

Oregon (Mr. MERKLEY), the Senator from Ohio (Mr. BROWN), the Senator from Hawaii (Mr. SCHATZ) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 491, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to modify provisions relating to grants, and for other purposes.

S. 865

At the request of Mr. WHITEHOUSE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 865, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. 888

At the request of Mr. JOHANNIS, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 888, a bill to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934.

S. 967

At the request of Mrs. GILLIBRAND, the names of the Senator from Illinois (Mr. KIRK) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 967, a bill to amend title 10, United States Code, to modify various authorities relating to procedures for courts-martial under the Uniform Code of Military Justice, and for other purposes.

S. 983

At the request of Mr. CORNYN, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 983, a bill to prohibit the Secretary of the Treasury from enforcing the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010.

S. 1007

At the request of Mr. KING, the names of the Senator from Minnesota (Mr. FRANKEN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1007, a bill to amend the Internal Revenue Code of 1986 to include biomass heating appliances for tax credits available for energy-efficient building property and energy property.

S. 1064

At the request of Mr. BROWN, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 1064, a bill to amend title XVIII of the Social Security Act to provide for treatment of clinical psychologists as physicians for purposes of furnishing clinical psychologist services under the Medicare program.

S. 1072

At the request of Ms. KLOBUCHAR, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1072, a bill to ensure that the Federal Aviation Administration advances the safety of small airplanes and the continued development of the general aviation industry, and for other purposes.

S. 1123

At the request of Mr. CARPER, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1123, a bill to amend titles XVIII and XIX of the Social Security Act to curb waste, fraud, and abuse in the Medicare and Medicaid programs.

S. 1128

At the request of Mr. TOOMEY, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1128, a bill to clarify the orphan drug exception to the annual fee on branded prescription pharmaceutical manufacturers and importers.

S. 1143

At the request of Mr. MORAN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1143, a bill to amend title XVIII of the Social Security Act with respect to physician supervision of therapeutic hospital outpatient services.

S. 1149

At the request of Mr. NELSON, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1149, a bill to reauthorize the ban on undetectable firearms, and to extend the ban to undetectable firearm receivers and undetectable ammunition magazines.

S. 1182

At the request of Mr. UDALL of Colorado, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 1182, a bill to modify the Foreign Intelligence Surveillance Act of 1978 to require specific evidence for access to business records and other tangible things, and provide appropriate transition procedures, and for other purposes.

S. 1188

At the request of Ms. COLLINS, the names of the Senator from North Dakota (Mr. HOEVEN), the Senator from Arkansas (Mr. BOOZMAN), the Senator from South Carolina (Mr. GRAHAM) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 1188, a bill to amend the Internal Revenue Code of 1986 to modify the definition of full-time employee for purposes of the individual mandate in the Patient Protection and Affordable Care Act.

S. 1215

At the request of Mr. LEAHY, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 1215, a bill to strengthen privacy protections, accountability, and oversight related to domestic surveillance conducted pursuant to the USA PATRIOT Act and the Foreign Intelligence Surveillance Act of 1978.

S. 1236

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 1236, a bill to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage.

S. 1279

At the request of Ms. LANDRIEU, the names of the Senator from Kansas (Mr.

ROBERTS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1279, a bill to prohibit the revocation or withholding of Federal funds to programs whose participants carry out voluntary religious activities.

S. 1292

At the request of Mr. CRUZ, the names of the Senator from Ohio (Mr. PORTMAN) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 1292, a bill to prohibit the funding of the Patient Protection and Affordable Care Act.

S. 1306

At the request of Mr. REED, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1306, a bill to amend the Elementary and Secondary Education Act of 1965 in order to improve environmental literacy to better prepare students for postsecondary education and careers, and for other purposes.

S. 1310

At the request of Mr. PORTMAN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1310, a bill to require Senate confirmation of Inspector General of the Bureau of Consumer Financial Protection, and for other purposes.

S. 1334

At the request of Mr. MANCHIN, the names of the Senator from Nevada (Mr. HELLER), the Senator from North Dakota (Mr. HOEVEN), the Senator from Wyoming (Mr. ENZI) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 1334, a bill to establish student loan interest rates, and for other purposes.

S. 1343

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 1343, a bill to protect the information of livestock producers, and for other purposes.

## AMENDMENT NO. 1749

At the request of Mr. MCCONNELL, his name was added as a cosponsor of amendment No. 1749 proposed to S. 1243, an original bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes.

At the request of Mr. PORTMAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 1749 proposed to S. 1243, supra.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 1350. A bill to exclude from gross income compensation provided for victims of the March 29, 2013, pipeline oil spill in Mayflower, Arkansas; to the Committee on Finance.

Mr. BOOZMAN. Mr. President, on March 29, 2013, the ExxonMobil pipeline

ruptured spilling an estimated 147,000 gallons of oil into Mayflower, Arkansas. Victims of this oil spill are rightfully being compensated by ExxonMobil, but the Internal Revenue Service has said that compensatory payments will be considered taxable income. These families should not have to pay taxes on this disaster relief assistance. The Mayflower Oil Spill Tax Relief Act of 2013 prohibits compensation to Mayflower oil spill victims from being taxed by treating it as “a qualified disaster relief payment” under current law. My colleague Senator PRYOR joins me in introducing this important legislation. I would also like to thank Representative TIM GRIFFIN for his support and leadership on the House companion version of the Mayflower Oil Spill Tax Relief Act of 2013.

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. 1350

*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 “Mayflower Oil Spill Tax Relief Act of 2013”.

#### SEC. 2. MAYFLOWER, ARKANSAS OIL SPILL COMPENSATION EXCLUDED FROM GROSS INCOME.

For purposes of the Internal Revenue Code of 1986—

(1) the March 29, 2013, pipeline rupture and oil spill in Mayflower, Arkansas, shall be treated as a qualified disaster under section 139(c) of such Code, and

(2) any compensation provided to or for the benefit of a victim of such disaster shall be treated as a qualified disaster relief payment under section 139(b) of such Code.

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

S. 1353. A bill to provide for an ongoing, voluntary public-private partnership to improve cybersecurity, and to strengthen cybersecurity research and development, workforce development and education, and public awareness and preparedness, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ROCKEFELLER. Mr. President, the cybersecurity legislation Senator THUNE and I introduce today is built upon several years of bipartisan hard work on the Senate Commerce, Science, and Transportation Committee. I am proud of that fact and proud of our work product.

I would like to sincerely thank Senator THUNE for working closely with me on this legislation. Senator THUNE appreciates the gravity of the cybersecurity threat to our national security and our economy—a genuine threat to the free flow of commerce. He has been laser focused in finding workable, private sector led solutions to mitigate this existential threat.

Our bill will go a long way to better secure our nation from ongoing cyber

threats by having the National Institute of Standards and Technology, NIST, a world-class, non-regulatory agency within the Department of Commerce—facilitate and support the development of voluntary, industry-led standards and best practices to reduce cyber risks to critical infrastructure and all businesses.

Our bill will give NIST the permanent authority it needs to continue the standards development process initiated by the President's Executive Order on Improving Critical Infrastructure Cybersecurity to ensure such efforts remain industry led and voluntary.

It will also make sure that the Federal Government supports cutting edge research, works to increase public awareness, and improves our workforce to better address cyber threats.

Our country's future economic success and security demands prompt attention to the cyber threat. It demands we all pull together to face the reality of cyber intrusions into every aspect of our nation's business, our electric grid, our trade secrets, our water supply, and so much more. The stakes are great. This is about our national security—3 Directors of National Intelligence have said cyber attacks are the number 1 national security threat to our country. That is why we have to find a way to reach a consensus that allows us to responsibly legislate.

This bill is a very good start. There is a lot more we can and should do to protect our critical infrastructure, including promoting more sharing of private sector threat information. I will certainly keep looking for ways to work with my colleagues to provide this nation with the tools and resources we need to take on this threat.

Again, I thank Senator THUNE for dedicating his time, talent, and energy to this legislation, and his fine staff.

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. 1353

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

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Cybersecurity Act of 2013”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. No regulatory authority.

#### TITLE I—PUBLIC-PRIVATE COLLABORATION ON CYBERSECURITY

Sec. 101. Public-private collaboration on cybersecurity.

#### TITLE II—CYBERSECURITY RESEARCH AND DEVELOPMENT

Sec. 201. Federal cybersecurity research and development.

Sec. 202. Computer and network security research centers.

#### TITLE III—EDUCATION AND WORKFORCE DEVELOPMENT

Sec. 301. Cybersecurity competitions and challenges.

Sec. 302. Federal cyber scholarship-for-service program.

Sec. 303. Study and analysis of education, accreditation, training, and certification of information infrastructure and cybersecurity professionals.

#### TITLE IV—CYBERSECURITY AWARENESS AND PREPAREDNESS

Sec. 401. National cybersecurity awareness and preparedness campaign.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) CYBERSECURITY MISSION.—The term “cybersecurity mission” means activities that encompass the full range of threat reduction, vulnerability reduction, deterrence, international engagement, incident response, resiliency, and recovery policies and activities, including computer network operations, information assurance, law enforcement, diplomacy, military, and intelligence missions as such activities relate to the security and stability of cyberspace.

(2) INFORMATION INFRASTRUCTURE.—The term “information infrastructure” means the underlying framework that information systems and assets rely on to process, transmit, receive, or store information electronically, including programmable electronic devices, communications networks, and industrial or supervisory control systems and any associated hardware, software, or data.

(3) INFORMATION SYSTEM.—The term “information system” has the meaning given that term in section 3502 of title 44, United States Code.

#### SEC. 3. NO REGULATORY AUTHORITY.

Nothing in this Act shall be construed to confer any regulatory authority on any Federal, State, tribal, or local department or agency.

#### TITLE I—PUBLIC-PRIVATE COLLABORATION ON CYBERSECURITY

##### SEC. 101. PUBLIC-PRIVATE COLLABORATION ON CYBERSECURITY.

(a) CYBERSECURITY.—Section 2(c) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)) is amended—

(1) by redesignating paragraphs (15) through (22) as paragraphs (16) through (23), respectively; and

(2) by inserting after paragraph (14) the following:

“(15) on an ongoing basis, facilitate and support the development of a voluntary, industry-led set of standards, guidelines, best practices, methodologies, procedures, and processes to reduce cyber risks to critical infrastructure (as defined under subsection (e));”.

(b) SCOPE AND LIMITATIONS.—Section 2 of the National Institute of Standards and Technology Act (15 U.S.C. 272) is amended by adding at the end the following:

“(e) CYBER RISKS.—

“(1) IN GENERAL.—In carrying out the activities under subsection (c)(15), the Director—

“(A) shall—

“(i) coordinate closely and continuously with relevant private sector personnel and entities, critical infrastructure owners and operators, sector coordinating councils, Information Sharing and Analysis Centers, and other relevant industry organizations, and incorporate industry expertise;

“(ii) consult with the heads of agencies with national security responsibilities, sector-specific agencies, State and local governments, the governments of other nations, and international organizations;

“(iii) identify a prioritized, flexible, repeatable, performance-based, and cost-effective approach, including information security measures and controls, that may be voluntarily adopted by owners and operators of

critical infrastructure to help them identify, assess, and manage cyber risks;

“(iv) include methodologies—

“(I) to identify and mitigate impacts of the cybersecurity measures or controls on business confidentiality; and

“(II) to protect individual privacy and civil liberties;

“(v) incorporate voluntary consensus standards and industry best practices;

“(vi) align with voluntary international standards to the fullest extent possible;

“(vii) prevent duplication of regulatory processes and prevent conflict with or superseding of regulatory requirements, mandatory standards, and related processes; and

“(viii) include such other similar and consistent elements as the Director considers necessary; and

“(B) shall not prescribe or otherwise require—

“(i) the use of specific solutions;

“(ii) the use of specific information or communications technology products or services; or

“(iii) that information or communications technology products or services be designed, developed, or manufactured in a particular manner.

“(2) LIMITATION.—Information shared with or provided to the Institute for the purpose of the activities described under subsection (c)(15) shall not be used by any Federal, State, tribal, or local department or agency to regulate the activity of any entity.

“(3) DEFINITIONS.—In this subsection:

“(A) CRITICAL INFRASTRUCTURE.—The term ‘critical infrastructure’ has the meaning given the term in section 1016(e) of the USA PATRIOT Act of 2001 (42 U.S.C. 5195c(e)).

“(B) SECTOR-SPECIFIC AGENCY.—The term ‘sector-specific agency’ means the Federal department or agency responsible for providing institutional knowledge and specialized expertise as well as leading, facilitating, or supporting the security and resilience programs and associated activities of its designated critical infrastructure sector in the all-hazards environment.”.

## TITLE II—CYBERSECURITY RESEARCH AND DEVELOPMENT

### SEC. 201. FEDERAL CYBERSECURITY RESEARCH AND DEVELOPMENT.

(a) FUNDAMENTAL CYBERSECURITY RESEARCH.—

(1) IN GENERAL.—The Director of the Office of Science and Technology Policy, in coordination with the head of any relevant Federal agency, shall build upon programs and plans in effect as of the date of enactment of this Act to develop a Federal cybersecurity research and development plan to meet objectives in cybersecurity, such as—

(A) how to design and build complex software-intensive systems that are secure and reliable when first deployed;

(B) how to test and verify that software and hardware, whether developed locally or obtained from a third party, is free of significant known security flaws;

(C) how to test and verify that software and hardware obtained from a third party correctly implements stated functionality, and only that functionality;

(D) how to guarantee the privacy of an individual, including that individual's identity, information, and lawful transactions when stored in distributed systems or transmitted over networks;

(E) how to build new protocols to enable the Internet to have robust security as one of the key capabilities of the Internet;

(F) how to determine the origin of a message transmitted over the Internet;

(G) how to support privacy in conjunction with improved security;

(H) how to address the growing problem of insider threats;

(I) how improved consumer education and digital literacy initiatives can address human factors that contribute to cybersecurity;

(J) how to protect information processed, transmitted, or stored using cloud computing or transmitted through wireless services; and

(K) any additional objectives the Director of the Office of Science and Technology Policy, in coordination with the head of any relevant Federal agency and with input from stakeholders, including industry and academia, determines appropriate.

(2) REQUIREMENTS.—

(A) IN GENERAL.—The Federal cybersecurity research and development plan shall identify and prioritize near-term, mid-term, and long-term research in computer and information science and engineering to meet the objectives under paragraph (1), including research in the areas described in section 4(a)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7403(a)(1)).

(B) PRIVATE SECTOR EFFORTS.—In developing, implementing, and updating the Federal cybersecurity research and development plan, the Director of the Office of Science and Technology Policy shall work in close cooperation with industry, academia, and other interested stakeholders to ensure, to the extent possible, that Federal cybersecurity research and development is not duplicative of private sector efforts.

(3) TRIENNIAL UPDATES.—

(A) IN GENERAL.—The Federal cybersecurity research and development plan shall be updated triennially.

(B) REPORT TO CONGRESS.—The Director of the Office of Science and Technology Policy shall submit the plan, not later than 1 year after the date of enactment of this Act, and each updated plan under this section to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.

(b) CYBERSECURITY PRACTICES RESEARCH.—The Director of the National Science Foundation shall support research that—

(1) develops, evaluates, disseminates, and integrates new cybersecurity practices and concepts into the core curriculum of computer science programs and of other programs where graduates of such programs have a substantial probability of developing software after graduation, including new practices and concepts relating to secure coding education and improvement programs; and

(2) develops new models for professional development of faculty in cybersecurity education, including secure coding development.

(c) CYBERSECURITY MODELING AND TEST BEDS.—

(1) REVIEW.—Not later than 1 year after the date of enactment of this Act, the Director the National Science Foundation, in coordination with the Director of the Office of Science and Technology Policy, shall conduct a review of cybersecurity test beds in existence on the date of enactment of this Act to inform the grants under paragraph (2). The review shall include an assessment of whether a sufficient number of cybersecurity test beds are available to meet the research needs under the Federal cybersecurity research and development plan.

(2) ADDITIONAL CYBERSECURITY MODELING AND TEST BEDS.—

(A) IN GENERAL.—If the Director of the National Science Foundation, after the review under paragraph (1), determines that the research needs under the Federal cybersecurity research and development plan require the establishment of additional cybersecurity test beds, the Director of the National Science Foundation, in coordination with

the Secretary of Commerce and the Secretary of Homeland Security, may award grants to institutions of higher education or research and development non-profit institutions to establish cybersecurity test beds.

(B) REQUIREMENT.—The cybersecurity test beds under subparagraph (A) shall be sufficiently large in order to model the scale and complexity of real-time cyber attacks and defenses on real world networks and environments.

(C) ASSESSMENT REQUIRED.—The Director of the National Science Foundation, in coordination with the Secretary of Commerce and the Secretary of Homeland Security, shall evaluate the effectiveness of any grants awarded under this subsection in meeting the objectives of the Federal cybersecurity research and development plan under subsection (a) no later than 2 years after the review under paragraph (1) of this subsection, and periodically thereafter.

(d) COORDINATION WITH OTHER RESEARCH INITIATIVES.—In accordance with the responsibilities under section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511), the Director the Office of Science and Technology Policy shall coordinate, to the extent practicable, Federal research and development activities under this section with other ongoing research and development security-related initiatives, including research being conducted by—

(1) the National Science Foundation;

(2) the National Institute of Standards and Technology;

(3) the Department of Homeland Security;

(4) other Federal agencies;

(5) other Federal and private research laboratories, research entities, and universities;

(6) institutions of higher education;

(7) relevant nonprofit organizations; and

(8) international partners of the United States.

(e) NATIONAL SCIENCE FOUNDATION COMPUTER AND NETWORK SECURITY RESEARCH GRANT AREAS.—Section 4(a)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7403(a)(1)) is amended—

(1) in subparagraph (H), by striking “and” at the end;

(2) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(J) secure fundamental protocols that are integral to inter-network communications and data exchange;

“(K) secure software engineering and software assurance, including—

“(i) programming languages and systems that include fundamental security features;

“(ii) portable or reusable code that remains secure when deployed in various environments;

“(iii) verification and validation technologies to ensure that requirements and specifications have been implemented; and

“(iv) models for comparison and metrics to assure that required standards have been met;

“(L) holistic system security that—

“(i) addresses the building of secure systems from trusted and untrusted components;

“(ii) proactively reduces vulnerabilities;

“(iii) addresses insider threats; and

“(iv) supports privacy in conjunction with improved security;

“(M) monitoring and detection;

“(N) mitigation and rapid recovery methods;

“(O) security of wireless networks and mobile devices; and

“(P) security of cloud infrastructure and services.”.

(f) RESEARCH ON THE SCIENCE OF CYBERSECURITY.—The head of each agency and department identified under section 101(a)(3)(B) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(3)(B)), through existing programs and activities, shall support research that will lead to the development of a scientific foundation for the field of cybersecurity, including research that increases understanding of the underlying principles of securing complex networked systems, enables repeatable experimentation, and creates quantifiable security metrics.

#### SEC. 202. COMPUTER AND NETWORK SECURITY RESEARCH CENTERS.

Section 4(b) of the Cyber Security Research and Development Act (15 U.S.C. 7403(b)) is amended—

(1) by striking “the center” in paragraph (4)(D) and inserting “the Center”; and

(2) in paragraph (5)—

(A) by striking “and” at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting a semicolon; and

(C) by adding at the end the following:

“(E) the demonstrated capability of the applicant to conduct high performance computation integral to complex computer and network security research, through on-site or off-site computing;

“(F) the applicant’s affiliation with private sector entities involved with industrial research described in subsection (a)(1);

“(G) the capability of the applicant to conduct research in a secure environment;

“(H) the applicant’s affiliation with existing research programs of the Federal Government;

“(I) the applicant’s experience managing public-private partnerships to transition new technologies into a commercial setting or the government user community; and

“(J) the capability of the applicant to conduct interdisciplinary cybersecurity research, such as in law, economics, or behavioral sciences.”.

### TITLE III—EDUCATION AND WORKFORCE DEVELOPMENT.

#### SEC. 301. CYBERSECURITY COMPETITIONS AND CHALLENGES.

(a) IN GENERAL.—The Secretary of Commerce, Director of the National Science Foundation, and Secretary of Homeland Security shall—

(1) support competitions and challenges under section 105 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 3989) or any other provision of law, as appropriate—

(A) to identify, develop, and recruit talented individuals to perform duties relating to the security of information infrastructure in Federal, State, and local government agencies, and the private sector; or

(B) to stimulate innovation in basic and applied cybersecurity research, technology development, and prototype demonstration that has the potential for application to the information technology activities of the Federal Government; and

(2) ensure the effective operation of the competitions and challenges under this section.

(b) PARTICIPATION.—Participants in the competitions and challenges under subsection (a)(1) may include—

(1) students enrolled in grades 9 through 12;

(2) students enrolled in a postsecondary program of study leading to a baccalaureate degree at an institution of higher education;

(3) students enrolled in a postbaccalaureate program of study at an institution of higher education;

(4) institutions of higher education and research institutions;

(5) veterans; and

(6) other groups or individuals that the Secretary of Commerce, Director of the National Science Foundation, and Secretary of Homeland Security determine appropriate.

(c) AFFILIATION AND COOPERATIVE AGREEMENTS.—Competitions and challenges under this section may be carried out through affiliation and cooperative agreements with—

(1) Federal agencies;

(2) regional, State, or school programs supporting the development of cyber professionals;

(3) State, local, and tribal governments; or

(4) other private sector organizations.

(d) AREAS OF SKILL.—Competitions and challenges under subsection (a)(1)(A) shall be designed to identify, develop, and recruit exceptional talent relating to—

(1) ethical hacking;

(2) penetration testing;

(3) vulnerability assessment;

(4) continuity of system operations;

(5) security in design;

(6) cyber forensics;

(7) offensive and defensive cyber operations; and

(8) other areas the Secretary of Commerce, Director of the National Science Foundation, and Secretary of Homeland Security consider necessary to fulfill the cybersecurity mission.

(e) TOPICS.—In selecting topics for competitions and challenges under subsection (a)(1), the Secretary of Commerce, Director of the National Science Foundation, and Secretary of Homeland Security—

(1) shall consult widely both within and outside the Federal Government; and

(2) may empanel advisory committees.

(f) INTERNSHIPS.—The Director of the Office of Personnel Management may support, as appropriate, internships or other work experience in the Federal Government to the winners of the competitions and challenges under this section.

#### SEC. 302. FEDERAL CYBER SCHOLARSHIP-FOR-SERVICE PROGRAM.

(a) IN GENERAL.—The Director of the National Science Foundation, in coordination with the Director of the Office of Personnel Management and Secretary of Homeland Security, shall continue a Federal Cyber Scholarship-for-Service program to recruit and train the next generation of information technology professionals, industrial control system security professionals, and security managers to meet the needs of the cybersecurity mission for Federal, State, local, and tribal governments.

(b) PROGRAM DESCRIPTION AND COMPONENTS.—The Federal Cyber Scholarship-for-Service program shall—

(1) provide scholarships to students who are enrolled in programs of study at institutions of higher education leading to degrees or specialized program certifications in the cybersecurity field;

(2) provide the scholarship recipients with summer internship opportunities or other meaningful temporary appointments in the Federal information technology workforce; and

(3) provide a procedure by which the National Science Foundation or a Federal agency, consistent with regulations of the Office of Personnel Management, may request and fund security clearances for scholarship recipients, including providing for clearances during internships or other temporary appointments and after receipt of their degrees.

(c) SCHOLARSHIP AMOUNTS.—Each scholarship under subsection (b) shall be in an amount that covers the student’s tuition and fees at the institution under subsection (b)(1) and provides the student with an additional stipend.

(d) SCHOLARSHIP CONDITIONS.—Each scholarship recipient, as a condition of receiving a

scholarship under the program, shall enter into an agreement under which the recipient agrees to work in the cybersecurity mission of a Federal, State, local, or tribal agency for a period equal to the length of the scholarship following receipt of the student’s degree.

(e) HIRING AUTHORITY.—

(1) APPOINTMENT IN EXCEPTED SERVICE.—Notwithstanding any provision of chapter 33 of title 5, United States Code, governing appointments in the competitive service, an agency shall appoint in the excepted service an individual who has completed the academic program for which a scholarship was awarded.

(2) NONCOMPETITIVE CONVERSION.—Except as provided in paragraph (4), upon fulfillment of the service term, an employee appointed under paragraph (1) may be converted noncompetitively to term, career-conditional or career appointment.

(3) TIMING OF CONVERSION.—An agency may noncompetitively convert a term employee appointed under paragraph (2) to a career-conditional or career appointment before the term appointment expires.

(4) AUTHORITY TO DECLINE CONVERSION.—An agency may decline to make the noncompetitive conversion or appointment under paragraph (2) for cause.

(f) ELIGIBILITY.—To be eligible to receive a scholarship under this section, an individual shall—

(1) be a citizen or lawful permanent resident of the United States;

(2) demonstrate a commitment to a career in improving the security of information infrastructure; and

(3) have demonstrated a high level of proficiency in mathematics, engineering, or computer sciences.

(g) REPAYMENT.—If a scholarship recipient does not meet the terms of the program under this section, the recipient shall refund the scholarship payments in accordance with rules established by the Director of the National Science Foundation, in coordination with the Director of the Office of Personnel Management and Secretary of Homeland Security.

(h) EVALUATION AND REPORT.—The Director of the National Science Foundation shall evaluate and report periodically to Congress on the success of recruiting individuals for scholarships under this section and on hiring and retaining those individuals in the public sector workforce.

#### SEC. 303. STUDY AND ANALYSIS OF EDUCATION, ACCREDITATION, TRAINING, AND CERTIFICATION OF INFORMATION INFRASTRUCTURE AND CYBERSECURITY PROFESSIONALS.

(a) STUDY.—The Director of the National Science Foundation and the Secretary of Homeland Security shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study of government, academic, and private-sector education, accreditation, training, and certification programs for the development of professionals in information infrastructure and cybersecurity. The agreement shall require the National Academy of Sciences to consult with sector coordinating councils and relevant governmental agencies, regulatory entities, and nongovernmental organizations in the course of the study.

(b) SCOPE.—The study shall include—

(1) an evaluation of the body of knowledge and various skills that specific categories of professionals in information infrastructure and cybersecurity should possess in order to secure information systems;

(2) an assessment of whether existing government, academic, and private-sector education, accreditation, training, and certification programs provide the body of knowledge and various skills described in paragraph (1);

(3) an evaluation of—

(A) the state of cybersecurity education at institutions of higher education in the United States;

(B) the extent of professional development opportunities for faculty in cybersecurity principles and practices;

(C) the extent of the partnerships and collaborative cybersecurity curriculum development activities that leverage industry and government needs, resources, and tools;

(D) the proposed metrics to assess progress toward improving cybersecurity education; and

(E) the descriptions of the content of cybersecurity courses in undergraduate computer science curriculum;

(4) an analysis of any barriers to the Federal Government recruiting and hiring cybersecurity talent, including barriers relating to compensation, the hiring process, job classification, and hiring flexibility; and

(5) an analysis of the sources and availability of cybersecurity talent, a comparison of the skills and expertise sought by the Federal Government and the private sector, an examination of the current and future capacity of United States institutions of higher education, including community colleges, to provide current and future cybersecurity professionals, through education and training activities, with those skills sought by the Federal Government, State and local entities, and the private sector.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the National Academy of Sciences shall submit to the President and Congress a report on the results of the study. The report shall include—

(1) findings regarding the state of information infrastructure and cybersecurity education, accreditation, training, and certification programs, including specific areas of deficiency and demonstrable progress; and

(2) recommendations for further research and the improvement of information infrastructure and cybersecurity education, accreditation, training, and certification programs.

#### **TITLE IV—CYBERSECURITY AWARENESS AND PREPAREDNESS**

##### **SEC. 401. NATIONAL CYBERSECURITY AWARENESS AND PREPAREDNESS CAMPAIGN.**

(a) NATIONAL CYBERSECURITY AWARENESS AND PREPAREDNESS CAMPAIGN.—The Director of the National Institute of Standards and Technology (referred to in this section as the “Director”), in consultation with appropriate Federal agencies, shall continue to coordinate a national cybersecurity awareness and preparedness campaign, such as—

(1) a campaign to increase public awareness of cybersecurity, cyber safety, and cyber ethics, including the use of the Internet, social media, entertainment, and other media to reach the public;

(2) a campaign to increase the understanding of State and local governments and private sector entities of—

(A) the benefits of ensuring effective risk management of the information infrastructure versus the costs of failure to do so; and

(B) the methods to mitigate and remediate vulnerabilities;

(3) support for formal cybersecurity education programs at all education levels to prepare skilled cybersecurity and computer science workers for the private sector and Federal, State, and local government; and

(4) initiatives to evaluate and forecast future cybersecurity workforce needs of the Federal government and develop strategies for recruitment, training, and retention.

(b) CONSIDERATIONS.—In carrying out the authority described in subsection (a), the Director, in consultation with appropriate Federal agencies, shall leverage existing programs designed to inform the public of safety and security of products or services, including self-certifications and independently-verified assessments regarding the quantification and valuation of information security risk.

(c) STRATEGIC PLAN.—The Director, in cooperation with relevant Federal agencies and other stakeholders, shall build upon programs and plans in effect as of the date of enactment of this Act to develop and implement a strategic plan to guide Federal programs and activities in support of the national cybersecurity awareness and preparedness campaign under subsection (a).

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Director shall transmit the strategic plan under subsection (c) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.

By Mr. DURBIN:

S. 1359. A bill to amend the Federal Water Pollution Control Act to establish national standards for discharges from cruise vessels; to the Committee on Commerce, Science, and Transportation.

Mr. DURBIN. 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. 1359

*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 “Clean Cruise Ship Act of 2013”.

#### **SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) cruise ships carry millions of passengers through North American waters each year, showcase some of the most beautiful ocean and coastal environments in the United States, and provide opportunities for passengers to relax and enjoy oceans and marine ecosystems;

(2) the natural beauty and health of the ocean and coastal environment is what draws passengers to travel along these waterways by ship;

(3) protecting the natural environment is beneficial to both the environment and to the cruise industry;

(4) the number of cruise passengers continues to grow, making the cruise industry 1 of the fastest growing tourism sectors in the world;

(5) in 2010, more than 10,000,000 passengers departed from North America on thousands of cruise ships;

(6) as of 2010, the average annual growth rate of cruise passengers is 7.5 percent;

(7) during the 2 decades preceding the date of enactment of this Act, the average cruise ship size has increased at a rate of approximately 90 feet every 5 years;

(8) an average-sized cruise vessel generates millions of gallons of liquid waste and many tons of solid waste;

(9) in just 1 week, a 3000-passenger cruise ship generates approximately 200,000 gallons

of human sewage, more than 1,000,000 gallons of water from showers and sinks and dishwashing water (commonly known as “graywater”), more than 8 tons of solid waste, and toxic wastes from dry cleaning and photo-processing laboratories;

(10) in an Environmental Protection Agency survey of 29 ships traveling in Alaskan waters, reported sewage generation rates ranged from 1,000 to 74,000 gallons per day per vessel, with the average volume of sewage generated being 21,000 gallons per day per vessel;

(11) those frequently untreated cruise ship discharges deliver nutrients, hazardous substances, pharmaceuticals, and human pathogens, including viruses and bacteria, directly into the marine environment;

(12) in the final report of the United States Commission on Ocean Policy, that Commission found that cruise ship discharges, if not treated and disposed of properly, and the cumulative impacts caused when cruise ships repeatedly visit the same environmentally sensitive areas, “can be a significant source of pathogens and nutrients with the potential to threaten human health and damage shellfish beds, coral reefs, and other aquatic life”;

(13) pollution from cruise ships not only has the potential to threaten marine life and human health through consumption of contaminated seafood, but also poses a health risk for recreational swimmers, surfers, and other beachgoers;

(14) according to the Environmental Protection Agency, “Sewage may host many pathogens of concern to human health, including Salmonella, Shigella, Hepatitis A and E, and gastro-intestinal viruses. Sewage contamination in swimming areas and shellfish beds poses potential risks to human health and the environment by increasing the rate of waterborne illnesses”;

(15) the nutrient pollution from human sewage discharges from cruise ships can contribute to the incidence of harmful algal blooms;

(16) algal blooms have been implicated in the deaths of marine life, including the deaths of more than 150 manatees off the coast of Florida;

(17) in a 2005 report requested by the International Council of Cruise Lines, the Science Panel of the Ocean Conservation and Tourism Alliance recommended that—

(A) “[a]ll blackwater should be treated”;

(B) treated blackwater should be “avoided in ports, close to bathing beaches or water bodies with restricted circulation, flushing or inflow”;

(C) blackwater should not be discharged within 4 nautical miles of shellfish beds, coral reefs, or other sensitive habitats;

(18) that Science Panel further recommended that graywater be treated in the same manner as blackwater and that sewage sludge be off-loaded to approved land-based facilities;

(19) in a summary of recommendations for addressing unabated point sources of pollution, the Pew Oceans Commission states that, “Congress should enact legislation that regulates wastewater discharges from cruise ships under the Clean Water Act by establishing uniform minimum standards for discharges in all State waters and prohibiting discharges within the U.S. Exclusive Economic Zone that do not meet effluent standards.”; and

(20) a comprehensive statutory regime for managing pollution discharges from cruise vessels, applicable throughout the United States, is needed—

(A) to protect coastal and ocean areas from pollution generated by cruise vessels;

(B) to reduce and better regulate discharges from cruise vessels; and

(C) to improve monitoring, reporting, and enforcement of standards regarding discharges.

(b) PURPOSE.—The purpose of this Act is to amend the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) to establish national standards and prohibitions for discharges from cruise vessels.

### SEC. 3. CRUISE VESSEL DISCHARGES.

Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

“(s) CRUISE VESSEL DISCHARGES.—

“(1) DEFINITIONS.—In this subsection:

“(A) BILGE WATER.—

“(i) IN GENERAL.—The term ‘bilge water’ means wastewater.

“(ii) INCLUSIONS.—The term ‘bilge water’ includes lubrication oils, transmission oils, oil sludge or slops, fuel or oil sludge, used oil, used fuel or fuel filters, and oily waste.

“(B) COMMANDANT.—The term ‘Commandant’ means the Commandant of the Coast Guard.

“(C) CRUISE VESSEL.—

“(i) IN GENERAL.—The term ‘cruise vessel’ means a passenger vessel that—

“(I) is authorized to carry at least 250 passengers; and

“(II) has onboard sleeping facilities for each passenger.

“(ii) EXCLUSIONS.—The term ‘cruise vessel’ does not include—

“(I) a vessel of the United States operated by the Federal Government;

“(II) a vessel owned and operated by the government of a State; or

“(III) a vessel owned by a local government.

“(D) DISCHARGE.—The term ‘discharge’ means the release, escape, disposal, spilling, leaking, pumping, emitting, or emptying of bilge water, graywater, hazardous waste, incinerator ash, sewage, sewage sludge, trash, or garbage from a cruise vessel into the environment, however caused, other than—

“(i) at an approved shoreside reception facility, if applicable; and

“(ii) in compliance with all applicable Federal, State, and local laws (including regulations).

“(E) EXCLUSIVE ECONOMIC ZONE.—The term ‘exclusive economic zone’ has the meaning given the term in section 2101 of title 46, United States Code (as in effect on the day before the date of enactment of Public Law 109–304 (120 Stat. 1485)).

“(F) FUND.—The term ‘Fund’ means the Cruise Vessel Pollution Control Fund established by paragraph (11)(A)(i).

“(G) GARBAGE.—The term ‘garbage’ means solid waste from food preparation, service and disposal activities, even if shredded, ground, processed, or treated to comply with other requirements.

“(H) GRAYWATER.—

“(i) IN GENERAL.—The term ‘graywater’ means galley water, dishwasher, and bath, shower, and washbasin water.

“(ii) INCLUSIONS.—The term ‘graywater’ includes, to the extent not already covered under provisions of law relating to hazardous waste—

“(I) spa, pool, and laundry wastewater;

“(II) wastes from soot tanker or economizer cleaning;

“(III) wastes from photo processing;

“(IV) wastes from vessel interior surface cleaning; and

“(V) miscellaneous equipment and process wastewater.

“(I) HAZARDOUS WASTE.—The term ‘hazardous waste’ has the meaning given the term in section 6903 of the Solid Waste Disposal Act (42 U.S.C. 6903).

“(J) INCINERATOR ASH.—The term ‘incinerator ash’ means ash generated during the incineration of solid waste or sewage sludge.

“(K) NEW VESSEL.—The term ‘new vessel’ means a vessel, the construction of which is initiated after promulgation of standards and regulations under this subsection.

“(L) NO-DISCHARGE ZONE.—

“(i) IN GENERAL.—The term ‘no-discharge zone’ means an area of ecological importance, whether designated by Federal, State, or local authorities.

“(ii) INCLUSIONS.—The term ‘no-discharge zone’ includes—

“(I) a marine sanctuary;

“(II) a marine protected area;

“(III) a marine reserve; and

“(IV) a marine national monument.

“(M) PASSENGER.—The term ‘passenger’ means any person (including a paying passenger and any staff member, such as a crew member, captain, or officer) traveling on board a cruise vessel.

“(N) SEWAGE.—The term ‘sewage’ means—

“(i) human and animal body wastes; and

“(ii) wastes from toilets and other receptacles intended to receive or retain human and animal body wastes.

“(O) SEWAGE SLUDGE.—

“(i) IN GENERAL.—The term ‘sewage sludge’ means any solid, semi-solid, or liquid residue removed during the treatment of on-board sewage.

“(ii) INCLUSIONS.—The term ‘sewage sludge’ includes—

“(I) solids removed during primary, secondary, or advanced wastewater treatment;

“(II) scum;

“(III) septage;

“(IV) portable toilet pumpings;

“(V) type III marine sanitation device pumpings (as defined in part 159 of title 33, Code of Federal Regulations (or a successor regulation)); and

“(VI) sewage sludge products.

“(iii) EXCLUSIONS.—The term ‘sewage sludge’ does not include—

“(I) grit or screenings; or

“(II) ash generated during the incineration of sewage sludge.

“(P) TRASH.—The term ‘trash’ means solid waste from vessel operations and passenger services, even if shredded, ground, processed, or treated to comply with other regulations.

“(2) PROHIBITIONS.—

“(A) PROHIBITION ON DISCHARGE OF SEWAGE SLUDGE, INCINERATOR ASH, AND HAZARDOUS WASTE.—

“(i) IN GENERAL.—Except as provided by subparagraph (C), no cruise vessel departing from, or calling on, a port of the United States may discharge sewage sludge, incinerator ash, or hazardous waste into navigable waters, including the contiguous zone and the exclusive economic zone.

“(ii) OFF-LOADING.—Sewage sludge, incinerator ash, and hazardous waste described in clause (i) shall be off-loaded at an appropriate land-based facility.

“(B) PROHIBITION ON DISCHARGE OF SEWAGE, GRAYWATER, AND BILGE WATER.—

“(i) IN GENERAL.—Except as provided by subparagraph (C), no cruise vessel departing from or calling on, a port of the United States may discharge sewage, graywater, or bilge water into navigable waters, including the contiguous zone and the exclusive economic zone, unless—

“(I) the sewage, graywater, or bilge water is treated to meet all applicable effluent limits established under this section and is in accordance with all other applicable laws;

“(II) the cruise vessel is underway and proceeding at a speed of not less than 6 knots;

“(III) the cruise vessel is more than 12 nautical miles from shore; and

“(IV) the cruise vessel complies with all applicable standards established under this Act.

“(ii) NO-DISCHARGE ZONES.—Notwithstanding any other provision of this para-

graph, no cruise vessel departing from, or calling on, a port of the United States may discharge treated or untreated sewage, graywater, or bilge water into a no-discharge zone.

“(C) SAFETY EXCEPTION.—

“(i) SCOPE OF EXCEPTION.—Subparagraphs (A) and (B) shall not apply in any case in which—

“(I) a discharge is made solely for the purpose of securing the safety of the cruise vessel or saving human life at sea; and

“(II) all reasonable precautions have been taken to prevent or minimize the discharge.

“(ii) NOTIFICATION.—

“(I) IN GENERAL.—If the owner, operator, master, or other person in charge of a cruise vessel authorizes a discharge described in clause (i), the person shall notify the Administrator and the Commandant of the decision to authorize the discharge as soon as practicable, but not later than 24 hours, after authorizing the discharge.

“(II) REPORT.—Not later than 7 days after the date on which a discharge described in clause (i) occurs, the owner, operator, master, or other person in charge of a cruise vessel, shall submit to the Administrator and the Commandant a report that describes—

“(aa) the quantity and composition of each discharge authorized under clause (i);

“(bb) the reason for authorizing each such discharge;

“(cc) the location of the vessel during the course of each such discharge; and

“(dd) such other supporting information and data as are requested by the Commandant or the Administrator.

“(III) DISCLOSURE OF REPORTS.—Upon receiving a report under subclause (II), the Administrator shall make the report available to the public.

“(3) EFFLUENT LIMITS.—

“(A) EFFLUENT LIMITS FOR DISCHARGES OF SEWAGE, GRAYWATER, AND BILGE WATER.—

“(i) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall promulgate effluent limits for sewage, graywater, and bilge water discharges from cruise vessels.

“(ii) REQUIREMENTS.—The effluent limits shall—

“(I) be consistent with the capability of the best available technology to treat effluent;

“(II) take into account the best available scientific information on the environmental effects of sewage, graywater, and bilge water discharges, including conventional, nontoxic, and toxic pollutants and petroleum;

“(III) take into account marine life and ecosystems, including coral reefs, shell fish beds, endangered species, marine mammals, seabirds, and marine ecosystems;

“(IV) take into account conditions that will affect marine life, ecosystems, and human health, including seamounts, continental shelves, oceanic fronts, warm core and cold core rings, and ocean currents; and

“(V) require compliance with all relevant Federal and State water quality standards.

“(iii) MINIMUM LIMITS.—The effluent limits promulgated under clause (i) shall require, at a minimum, that treated sewage, treated graywater, and treated bilge water effluent discharges from cruise vessels, measured at the point of discharge, shall, not later than the date described in subparagraph (C)—

“(I) satisfy the minimum level of effluent quality specified in section 133.102 of title 40, Code of Federal Regulations (or a successor regulation); and

“(II) with respect to the samples from the discharge during any 30-day period—

“(aa) have a geometric mean that does not exceed 20 fecal coliform per 100 milliliters;

“(bb) not exceed 40 fecal coliform per 100 milliliters in more than 10 percent of the samples; and

“(cc) with respect to concentrations of total residual chlorine, not exceed 10 milligrams per liter.

“(B) REVIEW AND REVISION OF EFFLUENT LIMITS.—The Administrator shall—

“(i) review the effluent limits promulgated under subparagraph (A) at least once every 5 years; and

“(ii) revise the effluent limits to incorporate technology available at the time of the review in accordance with subparagraph (A)(ii).

“(C) COMPLIANCE DATE.—The Administrator shall require compliance with the effluent limits promulgated pursuant to subparagraph (A)—

“(i) with respect to new vessels put into water after the date of enactment of this subsection, as of the date that is 180 days after the date of promulgation of the effluent limits; and

“(ii) with respect to vessels in use as of that date of enactment, as of the date that is 1 year after the date of promulgation of the effluent limits.

“(D) SAMPLING, MONITORING, AND REPORTING.—

“(i) IN GENERAL.—The Administrator shall require sampling, monitoring, and reporting to ensure compliance with—

“(I) the effluent limitations promulgated under subparagraph (A);

“(II) all other applicable provisions of this Act;

“(III) any regulations promulgated under this Act;

“(IV) other applicable Federal laws (including regulations); and

“(V) all applicable international treaty requirements.

“(ii) RESPONSIBILITIES OF PERSONS IN CHARGE OF CRUISE VESSELS.—The owner, operator, master, or other person in charge of a cruise vessel, shall at a minimum—

“(I) conduct sampling or testing at the point of discharge on a monthly basis, or more frequently, as determined by the Administrator;

“(II) provide real-time data to the Administrator, using telemetric or other similar technology, for reporting relating to—

“(aa) discharges of sewage, graywater, and bilge water from cruise vessels;

“(bb) pollutants emitted in sewage, graywater, and bilge water from cruise vessels; and

“(cc) functioning of cruise vessel components relating to fuel consumption and control of air and water pollution;

“(III) ensure, to the maximum extent practicable, that technologies providing real-time data have the ability to record—

“(aa) the location and time of discharges from cruise vessels;

“(bb) the source, content, and volume of the discharges; and

“(cc) the operational state of components relating to pollution control technology at the time of the discharges, including whether the components are operating correctly;

“(IV) establish chains of custody, analysis protocols, and other specific information necessary to ensure that the sampling, testing, and records of that sampling and testing are reliable; and

“(V) maintain, and provide on a monthly basis to the Administrator, electronic copies of required sampling and testing data.

“(iii) REPORTING REQUIREMENTS.—The Administrator shall require the compilation and production, and not later than 1 year after the date of enactment of this subsection and biennially thereafter, the provision to the Administrator and the Commandant in electronic format, of documenta-

tion for each cruise vessel that includes, at a minimum—

“(I) a detailed description of onboard waste treatment mechanisms in use by the cruise vessel, including the manufacturer of the waste treatment technology on board;

“(II) a detailed description of onboard sludge management practices of the cruise vessel;

“(III) copies of applicable hazardous materials forms;

“(IV) a characterization of the nature, type, and composition of discharges by the cruise vessel;

“(V) a determination of the volumes of those discharges, including average volumes; and

“(VI) the locations, including the more common locations, of those discharges.

“(iv) SHORESIDE DISPOSAL.—The Administrator shall require documentation of shore-side disposal at approved facilities for all wastes by, at a minimum—

“(I) establishing standardized forms for the receipt of those wastes;

“(II) requiring those receipts to be sent electronically to the Administrator and Commandant and maintained in an onboard record book; and

“(III) requiring those receipts to be signed and dated by the owner, operator, master, or other person in charge of the discharging vessel and the authorized representative of the receiving facility.

“(v) REGULATIONS.—Not later than 18 months after the date of enactment of this subsection, the Administrator, in consultation with the Commandant, shall promulgate regulations that, at a minimum, implement the sampling, monitoring, and reporting protocols required by this subparagraph.

“(4) INSPECTION PROGRAM.—

“(A) IN GENERAL.—The Administrator shall establish an inspection program to require that—

“(i) regular announced and unannounced inspections be conducted of any relevant aspect of cruise vessel operations, equipment, or discharges, including sampling and testing of cruise vessel discharges;

“(ii) each cruise vessel that calls on a port of the United States be subject to an unannounced inspection at least once per year; and

“(iii) inspections be carried out by the Environmental Protection Agency or the Coast Guard.

“(B) COAST GUARD INSPECTIONS.—If the Administrator and the Commandant jointly agree that some or all inspections are to be carried out by the Coast Guard, the inspections shall—

“(i) occur outside the Coast Guard matrix system for setting boarding priorities;

“(ii) be consistent across Coast Guard districts; and

“(iii) be conducted by specially-trained environmental inspectors.

“(C) REGULATIONS.—Not later than 18 months after the date of enactment of this subsection, the Administrator, in consultation with the Commandant, shall promulgate regulations that, at a minimum—

“(i) designate responsibility for conducting inspections;

“(ii) require the owner, operator, master, or other person in charge of a cruise vessel to maintain and submit a logbook detailing the times, types, volumes, flow rates, origins, and specific locations of, and explanations for, any discharges from the cruise vessel not otherwise required by the International Convention for the Prevention of Pollution from

Ships, 1973 (done at London, February 17, 1978);

“(iii) provide for routine announced and unannounced inspections of—

“(I) cruise vessel environmental compliance records and procedures; and

“(II) the functionality, sufficiency, redundancy, and proper operation and maintenance of installed equipment for abatement and control of any cruise vessel discharge (including equipment intended to treat sewage, graywater, or bilge water);

“(iv) ensure that—

“(I) all crew members are informed of, in the native language of the crew members, and understand, the pollution control obligations under this subsection, including regulations promulgated under this subsection; and

“(II) applicable crew members are sufficiently trained and competent to comply with requirements under this subsection, including sufficient training and competence—

“(aa) to effectively operate shipboard pollution control systems;

“(bb) to conduct all necessary sampling and testing; and

“(cc) to monitor and comply with recording requirements;

“(v) require that operating manuals be on the cruise vessel and accessible to all crew members;

“(vi) require the posting of the phone number for a toll-free whistleblower hotline on all ships and at all ports using language likely to be understood by international crews;

“(vii) require any owner, operator, master, or other person in charge of a cruise vessel, who has knowledge of a discharge from the cruise vessel in violation of this subsection, including regulations promulgated under this subsection, to report immediately the discharge to the Administrator and the Commandant;

“(viii) require the owner, operator, master, or other person in charge of a cruise vessel to provide, not later than 1 year after the date of enactment of this subsection, to the Administrator, Commandant, and on-board observers (including designated representatives), a copy of cruise vessel plans, including—

“(I) piping schematic diagrams;

“(II) construction drawings; and

“(III) drawings or diagrams of storage systems, processing, treating, intake, or discharge systems, and any modifications of those systems (within the year during which the modifications are made); and

“(ix) inhibit illegal discharges by prohibiting all means of altering piping, tankage, pumps, valves, and processes to bypass or circumvent measures or equipment designed to monitor, sample, or prevent discharges.

“(D) DISCLOSURE OF LOGBOOKS.—The logbook described in subparagraph (C)(ii) shall be submitted to the Administrator and the Commandant.

“(5) CRUISE OBSERVER PROGRAM.—

“(A) IN GENERAL.—Not later than 18 months after the date of enactment of this subsection, the Commandant, in consultation with the Administrator, shall establish and carry out a program for the hiring and placement of 1 or more trained, independent, observers on each cruise vessel.

“(B) PURPOSE.—The purpose of the cruise observer program established under subparagraph (A) is to monitor and inspect cruise vessel operations, equipment, and discharges to ensure compliance with—

“(i) this subsection (including regulations promulgated under this subsection); and

“(ii) all other relevant Federal and State laws and international agreements.

“(C) REGULATIONS.—Not later than 18 months after the date of enactment of this

subsection, the Commandant, in consultation with the Administrator and the Attorney General, shall promulgate regulations that, at a minimum—

“(i) specify that the Coast Guard shall be responsible for the hiring of observers;

“(ii) specify the qualifications, experience, and duties of the observers;

“(iii) specify methods and criteria for Coast Guard hiring of observers;

“(iv) establish the means for ensuring constant observer coverage and allowing for observer relief and rotation; and

“(v) establish an appropriate rate of pay to ensure that observers are highly trained and retained by the Coast Guard.

“(D) RESPONSIBILITIES.—Cruise observers participating in the program established under subparagraph (A) shall—

“(i) observe and inspect—

“(I) onboard liquid and solid handling and processing systems;

“(II) onboard environmental treatment systems;

“(III) use of shore-based treatment and storage facilities;

“(IV) discharges and discharge practices; and

“(V) documents relating to environmental compliance, including—

“(aa) sounding boards, logs, and logbooks;

“(bb) daily and corporate maintenance and engineers' logbooks;

“(cc) fuel, sludge, slop, waste, and ballast tank capacity tables;

“(dd) installation, maintenance, and operation records for oily water separators, incinerators, and boilers;

“(ee) piping diagrams;

“(ff) e-mail archives;

“(gg) receipts for the transfer of materials, including waste disposal;

“(hh) air emissions data; and

“(ii) electronic and other records of relevant information, including fuel consumption, maintenance, and spares ordering for all waste processing- and pollution-related equipment;

“(ii) have the authority to interview and otherwise query any crew member with knowledge of cruise vessel operations;

“(iii) have access to all data and information made available to government officials under this subsection;

“(iv) immediately report any known or suspected violation of this subsection or any other applicable Federal law or international agreement to—

“(I) the owner, operator, master, or other person in charge of a cruise vessel;

“(II) the Commandant; and

“(III) the Administrator;

“(v) maintain inspection records to be submitted to the Commandant and the Administrator on a semiannual basis; and

“(vi) have authority to conduct the full range of duties of the observers within the United States territorial seas, contiguous zone, and exclusive economic zone.

“(E) PROGRAM EVALUATION.—The cruise observer program established and carried out by the Commandant under subparagraph (A) shall include—

“(i) a method for collecting and reviewing data relating to the efficiency, sufficiency, and operation of the cruise observer program, including—

“(I) the ability to achieve program goals;

“(II) cruise vessel personnel cooperation;

“(III) necessary equipment and analytical resources; and

“(IV) the need for additional observer training; and

“(ii) a process for adopting periodic revisions to the program based on the data collected under clause (i).

“(F) OBSERVER SUPPORT.—Not later than 18 months after the date of enactment of this

subsection, the Commandant, in consultation with the Administrator, shall implement a program to provide support to observers, including, at a minimum—

“(i) training for observers to ensure the ability of the observers to carry out this paragraph;

“(ii) necessary equipment and analytical resources, such as laboratories, to carry out the responsibilities established under this subsection; and

“(iii) support relating to the administration of the program and the response to any recalcitrant cruise vessel personnel.

“(G) REPORT.—Not later than 3 years after the date of establishment of the program under this paragraph, the Commandant, in consultation with the Administrator, shall submit to Congress a report describing—

“(i) the results of the program in terms of observer effectiveness, optimal coverage, environmental benefits, and cruise ship co-operation;

“(ii) recommendations for increased effectiveness, including increased training needs and increased equipment needs; and

“(iii) other recommendations for improvement of the program.

“(6) REWARDS.—

“(A) PAYMENTS TO INDIVIDUALS.—

“(i) IN GENERAL.—The Administrator or a court of competent jurisdiction, as the case may be, may order payment, from a civil penalty or criminal fine collected for a violation of this subsection, of an amount not to exceed ½ of the amount of the civil penalty or criminal fine, to any individual who furnishes information that leads to the payment of the civil penalty or criminal fine.

“(ii) MULTIPLE INDIVIDUALS.—If 2 or more individuals provide information described in clause (i), the amount available for payment as a reward shall be divided equitably among the individuals.

“(iii) INELIGIBLE INDIVIDUALS.—No officer or employee of the United States, a State, or an Indian tribe who furnishes information or renders service in the performance of the official duties of the officer or employee shall be eligible for a reward payment under this paragraph.

“(B) PAYMENTS TO INDIAN TRIBES.—The Administrator or a court of competent jurisdiction, as the case may be, may order payment, from a civil penalty or criminal fine collected for a violation of this subsection, to an Indian tribe providing information or investigative assistance that leads to payment of the penalty or fine, of an amount that reflects the level of information or investigative assistance provided.

“(C) PAYMENTS DIVIDED AMONG INDIAN TRIBES AND INDIVIDUALS.—In a case in which an Indian tribe and an individual under subparagraph (A) are eligible to receive a reward payment under this paragraph, the Administrator or the court shall divide the amount available for the reward equitably among those recipients.

“(7) LIABILITY IN REM.—A cruise vessel operated in violation of this subsection or any regulation promulgated under this subsection—

“(A) shall be liable in rem for any civil penalty or criminal fine imposed for the violation; and

“(B) may be subject to a proceeding instituted in any United States district court of competent jurisdiction.

“(8) PERMIT REQUIREMENT.—A cruise vessel may operate in the waters of the United States, or visit a port or place under the jurisdiction of the United States, only if the cruise vessel has been issued a permit under this section.

“(9) NONAPPLICABILITY OF CERTAIN PROVISIONS.—Paragraphs (6)(A) and (12)(B) of section 502 shall not apply to any cruise vessel.

“(10) STATUTORY OR COMMON LAW RIGHTS NOT RESTRICTED.—Nothing in this subsection—

“(A) restricts the rights of any person (or class of persons) to regulate or seek enforcement or other relief (including relief against the Administrator or Commandant) under any statute or common law;

“(B) affects the right of any person (or class of persons) to regulate or seek enforcement or other relief with regard to vessels other than cruise vessels under any statute or common law; or

“(C) affects the right of any person (or class of persons) under any statute or common law, including this Act, to regulate or seek enforcement or other relief with regard to pollutants or emission streams from cruise vessels that are not otherwise regulated under this subsection.

“(11) ESTABLISHMENT OF FUND; FEES.—

“(A) CRUISE VESSEL POLLUTION CONTROL FUND.—

“(i) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account, to be known as the ‘Cruise Vessel Pollution Control Fund’ (referred to in this paragraph as the ‘Fund’).

“(ii) AMOUNTS.—The Fund shall consist of such amounts as are deposited in the Fund under subparagraph (B)(vi).

“(iii) AVAILABILITY AND USE OF AMOUNTS IN FUND.—Amounts in the Fund shall be—

“(I) available to the Administrator and the Commandant as provided in appropriations Acts; and

“(II) used by the Administrator and the Commandant only for purposes of carrying out this subsection.

“(B) FEES ON CRUISE VESSELS.—

“(i) IN GENERAL.—The Commandant and the Administrator shall establish and collect from each cruise vessel a reasonable and appropriate fee for each paying passenger on a cruise vessel voyage, for use in carrying out this subsection.

“(ii) ADJUSTMENT OF FEE.—

“(I) IN GENERAL.—The Commandant and the Administrator shall biennially adjust the amount of the fee established under clause (i) to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor during the most recent 2-year period for which data are available.

“(II) ROUNDING.—The Commandant and the Administrator may round an adjustment under subclause (I) to the nearest 1/10 of a dollar.

“(iii) FACTORS IN ESTABLISHING FEES.—

“(I) IN GENERAL.—In establishing fees under clause (i), the Commandant and Administrator may establish lower levels of fees and the maximum amount of fees for certain classes of cruise vessels based on—

“(aa) size;

“(bb) economic share; and

“(cc) such other factors as are determined to be appropriate by the Commandant and the Administrator.

“(iv) FEE SCHEDULES.—Any fee schedule established under clause (i), including the level of fees and the maximum amount of fees, shall take into account—

“(I) cruise vessel routes;

“(II) the frequency of stops at ports of call by cruise vessels; and

“(III) other applicable considerations.

“(v) COLLECTION OF FEES.—A fee established under clause (i) shall be collected by the Administrator or the Commandant from the owner or operator of each cruise vessel to which this subsection applies.

“(vi) DEPOSITS TO FUND.—Notwithstanding any other provision of law, all fees collected under this paragraph, and all penalties and payments collected for violations of this subsection, shall be deposited in the Fund.

“(12) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator and the Commandant such sums as are necessary to carry out this subsection for each of fiscal years 2010 through 2014.”.

### AMENDMENTS SUBMITTED AND PROPOSED

SA 1760. Mr. CARDIN (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes.

SA 1761. Mr. WHITEHOUSE (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1762. Mr. CORNYN (for himself and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1763. Mr. SCHUMER (for himself, Mrs. GILLIBRAND, Mr. MENENDEZ, and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1764. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1765. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1766. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1767. Mr. FLAKE (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1768. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1769. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1770. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1771. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1772. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1773. Mr. HARKIN (for Mr. MANCHIN (for himself, Mr. BURR, Mr. KING, Mr. COBURN, Mr. CARPER, Mr. ALEXANDER, Mr. HARKIN, and Mr. DURBIN)) proposed an amendment to the bill H.R. 1911, of 1965 to establish interest rates for new loans made on or after July 1, 2013, to direct the Secretary of Education to convene the Advisory Committee on Improving Postsecondary Education Data to conduct a study on improvements to postsecondary education transparency at the Federal level, and for other purposes.

SA 1774. Mr. SANDERS (for himself, Mr. LEAHY, Mr. WHITEHOUSE, Mrs. GILLIBRAND, Mr. SCHATZ, Mr. MURPHY, Ms. HIRONO, Mr. BLUMENTHAL, Mr. WYDEN, and Mr. BROWN) proposed an amendment to amendment SA 1773 proposed by Mr. HARKIN (for Mr.

MANCHIN (for himself, Mr. BURR, Mr. KING, Mr. COBURN, Mr. CARPER, Mr. ALEXANDER, Mr. HARKIN, and Mr. DURBIN)) to the bill H.R. 1911, supra.

SA 1775. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table.

SA 1776. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1777. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1778. Mr. REED (for himself, Ms. WARREN, Mrs. MURRAY, Mr. LEAHY, Mrs. GILLIBRAND, Mrs. BOXER, Ms. STABENOW, Mr. WHITEHOUSE, Mr. HEINRICH, Mr. BLUMENTHAL, Mr. FRANKEN, Mr. SCHATZ, Mr. MERKLEY, Ms. HIRONO, Ms. BALDWIN, Mrs. SHAHEEN, Mr. BROWN, Ms. KLOBUCHAR, Mr. WYDEN, and Mr. MURPHY) proposed an amendment to amendment SA 1773 proposed by Mr. HARKIN (for Mr. MANCHIN (for himself, Mr. BURR, Mr. KING, Mr. COBURN, Mr. CARPER, Mr. ALEXANDER, Mr. HARKIN, and Mr. DURBIN)) to the bill H.R. 1911, of 1965 to establish interest rates for new loans made on or after July 1, 2013, to direct the Secretary of Education to convene the Advisory Committee on Improving Postsecondary Education Data to conduct a study on improvements to postsecondary education transparency at the Federal level, and for other purposes.

SA 1779. Mrs. GILLIBRAND (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table.

SA 1780. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1781. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1782. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1783. Mr. MURPHY (for himself, Mr. ROCKEFELLER, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1784. Mr. JOHNSON of Wisconsin (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1785. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1786. Mr. JOHNSON of Wisconsin (for himself, Mr. VITTER, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1787. Mr. BENNET (for himself and Mr. FLAKE) submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1788. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1789. Mr. UDALL of Colorado (for himself and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1790. Mr. UDALL of Colorado (for himself and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1791. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1792. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1793. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1794. Mr. COCHRAN (for himself and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1795. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1796. Mr. FLAKE (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1797. Mr. CORNYN (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

### TEXT OF AMENDMENTS

**SA 1760.** Mr. CARDIN (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; as follows:

On page 38, between lines 17 and 18, insert the following:

SEC. 127. The Secretary shall submit to Congress a report describing the percentages of lane miles and highway bridge deck in each State that are in good condition, fair condition, and poor condition, and the percentage of Federal amounts each State expends on the repair and maintenance of highway infrastructure and on new capacity construction.

**SA 1761.** Mr. WHITEHOUSE (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table; as follows:

On page 169, between lines 22 and 23, insert the following:

**SEC. 2. BUDGET-NEUTRAL DEMONSTRATION PROGRAM FOR ENERGY AND WATER CONSERVATION IMPROVEMENTS AT MULTIFAMILY RESIDENTIAL UNITS.**

(a) ESTABLISHMENT.—The Secretary of Housing and Urban Development (referred to in this section as the “Secretary”) shall establish a demonstration program under