this country in the wrong direction.

We cannot continue to unravel these critical programs for working families, the elderly, and the poor. If the Congress is unable to move forward without some compromise that reduces our national commitment to quality Medicare and Medicaid programs, there is a source for reductions that will not harm beneficiaries: the cost of prescription drugs.

The U.S. pays more for prescriptions than any nation in the world. Medicare and Medicaid beneficiaries pay more for medicines than do our veterans and the clients of the National Indian Health Service. Why do these differences in cost persist? They do so because other countries, the VA, and the IHS negotiate the prices for prescriptions, while Medicare and Medicaid programs do not.

According to the Center for Economic and Policy Research, savings to the federal government over the next decade would be as high as $541.3 billion. The saving to the states would be as high as $72.7 billion, and beneficiaries would save $112.4 billion. These amounts are far in excess of the demand for expenditure reductions being suggested by the most strident deficit reduction advocates.

We are more than 275 national and state organizations, and we are opposed to cutting health care benefits for the elderly and the poor. However, saving money by negotiating drug prices would be beneficial to the entire health care system, in addition to saving money for the federal government and the states. We urge you to pursue this policy as a major part of efforts to reduce health care costs.

Sincerely,

NATIONAL

9to5, AFL-CIO, AFSCME (American Federation of State, County and Municipal Employees), Alliance for a Just Society, Alliance for Retired Americans, Association of Asian Pacific Community Health Organizations, Campaign for America's Future, Campaign for Community Change, Center for Popular Democracy, Coalition on Human Needs, Community Action Partnership, Community Organizations in Action, Grassroots Policy Project, HCAN (Health Care for America Now!), Institute for Policy Studies, Break the Chain Campaign, Jobs With Justice, Leadership Center for Common Good, National Domestic Workers Alliance, National Education Association.

National Legislative Association on Prescription Drug Prices—20 signers (see attached letter): Rep. Sharon Engle Treat (ME), Rep. Nickie Antonia (OH), Rep. Sheryl Briggs (ME), Sen. Capri Cafaro (OH), Rep. Michael Foley (OH), Sen. Dede Feldman (NM), Assemblyperson Richard N. Gottfried (NY), Sen. Jack Hatch (IO), Sen. Karen Keiser (WA), Sen. Sue Malek (MT), Sen. Kevin Mullin (VT), Rep. Don Perdue (WV), Rep. Elizabeth B. Ritter (CT), Rep. Cindy Rosenwald (NH), Rep. Linda Sanborn (ME), Rep. Shay Shual-Berke (MD), Sen. Michael J. Skindell (OH), Rep. Peter Stuckey (ME), Rep. Roy Takumi (HI), Rep. Joan Welsh (ME).

National Health Care for the Homeless Council, National Health Law Program, National Korean American Service & Education Consortium, National People's Action, National Women's Health Network, New Bottom Line, PICO National Network,

Progressive Democrats of America, Racial and Ethnic Health Disparities Coalition, Raising Women's Voices for the Health Care We Need, Rights to the City, Service Employees International Union, Social Security Works, UAW (United Auto Workers), Universal Health Care Action Network, USAction, Working America, AFL-CIO, Working Families Party.

ALABAMA

Federation Of Child Care Centers of Alabama.

ARKANSAS

Arkansas Community Organizations.

CALIFORNIA

9to5 California, Alliance of Californians for Community Empowerment, Center for Third World Organizing, People Organized for Westside Renewal, PICO California, San Diego Organizing Project, California Childcare Coordinators Association, California PIRG, Children's Defense Fund—California, Community Health Council, Elsdon, Inc., Greenlining Institute, Molina Healthcare of California, National Association of Social Workers, CA Chapter.

COLORADO

9to5 Colorado, Colorado Progressive Coalition, Colorado Organization for Latina Opportunity and Reproductive Rights, Together Colorado.

CONNECTICUT

Connecticut Citizen Action Group.

FLORIDA

Central Florida Jobs with Justice, Community Business Association, Florida CHAIN, Florida Chinese Federation, Florida Civic Rights Association—Asian American Affairs, Florida Coalition on Black Civic Participation (FCBCP), Florida Consumer Action Network, Florida Consumer Action Network Foundation, Florida Institute for Reform & Empowerment, Florida New Majority, Florida Watch Action, Labor Council for Latin American Advancement of Central Florida (LCLAA of CF), National Congress of Black Women, Organization of Chinese Americans—South Florida Chapter, Organize Now, South Florida Jobs with Justice, United Chinese Association of Florida.

GEORGIA

9to5 Atlanta, Georgia Rural Urban Summit.

HAWAII

Faith Action for Community Equity.

IDAHO

Idaho Community Action Network, Idaho Main Street Alliance, Indian People's Action, United Action for Idaho, United Vision for Idaho.

ILLINOIS

AFSCME Council 31, Chicago Federation of Labor, AFL-CIO, Citizen Action Illinois, Coalition of Labor Union Women (CLUW), Illinois Alliance for Retired Americans (IARA), Illinois Indiana Regional Organizing Network, Jane Addams Senior Caucus, Lakeview Action Coalition, Northside P.O.W.E.R., Public Action Foundation.

INDIANA

Northwest Indiana Federation of Interfaith Organizations.

IOWA

Iowa Citizen Action Network, Iowa Citizen Action Network Foundation, Iowa Citizens for Community Improvement, Iowa Main Street Alliance.

LOUISIANA

Micah Project—New Orleans, PICO Louisiana.

MAINE

Consumers for Affordable Healthcare, Maine Equal Justice Partners, Maine People's Alliance, Maine People's Resource Center, Maine Small Business Coalition, MSEA-SEIU Local 1989, Prescription Policy Choices.

MARYLAND

Maryland Communities United.

MASSACHUSETTS

Disability Policy Consortium.

MICHIGAN

Harriet Tubman Center—Detroit, Metropolitan Coalition of Congregations, Metro Detroit, Michigan Citizen Action, Michigan Citizen Education Fund, Michigan Organizing Collaborative.

MINNESOTA

AFSCME Council 5, CWA Minnesota State Council, Health Care for All—Minnesota, ISAIAH, Jewish Community Action, Minnesota AFL—CIO, Minnesotans for a Fair Economy, Moveon.org Twin Cities Council, Physicians for a National Health Plan—Minnesota, SEIU Local 284, SEIU Minnesota State Council, Take Action Minnesota, UFCW Local 1189, Universal Health Care Action Network—Minnesota.

MISSOURI

Communities Creating Opportunity, GRO (Grass Roots Organizing), Metropolitan Congregations United, Missouri Progressive Vote Coalition, Missouri Citizen Education Fund, Missouri Jobs with Justice, Missourians Organizing for Change, Missourians Organizing for Reform and Empowerment, Missouri Rural Crisis Center, Progress Missouri.

MONTANA

AFSCME Council 9, Big Sky CLC—Helena, Greater Yellowstone CLC—Billings, Indian People's Action, MEA–MFT, Missoula Area CLC, Montana Alliance for Retired Americans, Montana Organizing Project, Montana Small Business Alliance, MT AFL–CIO State Federation, MT–HCAN, SEIU Healthcare 775 NW, Southcentral Montana CLC—Bozeman, Southwestern Montana CLC—Butte.

NEBRASKA

Nebraska Urban Indian Health Clinic.

NEVADA

Dream Big Las Vegas, Nevada Immigration Coalition, PLAN Action, Progressive Leadership Alliance of Nevada, Uniting Communities of Nevada.

NEW HAMPSHIRE

Granite State Organizing Project, New Hampshire Citizens Alliance, New Hampshire Citizens Alliance for Action.

NEW JERSEY

New Jersey Citizen Action, New Jersey Citizen Action Education Fund, PICO New Jersey, New Jersey Communities United.

NEW MEXICO

Organizers in the Land of Enchantment (OLE).

NEW YORK

Center for Independence of the Disabled—NY, Citizen Action of New York and Public Policy and Education Fund, Community Service Society of New York, Health Care for All New York, Institute of Puerto Rican/Hispanic Elderly Inc. Make the Road New York, Medicaid Matters New York, Metro New York Health Care for All Campaign, New York Communities for Change, New Yorkers for Accessible Health Coverage, Professional Staff Congress at CUNY Local 2334—AFT, Public Policy and Education Fund of New York, Small Business United, Syracuse United Neighbor.

NORTH CAROLINA

Action North Carolina, Disability Rights NC, North Carolina Fair Share, North Carolina Justice Center, Unifour OneStop Collaborative.

OHIO

Communities United for Action, Contact Center, Fair Share Research and Education Fund, Mahoning Valley Organizing Collaborative, Ohio Alliance for Retired Americans Educational Fund, Ohio Organizing Collaborative, Progress Ohio, Progressive Democrats of America—Ohio Chapter, The People's Empowerment Coalition of Ohio, Toledo Area Jobs with Justice & Interfaith Worker Justice Coalition, UHCAN Ohio.

OREGON

Asian Pacific American Network of Oregon, Center for Intercultural Organizing, Fair Share Research and Education Fund, Main Street Alliance of Oregon, Oregon Action, Oregon Women's Action for New Directions, Rural Organizing Project, Portland Jobs with Justice, Urban League.

PENNSYLVANIA

ACHIEVA, ACTION United, Be Well! Pittsburgh, Beaver County NOW, Consumer Health Coalition, Lutheran Advocacy Ministry of Pennsylvania, Maternity Care Coalition, New Voices Pittsburgh: Women of Color for Reproductive Justice, Pennsylvania Alliance for Retired Americans, Philadelphia Unemployment Project, Women's Law Project.

RHODE ISLAND

Ocean State Action, Ocean State Action Fund.

TENNESSEE

Tennessee Citizen Action, Tennessee Citizen Action Alliance.

VIRGINIA

SEIU Virginia 512, Virginia AFL–CIO, Virginia New Majority, Virginia Organizing.

WASHINGTON

AFGE Local 3937, Asian Pacific Islander Americans for Civic Empowerment, FUSE Washington, Health Care for All Washington, Main Street Alliance of Washington, OneAmerica, Physicians for a National Health Program—Western Washington, Puget Sound Advocates for Retirement Action, SEIU Healthcare 1199NW, SEIU Local 6, SEIU Local 775, SEIU Healthcare 775NW, Spokane Peace and Justice Action League, Washington CAN! Education and Research Fund, Washington CARE Campaign, Washington Community Action Network Education, Washington Fair Trade Coalition, Washington State Labor Council AFL–CIO, Working Washington.

WEST VIRGINIA

West Virginia Citizen Action Group, West Virginia Citizen Action Education Fund.

WISCONSIN

9to5 Wisconsin, Citizen Action of Wisconsin, Citizen Action of Wisconsin Education Fund, Coalition of Wisconsin Aging Groups, M&S Clinical Services Assessment Center, Milwaukee Teachers Education Association (NEA), SEIU Healthcare Wisconsin, SOPHIA—Stewards of Prophetic, Hopeful, Intentional Action (Gamaliel), Wisconsin Federation of Nurses and Health Professionals (AFT).

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NATIONAL COMMITTEE TO PRESERVE SOCIAL SECURITY & MEDICARE,
*Washington, DC, February 28, 2013.*

Hon. DICK DURBIN,
*U.S. Senate, Hart Office Building, Washington, DC.*

Hon. JANICE SCHAKOWSKY,
*House of Representatives, Rayburn House Office Building, Washington, DC.*

DEAR SENATOR DURBIN AND REPRESENTATIVE SCHAKOWSKY: On behalf of the millions of members and supporters of the National Committee to Preserve Social Security and

Medicare, I am writing to express our support for the Medicare Prescription Drug Savings and Choice Act. We applaud this effort because it would improve the Medicare program for beneficiaries and reduce federal spending on prescriptions drugs.

We understand that your legislation would create one or more Medicare-administered drug plans with uniform premiums, providing seniors with the opportunity to purchase drugs directly through the Medicare program. In addition, your legislation would require the federal government to use its purchasing power to negotiate lower prices on prescription drugs for beneficiaries who enroll in the Medicare-administered plan. The Department of Veterans Affairs and many state governments are able to deliver lower drug prices because of price negotiation, and we believe that the federal government should be able to receive the best price available for Medicare prescription drugs. Finally, we appreciate that your legislation establishes an advisory committee to assess a public formulary and streamlines the Medicare Part D appeals process, which will help all beneficiaries.

Thank you for your continued leadership on Medicare, particularly for identifying ways to reduce Medicare spending without shifting costs to beneficiaries. We look forward to working with you to enact this important legislation.

Sincerely,

MAX RICHTMAN,
*President and CEO.*

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By Mr. ROCKEFELLER (for himself, Mr. CRAPO, Mr. WYDEN, and Mr. MORAN):

S. 411. A bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today I am joining my colleagues Senators, CRAPO, WYDEN, and MORAN in introducing the Short Line Railroad Rehabilitation and Investment Act of 2013, legislation to extend for 3 years the Section 45G short line freight railroad tax credit.

In the 112th Congress, I introduced a 6-year extension of this credit. Despite the often contentious atmosphere of the 112th Congress, during which my colleagues found little they could agree on, the short line rail credit was a bipartisan success story, with my legislation attracting more than 50 bipartisan cosponsors.

''Short line'' railroads are small freight rail companies responsible for bringing goods to communities that are not directly served by large, transcontinental railroads. Supporting small railroads allows the communities surrounding them to attract and maintain businesses and create jobs. The evidence of the success of this credit can be found in communities across America.

This credit has real impact for the people of my state. West Virginia is the second biggest producer of railroad ties in the country. Since the credit was enacted, it is estimated 750,000 railroad ties have been purchased above what would have otherwise been purchased with no incentive. Those railroad ties translate directly into jobs. This credit does not create just West Virginia jobs though. The ties, spikes, and rail this credit helps fund are almost entirely American made.

Over 12,000 rail customers across America depend on short lines. This credit creates a strong incentive for short lines to invest private sector dollars on private-sector freight railroad track rehabilitation and improvements. Unfortunately, it is now scheduled to expire at the end of 2013.

We were unable to enact a full 6-year extension of this important tax credit last Congress, but I was pleased that this credit was extended through the end of 2013 as part of the December 31st fiscal cliff deal.

This Congress I want to do more. This credit, and the short line railroads that serve all of our constituents, deserve a meaningful extension. If this credit is allowed to expire at the end of the year, private-sector investments in infrastructure in our communities will fall by hundreds of millions of dollars.

This bill would extend the 45G credit through 2016, providing the important long-term planning certainty necessary to maximize private-sector transportation infrastructure investment. Over 50 members of this body sponsored legislation in the last Congress extending this credit and I hope there will be similar support again this year. I ask my colleagues to join me in supporting this important legislation.

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By Mr. CORNYN (for himself, Mr. BLUMENTHAL, Mr. PORTMAN, and Ms. KLOBUCHAR):

S. 413. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to include human trafficking as a part 1 violent crime for purposes of the Edward Byrne Memorial Justice Assistance Grant Program; to the Committee on the Judiciary.

Mr. CORNYN. 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. 413

*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 ''Human Trafficking Reporting Act of 2013''.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) Human trafficking is a form of modern-day slavery.

(2) According to the Trafficking Victims Protection Act of 2000 ''severe forms of trafficking in persons'' means—

(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

(B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

(3) There is an acute need for better data collection of incidents of human trafficking across the United States in order to effectively combat severe forms of trafficking in persons.

(4) The State Department's 2012 Trafficking in Persons report found that—

(A) the United States is a ''source, transit and destination country for men, women, and children, subjected to forced labor, debt bondage, domestic servitude and sex trafficking,''; and

(B) the United States needs to ''improve data collection on human trafficking cases at the federal, state and local levels''.

(5) The International Organization for Migration has reported that in order to effectively combat human trafficking there must be reliable and standardized data, however, the following barriers for data collection exist:

(A) The illicit and underground nature of human trafficking.

(B) The reluctance of victims to share information with authorities.

(C) Insufficient human trafficking data collection and research efforts by governments world-wide.

(6) A 2009 report to the Department of Health and Human Services entitled Human Trafficking Into and Within the United States: A Review of the Literature found that ''the data and methodologies for estimating the prevalence of human trafficking globally and nationally are not well developed, and therefore estimates have varied widely and changed significantly over time''.

(7) The Federal Bureau of Investigation compiles national crime statistics through the Uniform Crime Reporting Program.

(8) Under current law, State and local governments receiving Edward Byrne Memorial Justice Assistance grants are required to share data on part 1 violent crimes with the Federal Bureau of Investigation for inclusion in the Uniform Crime Reporting Program.

(9) The addition of severe forms of trafficking in persons to the definition of part 1 violent crimes will ensure that statistics on this heinous crime will be compiled and available through the Federal Bureau of Investigation's Uniform Crime Report.

**SEC. 3. HUMAN TRAFFICKING TO BE INCLUDED IN PART 1 VIOLENT CRIMES FOR PURPOSES OF BYRNE GRANTS.**

Section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) is amended by adding at the end the following new subsection:

''(i) PART 1 VIOLENT CRIMES TO INCLUDE HUMAN TRAFFICKING.—For purposes of this section, the term 'part 1 violent crimes' shall include severe forms of trafficking in persons, as defined in section 103(8) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(8)).''.

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By Ms. LANDRIEU (for herself, Mr. COCHRAN, Mrs. GILLIBRAND, and Mr. PRYOR):

S. 415. A bill to clarify the collateral requirement for certain loans under section 7(d) of the Small Business Act, to address assistance to out-of-State small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, I come to the floor today to speak on an issue that is of great importance to my home State of Louisiana: Federal disaster assistance. As you know, along the Gulf Coast, we keep an eye trained on the Gulf of Mexico during hurricane season. This is following the devastating one-two punch of Hurricanes

Katrina and Rita of 2005 as well as Hurricanes Gustav and Ike in 2008. Unfortunately, our region also has had to deal with the economic and environmental damage from the Deepwater Horizon disaster in 2010 and more recently Hurricane Isaac. For this reason, as Chair of the Senate Committee on Small Business and Entrepreneurship ensuring Federal disaster programs are effective and responsive to disaster victims is one of my top priorities. While the Gulf Coast is prone to hurricanes, other parts of the country are no strangers to disaster. For example, the Midwest has tornadoes, California experiences earthquakes and wildfires, and the Northeast sees crippling snowstorms. So no part of our country is spared from disasters—disasters which can and will strike at any moment. This certainly hit home when the northeast was struck by Hurricane Sandy in October of last year. With this in mind, we must ensure that the Federal government is better prepared and has the tools necessary to respond quickly, effectively following a disaster.

In order to give the U.S. Small Business Administration, SBA, better tools to respond after a future disaster, I am proud that to file the Small Business Disaster Reform Act of 2013. I want to thank my colleague Senator THAD COCHRAN for cosponsoring the bill and for helping me to make improvements. I am also appreciative that Senator KIRSTEN GILLIBRAND and Senator MARK PRYOR also have cosponsored the legislation. This bill will make two important improvements to SBA's disaster assistance programs for businesses. The first provision builds off of SBA disaster reforms enacted in 2008 and ensures that SBA is responsive to the needs of small businesses seeking smaller amounts of disaster assistance. These are the businesses that are burdened the most by liens on their primary personal residential homes when they could conceivably provide sufficient business assets as collateral for the loan. The second provision in the bill also authorizes the SBA Administrator to allow out-of-state Small Business Development Centers, SBDCs, to provide assistance in to small businesses located in Presidentially-declared disaster areas. This provision removes a limitation that, for disasters such as Hurricane Katrina or Hurricane Sandy, would allow experienced SBDC counselors to come in to a disaster area while local SBDCs are being stood back up following a catastrophic disaster. Lastly, to ensure that out-of-state SBDCs are not left paying out of pocket for assisting in these disaster areas, there also is legislative language in Section 4 encouraging the SBA to ensure it reimburses SBDCs for these disaster-related expenses provided they were legitimate and there are funds available to do so.

In particular, Section 2 of the bill that I am filing today would clarify that, for SBA disaster business loans less than $200,000 that SBA is required to utilize assets other than the primary residence if those assets are available to use as collateral towards the loan. The bill is very clear though that these assets should be of equal or greater value than the amount of the loan. Also, to ensure that this is a targeted improvement, the bill also includes additional language that this bill in no way requires SBA to reduce the amount or quality of collateral it seeks on these types of loans. I want to especially thank my former Ranking Member Olympia Snowe for working with me to improve upon previous legislation on this particular issue. The provision that I am re-introducing, as part of this disaster legislation, is a direct result of discussions with both her and other stakeholders late last year. I believe that this bill is better because of improvements that came out of these productive discussions.

I note that this provision is similar to Section 204 of S. 2731, the Small Business Administration Disaster Recovery and Reform Act of 2009 that Senator BILL NELSON and I introduced during the 111th Congress. A similar provision also passed the House of Representatives twice that Congress. H.R. 3854, which included a modified collateral requirement under Section 801, passed the House on October 29, 2009 by a vote of 389–32. The provision also passed the House again on November 6, 2009 by a voice vote as Section 2 of H.R. 3743. During the 112th Congress, this provision passed the Senate on December 28, 2012 by a vote of 62–32 as part of H.R. 1, the Senate-passed Disaster Relief Appropriations Act. However, it was not included in H.R. 152, the House-passed Disaster Relief Appropriations Act that subsequently was enacted into law. Despite the setback earlier this year, I remind my colleagues that this provision has a history of bipartisan Congressional support and has previously passed both chambers of Congress.

Section 2 addresses a key issue that is serving as a roadblock to business owners interested in applying for smaller SBA disaster loans. After the multiple disasters that hit the Gulf Coast, my staff has consistently heard from business owners, discouraged from applying for SBA disaster loans. When we have inquired further on the main reasons behind this hesitation, the top concern related to SBA requiring business owners to put up their personal home as collateral for smaller SBA disaster loans for their business. This requirement is understandable for large loans between $750,000 and $2 million. However, business owners complained about this requirement being instituted for loans of $200,000 or less. I can understand their frustration. Business owners, in many cases who have just lost everything, are applying to SBA for a $150,000 loan for their business. SBA then responds by asking them to put up their $400,000 personal home as collateral when the business may have sufficient business assets available to collateralize the loan. While I also understand the need for SBA to secure the loans, make the program cost effective, and minimize risk to the taxpayer, SBA has at its disposal multiple ways to secure loans.

Furthermore, SBA has repeatedly said publicly and in testimony before my committee that it will not decline a borrower for a lack of collateral. According to a July 14, 2010 correspondence between SBA and my office, the agency notes that ''SBA is an aggressive lender and its credit thresholds are well below traditional bank standards . . . SBA does not decline loans for insufficient collateral.'' SBA's current practice of making loans is based upon an individual/business demonstrating the ability to repay and income. The agency declines borrowers for an inability to repay the loan. In regards to collateral, SBA follows traditional lending practices that seek the ''best available collateral.'' Collateral is required for physical loans over $14,000 and Economic Injury Disaster Loans, EIDL, loans over $5,000. SBA takes real estate as collateral when it is available, but as I stated, the agency will not decline a loan for lack of collateral. Instead it requires borrowers to pledge what is available. However, in practice, SBA is requiring borrowers to put up a personal residence worth $300,000 or $400,000 for a business loan of $200,000 or less when there are other assets available for SBA.

This provision does not substantively change SBA's current lending practices and it will not have a significant cost. I believe that this legislation would not trigger direct spending nor would it have a significant impact on the subsidy rate for SBA disaster loans. Currently for every $1 loaned out, it costs approximately 10 cents on the dollar. Most importantly, this bill will greatly improve the SBA disaster loan programs for businesses ahead of future disasters. If a business comes to the SBA for a loan of less than $200,000 to make immediate repairs or secure working capital, they can be assured that they will not have to put up their personal home if SBA determines that the business has other assets to go towards the loan. However, if businesses seek larger loans than $200,000 or if their business assets are not suitable collateral, then the current requirements will still apply. This ensures that very small businesses and businesses seeking smaller amounts of recovery loans are able to secure these loans without significant burdens on their personal property. For the business owners we have spoken to, this provides some badly needed clarity to one of the Federal government's primary tools for responding to disasters.

To be clear though, while I do not want to see SBA tie up too much of a business' collateral, I also believe that if a business is willing and able to put up business assets towards its disaster loan, SBA should consider that first before attempting to bring in personal

residences. It is unreasonable for SBA to ask business owners operating in very different business environments post-disaster to jeopardize not just their business but also their home. Loans of $200,000 or less are also the loans most likely to be repaid by the business so personal homes should be collateral of last resort in instances where a business can demonstrate the ability to repay the loan and that it has other assets.

As previously mentioned, there are also safeguards in the provision that ensures that this provision will not reduce the quality of collateral required by SBA for these disaster loans nor will it reduce the quality of the SBA's general collateral requirements. These changes will assist the SBA in cutting down on waste, fraud and abuse of these legislative reforms. In order to further assist the SBA, I believe it is important to clarify what types of business assets we understand they should review. For example, I understand that SBA's current lending practices consider the following business assets as suitable collateral: commercial real estate; machinery and equipment; business inventory; and furniture and fixtures.

Section 3 of this bill removes an unnecessary prohibition in the Small Business Act that currently prohibits SBDCs from other states to help out in areas impacted by disasters. In particular, this provision authorizes the SBA Administrator to allow out-of-state SBDCs to provide assistance in to small businesses located in Presidentially-declared disaster areas. This is because, as you may know, SBDCs are considered to be the backbone of the SBA's Office of Entrepreneurial Development efforts, and are the largest of the agency's OED programs. SBDCs are the university based resource partners that provide counseling and training needs for more than 600,000 business clients annually. From 2007 to 2008, the counseling and technical assistance services they offered lead to the creation of 58,501 new jobs, at a cost of $3,462 per job. Additionally, they estimate that their counseling services helped to save 88,889 jobs. These centers are even more critical following natural or manmade disasters. That is because SBDCs help impacted businesses in navigating Federal disaster programs, insurance programs, and in creating new business plans following a disaster. For that reason, we must ensure that there is continuity to have SBDC counselors on the ground in disaster areas.

For example, right after Hurricane Katrina our SBDCs in Louisiana were severely limited in what they could do because of the widespread damage to homes and facilities utilized by their counselors. On the other hand, their counterparts at the Florida SBDCs had a wealth of disaster expertise and were willing to assist but were prohibited from providing assistance to small businesses outside their geographic area. In 2012, we experienced similar challenges following Hurricane Sandy but SBDCs in Louisiana, Florida or elsewhere were prohibited from helping their counterparts in the Northeast even if they wanted to help recovery in New York or New Jersey and doing so would not impact their operations back home. For smaller scale disasters, local SBDCs will respond to disasters in their own areas. However, for large scale, catastrophic disasters, this provision could make a significant difference for impacted small businesses.

In fact, on December 13, 2012, my committee received excellent testimony from Jim King, Chair of the Association of Small Business Development Centers, ASBDCs, and State Director of New York State Small Business Development Center. Mr. King outlined the symbiotic relationship between different SBDC state chapters and how they currently assist each other after disasters. He specifically noted that, ''I was also privileged to have the opportunity to work with the SBDC in Louisiana following Hurricane Katrina in 2005 and visited New Orleans as one of five State Directors invited to share thoughts with my counterpart there, Mary Lynn Wilkerson, to evolve a strategy for recovery. I should note that Mary Lynn has returned the favor many times over since Hurricane Sandy devastated our area, with materials, information and support, which has been greatly appreciated.'' He also later noted that ''Starting almost immediately after the disaster, staff in other states and programs began reaching out with offers of assistance and words or experiences of support . . . The experiences gained from disasters in Florida, Texas, Colorado, Louisiana and many other places reinforce the value of the SBDC network in meeting the needs of small business in times of disaster.'' I believe that these current relationships will be further strengthened by enacting this legislation. C.E. ''Tee'' Rowe, President/CEO of ASBDC noted this in his February 10, 2013 letter to my office, noting that, ''Allowing SBDCs to share resources across state lines or other boundaries for the purposes of disaster recovery is a common sense proposal, little different from utilities sharing linemen.'' At the same time, however, I encourage SBDC chapters across the country to establish more of these partnerships pre-disaster so that their SBDC counterparts can be there post-disaster. SBDC chapters that are, unfortunately, battle hardened from multiple disasters should not be the only chapters that bear fruit from these partnerships with their counterparts.

Furthermore, I note that Section 3 of the bill has previously been passed out of committee and has been approved by the full Senate during past sessions of Congress. So this provision has a strong record of bipartisan support. During the 110th Congress, this provision was approved unanimously by the Small Business and Entrepreneurship Committee on May 7, 2007 as Section 104 of S. 163, the ''Small Business Disaster Response and Loan Improvements Act of 2007.'' S. 163 was subsequently passed by the full Senate by unanimous consent on August 3, 2007. Unfortunately, this provision was not enacted into law before the adjournment of the 110th Congress. In the 111th Congress, this provision was again approved unanimously by the Small Business and Entrepreneurship Committee on July 2, 2009 as Section 607 of S. 1229, the ''Entrepreneurial Development Act of 2009'' but was not enacted into law before the adjournment of that Congress. Lastly, during the 112th Congress, the provision received 57 strong bipartisan votes on July 12, 2012 as Section 433 of Senate Amendment 2521 to S. 2237, the ''Small Business Jobs and Tax Relief Act of 2012.'' My Republican colleagues Senators Snowe, COLLINS, VITTER, Scott Brown, and HELLER all voted in support of the amendment. Although it was not ultimately enacted into law, the provision was subsequently included in separate pieces of legislation introduced by Senator Olympia Snowe and myself. This provision was included as Section 433 of S. 3442, the ''SUCCESS Act of 2012'' that I introduced on July 25, 2012 as well as Section 433 of S. 3572, the ''Restoring Tax and Regulatory Certainty to Small Business Act of 2012'' that Senator Snowe introduced on September 9, 2012.

Lastly, Section 4 is a new provision that I worked with my colleague Senator COCHRAN to include in the legislation. This section addresses past instances where SBDCs were not sufficiently reimbursed post-disaster by the SBA for disaster-related expenses. Section 3 provides clear Congressional intent that, in authorizing the SBA to allow out-of-state SBDCs to assist in disaster areas outside their geographic location, the agency must also ensure that out-of-state SBDCs are not left paying out of pocket for assisting in these disaster areas. If the SBA approves for these SBDCs to deploy staff or resources to a disaster area, the agency must in turn ensure that it reimburses SBDCs for these expenses provided they were legitimate and there are funds available to do so. I thank Senator COCHRAN for bringing this to my attention on behalf of his local SBDCs, and look forward to working closely with him to enact this provision into law.

In closing, I believe that these commonsense disaster reforms will greatly benefit businesses impacted by future disasters. First, the major proposals in this legislation are neither new nor untested. Next, this approach has already received support from the following groups from across the country: the Association of Small Business Development Centers, the International Economic Development Council, the Southwest Louisiana Economic Development Alliance, the St. Tammany Economic Development Foundation, the Northeast Louisiana Economic

Partnership, and the Bay Area Houston Economic Partnership. With that in mind, the Senate should not make the perfect the enemy of the good. If we can make these reforms today and help one business impacted by a disaster tomorrow, we will have done what our constituents sent us here to do: make good laws.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

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

S. 415

*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 ''Small Business Disaster Reform Act of 2013''.

**SEC. 2. CLARIFICATION OF COLLATERAL REQUIREMENTS.**

Section 7(d)(6) of the Small Business Act (15 U.S.C. 636(d)(6)) is amended by inserting after ''which are made under paragraph (1) of subsection (b)'' the following: '': *Provided further*, That the Administrator, in obtaining the best available collateral for a loan of not more than $200,000 under paragraph (1) or (2) of subsection (b) relating to damage to or destruction of the property of, or economic injury to, a small business concern, shall not require the owner of the small business concern to use the primary residence of the owner as collateral if the Administrator determines that the owner has other assets with a value equal to or greater than the amount of the loan that could be used as collateral for the loan: *Provided further*, That nothing in the preceding proviso may be construed to reduce the amount of collateral required by the Administrator in connection with a loan described in the preceding proviso or to modify the standards used to evaluate the quality (rather than the type) of such collateral''.

**SEC. 3. ASSISTANCE TO OUT-OF-STATE SMALL BUSINESSES.**

Section 21(b)(3) of the Small Business Act (15 U.S.C. 648(b)(3)) is amended—

(1) by striking ''(3) At the discretion'' and inserting the following:

''(3) ASSISTANCE TO OUT-OF-STATE SMALL BUSINESSES.—

''(A) IN GENERAL.—At the discretion''; and

(2) by adding at the end the following:

''(B) DISASTER RECOVERY ASSISTANCE.—

''(i) IN GENERAL.—At the discretion of the Administrator, the Administrator may authorize a small business development center to provide assistance, as described in subsection (c), to a small business concern located outside of the State, without regard to geographic proximity, if the small business concern is located in an area for which the President has declared a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), during the period of the declaration.

''(ii) CONTINUITY OF SERVICES.—A small business development center that provides counselors to an area described in clause (i) shall, to the maximum extent practicable, ensure continuity of services in any State in which the small business development center otherwise provides services.

''(iii) ACCESS TO DISASTER RECOVERY FACILITIES.—For purposes of this subparagraph, the Administrator shall, to the maximum extent practicable, permit the personnel of a small business development center to use any site or facility designated by the Administrator for use to provide disaster recovery assistance.''.

**SEC. 4. SENSE OF CONGRESS.**

It is the sense of Congress that, subject to the availability of funds, the Administrator of the Small Business Administration shall, to the extent practicable, ensure that a small business development center is appropriately reimbursed for any legitimate expenses incurred in carrying out activities under section 21(b)(3)(B) of the Small Business Act (15 U.S.C. 648(b)(3)(B)), as added by this Act.

ASSOCIATION OF SMALL BUSINESS DEVELOPMENT CENTERS,
*Burke, VA, February 10, 2013.*

Hon. MARY LANDRIEU,
*Chair, Committee on Small Business and Entrepreneurship, U.S. Senate, Washington, DC.*

DEAR SENATOR LANDRIEU: Thank you for giving the Association of Small Business Development Centers (ASBDC) the opportunity to comment on your proposed legislative amendments to the disaster assistance provisions in the Small Business Act (15 USC 631 et seq.).

While Congress has taken a significant step in addressing the resource issues following Sandy and other disasters there are still restrictions in the SBDC assistance authority and the US Small Business Administration's loan making authority that could complicate future disaster recovery efforts. We applaud your efforts to deal with those issues.

Under section 21(b)(3) of the Small Business Act (15 USC 648(b)(3)) SBDCs are limited in their ability to provide services across state lines. This prevents SBDCs dealing with disaster recovery, like New York and New Jersey, from being able to draw upon the resources available in our nationwide network of nearly 1,000 centers with over 4,500 business advisors. It likewise prevents states with great experience in disaster recovery assistance like Louisiana and Florida, from providing assistance to their colleagues.

Your proposed legislation amends that SBDC geographic service restriction for the purposes of providing disaster support and assistance. Our Association wholeheartedly endorses that change. Allowing SBDCs to share resources across state lines or other boundaries for the purpose of disaster recovery is a common sense proposal, little different from utilities sharing linemen. In addition, we would like to note that this provision has been supported by the Senate Committee on Small Business and Entrepreneurship twice in previous Congresses.

In addition, the ASBDC wishes to express its support for your proposals to amend the collateral requirements in the disaster loan program for loans under $200,000. SBDCs routinely assist small business owners with their applications for disaster loan assistance and have often faced clients with qualms about some of those requirements.

We share a common goal of putting small business on the road to recovery after disaster strikes and getting capital flowing is a key factor in meeting that goal. To that end, ASBDC supports your efforts to ease collateral requirements and help improve the flow of disaster funds to small business applicants. We believe your proposal to limit the use of personal homes as collateral on smaller loans is consistent with the need to get capital flowing to affected businesses and ease the stress on these businesses. We also agree that this change will not undermine the underwriting standards of the disaster loan program.

Thank you again for kind attention and continuing support of small business.

Sincerely,

C.E. ''TEE'' ROWE,
*President/CEO, ASBDC.*

INTERNATIONAL ECONOMIC DEVELOPMENT COUNCIL,
*Washington, DC, February 13, 2013.*

Hon. MARY L. LANDRIEU,
*Chair, Committee on Small Business and Entrepreneurship, U.S. Senate.*

Hon. JAMES E. RISCH,
*Ranking Member, Committee on Small Business and Entrepreneurship, U.S. Senate, Washington, DC.*

DEAR SENATOR LANDRIEU AND SENATOR RISCH: On behalf of the International Economic Development Council (IEDC), please accept our appreciation for this opportunity to provide comments related to proposed changes to federal disaster assistance programs offered by the United States Small Business Administration (SBA). Your continuing support of these critical programs is worthy of praise and we thank you for your leadership.

IEDC has a strong history of supporting disaster planning and recovery. Our organization, with a membership of over 4,000 dedicated professionals, responded to communities in need following the 2005 hurricane season, the BP Gulf oil spill and other disaster-related incidents by providing economic development recovery assistance. We have continued our work in this area through technical assistance projects and partnerships with federal agencies and other non-governmental organizations. Our profession is invested in helping our country prepare for and respond to disasters, much the same as you and your colleagues on the Committee on Small Business and Entrepreneurship. To this end, we support proposed changes that will allow SBA to more effectively deliver disaster recovery assistance to local businesses in need of federal aid.

Rebuilding the local economy must be a top priority following a disaster, second only to saving lives and homes. IEDC supports the targeted changing of the current collateral requirements that state a business owner must place their home up as collateral in order to secure an SBA disaster business loan of $200,000 or less. In times of crisis, affected business owners are understandably reluctant to place their personal homes up as collateral in order to obtain a much needed loan to rebuild their business. Consequently, SBA loans put in place to help businesses rebuild following a disaster go underutilized. As lawmakers, you have a responsibility to protect the taxpayer, which is why we understand the need for posting collateral of equal or greater value to the amount of the loan. The proposed targeted change that eliminates the specific requirement of using a home as collateral to guarantee a loan of $200,000 or less, and instead allowing business assets to act as collateral, will promote greater utilization of the loans. This is an idea we can all get behind; one that will lead to greater, faster economic recovery.

When disaster strikes, we should do everything in our power to bring the full resources of the federal government to bear in the impacted community. This includes, most especially, bringing in top experts who can immediately begin helping businesses and local economies recover. The national network of over 1,100 Small Business Development Centers (SBDC) could be an excellent resource to stricken communities. Unfortunately, current rules prevent SBDC's from assisting their counterparts in other jurisdictions. For example, those communities in the mid-Atlantic and New England impacted by Sandy are not able to benefit from the enormous

amount of knowledge and experience in storm recovery held by SBDCs in Florida and the Gulf region. Certainly, we can all agree that disasters warrant an extraordinary response and that response must include qualified expertise from all corners of the federal government.

Forty to sixty percent of small businesses that close as a result of a disaster do not reopen. This is an unacceptably high number. We would not accept that level of loss in homes and we cannot accept that level of loss in jobs; our communities cannot sustain such losses and duty dictates we make certain they don't have to. By enacting common sense legislation, like that which is under consideration here, and freeing the flow of capital and expertise, we are taking concrete steps to give our small businesses and local economies the greatest chance to recover.

IEDC is your partner in the work of job creation. We thank you for your leadership in support of small business and stand ready to offer our assistance in this and future efforts.

Sincerely,

PAUL L. KRUTKO,
*Chairman, International Economic Development Council and President and CEO, Ann Arbor SPARK.*

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ST. TAMMANY
ECONOMIC DEVELOPMENT FOUNDATION,
*Mandeville, LA, February 19, 2013.*

Hon. MARY LANDRIEU,
*Chair, Committee on Small Business and Entrepreneurship, U.S. Senate, Washington, DC.*

Dear SENATOR LANDRIEU: The St. Tammany Economic Development Foundation thanks you for the opportunity to comment on the proposed amendments to the disaster assistance provisions in the Small Business Act (15 US 631 et seq.). As we learned from Hurricanes Katrina, Rita and most recently Isaac, the sooner our small businesses are able to recover, the better it is for the region, the state and the nation.

We fully endorse the proposed amendment to Section 1 of the bill regarding collateral on business disaster loans. If approved, no longer would small business owners have to use their primary personal residence for collateral towards SBA disaster business loans less than $200,000 if other assets are available of equal or greater value than the amount of the loan. In times of crisis, affected business owners are understandably reluctant to place their personal homes up as collateral in order to obtain a much needed loan to rebuild their business. Allowing business assets to act as collateral will promote greater utilization of the loans; leading to faster economic recovery.

Under Section 2 of the bill, Small Business Development Centers (SBDCs) are limited in their ability to provide services across state lines. This prevents SBDCs in affected areas from being able to draw upon the resources available from their colleagues nationwide. Louisiana SBDCs have great experience in disaster recovery assistance and should not be prevented from providing assistance to their colleagues outside of Louisiana in the event of disaster. Therefore, we fully support this provision.

We applaud your efforts to protect small businesses in the wake of disasters and thank you for continuing to be a strong advocate on their behalf. After all, small businesses are the lifeblood of our great nation.

Sincerely,

*Brenda Bertus,*
*Executive Director, St. Tammany Economic Development Foundation.*

NORTH LOUISIANA
ECONOMIC PARTNERSHIP,
*February 26, 2013.*

Hon. MARY LANDRIEU,
*Chair, Committee on Small Business and Entrepreneurship, U.S. Senate, Washington, DC.*

Dear SENATOR LANDRIEU, The North Louisiana Economic Partnership thanks you for the opportunity to comment on the proposed changes to the disaster assistance programs offered by the United States Small Business Administration. The proposed amendments to the Small Business Act (15 USC 631 et seq.) will greatly enhance federal assistance to small businesses recovering from disasters. NLEP applauds your efforts to support our small businesses which make up the backbone of the American economy.

As a regional economic development organization promoting North Louisiana, NLEP often works with businesses impacted by natural or manmade disasters. The impact of these disasters can temporarily or permanently shut down small businesses, leaving both small business owners and their employees without a livelihood. The SBA disaster programs offer a real lifeline to these impacted businesses which have very few options available to them. The proposed amendment to Section 1 of the bill regarding collateral for business disaster loans would allow more small businesses to utilize the disaster loan programs. If approved, small business owners would no longer have to use their primary residence as collateral toward a SBA disaster business loan of less than $200,000, if other assets are available. During a widespread disaster, the primary residence of business owners may also be impacted and requiring them to use their home as collateral would create an onerous burden and/or be financially unfeasible. Eliminating this collateral requirement opens up assistance to those businesses most impacted by disaster, speeding recovery for businesses and a region's economy.

The second proposed change to Section 2 of the Small Business Act would allow Small Business Development Centers (SBDCs) to provide technical assistance to impacted small businesses beyond the current 250 mile limitation. The Louisiana Small Business Development Centers (LSBDCs) have successfully worked with countless small businesses devastated by Hurricanes Katrina, Rita, Gustav and Ike, and most recently the BP oil spill. The experience and expertise that the LSBDC could have shared with the SBDCs in the New York and New Jersey area would have enhanced their capabilities to cope with Superstorm Sandy. In times of disaster, it is essential to collaborate and pool resources in order to speed up delivery of much needed assistance.

For these reasons, the North Louisiana Economic Partnership fully endorses the proposed amendments to the current SBA legislation that would open up, enhance and efficiently deliver disaster assistance to small businesses.

Sincerely,

SCOTT MARTINEZ
*President, North Louisiana Economic Partnership.*

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BAY AREA HOUSTON,
ECONOMIC PARTNERSHIP,
*Houston, TX, February 13, 2013.*

Hon. MARY LANDRIEU,
*Chair, Committee on Small Business and Entrepreneurship, U.S. Senate, Washington, DC.*

DEAR SENATOR LANDRIEU: The Texas economy has outperformed the rest of the country not only over the long term but also during the recent recession. Our pro-business climate has been a huge contributing factor to that, and so have Texas' small businesses. From 2002–2009, small businesses of fewer than 10 employees fueled the Texas employment engine, adding nearly 800,000 new jobs. When disaster strikes the Gulf Coast, as it did with Hurricanes Katrina, Rita, Gustav, and Ike, our small businesses are hit hard. The sooner they are able to recover the better it is for the region, the state, and the nation.

This is why I am writing to support your proposed legislative amendments to the disaster assistance provisions in the Small Business Act (15 USC 631 et seq). Section 1 of the bill addresses collateral on business disaster loans. If approved, no longer would small business owners have to use their primary personal residence for collateral towards SBA disaster business loans less than $200,000 if other assets are available of equal or greater value than the amount of the loan. This would certainly help to reduce anxiety on the part of small business owners and their families who have already experienced enough stress through damage to or total destruction of their businesses.

Section 2 of the bill includes the provision that authorizes the Small Business Administration to allow out-of-state small business development centers to provide assistance in presidentially-declared disaster areas, which is currently not allowed. When Hurricane Ike devastated our region in September 2008, we welcomed any and all kinds of disaster relief. The northeast just experienced a similar disaster with Hurricane Sandy. Utility crews from across the nation responded quickly to each. State lines should never be used to prevent aid from reaching disaster victims. The majority of the membership of our organization is comprised of small businesses. On their behalf, we fully endorse this provision.

Thank you for working to keep America's small businesses strong and helping them to recover from major storms that we know will strike again.

Sincerely,

BOB MITCHELL,
*President, Bay Area Houston Economic Partnership.*

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SWLA ECONOMIC
DEVELOPMENT ALLIANCE,
*Lake Charles, LA, February 25, 2013.*

Hon. MARY LANDRIEU,
*Chair, Committee on Small Business and Entrepreneurship, U.S. Senate, Washington, DC.*

DEAR SENATOR LANDRIEU, The Southwest Louisiana Economic Development Alliance welcomes the opportunity to comment on the proposed amendments to the disaster assistance provisions in the Small Business Act (15 US 631 et seq.). As we learned from Hurricanes Rita and Ike, the sooner our small businesses are able to recover, the better it is for the region, the state and the nation.

We fully endorse the proposed amendment to Section 1 of the bill regarding collateral on business disaster loans. If approved, no longer would small business owners have to use their primary personal residence for collateral towards SBA disaster business loans less than $200,000 if other assets are available of equal or greater value than the amount of the loan. In times of crisis, affected business owners are understandably reluctant to place their personal homes up as collateral in order to obtain a much needed loan to rebuild their business. Allowing business assets to act as collateral will promote greater utilization of the loans; leading to faster economic recovery.

Under Section 2 of the bill, Small Business Development Centers (SBDCs) are limited in their ability to provide service across state lines. This prevents SBDCs in affected areas from being able to draw upon the resources available from their colleagues nationwide. Louisiana SBDCs have great experience in

disaster recovery assistance and should not be prevented from providing assistance to their colleagues outside of Louisiana in the event of disaster. Therefore, we fully support this provision.

About 85% of the members of the Chamber SWLA are small businesses. We applaud your efforts to protect small businesses in the wake of disasters and thank you for continuing to be a strong advocate on their behalf.

Sincerely,

GEORGE SWIFT,
*President/CEO,*
*SWLA Economic Development Alliance.*

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

S. 418. A bill to require the Federal Trade Commission to prescribe regulations regarding the collection and use of personal information obtained by tracking the online activity of an individual, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ROCKEFELLER. Mr. President, I rise to introduce the Do-Not-Track Online Act of 2013. This bill is a critical step towards furthering consumer privacy. It empowers Americans to control their personal information online and provides them with the ability to prevent online companies from collecting and using that information for profit.

Do-not-track is a simple concept. It allows consumers, with a simple click of the mouse, to tell every company that participates in the vast online ecosystem, ''Do not collect information about me. I care about my privacy. My personal information is not for sale. And I do not want my information used in ways I do not expect or approve.'' Under this bill, online companies would have to honor that user declaration or face penalties enforced by the Federal Trade Commission, FTC, or State Attorneys General.

This bill is necessary because the privacy of Americans is increasingly under assault as more and more of their daily lives are conducted online. Whether it is a person at home searching for a new job or home, a parent researching her sick child's symptoms and treatments using a health application, or a teenager using her smartphone while riding the subway, online companies are collecting massive amounts of information, often without consumers' knowledge or consent. A vast array of companies that consumers have never heard of are surreptitiously collecting this information in numerous ways: third-party advertising networks place ''cookies'' on computer web-browsers to track the websites that consumers have visited; analytic and marketing companies identify individual computers by recognizing the unique configuration, or ''fingerprint,'' of web-browsers; and software applications installed on mobile devices, colloquially known as ''apps,'' collect, use, and share information about consumers' precise locations, contact lists, photographs, and other personal matters. All of this information can be combined and stored on computer servers around the world and used for a variety of purposes, ranging from website analytics to online behavioral advertising to the creation of comprehensive dossiers by data brokers that build and sell personal profiles about hundreds of millions of individual Americans.

My bill would empower consumers, if they so choose, to stem the tide. It would give them the means to prohibit the collection of their information from the start. Consumers would be able to tell companies collecting their personal information that they want those collection practices to stop. At the same time, the bill would preserve the ability of those online companies to conduct their business and deliver the content and services that consumers have come to expect and enjoy. The bill would grant the FTC rulemaking authority to use its expertise to protect the privacy interests of consumers while addressing the legitimate needs of industry.

The key to this bill is its simplicity. For over a decade in the Senate Commerce Committee, which I chair, we have tried to determine how online companies can provide clear and conspicuous notice to consumers about their information practices and—once this notice has been given—further determine how consumers can either opt-in or opt-out of those information collection practices. Yet today, privacy policies are still far too long, too complicated, and too full of technical legalese for any reasonable consumer to read, let alone understand. The failures of these notices are even clearer when placed on the exploding number of mobile devices on which consumers have grown to rely. My bill avoids this messy ''rabbit hole'' of policy considerations and creates an easy mechanism that gives consumers the opportunity to simply say ''no thank you'' to anyone and everyone collecting their online information. Period.

Let me also say a few words about what this bill does not do. My bill would not ''break the Internet,'' as I am sure we will hear from opponents. The truth is that my bill makes every necessary accommodation for online companies to continue providing content and services to consumers. For instance, websites and applications would still be able collect data to deliver the content and functionality that consumers have requested, perform internal analytics, improve performance, and prevent fraud. My bill would also allow online companies to collect and maintain consumer information when it has been voluntarily provided by the consumer. They could also collect data that is truly anonymous. Finally, consumers could allow companies they trust to collect and use their information by giving specific consent that overrides a general do-not-track preference. But, when consumers say that they do not want to be tracked, online companies would no longer be allowed to ignore this request and collect and use this information for any extraneous purpose. Moreover, these companies would be obligated to immediately destroy or anonymize the information once it is no longer needed to provide the service requested.

I think it is worth noting that since 2010, the FTC has called for a do-not-track solution. The commission has stated that any effective do-not-track system should be simple, easy to use, and persistent, and that, if implemented, it should prevent the collection of consumers' online data. The private sector has also taken notice and similarly recognized the utility of do-not-track for its users. Nearly every popular web browser now allows consumers to affirmatively declare a do-not-track preference to websites. The problem is that online companies have no legal obligation to honor this request and, in fact, many have gone so far as to outright refuse to do so. In February 2012, industry leaders stood at the White House and publicly declared their commitment to honor do-not-track requests from web browsers. Yet since that time, industry has failed to live up to those commitments. The online advertising industry has articulated huge exemptions to its pledge to limit the collection of information—exceptions that undermine the very self-regulatory programs the industry has promoted as effective. This industry has emphasized consumer choice yet has made statements publicly refusing to honor new do-not-track browser features. My bill would put an end to this gamesmanship and nonsense.

My bill is only part of the ongoing discussion on consumer privacy in Congress. It is simple, yet powerful. It allows consumers, if they choose, and I should emphasize that many will not make such a choice, to stop the mind-boggling number of online companies that are collecting vast amounts of their information. It gives consumers an easy-to-use tool that will implement their choices effectively in a complex, rapidly-changing online world. It prohibits those lurking in the cyber-shadows from profiting off of the personal, private information of ordinary Americans. I look forward to working with my colleagues on this and other privacy legislative efforts in the Commerce Committee and on the Senate floor.

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. 418

*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 ''Do-Not-Track Online Act of 2013''.

**SEC. 2. REGULATIONS RELATING TO "DO-NOT-TRACK" MECHANISMS.**

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act,

the Federal Trade Commission shall promulgate—

(1) regulations that establish standards for the implementation of a mechanism by which an individual can simply and easily indicate whether the individual prefers to have personal information collected by providers of online services, including by providers of mobile applications and services; and

(2) rules that prohibit, except as provided in subsection (b), such providers from collecting personal information on individuals who have expressed, via a mechanism that meets the standards promulgated under paragraph (1), a preference not to have such information collected.

(b) EXCEPTION.—The rules promulgated under paragraph (2) of subsection (a) shall allow for the collection and use of personal information on an individual described in such paragraph, notwithstanding the expressed preference of the individual via a mechanism that meets the standards promulgated under paragraph (1) of such subsection, to the extent—

(1) necessary to provide a service requested by the individual, including with respect to such service, basic functionality and effectiveness, so long as such information is anonymized or deleted upon the provision of such service; or

(2) the individual—

(A) receives clear, conspicuous, and accurate notice on the collection and use of such information; and

(B) affirmatively consents to such collection and use.

(c) FACTORS.—In promulgating standards and rules under subsection (a), the Federal Trade Commission shall consider and take into account the following:

(1) The appropriate scope of such standards and rules, including the conduct to which such rules shall apply and the persons required to comply with such rules.

(2) The technical feasibility and costs of—

(A) implementing mechanisms that would meet such standards; and

(B) complying with such rules.

(3) Mechanisms that—

(A) have been developed or used before the date of the enactment of this Act; and

(B) are for individuals to indicate simply and easily whether the individuals prefer to have personal information collected by providers of online services, including by providers of mobile applications and services.

(4) How mechanisms that meet such standards should be publicized and offered to individuals.

(5) Whether and how information can be collected and used on an anonymous basis so that the information—

(A) cannot be reasonably linked or identified with a person or device, both on its own and in combination with other information; and

(B) does not qualify as personal information subject to the rules promulgated under subsection (a)(2).

(6) The standards under which personal information may be collected and used, subject to the anonymization or deletion requirements of subsection (b)(1)—

(A) to fulfill the basic functionality and effectiveness of an online service, including a mobile application or service;

(B) to provide the content or services requested by individuals who have otherwise expressed, via a mechanism that meets the standards promulgated under subsection (a)(1), a preference not to have personal information collected; and

(C) for such other purposes as the Commission determines substantially facilitates the functionality and effectiveness of the online service, or mobile application or service, in a manner that does not undermine an individual's preference, expressed via such mechanism, not to collect such information.

(d) RULEMAKING.—The Federal Trade Commission shall promulgate the standards and rules required by subsection (a) in accordance with section 553 of title 5, United States Code.

**SEC. 3. ENFORCEMENT OF "DO-NOT-TRACK" MECHANISMS.**

(a) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of a rule promulgated under section 2(a)(2) shall be treated as an unfair and deceptive act or practice in violation of a regulation under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) regarding unfair or deceptive acts or practices.

(2) POWERS OF COMMISSION.—

(A) IN GENERAL.—Except as provided in subparagraph (C), the Federal Trade Commission shall enforce this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act.

(B) PRIVILEGES AND IMMUNITIES.—Except as provided in subparagraph (C), any person who violates this Act shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(C) NONPROFIT ORGANIZATIONS.—The Federal Trade Commission shall enforce this Act with respect to an organization that is not organized to carry on business for its own profit or that of its members as if such organization were a person over which the Commission has authority pursuant to section 5(a)(2) of the Federal Trade Commission Act (15 U.S.C. 45(a)(2)).

(b) ENFORCEMENT BY STATES.—

(1) IN GENERAL.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of the State has been or is threatened or adversely affected by the engagement of any person subject to a rule promulgated under section 2(a)(2) in a practice that violates the rule, the attorney general of the State may, as parens patriae, bring a civil action on behalf of the residents of the State in an appropriate district court of the United States—

(A) to enjoin further violation of such rule by such person;

(B) to compel compliance with such rule;

(C) to obtain damages, restitution, or other compensation on behalf of such residents;

(D) to obtain such other relief as the court considers appropriate; or

(E) to obtain civil penalties in the amount determined under paragraph (2).

(2) CIVIL PENALTIES.—

(A) CALCULATION.—Subject to subparagraph (B), for purposes of imposing a civil penalty under paragraph (1)(E) with respect to a person that violates a rule promulgated under section 2(a)(2), the amount determined under this paragraph is the amount calculated by multiplying the number of days that the person is not in compliance with the rule by an amount not greater than $16,000.

(B) MAXIMUM TOTAL LIABILITY.—The total amount of civil penalties that may be imposed with respect to a person that violates a rule promulgated under section 2(a)(2) shall not exceed $15,000,000 for all civil actions brought against such person under paragraph (1) for such violation.

(C) ADJUSTMENT FOR INFLATION.—Beginning on the date on which the Bureau of Labor Statistics first publishes the Consumer Price Index after the date that is 1 year after the date of the enactment of this Act, and annually thereafter, the amounts specified in subparagraphs (A) and (B) shall be increased by the percentage increase in the Consumer Price Index published on that date from the Consumer Price Index published the previous year.

(3) RIGHTS OF FEDERAL TRADE COMMISSION.—

(A) NOTICE TO FEDERAL TRADE COMMISSION.—

(i) IN GENERAL.—Except as provided in clause (iii), the attorney general of a State shall notify the Federal Trade Commission in writing that the attorney general intends to bring a civil action under paragraph (1) before initiating the civil action.

(ii) CONTENTS.—The notification required by clause (i) with respect to a civil action shall include a copy of the complaint to be filed to initiate the civil action.

(iii) EXCEPTION.—If it is not feasible for the attorney general of a State to provide the notification required by clause (i) before initiating a civil action under paragraph (1), the attorney general shall notify the Federal Trade Commission immediately upon instituting the civil action.

(B) INTERVENTION BY FEDERAL TRADE COMMISSION.—The Federal Trade Commission may—

(i) intervene in any civil action brought by the attorney general of a State under paragraph (1); and

(ii) upon intervening—

(I) be heard on all matters arising in the civil action; and

(II) file petitions for appeal of a decision in the civil action.

(4) INVESTIGATORY POWERS.—Nothing in this subsection may be construed to prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of the State to conduct investigations, to administer oaths or affirmations, or to compel the attendance of witnesses or the production of documentary or other evidence.

(5) PREEMPTIVE ACTION BY FEDERAL TRADE COMMISSION.—If the Federal Trade Commission institutes a civil action or an administrative action with respect to a violation of a rule promulgated under section 2(a)(2), the attorney general of a State may not, during the pendency of such action, bring a civil action under paragraph (1) against any defendant named in the complaint of the Commission for the violation with respect to which the Commission instituted such action.

(6) VENUE; SERVICE OF PROCESS.—

(A) VENUE.—Any action brought under paragraph (1) may be brought in—

(i) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code; or

(ii) another court of competent jurisdiction.

(B) SERVICE OF PROCESS.—In an action brought under paragraph (1), process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) may be found.

(7) ACTIONS BY OTHER STATE OFFICIALS.—

(A) IN GENERAL.—In addition to civil actions brought by attorneys general under paragraph (1), any other officer of a State who is authorized by the State to do so may bring a civil action under paragraph (1), subject to the same requirements and limitations that apply under this subsection to civil actions brought by attorneys general.

(B) SAVINGS PROVISION.—Nothing in this subsection may be construed to prohibit an authorized official of a State from initiating or continuing any proceeding in a court of the State for a violation of any civil or criminal law of the State.

**SEC. 4. BIENNIAL REVIEW AND ASSESSMENT.**

Not later than 2 years after the effective date of the regulations initially promulgated under section 2, the Federal Trade Commission shall—

(1) review the implementation of this Act;

(2) assess the effectiveness of such regulations, including how such regulations define or interpret the term ''personal information'' as such term is used in section 2;

(3) assess the effect of such regulations on online commerce; and

(4) submit to Congress a report on the results of the review and assessments required by this section.

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By Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. DURBIN, Mr. FRANKEN, Mr. HARKIN, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. SANDERS, Mr. UDALL of New Mexico, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 419. A bill to limit the use of cluster munitions; to the Committee on Foreign Relations.

Mrs. FEINSTEIN. Mr. President, I rise today with my friend and colleague from Vermont, Senator LEAHY to introduce the Cluster Munitions Civilian Protection Act of 2013.

Our legislation places common sense restrictions on the use of cluster munitions. It prevents any funds from being spent to use cluster munitions that have a failure rate of more than one percent.

In addition, the rules of engagement must specify that the cluster munitions will only be used against clearly defined military targets; and will not be used where civilians are known to be present or in areas normally inhabited by civilians.

Our legislation also includes a national security waiver that allows the President to waive the prohibition on the use of cluster munitions with a failure rate of more than one percent, if he determines it is vital to protect the security of the United States to do so.

However, if the President decides to waive the prohibition, he must issue a report to Congress within 30 days on the failure rate of the cluster munitions used and the steps taken to protect innocent civilians.

Cluster munitions are large bombs, rockets, or artillery shells that contain up to hundreds of small submunitions, or individual ''bomblets.''

They are intended for attacking enemy troop and armor formations spread over a half mile radius.

But, in reality, they pose a deadly threat to innocent civilians.

In Afghanistan, between October 2001 and November 2002, 127 civilians lost their lives due to cluster munitions, 70 percent of them under the age of 18.

An estimated 1,220 Kuwaitis and 400 Iraqi civilians have been killed by cluster munitions since 1991.

During the 2006 war in Lebanon, Israeli cluster munitions, many of them manufactured in the U.S., injured and killed 343 civilians.

Sadly, Syria is just the latest example.

According to Human Rights Watch, the Syrian military has used air-dropped and ground-based cluster munitions near or in civilian areas.

In October, residents of Taftanaz and Tamane reported that helicopters dropped cluster munitions on or near their towns. One resident told Human Rights Watch:

> On October 9, I heard a big explosion followed by several smaller ones coming from Shelakh field located at the north of Taftanaz. We went to see what happened. We saw a big [bomb] cut in half and several [bomblets] that were not detonated. I personally found one that was not exploded. There were small holes in the ground. The holes were dispersed and spread over 300 meters.

Another resident reported that an air-dropped cluster munitions released bomblets that landed between two neighboring schools.

Last month, Human Rights Watch issued another report that Syrian forces used ''notoriously indiscriminate'' ground-based cluster munitions near Idlib and Latamenh, a town near Hama.

Not surprisingly, the residents of these towns also reported that many of the bomblets were dispersed over a wide area, failed to explode, and killed or maimed innocent civilians.

One resident of Latamneh told Human Rights Watch:

> I heard a big explosion followed by smaller ones. . . . I saw wounded people everywhere and small bombs covering the streets. The damage caused to the buildings was minimal. I saw a lot of unexploded bomblets.

One civilian was killed during the attack and 15 more, including women and children, were wounded. Another civilian was later killed by an unexploded bomblet. One video shows a baby with shrapnel along his right arm.

Videos taken after the incident also show that the civilians who came across the munitions were unaware of the deadly power of an unexploded bomblet.

Men, and even children, can be seen handling these weapons as if they were toys or simply souvenirs from the war.

Now, the United States has rightly condemned the Syrian military's use of cluster munitions against innocent civilians.

However, our moral leadership is hampered by the fact that we continue to maintain such a large arsenal of these deadly weapons and our continued resistance to international efforts to restrict their use.

In fact, the United States maintains an estimated 5.5 million cluster munitions containing 728 million submunitions. These bomblets have an estimated failure rate of between 5 and 15 percent.

According to the most recent data, only 30,900 of these 728 million submunitions have self-destruct devices that would ensure a less than one percent failure rate.

That accounts for only 0.00004 percent of the U.S. arsenal.

So, the technology exists for the U.S. to meet the one percent standard, but our arsenal still overwhelmingly consists of cluster bombs with high failure rates.

How then, do we convince Syria not to use these deadly weapons?

While we wait, the international community has taken action.

On August 1, 2010, the Oslo Convention on Cluster Munitions—which would prohibit the production, use, and export of cluster munitions and requires signatories to eliminate their arsenals within eight years—formally came into force. To date, it has been signed by 111 countries and ratified by 77 countries.

This group includes key NATO allies such as Canada, the United Kingdom, France, and Germany, who are fighting alongside our troops in Afghanistan.

It includes 33 countries that have produced or used cluster bombs.

But it does not include the United States.

The United States chose not to participate in the Oslo process or sign the treaty.

This is unacceptable.

Instead, the Pentagon continues to assert that cluster munitions are ''legitimate weapons with clear military utility in combat.''

Recognizing that the United States could not remain silent in the face of widespread international efforts to restrict the use of cluster munitions, Secretary of Defense Robert Gates issued a new policy on cluster munitions in June, 2008 stating that, after 2018, the use, sale, and transfer of cluster munitions with a failure rate of more than 1 percent would be prohibited.

This policy is a step in the right direction, but would still allow the Pentagon to use cluster bombs with high failure rates for five more years.

That runs counter to our values. I believe the administration should take another look at this policy.

In fact, on September 29, 2009, Senator LEAHY and I were joined by 14 of our colleagues in sending a letter to President Obama urging him to conduct a thorough review of U.S. policy on cluster munitions.

On April 14, 2010, we received a response from then National Security Advisor Jim Jones stating that the administration will undertake this review following the policy review on U.S. landmines policy.

The administration should complete this review without delay.

Until then, we are still prepared to use these weapons with well-known failure rates and significant risks to innocent civilians?

What does that say about us?

The fact is, cluster munition technologies already exist that meet the one percent standard. Why do we need to wait until 2018?

This delay is especially troubling given that in 2001, former Secretary of Defense William Cohen issued his own

policy on cluster munitions stating that, beginning in fiscal year 2005, all new cluster munitions must have a failure rate of less than one percent.

Unfortunately, the Pentagon was unable to meet this deadline and Secretary Gates' policy essentially postpones any meaningful action until 2018.

If we do nothing, close to twenty years will have passed since the Pentagon first recognized the threat these deadly weapons pose to innocent civilians.

We can do better.

First, it should be noted that in 2007, Congress passed, and President Bush signed into law, the FY 2008 Consolidated Appropriations Act, which included a provision that prohibits the sale and transfer of cluster bombs with a failure rate of more than one percent.

That ban has been renewed on an annual basis and remains on the books.

Our legislation simply moves up the Gates policy by five years and extends the ban on the sale and transfer of cluster munitions with high failure rates to our own arsenal.

For those of my colleagues who are concerned that it may be too soon to enact a ban on the use of cluster munitions with failure rates of more than 1 percent, I point out again that our bill allows the President to waive this restriction if he determines it is vital to protect the security of the United States to do so.

I would also remind my colleagues that the United States has not used cluster munitions in Iraq since 2003 and has observed a moratorium on their use in Afghanistan since 2002.

In conclusion, let me say that Senator LEAHY and I remain as committed as ever to raising awareness about the threat posed by cluster munitions and to pushing the United States to enact common-sense measures to protect innocent civilians. This body constantly talks about America's moral leadership, and this is the perfect opportunity to exercise it.

Senator LEAHY and I continue our efforts for people like Phongsavath Souliyalat.

Last year, former Secretary of State Hillary Rodham Clinton traveled to Laos and met Phongsavath, a 19-year old Lao man who lost his eyesight and his hands to a bomblet just three years before.

The bomblet that injured Phongsavath was dropped more than 30 years ago during the Vietnam War. It lay unexploded, a de facto landmine, until his 16th birthday.

Sadly, he is not alone. The U.S. dropped 270 million bomblets over Laos, and 30 percent failed to explode.

According to an article from the Los Angeles Times, civilians in one-third of Laos are threatened by unexploded ordinance, and only one percent of that area has been cleared.

Since the Vietnam War, more than 20,000 people have been killed or injured by these deadly weapons. All of them were innocent civilians that the United States did not intend to target.

After Phongsavath described the suffering of those who, like him, had been injured by unexploded bomblets, Secretary Clinton replied: ''We have to do more.''

I agree wholeheartedly. As a first step, Congress should pass the Cluster Munitions Civilian Protection Act of 2013. I urge my colleagues to support this important initiative.

Mr. LEAHY. Mr. President, I am pleased to join with my friend from California, Senator FEINSTEIN, in introducing the Cluster Munitions Civilian Protection Act of 2013. It is identical to the bill that she and I have introduced in prior years, and I commend her for her persistence on this important humanitarian issue.

I come to this issue having devoted much effort over many years to shining a spotlight on and doing what can be done to help innocent victims of war. In the last century, and continuing into this new century, noncombatants increasingly have borne the brunt of the casualties in armed conflicts across the globe. Limiting the use of weapons that are inherently indiscriminate, such as landmines, and that have indiscriminate effects, such as cluster munitions, are tangible, practical, meaningful things we can do to reduce these unnecessary casualties.

Cluster munitions, like any weapon, have some military utility. But anyone who has seen the indiscriminate devastation that cluster munitions cause over wide areas understands the unacceptable threat they pose to noncombatants. These are not the laser guided weapons the Pentagon showed destroying their targets during the invasion of Baghdad. To the contrary. Cluster munitions can kill and maim anyone within the 360 degree range of flying shrapnel.

There is the horrific problem of cluster munitions that fail to explode as designed and remain as active duds, like landmines, until they are triggered by whoever comes into contact with them. Often it is an unsuspecting child, or a farmer.

Even now, in Laos today people are still being killed and maimed by millions of U.S. cluster munitions left from the 1970s. That legacy, resulting from years of secret bombing of a peaceful, agrarian people who posed no threat to the United States, contaminated more than a third of Laos' agricultural land and cost countless innocent lives. It is shameful that we have contributed less in the past 35 years to clean up these deadly remnants of war than we spent in a few days of bombing.

Current law prohibits U.S. sales, exports and transfers of cluster munitions that have a failure rate exceeding 1 percent. The law also requires any sale, export or transfer agreement to include a requirement that the cluster munitions will be used only against military targets.

The Pentagon continues to insist that the United States should retain the ability to use millions of cluster munitions in its arsenal which have estimated failure rates of 5 to 20 percent. It has pledged to meet the 1 percent failure rate for U.S. use of cluster munitions in 2018.

Like Senator FEINSTEIN I reject the notion that the United States can justify using antiquated weapons that so often fail, so often kill and injure innocent people including children, and which many of our allies have renounced. That is not the kind of leadership the world needs and expects from the United States. If we have learned anything from Afghanistan it is that harming civilians, even unintentionally, creates enemies among those whose support we need, and undermines the mission of our troops.

Senator FEINSTEIN's and my bill would apply the 1 percent failure rate to U.S. use of cluster munitions beginning on the date of enactment. However, our bill permits the President to waive the 1 percent requirement if the President certifies that it is vital to protect the security of the United States. I would hope the Pentagon would recognize that this is in its best interest, and will work with us by supporting this reasonable step.

Since December 3, 2008, when the Convention on Cluster Munitions opened for signature in Dublin, at least 111 countries have signed the treaty including Great Britain, Germany, Canada, Norway, Australia and other allies of the United States. However, the Bush Administration did not participate in the negotiations that culminated in the treaty, and the Obama Administration has not signed it.

Some have dismissed the Cluster Munitions Convention as a pointless exercise, since it does not yet have the support of the United States and other major powers such as Russia, China, Pakistan, India and Israel. These are some of the same critics of the Ottawa treaty banning antipersonnel landmines, which the United States and the other countries I named have also refused to sign. But that treaty has dramatically reduced the number of landmines produced, used, sold, and stockpiled—and the number of mine victims has fallen sharply. Any government that contemplates using landmines today does so knowing that it will be condemned by the international community. I suspect it is only a matter of time before the same is true for cluster munitions.

It is important to note that the United States today has the technological ability to produce cluster munitions that meet the requirements of our bill, as well as of the treaty. What is lacking is the political will to act. There is no excuse for continuing to use cluster munitions that cause unacceptable harm to civilians.

I urge the Obama administration to review its policy on cluster munitions and put the United States on a path to

join the treaty as soon as possible. In the meantime, our legislation would be an important step in the right direction.

I want again to thank and commend Senator FEINSTEIN, who has shown such passion and steadfastness in raising this issue and seeking every opportunity to protect civilians from these indiscriminate weapons.

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By Mr. ALEXANDER (for himself, Mr. MCCONNELL, Mr. CORKER, and Mr. PAUL):

S. 421. A bill to prohibit the Corps of Engineers from taking any action to establish a restricted area prohibiting public access to waters downstream of a dam, and for other purposes; to the Committee on Environment and Public Works.

Mr. ALEXANDER. Mr. President, today I am introducing legislation along with Senator MCCONNELL, Senator PAUL, and Senator CORKER, to prevent the U.S. Army Corps of Engineers from restricting fishing rights in some of the best fishing areas in the States of Tennessee and Kentucky below 10 dams along the Cumberland River.

I have talked with the Corps several times about this. They have told me the only solution is legislation. I am hoping there is some other solution by reasonable compromise.

But I am taking the Corps's advice. On Tuesday, Congressman ED WHITFIELD, of Kentucky, introduced legislation on this matter, and so I am introducing similar legislation today.

I have also drafted language that could be included in an appropriations bill that would prevent the Corps of Engineers from using any funds to restrict fishing in what is called the tailwaters below these 10 Corps of Engineers dams on the Cumberland River.

Today I spoke with the Secretary of the Army, John McHugh. I urged him to have the Corps give Congress enough time to consider this matter, perhaps to work out something with the Corps by compromise or, if not, to pass legislation.

On Monday, I am meeting with the Assistant Secretary of the Army, Jo-Ellen Darcy, who is in charge of the Corps of Engineers, to ask that the Corps stop taking any further action to build physical barriers along the Cumberland River.

Earlier, I met with James DeLapp, the colonel who is the commander of the Nashville District. Then I met, along with Congressman WHITFIELD and Congressman COOPER of Nashville, TN, with MG Michael Walsh, who is the deputy commanding general. I have had a number of meetings on this subject, and I am determined to get some result, one way or the other.

I am delighted to have the Republican leader, Senator MCCONNELL, my colleague, Senator CORKER from Tennessee, and Senator RAND PAUL of Kentucky as cosponsors on the legislation.

One may say, with a large number of problems facing our country—from Iran to the sequester—why is a Senator—in fact, four, and a number of Congressmen interested in fishing?

There are 900,000 Tennesseeans who have fishing licenses, and one of my jobs is to represent them. I know and they know these are some of the best fishing areas in our State.

This is an area where grandfathers and grandsons and granddaughters go on Saturdays and go during the week. There are lots of Tennesseeans who consider these prize properties and their lands. These are public lands, and they feel they have a right to be there.

The problem is that the Corps of Engineers wants to erect physical barriers below the dams to keep the fishermen out of the area that is just below the dam.

The Corps' goal is laudable. The goal is to improve safety, they say. We all support safety, but there are much better solutions than this.

Let me give an analogy. When you have a railroad crossing, you do not keep the gate down at the railroad crossing 100 percent of the time. The track is not dangerous if the train is not coming.

The water comes through these dams only 20 percent of the time, and the water is not dangerous if the water is not spilling through the dams. So if we kept the gate down at the railroad crossing 100 percent of the time, we would never be able to travel anywhere. That is the same sort of reasoning we have here.

From Washington, the Department of the Army is saying they have a policy, which they have had since 1996—which they have never applied on the Cumberland River—that suddenly they have decided, after all these years, they have to close the fishing area 100 percent of the time, even though it might be dangerous only 20 percent of the time.

I am not the only one who thinks this is an unreasonable policy.

Last week, I went to Old Hickory Dam, near Nashville. About 150 fishermen were there with me on the banks of the Cumberland River. I met with the Corps officials. They turned the water on so I could see it spilling through the dam. Then they turned it off. I met with Ed Carter, the director of the Tennessee Wildlife Resources Agency. I met with Mike Butler, the chief executive of the Tennessee Wildlife Federation. I have talked with the Kentucky wildlife people and this is what they say. They think the Corps' plans to improve safety are so unreasonable that the wildlife agencies will not even help them enforce it. But they say, on the other hand, there are reasonable ways to improve safety; that is, to treat the waters below the dam the way the Tennessee Valley Authority does, for example, which is to erect large signs—some of which already exist at Old Hickory Dam—blow the siren when the water is coming through. You can close the parking lot. You could patrol the area. There are lots of ways to put the gate down, in effect, on these fishing areas 20 percent of the time. That makes a lot of sense, and the local agencies are willing to help do that.

Our legislation makes clear that for purposes of this act, installing and maintaining sirens, strobe lights, and signage for alerting the public of hazardous waters shall not be considered a part of the prohibition. It makes no sense to take these public lands and say to people: Well, the lawyers came in and said we need to be careful. Of course we need to be careful; however, being careful does not mean you keep the gate down over the railroad crossing 100 percent of the time, and it doesn't mean you close the area to fishing 100 percent of the time when it is dangerous only 20 percent of the time.

I am also concerned about the $2.6 million the Corps needs to transfer from other parts of its budget to put up these physical barriers. Where is the money coming from? I thought we were in the middle of a big sequester, a big budget crunch. I thought we were out of money. One of the areas which has some of the most difficult problems to deal with is the Department of the Army. This is no time to be wasting money building barriers that the wildlife people in Tennessee and Kentucky, whose job it is to encourage boat safety, think are unreasonable.

I am doing what the Corps has said needs to be done, which is to provide legislation. I look forward to continuing to work with the Corps of Engineers. My hope is that we can work out a reasonable solution with the wildlife agencies.

The county judges on both sides of the border are very involved in this. They see the economic benefit that comes from the large number of people who visit those areas for recreational purposes. They leave their dollars behind. This creates good jobs in Tennessee and Kentucky.

Basically, these are public waters. Tennessee and Kentucky fishermen ought to have access to them, and there shouldn't be an edict from Washington that puts the gate down the railroad crossing 100 percent of the time. I am going to do my best to see that doesn't stand. I hope we can work it out, but if we cannot, I am glad to introduce this legislation with Senator MCCONNELL, Senator CORKER, and Senator PAUL. The same legislation is in the House of Representatives with Congressman WHITFIELD. I look forward to my meeting Monday with the Assistant Secretary of the Army.

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

S. 421

*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 ''Freedom to Fish Act''.

**SEC. 2. RESTRICTED AREAS AT CORPS OF ENGINEERS DAMS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Army, acting through the Chief of Engineers, shall not take any action to establish a restricted area prohibiting public access to waters downstream of a dam owned by the Corps of Engineers.

(b) EXCLUSION.—For purposes of this Act, installing and maintaining sirens, strobe lights, and signage for alerting the public of hazardous water conditions shall not be considered to be an action to establish a restricted area under subsection (a).

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), this section shall apply to an action described in subsection (a) on or after August 1, 2012.

(2) EXISTING RESTRICTIONS.—If the Secretary of the Army, acting through the Chief of Engineers, has taken an action described in subsection (a) during the period beginning on August 1, 2012, and ending on the date of enactment of this Act, the Secretary shall—

(A) cease implementing the restricted area resulting from the action; and

(B) remove any barriers constructed in connection with the restricted area.

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By Mrs. FEINSTEIN:

S. 431. A bill to authorize preferential treatment for certain imports from Nepal, and for other purposes; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Nepal Trade Preferences Act.

This legislation is simple and straightforward. It grants duty-free status to imports of Nepalese garments for a seven year period.

As a friend of Nepal and the Nepalese people for over 25 years, I believe this bill will promote economic prosperity and lasting political stability in one of the world's poorest countries.

Nepal has a per capita income of $540.

Approximately 25 percent of the Nepal's 24 million people live in poverty.

The unemployment rate in Nepal stands at a staggering 47 percent; and most Nepalese live on $3 a day.

Nepal's poverty was also compounded by a devastating, 10-year Maoist insurgency which resulted in the deaths of 13,000 people.

Thankfully, on November 21, 2006 Nepal's government and Maoist rebels signed a peace accord.

Two years later, Nepal became a republic and a Constituent Assembly was elected to draft a new constitution.

Unfortunately, this momentum has stalled and Nepal remains without a new constitution.

Challenges persist for Nepal's economy.

In 2005, in accordance with an international agreement, all quotas on garment imports were removed.

This has had a devastating impact on Nepal's garment industry as U.S. importers have shifted their orders to China, India and other suppliers with cheaper labor markets.

The number of people employed by the Nepalese garment industry dropped from over 100,000 people—half of them women to between 5,000 and 10,000.

Garment exports fell from approximately $139 million in 2000 to $47 million in 2011.

The number of garment factories plummeted from 450 to 10.

The U.S. share of Nepalese garment exports dropped from 90 percent to 21 percent.

Despite Nepal's poverty and the collapse of the garment industry, Nepalese garments are still subject to an average U.S. tariff of 11.7 percent and can be as high as 32 percent.

In essence, we are penalizing an impoverished country which cannot afford it. This makes no sense.

I would point out that U.S. tariffs on Nepalese garments stand in contrast to the European Union, Canada, and Australia which allow Nepalese garments into their markets duty free.

It should come as no surprise, then, that while the U.S. share of Nepalese garment exports has fallen, the European Union's share has risen from 18.14 percent in 2006 to 46 percent in 2010.

The purpose of the Nepal Trade Preferences Act is to ensure that we provide Nepal with the same trade preferences afforded to it by other developed countries. No more, no less.

Humanitarian and development assistance programs should be critical components of our efforts to help Nepal.

But we should also help the Nepalese people help themselves and open the U.S. market to a once thriving export industry.

In the end, economic growth and prosperity can be best achieved when Nepal is given the chance to compete and grow in a free and open global marketplace.

Success in that marketplace will lead to a lesser dependence on foreign aid and encourage Nepal to develop other viable export industries.

With this legislation, the United States can make a real difference now to help revitalize the garment industry in Nepal and promote economic growth and higher living standards.

The impact on the domestic industry will be minimal. At most, Nepalese garments have accounted for 0.26 percent of all garment imports in the United States generating $14 million in revenue.

Nepal will continue to be a small player in the U.S. market.

But to allay any concerns that Nepalese garments will somehow flood the market, this bill does place sensible restrictions on the amount of garments that will receive duty free status. That amount will rise every year up to a specific percentage of all U.S. garment imports.

By passing this legislation, we will help ensure that the garment industry will be a big player in contributing to Nepal's economic growth and development. This will be more jobs and a rising standard of living for the Nepalese people.

Let there be no doubt, it is my hope that this bill will also spur Nepal's political parties to come together, resolve their differences, and finalize a new constitution. Lasting political stability is essential if Nepal is to fully realize the economic benefits of this legislation.

Almost 7 years ago, the Nepalese people embraced peace and reconciliation. Let us show our solidarity with them and demonstrate our commitment to the success of the peace process by passing this commonsense measure.

I urge my colleagues to support the Nepal Trade Preferences Act.

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By Mrs. FEINSTEIN:

S. 432. A bill to extend certain trade preferences to certain least-developed countries in Asia and the South Pacific, and for other purposes; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Asia-South Pacific Trade Preferences Act of 2013, a bill to promote economic growth, democracy, and political stability in some of the world's poorest countries.

This legislation will provide duty-free and quota-free benefits for garments and other products similar to those afforded to beneficiary countries under the African Growth and Opportunity Act, AGOA.

The countries covered by this legislation are 13 Least Developed Countries, LDCs, as defined by the United Nations and the U.S. State Department, which are not covered by any current U.S. trade preference program: Afghanistan, Bangladesh, Bhutan, Cambodia, Kiribati, Laos, Maldives, Nepal, Samoa, Solomon Islands, East Timor, Tuvalu, and Vanuatu.

These countries are among the poorest in the world with the bulk of their citizens living on less than $1 a day.

Despite this widespread poverty, their exports are subject to some of the highest U.S. tariffs, averaging around 16 percent.

In fact, these developing countries pay a disproportionate share of U.S. tariffs.

Bangladesh, for example, is the 9th largest contributor of U.S. tariffs even though it is the 46th largest source of U.S. imports.

Cambodia is the 12th largest contributor of U.S. tariffs but ranks as the 60th largest source of U.S. imports.

So, in essence, these two developing countries pay more in U.S. tariffs than many European countries. How is that fair or consistent with our values?

Unfortunately, the United States is the only developed nation that has not provided an enhanced trade preference program to the beneficiary countries in this bill.

Indeed, we maintain duty preference programs for Haiti, the countries of sub-Saharan African and other developing countries and rightly so. These programs are critical components of our efforts to provide hope for millions of people struggling with poverty.

But it makes no sense to exclude other countries at the same level of economic development. We should not hesitate to correct this inequity.

This is not about pitting one developing country against the other. Rather, it is a simple matter of fairness and

ensuring that we help all of those in need.

In fact, this effort goes hand in hand with my long-standing support for a strong and effective foreign aid budget for the United States as an essential tool in helping lift these countries out of poverty and put them on the path to economic prosperity and political stability.

Especially in these difficult fiscal times, however, humanitarian and development assistance should not be the sum total of our efforts.

Make no mistake: these programs help stabilize poor and war-torn countries, save lives, and lay the foundation for future prosperity.

Yet, the key for sustained growth, jobs, and rising standards of living will be the ability of each of these countries to create vital export industries to compete in a free and open global marketplace.

It is clear that the textile and apparel industries in many of the Asia-South Pacific countries in this bill are those industries that hold out the best hope for export growth.

We should help these countries help themselves by opening the U.S. market to their exports as we have done for other developing countries in the past.

By doing so, we will demonstrate the best of American values: reaching out to neighbors in need and helping them to stand on their own two feet.

We will also help ourselves.

First, as these countries become more prosperous, we will see new opportunities for our own exports in their growing markets.

This, in turn, will create jobs and economic growth in our own country.

But if we maintain high tariffs on imports from the Asia-South Pacific countries, those opportunities will likely go to the European Union and other developed countries that already have trade preference programs for these countries.

We should not put ourselves at such a disadvantage.

Second, as the Asia-South Pacific countries become more stable politically, we will help protect U.S. national security interests by preventing failed states which could become breeding grounds for terror.

There is no doubt in my mind that the cost of lowering tariffs on the imports of textile and apparel products from the Asia-South Pacific countries is far less than any military intervention.

We will also help ourselves by securing partners in the fight against global threats such as terrorism, climate change, the HIV/AIDS pandemic, and the proliferation of weapons of mass destruction.

U.S. leadership is essential in those efforts. But they require a global, multilateral response. As these countries grow, they can assume a larger role and contribute more effectively.

When it comes to our national security, every bit of assistance helps.

Finally, at a time of economic uncertainty, by eliminating tariffs on imports from the Asia-South Pacific countries, this bill will help lower prices for the American consumers and provide them with more options.

It will also help the 3 million American workers whose jobs depend on apparel imports.

There is no doubt in my mind that the Asia-South Pacific Trade Preferences Act is a win-win for the U.S. and the Asia-South Pacific countries.

Now, let me address some of the concerns that may be raised about this bill.

First, many of the Asia-South Pacific countries have struggled in the past with corruption, a lack of democracy, human rights abuses, and the absence of rule of law.

Some may ask: why reward these countries with a trade preference program?

Make no mistake. These countries will not automatically receive the trade benefits provided by this legislation.

This legislation has been drafted to ensure that the benefits are granted on a performance-driven basis.

That is, to be eligible, a beneficiary country must demonstrate that it is making continual progress toward establishing rule of law, political pluralism, the right to due process, and a market-based economy that protects private property rights.

So, this legislation would help promote democracy, human rights, and the rule of law while sustaining vital export industries and creating employment opportunities.

The beneficiary countries have a clear incentive to stay on the right path or they will lose the benefits of this bill.

If we ignore any problems, we will sustain the status quo and our efforts will fail.

Finally, whenever we discuss the creation of a new trade preference program, understandable concerns are raised about the impact on domestic manufacturers.

If this bill becomes law, however, the impact on U.S. jobs will be minimal.

Currently, the beneficiary countries under this legislation account for only 4 percent of U.S. textile and apparel imports, compared to 24 percent for China, and 72 percent for the rest of the world.

These countries will continue to be small players in the U.S. market, but the benefits of this legislation will have a major impact on their export economies.

By passing this legislation we will have an opportunity to change lives, protect our national security interests, and help the American consumer. We should seize this opportunity.

I respectfully ask for the support of all my colleagues for this important initiative.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 63—ENCOURAGING THE NAVY TO COMMISSION THE USS SOMERSET (LPD–25) IN PHILADELPHIA, PENNSYLVANIA

Mr. TOOMEY (for himself and Mr. CASEY) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 63

Whereas the USS Somerset (LPD–25) is the ninth and newest amphibious transport dock ship in the San Antonio class;

Whereas the USS Somerset honors the passengers of United Airlines Flight 93 whose actions prevented terrorist hijackers from reaching their intended target, forcing the aircraft to crash in Somerset County, Pennsylvania, on September 11, 2001;

Whereas, in the words of former Secretary of the Navy Gordon England, ''The courage and heroism of the people aboard the flight will never be forgotten and USS Somerset will leave a legacy that will never be forgotten by those wishing to do harm to this country.'';

Whereas the USS Somerset joins the USS New York (LPD–21) and the USS Arlington (LPD–24) in remembering the heroes of September 11, 2001;

Whereas the USS Somerset was christened in July 2012 and will be commissioned when it is put in active service;

Whereas the Navy has cleared Philadelphia, Pennsylvania, as a potential site for the commissioning ceremony of the USS Somerset; and

Whereas Philadelphia is one of the closest ports to Somerset County, and it would be fitting that the commissioning ceremony be held there: Now, therefore, be it

*Resolved,* That the Senate encourages the Navy to commission the USS Somerset (LPD–25) in Philadelphia, Pennsylvania.

### SENATE RESOLUTION 64—AUTHORIZING EXPENDITURES BY COMMITTEES OF THE SENATE FOR THE PERIOD MARCH 1, 2013, THROUGH SEPTEMBER 30, 2013

Mr. SCHUMER submitted the following resolution; from the Committee on Rules and Administration; which was placed on the calendar:

S. RES. 64

*Resolved,*

**SECTION 1. AGGREGATE AUTHORIZATION.**

(a) IN GENERAL.—For purposes of carrying out the powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate there is authorized for the period March 1, 2013, through September 30, 2013, in the aggregate of $62,295,795, in accordance with the provisions of this resolution, for standing committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Committee on Indian Affairs.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees for the period March 1, 2013, through September 30, 2013, to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate.

**SEC. 2. COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.**

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the