

Manchin	Pryor	Tester
McCain	Reed	Udall (CO)
McCaskill	Reid	Udall (NM)
Menendez	Rockefeller	Warner
Merkley	Schatz	Warren
Mikulski	Schumer	Whitehouse
Murkowski	Shaheen	Wicker
Murphy	Shelby	Wyden
Nelson	Stabenow	

## NOT VOTING—3

King	Murray	Sanders
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The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the bill having been read the third time, the question is, Shall the bill pass?

Ms. MIKULSKI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Maine (Mr. KING) and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 36, as follows:

[Rollcall Vote No. 4 Leg.]

## YEAS—62

Alexander	Harkin	Nelson
Baldwin	Heinrich	Pryor
Baucus	Heitkamp	Reed
Begich	Heller	Reid
Bennet	Hirono	Rockefeller
Blumenthal	Hoeven	Sanders
Boxer	Johnson (SD)	Schatz
Brown	Kaine	Schumer
Cantwell	Kerry	Shaheen
Cardin	Klobuchar	Shelby
Carper	Landrieu	Stabenow
Casey	Lautenberg	Tester
Cochran	Leahy	Udall (CO)
Collins	Levin	Udall (NM)
Coons	Manchin	Vitter
Donnelly	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franklin	Mikulski	Wicker
Gillibrand	Murkowski	Wyden
Hagan	Murphy	

## NAYS—36

Ayotte	Enzi	McCain
Barrasso	Fischer	McConnell
Blunt	Flake	Moran
Boozman	Graham	Paul
Burr	Grassley	Portman
Chambliss	Hatch	Risch
Coats	Inhofe	Roberts
Coburn	Isakson	Rubio
Corker	Johanns	Scott
Cornyn	Johnson (WS)	Sessions
Crapo	Kirk	Thune
Cruz	Lee	Toomey

## NOT VOTING—2

King	Murray
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The PRESIDING OFFICER. The 60-vote threshold having been achieved, the bill (H.R. 152) is passed.

## MORNING BUSINESS

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## FISHERIES DISASTER FUNDING

Ms. MURKOWSKI. Mr. President, the bill we just passed out of the Senate, a bill to aid the victims of Superstorm Sandy, is important. It is important when we are faced with a disaster—whether it is a hurricane, whether it is an earthquake, whether it is a drought, whether it is a flood—that we step forward and find those ways that we can help citizens who have faced immeasurable loss. The effort that has gone back and forth between two bodies now, and will, hopefully, move forward, is one which will certainly help to address the needs of those families who lost so much in Superstorm Sandy.

I think we all recognize this was not the only disaster this country faced last year. In my State of Alaska we faced a fish disaster. For those of you who are from States that do not rely on your fisheries as a source of income, a source of jobs or a source of daily sustenance, you might think: Fish disasters; well, that is not really much to talk about. That is not a true disaster.

In my State, when fisheries have declined to the extent we have seen—the loss of the Chinook salmon on the Yukon River, the Kuskokwim River, the Upper Cook Inlet—this has a dramatic impact on our State's economy, a dramatic impact on the livelihoods of so many Alaskans. Whether they be commercial fishermen, sport fishermen, our subsistence-based fisheries, our fisheries communities, those businesses that are dependent on our salmon fisheries, these were all impacted this past year.

As I had gone around the State, basically from about midsummer through the end of the year, everywhere I went, whether I was in an urban center such as Anchorage, Homer, or down in Seward, up in the Matanuska Valley, or out in the rural parts of the State up along the Yukon, out along the Kuskokwim out in the southwest, people were talking about two things: People were talking about our cost of energy because our energy costs remained the highest in the Nation, but they were also talking about fish. Pretty basic stuff: fuel, fish, and food. When we had a disaster this summer, it was an imperative around our State.

We, in September of this past year, had an official declaration from the Secretary of Commerce—actually the Acting Secretary of Commerce, Rebecca Blank—that recognized this fish disaster, and this is a disaster that is statutorily authorized by section 308 of the Interjurisdictional Fisheries Act and section 31 of the Magnuson-Stevens Fishery Conservation and Management Act.

These are designations that are statutorily authorized. These are not earmarks. They are not to be labeled as pork or something special for an area. These are disasters subject to a statutory authorization, a process that has been clearly laid out. They are authorized in law for fish failures that require affirmative action from the Secretary of Commerce. The Secretary has taken that action. Congress then needs to do its part by funding for these disasters.

I mentioned at the outset that some of my colleagues might not appreciate the importance of these fish disasters. But, again, these disasters are no less important than disasters for which we provide for other industries, such as drought disaster or drought assistance for our farmers. I think the Acting Secretary, when she signed these fisheries designations, recognized them for essentially what they are: fish droughts, fish droughts in our rivers and our oceans. She responded to the fisheries disasters not only in my State of Alaska, but she also moved forward with disaster determinations for Rhode Island, for New York, for Maine, Massachusetts, New Hampshire, Connecticut, and Mississippi. The disaster declaration the Acting Secretary advanced opens the door, then, for the financial assistance from the Federal Government.

You might notice those funds were not included in this disaster relief bill. That does not mean I will back down from attempting to do my best to make sure the disaster that Alaska faced with its fisheries, and that so many of our other States faced with their fisheries, that these needs will not be addressed.

We didn't advance it in this package. It is important that the Sandy provision move forward, and that is why I eventually cast my vote in support of it. I know many of my colleagues—the Senator from Rhode Island is with me tonight. I know the Senator from New Hampshire is very concerned about it. The Senator from Maine is very concerned about it. I think it is fair to say we will continue our efforts to ensure the disasters that our fishermen have faced will be addressed as is statutorily provided in law. We will work to find that funding to make sure that disasters, however they present themselves in this country—whether it is storm, flood, drought, hurricane, or earthquake—are addressed.

I commit to working with my colleagues to continue to find those sources of funding so we address these revenues.

I note that my colleague from Rhode Island is here, and I know he too wishes to address this important issue.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I very much appreciate the remarks of my friend, the Senator from Alaska. This is truly a bipartisan concern. There are Senators on both sides who feel very aggrieved by what took place, Senators from Alaska and Maine, on the two sides of the country, and a great number of us.

The sheet that rests on the front table during the votes to make sure people coming in know what the current measure is describes the last vote as passage of H.R. 152, the Disaster Relief Appropriations Act of 2013—not the Hurricane Sandy Relief Appropriations Act of 2013 but the Disaster Relief Appropriations Act.

We have had a disaster. We didn't make this up. This wasn't something that was snuck into the bill or we tried to do an earmark on.

The Governors of Rhode Island, Massachusetts, Maine, New Hampshire, New York, Connecticut—six Governors petitioned the government for a fisheries disaster declaration, and they received one. The Secretary of Commerce declared the New England Multispecies Groundfish Fishery disaster. The Senator from Alaska described it as a drought.

It is like a drought. What has happened in our waters is that they have warmed. They have had some chemical changes. Fisheries have moved northward, and some of them have moved clean out of the U.S. continental waters. The result is that Georges Bank cod, Yellowtail flounder, Gulf of Maine cod and haddock have all had to face Draconian catch reductions to try to keep those species alive.

We have a fishing tradition that goes back even longer than Alaska's, I will guess. Certainly, we started fishing back in the 17th century, the 1600s, in Rhode Island. It is a long tradition. But the changes we are wreaking on this planet are moving the fish around. They are creating these localized disasters for our fishermen who have worked hard all their lives, who have invested their life savings into expensive boats they have to take care of, the maintenance and the repair, and they risk their health and their lives and their limbs out at sea in all kinds of weather in order to bring in the catch to us. When the catch isn't there, it is a disaster.

This is what the Governors have asked for, all six of them. That is what the U.S. Government, through the Secretary of Commerce, declared. Why on Earth the fisheries disaster that affects our fishermen doesn't matter—\$150 million; it was not a big piece in a \$60 billion bill. Yet we were left out. We were completely left out.

I will continue to fight to get this done. I think there has been a wrong committed in this body, and I intend to

make sure it gets righted. I will work hard with the Senator from Alaska. I see the Senator from New Hampshire, who is equally affected by this, on the Senate floor. It makes no sense to let people in the House of Representatives pick and choose among disasters in a bill and strip out disasters that have been declared by the U.S. Government and the Governors of six States.

Do they know better? I don't think so. But they took it out. For whatever reason, we weren't able to get it in back here. I have had strong conversations with some of the lead supporters of the Sandy bill and the States that most benefit, with the chairman of the committee and the floor manager of the bill and with colleagues from nearby States. This is not over, but I am extremely upset that we would pass something called a Disaster Relief Appropriations Act and leave out of it the disaster that has befallen fisheries up and down the east coast, from Maine down through New Hampshire, through Massachusetts, through Rhode Island, through Connecticut and New York. That is a pretty wide-scale disaster.

For the men and the women who go out and put their boats and themselves at risk for this catch when it is not there, you bet it is a disaster. It is just as much of a disaster as a farmer who looks out at parched fields and can't grow what he needs to grow. We are not there for them, not when it is fishermen, for some reason. We are not there for them. We have done it over and over. Since 1994 Federal fishery failures have been declared on 29 different occasions, and nearly \$827 million has been appropriated for relief. But not now. For some reason, not now.

I yield now for the Senator from New Hampshire, who I know feels strongly about this issue. The Senator from Massachusetts was speaking with me earlier. She feels very strongly about this, and we need to get this set right. This is a day for celebration in some quarters but not in all.

For those of us who have a responsibility to the men and women who have fished the waters off of our States, this is not an acceptable result.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am here to join my colleagues, Senator MURKOWSKI from Alaska and Senator WHITEHOUSE from Rhode Island, to express my disappointment and frustration along with them that the disaster relief funding for our Nation's fishermen has been stripped from this emergency relief bill. I agree with all of those who want to make sure the victims of Hurricane Sandy along the east coast get the help they need. I think that is something to which we all are committed. But the fact is that fishermen in New England and Alaska and other parts of this country are also facing hard times. They are grappling with onerous regulations that are designed to end overfishing, and in spite

of these restrictions, the amount of codfish in the Gulf of Maine has declined drastically. It has a huge impact on New Hampshire, and the problem for fishermen in my State is now one of survival.

Our fishermen have already seen their incomes decrease significantly in recent years. They depend on cod more than fishermen from any other State in New England. Cod accounts for more than 90 percent of the revenues of the fishing industry in New Hampshire. This is because our fishermen use small day boats, they fish close to shore, and most don't have the boats or equipment to catch other deep-sea species to compensate for the lack of cod. Our fishing businesses are small, and they are mostly owned by families who have been fishing for generations.

For 400 years, we have been fishing in New Hampshire. Generations of fishermen in New Hampshire have continued this proud tradition. Yet, under what is happening with the fishing regulations, we are going to lose this industry. Our coastline is short in New Hampshire—it is only 18 miles—but the fishing industry is still a crucial driver of the economy. It generates \$106 million in economic activity, it supports 5,000 full-time and part-time jobs in the State, and it provides our stores and our restaurants with a local and fresh supply of fish, just as it does in Alaska and Rhode Island. This historic way of life is going to become extinct if we don't help the fishing industry.

I welcomed the decision of the Secretary of Commerce back in September to declare a Federal disaster for the Northeast fishing industry for the upcoming fishing year, but this declaration, as well as those already provided for Alaska, Mississippi, New Jersey, New York, Rhode Island, and other States, is meaningless if Congress does not provide relief funding to these fishing communities.

As my colleagues have said so eloquently, the Senate voted last month to appropriate \$150 million in funding for these disasters, and as Senator WHITEHOUSE said, it was not a large percentage of the emergency relief bill. I am disappointed and, like the fishermen and women in New Hampshire who depend on this industry, frustrated that this funding has been taken out of the bill we voted on today.

It is critical that we provide relief to the fishermen and to the coastal economies in New England—and in New Hampshire as a part of the New England economy—and Mississippi and New Jersey and New York and Alaska and the other States that are affected. We have to work to ensure the long-term sustainability of these vital resources and of this historic way of life. I intend to continue to work with my colleagues from those States that are affected to make sure the fishing industry gets the help it needs to survive.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. As I heard the compilation from the distinguished Senator from New Hampshire, it was a pretty small percentage of the bill, and I was going through the math in my head. If it was a \$60 billion bill, with a \$150 million appropriation that would have supported the disaster for the fishermen, I think that is 0.25 percent of the total of the bill—one-quarter of 1 percent. Yet somebody over on the House side had to target that and take it out and leave the fishermen high and dry while the rest all went through?

I think it is really important that we as a group stand for the fishermen and try to force some recognition in this body that the disaster they are facing is a real one.

Mrs. SHAHEEN. Will the Senator yield?

Mr. WHITEHOUSE. Yes.

Mrs. SHAHEEN. It is not just the people who are fishing directly who are affected by this, it is also all of the other jobs that depend on that fishing industry that are going to be lost.

Mr. WHITEHOUSE. The engine repair people, the net repair people, the folks who process the fish that are caught, the folks who sell fuel to the fishermen, the people who do maintenance on the boats—there is an entire economic ecosystem that is knocked down when the fishermen can't bring the catch home. Yes, the Senator is absolutely correct.

Mrs. SHAHEEN. And in my small State of New Hampshire, where we only have 18 miles of coastline, we have 5,000 jobs dependent on this industry. So in Rhode Island and Alaska, I am sure my colleagues have a significant number of jobs dependent on the fishing industry. What happens to those jobs if the industry doesn't survive? They are gone.

Mr. WHITEHOUSE. I think Alaska may actually have more coastline than Rhode Island.

Ms. MURKOWSKI. I think we have 33,000 miles of coastline, not to be bragging on a coastline. But what is so important as part of this discussion—and my colleague Senator SHAHEEN has stated this—our fishermen often are not included when we think about areas of disaster. Yet, in terms of those industries, those parts of our economy that are making things happen as folks are kind of chugging along, it is our fisheries that for decades—and for centuries, as Senator WHITEHOUSE noted—have been producing good jobs and providing a source of sustenance for our families.

Alaska is in somewhat of a unique situation in that we still have so many families who rely on their fisheries for subsistence. This is not just an income source for many. For so many in rural Alaska, this means whether or not you are going to be able to eat this winter. The situation on the Yukon and on the Kuskokwim—when those rivers were shut down to fishing, we had actions of

civil disobedience, where individuals just came to the river and said: We have to put our nets in because we have to be able to feed our families. Down in the Cook Inlet region, it is not so much a subsistence lifestyle there but a commercial fishery as well as sport fishing. So sport guides who are required to be off the river cannot take that tourist who has come to Alaska for their dream fishing trip. They have to cancel that and lose their revenue, and so guides can no longer stay in place.

So Senator SHAHEEN is correct about the ripple effect to the economy. It affects all of our fishing communities and those who support them. So when we talk about disasters in areas and \$150 million that was to be split between all of these different regions and States, it is a recognition that it is quite slight in comparison to the true loss to our economies, the true loss to our families who have suffered.

Again, I appreciate the commitment we have from so many who have been impacted that we don't give up on this. We have gone through the process, we have jumped the hurdles to get the designation that is required by our government through the Secretary of Commerce. We have done that. Now the step is for Congress to provide that funding that makes the difference. It is one thing to get a disaster declaration on paper; it is another to be able to provide the relief. And I certainly intend to push until that relief is provided not only for the families in Alaska but for those who have been impacted by fisheries disasters throughout the country.

Mrs. SHAHEEN. And I will certainly join my colleague in that effort.

Ms. MURKOWSKI. I thank my colleague.

With that, Mr. President, I yield the floor.

#### DATA PRIVACY DAY

Mr. LEAHY. Mr. President, today, I join privacy advocates, industry leaders and National, State and local government officials from across our Nation in celebrating Data Privacy Day—a day to recognize the need to better secure our privacy and security in cyberspace. I am also pleased to join Senators on both sides of the aisle in cosponsoring a Senate resolution to commemorate Data Privacy Day.

In the Digital Age, Americans face new threats to their digital privacy and security as consumers and businesses alike collect, share and store more and more information in cyberspace. Data Privacy Day is an important reminder about the need to improve data privacy as we reap the many benefits of new technologies.

Last year the Judiciary Committee approved digital privacy legislation that I authored to update the Electronic Communications Privacy Act, ECPA, to improve the privacy protections for Americans' email and other

electronic communications. That bill would, among other things, require that the Government obtain a search warrant, based upon probable cause, before obtaining email and other electronic communications from a third-party service provider. When I and others in Congress authored ECPA in 1986, email was a novelty and most Americans had never heard of the Internet. Today, communication by email is commonplace and many of us store email and other electronic communications with service providers or "in the cloud" for extended periods of time.

After 3 decades, it is essential that Congress update ECPA to ensure that this critical law keeps pace with new technologies and the way Americans use and store email today. Digital privacy is important to all Americans, regardless of party affiliation or ideology. That is why when Congress first enacted ECPA, we did so with strong bipartisan support. I appreciate the willingness of House Judiciary Committee Chairman GOODLATTE to work in partnership with me to examine and update this critical privacy law. I look forward to working closely with Chairman GOODLATTE and others in Congress to update this law so that it keeps pace with the many new threats to our privacy.

I again thank and commend the many stakeholders and leaders from across the Nation who are holding events to commemorate Data Privacy Day. I look forward to working with them and with Members of Congress on both sides of the aisle, in both Chambers, to enact reforms to the Electronic Communications Privacy Act.

#### TRIBUTE TO JUDGE CHARLES ROMANI, JR.

Mr. DURBIN. Mr. President, I would like to acknowledge recently retired Illinois Judge Charles Romani, Jr., who served on the bench for 30 years in Illinois' third circuit. Among many achievements over those years of service, Judge Romani's work setting up a veterans' court stands out.

Veterans' issues have always been close to Judge Romani's heart. Having served in the U.S. Army himself, as a sergeant during the Vietnam War, Judge Romani knows firsthand the difficulties that veterans face when returning home from war.

Judge Romani was born and raised in Greenville, IL. He attended Western Illinois University, before continuing on to law school at St. Louis University. Upon graduation, Romani accepted a position as Assistant State's Attorney for Madison County. Two years later, in 1974, he ran for State's Attorney in Bond County. He was elected and served with great distinction for 7 years.

Romani first became an associate judge of the Third Judicial Circuit in 1983. Five years later, he became a circuit court judge. And, in 1989, Judge Romani became Chief Judge of the Third Judicial Circuit in Illinois.