to provide a report every 2 years on the quality and accuracy of the financial data provided to usaspending.gov. The GAO will create a government-wide report on data quality and accuracy. Too often the data that is reported at this point does not meet appropriate standards.

We must have a reliable system in place to track Federal funds and compare spending across Federal agencies to get the best value for taxpayers and reduce duplication.

In fact, in the GAO's annual report on duplication released this week, it highlighted the need for better data and specifically called out the limitations. GAO described a ''lack of reliable budget and performance information and a comprehensive list of federal programs'' as one of the biggest challenges in addressing duplication.

I know many of the Members, when I started talking about data standards and better accountability, headed for the exists. I recognize this is not a topic that necessarily excites folks. But I see my colleague, the Senator from Tennessee, on the floor—a former Governor, as was I. If we are going to get better value for our taxpayers, we have to start with good data, we have to start with a better ability to monitor that data and follow it.

In a world where people can Google all kinds of information, we ought to be able to follow the money in terms of where our taxpayer dollars head. We ought to make sure the recipients of those taxpayer grants can report that information in a single, consistent, and clear way. Policymakers and taxpayers should be able to assess the value of the dollars we invest in these programs.

This has been a long and winding path. As a relatively new Member of the Senate—and I hear some of the debates about some of the old days in the Senate—I am not sure I was here in the old days. But this is a case where, after a 2-year period, working with Members of the House—Chairman ISSA and Ranking Member CUMMINGS in the House—and working in the Senate with Senator CARPER and Senator COBURN—Senator COBURN who is out today for health reasons—and my colleague who joined with me in pushing this bill from day one, Senator PORTMAN—who, if time allows, will get back from a speech to add his comments as well—I would like to thank these Members.

I would also like to thank all of the Senate cosponsors for their support of the DATA Act, including members of our Budget Committee, the Government Performance Task Force that I chair.

I would like to thank in particular Senators COONS, WHITEHOUSE, AYOTTE, JOHNSON, and our Budget Committee Chairman PATTY MURRAY, and my staff, Amy Edwards, and all the others who have been relentless on working this through with other committees and the administration to make sure we got this bill done.

So while we may not have resolved all the issues of the day, today the Senate acted in a unanimous, bipartisan way to actually provide better value for taxpayers, more transparency, and less bureaucracy. I would say for a Thursday afternoon—with all the other discussion going on—work well done.

With that, I yield the floor.

NOMINATION OF MICHELLE T. FRIEDLAND TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT—Continued

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senator from North Carolina and I be allowed to engage in a colloquy for 20 minutes, and following that the Senator from Iowa be recognized.

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

STUDENT ATHLETES

Mr. ALEXANDER. Mr. President, the Senator from North Carolina and I were both involved in intercollegiate athletics. He was a scholarship athlete at Wake Forest University and I was a nonscholarship track person at Vanderbilt University several years before that.

We are here today to make a few comments on the recent ruling by a regional director of the National Labor Relations Board that defines student athletes as employees of the university. It affects only private universities for now—not the University of Tennessee. But it would affect Wake Forest, where the Senator from North Carolina was an outstanding football player, and it would affect Vanderbilt, where I attended.

I guess our message to the NCAA and intercollegiate athletes is: We hope they will understand the opinion of one regional director of the National Labor Relations Board is not the opinion of the entire Federal Government. That is the message I would like to deliver.

I would refer back—and then I will go to the Senator from North Carolina—to 25 years ago, when I was the president of the University of Tennessee, and I was asked to serve on the Knight Commission on Intercollegiate Athletics. It was headed by the president of North Carolina, Bill Friday, and the head of Notre Dame, Father Hesburgh—a pretty distinguished group of individuals from around the country—to take a look at intercollegiate athletics.

The major conclusion they came to was that presidents need to assert more institutional control over athletics. But here is something that this group of university presidents and others emphasized. They said:

> We reject the argument that the only realistic solution to the problem [of intercollegiate athletics]—
>
> And there have always been some—
>
> is to drop the student-athlete concept, put athletes on the payroll, and reduce or even eliminate their responsibilities as students.

Such a scheme has nothing to do with education, the purpose for which colleges and universities exist. Scholarship athletes are already paid in the most meaningful way possible: with a free education. The idea of intercollegiate athletics is that the teams represent their institutions as true members of the student body, not as hired hands. Surely American higher education has the ability to devise a better solution to the problems of intercollegiate athletics than making professionals out of the players, which is no solution at all but rather an unacceptable surrender to despair.

This was the Knight Commission 25 years ago.

I would ask the Senator from North Carolina, does he not think that while there may be some issues with intercollegiate athletics—and we could talk about what some of those are—that unionization of intercollegiate athletics is not the solution to the problem?

Mr. BURR. Let me say to my good friend, the Senator from Tennessee—who not only was a walk-on track member at Vanderbilt, but was the president of the University of Tennessee, the Governor of Tennessee, the Secretary of Education, and now is a Senator—his credentials allow him to say whatever he wants to on this issue with a degree of knowledge.

It was Teddy Roosevelt who identified the challenge of college football, and through his attempt to get Harvard and Yale and a couple of other universities to address the risk, the NCAA was created.

The amazing thing to Senator ALEXANDER and myself is that we have this governing body today that by all practical observations has done a great job of regulating college sports. It is the reason we have fabulous playoffs. It is the reason we have integrity in the scholarship system. But, more importantly, it is the reason we have top-quality athletes who go into these schools, where less than 1 percent become pros. Ninety-nine percent of them are reliant on a great education for a fabulous outcome in life. To do anything that changes the balance of what they have been able to create is ludicrous and I think what troubles me, and I think it troubles Senator ALEXANDER.

These are not some misguided college football players. This is the United Steelworkers. Let me say that again because I do not think people understand it. This is the United Steelworkers who have put up the money so that these players from Northwestern would go to the NLRB and say: We want to unionize at Northwestern University. Well, on the face of it, it creates a great inequity between public and private schools, where we have a governing body that tries to make this process as equitable as it can.

But let me make this point: If you want to drive the rest of the schools out of major sports, then do this. Only 10 percent of our Nation's athletic programs make money. That means 90 percent of them lose in the athletic department. But for the quality of life of

all students, not just athletes, they continue and their alumni continue to subsidize it.

I agree with my good friend from Tennessee. This would be a huge mistake, and it is time for those players at Northwestern to think about more than those individuals who have fronted them the money to bring this case.

Mr. ALEXANDER. I thank the Senator from North Carolina.

The question should be obvious: What does a student at Wake Forest or Vanderbilt or—and we are using the private universities, again, because those are the only ones affected by this decision for now—but if you are at Vanderbilt University, according to the vice chancellor, the total scholarship could be nearly $60,000. That is the value each year of your athletic scholarship. Times four—so you are up to one-quarter of a million dollars.

The College Board says—roughly estimates—that a college degree adds $1 million to your earnings during a lifetime.

So the idea that student athletes do not get anything in return for their playing a sport is financially wrong. And just speaking as one individual who had the privilege to participate for 2 years as a student athlete without getting anything—I had scholarships, but they were not athletic scholarships—the discipline, the memories, the competition, the chance to be in the Southeastern Conference Tournament—that is very important to me. It was then, just as athletics always is. It is a rare privilege to participate in intercollegiate athletics.

The presidents have looked at the problems of intercollegiate athletics. And there are some. But people forget—and I know the Senator from North Carolina is aware of this. But let's say you are at Vanderbilt and you have a $58,000 scholarship—tuition, room and board but your total costs are over $60,000 and let's say you come from a poor family that has no money and you are put in the embarrassing position of not having walking-around money, money to go out and get a hamburger, or whatever you want to do.

Forty percent of student athletes in America also have a Pell grant similar to 40 percent of all students in America have a Pell grant, and the Pell grant can be, on average, $3,600. So that is $300 a month that could be added.

Now, perhaps there are other issues that ought to be addressed. But I wonder if the Senator from North Carolina would speak more about one thing he talked about. I imagine Florida State, the University of Tennessee, Stanford, maybe Wake Forest—they will all be fine with a more expensive athletic program. But what is going to happen to the smaller schools? What is going to happen to the minor sports? What is going to happen to the title IX women's sports if for some reason a union forces universities to have a much more expensive athletic program for a few sports?

Mr. BURR. Well, let me say to my good friend from Tennessee, I will quote the words of Wake Forest President Nathan Hatch, a former provost at Notre Dame, in an editorial he wrote in the Wall Street Journal just this week.

He says:

> To call student-athletes employees is an affront to those players who are taking full advantage of the opportunity to get an education. Do we really want to signal to society and high-school students that making money is the reason to play a sport in college, as opposed to getting an education that will provide a lifetime benefit?

President Patrick Harker, president of the University of Delaware, in the same article said:

> Turning student athletes into salaried employees would endanger the existence of varsity sports on many college campuses. Only about 10 percent of Division I college sports programs turn a profit, and most of them, like our $28 million athletic program at the University of Delaware, lose money. Changing scholarship dollars into salary would almost certainly increase the amount schools have to spend on sports, since earnings are taxed and scholarships are not. In order just to match the value of a scholarship, the university would have to spend more.

At Wake Forest, let me say, today a scholarship is worth $45,600 in tuition in fees, $15,152 in room and board, $1,100 in books. I will say to my good friend from Tennessee, I am not sure if there is still $15 of laundry money a month that exists under a scholarship. That is what it was when I was there. I daresay I hope it is more than that today because I do not think you can do laundry for $15 a month.

Mr. ALEXANDER. I wonder if I can ask the Senator to reflect a little bit on some of the practical consequences of a student athlete suddenly finding himself thought of as an employee of the university. I wonder, for example, would the employee of the university, the quarterback or whatever position he plays, have to pay taxes on his income? I would think so.

I was thinking about the recent changes in Federal labor law that allow for micro-unions. Almost any little group can petition the National Labor Relations Board, under the Obama administration's views, to become a union. I wonder if quarterbacks would become a micro-union. They would say: We are more important. Look at the NFL. They get paid a lot more. We want a bigger scholarship than others.

I wondered about five-star recruits. Let's say there is a terrific defensive back—as I am sure Senator BURR was when he was in high school. He had five stars from all the recruiting services. Would the private schools who are unionized go out and compete to see who could pay the highest compensation to the five-star recruits, a lot less to the walk-on, maybe less for a three-star. What are the practical consequences of a student athlete suddenly finding himself defined as an employee of the university under the National Labor Relations Act?

Mr. BURR. Let me say to my good friend, as one who remembers August practices in the South—hottest time of the year, three practices a day—the first thing I would bargain out for all players is that I would have to get my ankles taped at 4:30 in the morning, that I would have to go all day and most of the night, and that I could not take that tape off until 8:30 after three practices.

I would negotiate away the smell of dead grass in August, a memory every college football player, as a matter of fact every football player, has of that dead grass in summer practice in hot weather.

I plead with those who play today: Do you truly believe you can form a team if in fact you have individuals who negotiate individual things for themselves? If quarterbacks negotiate they cannot be hit, how good is the club? But where is the team? If individuals find that it is advantageous to them because they are stars and they can negotiate it, where have we lost the sense of team sports?

The Senator from Tennessee mentioned this to begin with: College sports is a lot about the experience. It builds character. It builds integrity. It builds drive. It builds resilience. It is not the only thing in life that does it, but to me, for many individuals, for many young men and women, this is the most effective way for them to become leaders. I might say it is very much the style of our training in the military. As we raise those young officers, they go through a very regimented training.

Imagine what it would be like if we allowed the military to collectively bargain. Let me tell you, none of us would feel safe at night because we don't know exactly what they have gone through. Today we feel safe because we know they have all gone through the same thing.

Mr. ALEXANDER. Mr. President, I think our time is coming toward a close, but we have about 5 minutes left. Then we will be looking forward to the comments of the Senator from Iowa. We thank him for his courtesy in allowing us to go ahead.

I guess the message—I particularly enjoyed hearing the Senator from North Carolina. The message today is directed at two groups. One is to the NCAA, which is to say, do not think that the attitude of one Regional Director of the National Labor Relations Board reflects the view of the U.S. Government. It does not. The other is to the student athletes. Think about the value of the opportunity you have.

Here are two former student athletes of varying talents who benefited enormously from that. There are many others who would say the same. The university does not owe us anything. We owe the university—at least that is the way I feel about it—for the privilege of competing, for the privilege of attending. If I had a scholarship, that would have been even better—just the privilege of participating.

To the NCAA, the members of the NCAA have talked about issues such as should we provide more expense money for athletes. I mentioned earlier that 40 percent of them have Pell grants which can go up to $5,600 a year in addition to their $55,000 or $60,000 of football scholarships. So think about that. That was considered by the NCAA and voted down because the small schools said: It will hurt us. Women's programs said: We will have to drop women's programs.

So this is more complicated than it would seem at first. What about health care? Of course, a student athlete can be covered by his parents' health care insurance. Under the Affordable Care Act, I am sure many on the other side would be quick to say, they would always be able to be insured for any sort of preexisting condition, but these are issues that can be properly looked at by the NCAA.

Unionization, in my opinion, would destroy intercollegiate athletics as we know it. I think we should look back to the opinion of the Knight Commission, headed by Bill Friday of North Carolina and Ted Hesburgh of Notre Dame, and reaffirm that the student athlete is not a professional, not a hired hand. He or she is a student. One percent of the athletes in this country—there may be problems to solve, but the universities and the NCAA can address those problems. Unionization is not the way to do it.

Mr. BURR. I just wanted to address one last thing; that is, the claim that this case was all about health care. The Senator from Tennessee has pointed out as well the options that we have today. But let me speak from a firsthand experience: a college athlete, four operations—two knees, an elbow, a finger. Probably the only record I hold at Wake Forest is the total number of inches of scars on my body. Because of modern medicine, that record will not be broken because they do not do surgery that way anymore.

But I think it is best summed up by our current Secretary of Education, Arne Duncan, when he said this:

> When sports are done right, when priorities are in order, there is no better place to teach invaluable life lessons than on a playing field or court. . . . Discipline, selflessness, resilience, passion, courage, those are all on display in the NCAA.

Why would we do anything to risk that? Not only do I believe this is risky, I think just a consideration of it is enough to make us—or should make us reject this quickly, not embrace it.

I thank my colleague from Tennessee.

Mr. ALEXANDER. I thank my colleague from North Carolina.

I thank the Senator from Iowa for his courtesy in allowing us to go ahead.

Some 50 years ago, I had the opportunity to compete in track and field for Vanderbilt University. Unlike my colleague from North Carolina, who as a fine defensive back at Wake Forest University, there was no athletic scholarship available for me. But I was fortunate enough to be a member of a record setting team.

Twenty-five years ago, while I was president of the University of Tennessee, I was asked to serve on the Knight Commission on Intercollegiate Athletics. The Knight Commission was created in October 1989 in response to a series of scandals in college sports. After 18 months of careful study, our 22-member commission issued a report called ''Keeping the Faith with the Student-Athlete: A New Model for Intercollegiate Athletics.''

Our central recommendation was that college presidents needed to exercise stronger control of their athletics programs to ensure their academic and financial integrity. And our guiding principle in making that recommendation was that athletes are students first, not professionals. We wrote:

> We reject the argument that the only realistic solution to the problem is to drop the student-athlete concept, put athletes on the payroll, and reduce or even eliminate their responsibilities as students.
>
> Such a scheme has nothing to do with education, the purpose for which colleges and universities exist. Scholarship athletes are already paid in the most meaningful way possible: with a free education. The idea of intercollegiate athletics is that the teams represent their institutions as true members of the student body, not as hired hands. Surely American higher education has the ability to devise a better solution to the problems of intercollegiate athletics than making professionals out of the players, which is no solution at all but rather an unacceptable surrender to despair.

The Knight Commission's perspective on student athletes could not be more different to the perspective in the recent decision, issued by a regional director of the National Labor Relations Board in Chicago, to treat athletes as employees and permit them to form a union.

Student athletes are found throughout all levels and at all types of colleges—small through large, but those that receive athletic scholarships are only at division I and II schools. Division III schools are not allowed to award athletic scholarships.

For the purposes of the NLRB decision, we are talking about an even smaller subset of athletes—scholarship athletes at private institutions like Notre Dame, Vanderbilt, and Stanford. For example, as a non-scholarship athlete at Vanderbilt, I would not have been able to unionize. Senator BURR, on the other hand was given a scholarship to play defensive back at Wake Forest. He would be allowed to unionize.

In 2011, there were roughly 25 million undergraduate students; 9 million Pell recipients, which is approximately 36 percent of undergraduate students. In addition, there were 177,000 scholarship athletes enrolled in bachelor programs at public and private institutions. This is approximately 1.7 percent of all students in bachelor's programs. Of those, 71,000 received Pell Grants, approximately 40 percent of scholarship athletes. The number of scholarship athletes at private institutions enrolled in a bachelor's program was 104,000, approximately 4.2 percent of private students in bachelor's programs. Of those, 43,700 received Pell Grants, approximately 42 percent of private scholarship athletes.

The total number of division I and II schools is 662 of which 283 are private institutions. In division I the total is 350 with 119 of them being private, while the division II total is 312 with 164 private.

Athletic scholarships are limited to only tuition and fees, room and board, and required course-related books. At Vanderbilt the total scholarship could be as much as $58,520 which is a combination of $42,768 for tuition, $14,382 for room and board, and $1,370 for books. At Stanford the total scholarship could be as much as $59,240 which is a combination of $44,184 for tuition, $13,631 for room and board, and $1,425 for books.

Contrast that with the University of Tennessee where the scholarship total could be up to $21,900 consisting of $11,194 for in-state tuition, $9,170 for room and board, and $1,536 for books.

Scholarship athletes may also combine other sources of financial aid, namely Federal or State need-based aid or earned entitlements, in order to cover the full cost of attendance. These include, Pell Grants, Supplemental Education Opportunity Grants, work-study, State grants based on need using Federal need calculations such as Tennessee's HOPE Scholarship and veterans programs such GI Bill or post 9/11 GI Bill.

Athletic scholarships are awarded in most cases by the athletic department which encourages an athlete to complete the federal application. If an athlete is determined to have a need, then the financial aid office awards the need-based aid, Federal, State, or both. A student athlete is restricted to the institutional cost of attendance when combining other aid with their scholarship, unless they are using their Pell Grant or a veterans benefit. Thus a student athlete with need could receive a full scholarship covering all costs and receive additional funds.

Only 1 percent of student athletes will ever play professional sports. For the remainder, their college degree is the primary benefit of participating in college sports. According to the College Board, the value of a college degree is $1 million over an individual's lifetime. As a former student athlete, who wasn't on scholarship, I can speak from experience that the value of college athletics goes beyond the money. It can enrich every aspect of our education, teaching lessons and developing habits that will pay dividends no matter what a student pursues in life.

Unfortunately, the problems the Northwestern football players are concerned with are not unique to Northwestern and they are not new. These problems include: the NCAA does not

currently allow a full-ride athletic scholarship to cover the actual full cost of attendance; Other expenses include: transportation costs; health fees; student activity and recreation fees and personal expenses allowable under Federal financial aid rules.

For example, a full-ride scholarship at Vanderbilt University is worth $58,520 but the full cost of attendance is calculated by the school to be $62,320. The difference must be made up by the student.

For some student athletes, the lingering effects and potential disabilities will be felt for many years after their playing days are over. Some students are asking for long term medical coverage to help them cover costs of treating these injuries. Schools could provide for some form of additional medical coverage.

While playing sports has certain inherent risks, we do know more now than ever before about how injuries can be avoided. Better protections from injury—football concerns with concussions. Schools can take, and some are taking, steps to improve the safety of their student athletes.

Some students are asking for help to finish their education even when athletic eligibility has run out.

There is money available to address these concerns and take care of our student athletes without unions.

The NCAA and the member universities do need to reform their rules and guidance; and they will.

Earlier this week we spoke to David Williams, Vanderbilt University's athletic director, who had this to say:

> The NCAA and its member universities have the authority and the responsibility to correct the flaws that exist in the system today, many of which are mentioned by the student athletes at Northwestern University. The question is do we have the will to do so. I believe we do and that we will.

Mark Emmert the President of the NCAA, quoted in a recent Meet the Press interview said:

> We have twice now had the board of the N.C.A.A. pass an allowance to allow schools to provide a couple of thousand dollars in what we call ''miscellaneous expense'' allowances. . . . The board's in favor of it. The membership, the more than a thousand colleges and universities that are out there, the 350 of them that are in division one had voted that down. We're in the middle right now of reconsidering all that. I have every reason that that's going to be in place sometime this coming year.

What would actually happen if college sports teams were unionized? Well, David Williams, Vanderbilt's athletic director, said:

> The decision by the NLRB regional board has the power to change the structure, dynamics and maybe the effectiveness of college athletics. It may ultimately end college athletics as we know it today.

I agree with this statement. And think those who support turning college athletes into employees and unionize them should consider the potential consequences. One potential consequence relates to taxes. This recent decision, in essence, may require the entire scholarship to be treated as compensation thus making the whole amount taxable.

Another consequence of potential collegiate unionization relates to labor. One of the most commonly thought of traits when a union represents a workforce is the right to strike. Section 13 of the National Labor Relations Act, NLRA, expressly provides the right of employees to strike, with some exceptions. If a unionized college baseball team doesn't like the coaches' decision to switch practice times, they could decide to walk off the field right before the first pitch is thrown, and call a strike.

The NLRA requires the union and employer to bargain over wages, hours, and other conditions of employment. If a football team joins a union, will the union negotiate different compensation amounts depending on the player's position or contribution to the team? For example, a five star quarterback in high school could decide to attend Notre Dame, because the players' union promises to negotiate a larger scholarship package for him, but the one star, offensive lineman may only get the bare minimum. This could lead to a team and its union making value judgments based on the on-field contributions of a player.

What about when a coach decides to change the offensive scheme from a pro-style offense to the wish-bone. A union wide receiver might have a grievance because this could effect the ''condition of employment,'' in that his role on the team could be diminished. Under the NLRA, a decision like that would have to be bargained for. A coach could not unilaterally change the playbook without approval of the union.

But let's say that a wide receiver decides to go directly to the coach to discuss his grievance about switching offensive schemes. Under the act, that conversation will not be a one-on-one between the coach and the player. Instead, a union representative has the right to be present at that meeting. And instead of resolving the issue internally, the Federal government through the NLRB, or possibly the Federal courts could have the final say.

The current NLRB has struck down several employee conduct policies and handbooks, because they violate an employee's section 7 right to ''concerted activity'' under the NLRA. Will the NLRB now turn its attention to and interfere with the player conduct policies that schools require of their players?

The NLRB issued a 2011 decision in Specialty Healthcare, that permitted unions to organize, multiple, small groups of employees within a single workplace, known as ''micro-unions.'' It is conceivable that every different position on the football team could decide to have their own bargaining unit. The quarterbacks in one unit, the lineman in another unit, and the linebackers in another, etc. The university would then have to separately bargain with multiple different unions, all with different demands.

Universities require its athletes to maintain a 2.0 grade point average, GPA, to keep an athletic scholarship. Would the NLRA consider a minimum grade point average as a condition of employment under the law that must be bargained for? Schools and players' unions could bargain a lower GPA.

What if a coach benches the star point guard, who is a union member, on the basketball team, and replaced him with a non-scholarship, walk-on point guard? Could the team be accused of retaliating against a union player in violation of the NLRA? Under the NLRA it is unlawful to discharge, discipline or otherwise discriminate against an employee for engaging in protected concerted activities. If that star player could show that the benching came after he had been discussing a team related issue with his fellow teammates it would be considered retaliation.

The bottom line, is that importing the sometimes head-scratching rulings of the NLRB into a competitive, team atmosphere is recipe for disaster.

Do they now hire athletes and not worry if they are students? Mark Emmert, NCAA President, said:

> To unionize them, you have to say, These are employees. If you're going to do that, it completely changes the relationship. I don't know why you'd want them to be students. If they're employees and they're playing basketball for you, don't let calculus get in the way.

Yesterday, the Senate voted against cloture on the Paycheck Fairness Act. This is a bill that would amend the Equal Pay Act to make it easier to sue for pay discrimination based on gender by limiting an important employer defense.

Under the bill, the employer would have to prove any difference in pay would be job-related and consistent with a business necessity; If these student athletes are now considered ''employees'' under the eyes of a regional director in Chicago, they would theoretically be entitled to protection under statutes like the Equal Pay Act; And if the Paycheck Fairness Act were to become law, it is conceivable universities could be liable for any differences in compensation that they provide the football team, versus the women's soccer team;

Then there is the effect on smaller schools. Big schools with big budgets may have the ability to negotiate with a union for better benefits for their student athletes. If a football union at Notre Dame negotiates for higher compensation that may set a standard the school must match for other athletes as well. I imagine that there is enough money coming into the Notre Dame or Stanford athletic departments to allow them to adjust to the realities of unionized college athletics.

But what about smaller schools? They will have to make cuts somewhere. If they preserve their football

program, it will likely be at the cost of other sports.

Another consideration that must be taken into account are public universities versus private universities. Because the NLRB regional director's decision only applies to private universities, it creates a different set of rules for private universities than for public universities.

The private schools with athlete unions may ultimately be forced to negotiate salaries or other benefits that violate NCAA rules; to continue competing, they would have to set up their own conference or association. The departure of schools from the NCAA to this new, union friendly association, would fracture the foundations of collegiate sports.

And what about possible title IX implications? As title IX was enforced related to college athletics, institutions made difficult choices to eliminate many athletic programs. Title IX is focused on improving equal access to education. If athletes are employees, then it is unclear how the requirements and protections of title IX will apply to them.

Due to the current limited nature of the ruling, if football players' compensation are considered salaries and not scholarships, then would one of the possible effects be a reduction in the number of women's scholarships that title IX requires the university to offer? Or would title IX require that any new benefits received by a football team under their collective bargaining be shared equitably with the women's sports at the university?

With limited resources and title IX requiring both proportional opportunity for athletes and pay, the recent decision may result in further reductions of athletic programs and opportunities on college campuses.

The Knight Commission's executive director, Amy Privette Perko, recently wrote in the New York Times that:

> The commission supports many of the benefits being sought for college athletes by groups like the College Athletes Players Association, but unions are not needed to guarantee those benefits. Colleges can enact proposals long recommended by the commission for colleges to restore the educational role of athletics and improve athletes' experiences.

I continue to believe that athletes are students first, not professionals. Some of the concerns raised by these college athletes are legitimate but unions are not the solution. They can and should be addressed by the schools and the NCAA.

The PRESIDING OFFICER. The Senator from Iowa.

WHISTLEBLOWER PROTECTIONS

Mr. GRASSLEY. Mr. President, 25 years ago today the Whistleblower Protection Act of 1989 was signed into law. To mark that anniversary, I come to the floor to discuss some of the history that led to that legislation, the lessons learned over the past 25 years, and the work that still needs to be done to protect whistleblowers.

I emphasize that last part because there still needs to be a lot of work done to protect whistleblowers. The Whistleblower Protection Act was the result of years of effort to protect Federal employees from retaliation. Eleven years before it became law in 1989, Congress tried to protect whistleblowers as part of the Civil Service Reform Act of 1978.

I was then in the House of Representatives. There I met a person named Ernie Fitzgerald, who had blown the whistle on the Lockheed C–5 aircraft program going $2.3 billion over budget. Ernie was fired by the Air Force for doing that, and as he used to say: He was fired for the act of ''committing truth.''

When the Nixon tapes became public after Watergate, they revealed President Nixon personally telling his Chief of Staff to get rid of that SOB. That is how a famous whistleblower who pointed out the waste of $2.3 billion was treated.

The Civil Service Commission did not reinstate Ernie until 12 years later. In the meantime, he was instrumental in helping get the Civil Service Reform Act of 1978 passed. Yet it soon became very clear that law did not do enough to protect whistleblowers. In the early 1980s, the percentage of employees who did not report government wrongdoing due to fear of retaliation nearly doubled.

Some whistleblowers still had the courage to come forward. In the spring of 1983, I became aware of a document in the Defense Department known as the Spinney report. The report exposed the unrealistic assumptions being used by the Pentagon in its defense budgeting. Those unrealistic assumptions were the basis for add-ons later on so defense contractors could bid up the cost. It was written by Chuck Spinney, a civilian analyst in the Defense Department's Program Evaluation Office.

I asked to meet with Chuck Spinney but was stonewalled by the Pentagon. When I threatened a subpoena, we finally got them to agree to a Friday afternoon hearing in March 1983. The Pentagon hoped the hearing would get buried in the end-of-the-week news cycle. Instead, on Monday morning the newsstands featured a painting of Chuck Spinney on the front cover of Time magazine.

It labeled him as ''a Pentagon Maverick.'' I called him what he ought to be called, the ''conscience of the Pentagon.'' The country owes a debt of gratitude to people such as Ernie Fitzgerald and Chuck Spinney. It takes real guts to put your career on the line, to expose waste and fraud, and to put the taxpayers ahead of Washington bureaucrats.

In the mid-1980s, we dusted off an old Civil War-era measure known as the False Claims Act, as a way to encourage whistleblowers to come forward and report fraud. We amended that Civil War law in 1986 to create the modern False Claims Act, which has resulted in over $40 billion in taxpayers' money being recovered for the Federal Treasury. We made sure when we passed it that it contained very strong whistleblower protections. Those provisions helped to build up support for whistleblowing.

People such as Chuck Spinney and Ernie Fitzgerald helped capture the public imagination and showed what whistleblowers could accomplish.

However, that didn't mean the executive branch stopped trying to silence whistleblowers. For example, in the spring of 1987 the Department of Defense asked Ernie to sign a nondisclosure form. It would have prohibited him from giving out classifiable—as opposed to classified—classifiable information without prior written authorization. That, of course, would have prevented those of us in Congress from getting that information so we couldn't do our oversight work.

Further, the term ''classifiable'' didn't only cover currently classified information, it also covered any information that could later be classified.

The governmentwide nondisclosure form arguably violated the Lloyd-LaFollette Act of 1912. That law states that ''the right of employees . . . to furnish information to . . . Congress . . . may not be interfered with or denied.''

Just to make sure, I added the so-called anti-gag appropriations rider that passed Congress in December 1987. That rider, the anti-gag rider, said that no money could be used to enforce any nondisclosure agreements that interferes with the right of individuals to provide information to Congress. It remained in every appropriations bill until 2013. I then worked to get that language into statute in 2012 through the passage of the Whistleblower Protection Enhancement Act.

By the time of the first anti-gag rider in 1987, there was widespread recognition that all Federal employees ought to be protected if they disclosed waste and fraud to the Congress or for a lot of other reasons as well.

Meanwhile, I had also worked with Senator LEVIN of Michigan to coauthor what we called the Whistleblower Protection Act. It was introduced in February 1987. There were hearings on our bill in the summer of 1987 and the spring of 1988. It proceeded to pass the Senate by voice vote in August. Then the House unanimously did that in October. After reconciling the differences, we sent the bill to the White House. However, President Reagan failed to sign it. That meant we had to start all over again in the next Congress.

We didn't let President Reagan's inaction—because that was a pocket veto—stand in the way. Senator LEVIN and I moved forward again. When we reintroduced the bill in January 1989, I came to the floor to make the following statement:

> We're back with this legislation in the 101st Congress, and this time, we're going to make it stick.

Congress passed this bill last fall after extensive discussions with members of the Reagan administration.

But in spite of the compromise we worked out, this bill fell victim to President Reagan's pocket veto.

Whistleblowers are a very important part of government operations. By exposing waste, fraud, and abuse, they work to keep government honest and efficient. And for their loyalty, they are often penalized—they get fired, demoted, and harassed. . . . Under the current system, the vast majority of employees choose not to disclose the wrongdoing they see. They are afraid of reprisals and the result is a gross waste of taxpayers' dollars.

Government employers should not be allowed to cover up their misdeeds by creating such a hostile environment.

That is the end of the quote from the statement I made on the introduction of that bill in January 1989.

Once again, the bill passed the Senate and the House without opposition. Working with George H.W. Bush, this time we got the President to sign it. On April 10, 1989, the Whistleblower Protection Act became law.

We left part of the work undone 25 years ago. The Civil Service Reform Act of 1978 had exceptions for the FBI, the CIA, the NSA, and other parts of the intelligence community. The Whistleblower Protection Act left employees of those agencies unprotected, and so have the laws that followed it. I am very pleased that the preconferenced intelligence authorization bill released today will remedy that for the intelligence community.

Back in 2012 I championed the addition of intelligence whistleblower protections to the Whistleblower Protection Enhancement Act. The provisions I authored prohibited various forms of retaliation, including changing an employee's access to classified information. Working closely with the Senate Select Committee on Intelligence, we got that language into the bill that passed the Senate by unanimous consent May 8, 2012. However, it was not included in the bill the House passed on September 28, 2012.

Prior to the differences being reconciled on October 10, 2012, President Obama issued Presidential Policy Directive 19. It provided certain limited protections for whistleblowers with access to classified information. Yet that Executive order by President Obama was weaker than the provisions I had authored in the Whistleblower Protection Enhancement Act. Unfortunately, President Obama's actions undercut support for those provisions by suggesting that statutory protection was now necessary. The final law that passed in November left intelligence whistleblowers at the mercy of the Presidential directive.

Now, much of the language I had championed is in the Intelligence authorization bill currently under consideration. It is certainly a step up from Presidential Policy Directive 19. Making any protections statutory is very significant. The bill also has better substantive protections than the Presidential directive.

It does still have some gray areas, I am sorry to say. It leaves some of the policy and procedure development to the discretion of the executive branch, and that is a mistake we know exists because we had a similar thing happen with the FBI because in 1989 the protections of the Whistleblower Protection Act didn't apply to the FBI. That turned out to be a big mistake.

Yet that law did require the Attorney General to implement regulations for FBI whistleblowers consistent with those in the Whistleblower Protection Act. However, it soon became clear that was a little like putting the fox in charge of the henhouse. The Justice Department and the FBI simply ignored that part of the law for nearly 10 years. Not until 1997 did the Attorney General finally implement regulations for whistleblowers at the FBI.

The Justice Department was pushed into finally issuing those regulations by an FBI employee by the name of Dr. Fred Whitehurst. Dr. Whitehurst was considered by the FBI to be its leading forensic explosive expert in the 1990s.

What I am about to show you is that by being a good, patriotic American and blowing the whistle when something is wrong, you can ruin yourself professionally.

Shortly after the Whistleblower Protection Act was passed in 1989, Dr. Whitehurst disclosed major problems with the FBI crime lab. From 1990 to 1995 he wrote close to 250 letters to the Justice Department inspector general about these problems. In other words, he tried to be loyal to the agency he was in and work within that agency to expose wrongdoing but didn't get very far.

In January 1996 he formally requested that the President implement regulations as required by the Whistleblower Protection Act. Only after Fred was suspended in 1997 did the White House finally issue such a memo to the Attorney General. It instructed the Attorney General to create a process for FBI whistleblowers as directed by the Whistleblower Protection Act. Fred Whitehurst's case dragged on for another year until the FBI finally agreed to settle with him in February 1998. He got more than a $1 million settlement out of that just because he was trying to do the right thing. But he got his badge and his gun taken away from him, and he was, in a sense, ridiculed for doing what a patriotic American ought to do.

Fred Whitehurst is not alone in the FBI as far as people having problems. Over the years, others—such as Mike German, Bassem Youssef, Jane Turner, and Robert Kobus—have blown the whistle from within the FBI. Even after the inspector general issued findings in their favor, several had to navigate a never-ending Kafkaesque internal appeals process. It seemed designed to grind down these patriotic Americans into submission through years of inaction.

Now history has started to repeat itself. As Congress was passing the Whistleblower Protection Enhancement Act in 2012, President Obama issued Presidential Policy Directive 19. He tasked Attorney General Holder with reevaluating the same FBI whistleblower procedures that Fred Whitehurst helped get in place in 1997. The Attorney General was given 6 months to report back.

When the Attorney General didn't report back and didn't issue that report at the 6-month mark, I asked the Government Accountability Office to do its own independent evaluation of the FBI whistleblower protections.

Now 18 months after the President's directive, Attorney General Holder still hasn't released his report. This is a person appointed by the President of the United States, directed by the President of the United States to do something in 6 months, presumably loyal to the President of the United States, and he isn't doing what the Chief Executive of our great country told him to do.

Potential whistleblowers should not have to wait a decade, as they did with the first set of regulations. It appears that the Justice Department is simply sitting on its hands once again.

The example of the FBI should be instructive. Unlike the Whistleblower Protection Act, the Intelligence authorization bill is much more detailed about the protections Congress intends. It puts a time limit on how long the intelligence community has to create their procedures, giving them 6 months. However, remember that is exactly the same amount of time President Obama gave Attorney General Holder to come up with regulations, and it still hasn't happened 18 months later. Congress needs to be vigilant about getting both the intelligence community and the Attorney General to act.

In the meantime, the FBI fiercely resists any efforts at congressional oversight, especially on whistleblower matters. For example, 4 months ago I sent a letter to the FBI requesting its training materials on the insider threat program. When we just want copies of training materials, would that be difficult for a bureaucracy to present to a Member of Congress?

That program happened to be announced by the Obama administration in October of 2011. It was intended to train Federal employees to watch out for insider threats among their colleagues. Public news reports indicated that this program might not do enough to distinguish between true insider threats and legitimate whistleblowers. I relayed these concerns in my letter. I also asked for copies of the training materials. I said I wanted to examine whether they adequately distinguished between insider threats and whistleblowers so it didn't become a damper on whistleblowing.

In response, an FBI legislative affairs official told my staff that a briefing might be the best way to answer my questions. It was scheduled for last

week. Staff of both Chairman LEAHY and myself attended. The FBI brought the head of their insider threat program. Yet the FBI didn't bring the insider threat training materials as we had requested. However, the head of the insider threat program told the staff of both Senator LEAHY and myself there was no need to worry about whistleblower communications.

They are telling me that at a time when we have decades of history of whistleblowers being treated like skunks at a picnic? This gentleman said whistleblowers had to register in order to be protected and the insider threat program would know to avoid these people.

I have never heard of whistleblowers ever being required to ''register,'' in order to be protected. The idea of such a requirement should be pretty alarming to all Americans. We are talking about patriotic Americans wanting to make sure the government does what the law says it should do and spend money the way Congress intended it be spent. They have to register to be protected just because they are a patriotic American? The reason they can't do that is because sometimes confidentiality is the best protection a whistleblower has.

Unfortunately, neither my staff nor Chairman LEAHY's staff was able to learn more because after only 10 minutes—only 10 minutes—in the office and into the briefing, the FBI got up and abruptly walked out.

It might be one thing to walk out on Republican staff, but they walked out on the staff of a Democratic chairman of one of the most powerful committees in the U.S. Senate as well—Chairman LEAHY's staff.

FBI officials simply refused to discuss any whistleblower implications in its insider threat program and left the room. These are clearly not the actions of an agency that is genuinely open to whistleblowers or whistleblower protection.

Like the FBI, the intelligence community has to confront the same issue of distinguishing a true insider threat from legitimate whistleblowers. This issue will be impacted by title V of the current Intelligence authorization bill, which includes language about continuous monitoring of security clearance holders.

Director of National Intelligence James Clapper seems to have talked about such procedures when he appeared before the Senate Armed Services Committee on February 11 of this year. In his testimony he said this:

> We are going to proliferate deployment of auditing and monitoring capabilities to enhance our insider threat detection. We're going to need to change our security clearance process to a system of continuous evaluation. . . . What we need is . . . a system of continuous evaluation, where we have a way of—

Now, get this.

> —monitoring their behavior, both their electronic behaviors on the job as well as off the job, to see if there is a potential clearance issue.

Director Clapper's testimony gives me major pause, as I hope it does my colleagues. It sounds as though this type of monitoring would likely capture the activity of whistleblowers communicating with Congress.

To be clear, I believe the Federal Government is within its right in monitoring employee activity on worker computers. That applies all the more in the intelligence community. However, as I testified before the House Oversight and Government Reform Committee recently, there are areas where the executive branch should be very cautious.

The House oversight committee held a hearing on electronic monitoring that the U.S. Food and Drug Administration had done of certain whistleblowers in that agency. This monitoring was not limited to work-related activity. The Food and Drug Administration allows its employees to check personal email accounts at work. As a result, the FDA's whistleblower monitoring captured personal email account passwords. It also captured attorney-client communications and confidential communications to Congress and the Office of Special Counsel.

Some of these communications are legally protected. If an agency captures such communications as a result of monitoring, it needs to think about how to handle them very differently; otherwise, it would be the ideal tool to identify and retaliate against whistleblowers. Without precautions, that kind of monitoring could effectively shut down legitimate whistleblower communications.

It wouldn't surprise me, considering the culture of some of these agencies, that is exactly what they want to do, because there is a great deal of peer pressure to go along to get along within these agencies. Whistleblowers, as I said, are kind of like a skunk at a picnic.

There could be safeguards, however. For example, whistleblower communications could be segregated from other communications. Access could be limited to only certain personnel rather than all of the upper management. In any case, whistleblowing disclosures to Congress or the special counsel can't just be routed back to the official accused of wrongdoing.

As the 1990 Executive order made clear, whistleblowing is a Federal employee's duty. It should be considered part of their official responsibilities and something they can do on work time. However, that doesn't mean they aren't allowed to make their protected disclosures confidentially to protect against the usual retaliation. A Federal employee has every right to make protected disclosures anonymously, whether at work or off the job.

Every Member of this body should realize that without some safeguards there is a chance their communications with whistleblowers may be viewed by the executive branch.

These same considerations apply to the intelligence community. The potential problems are heightened if electronic monitoring extends off the job, such as Director Clapper mentioned in the quote I gave. We have to balance detailing insider threats with letting whistleblowers know their legitimate whistleblower communications are protected.

With continuous monitoring in place, any whistleblower would understand their communications with the inspector general or Congress would likely be seen by their agency and punishment could follow. They might perhaps even be seen by those they believe are responsible for waste, fraud, or abuse, and punishment to follow. That leaves the whistleblower open to retaliation.

Even with the protections of this bill, we should all understand it is difficult to prevent retaliation because it is so indigenous in the culture of most government agencies. It requires a lengthy process for an individual to try to prove the retaliation and get any remedy. It is far better, where possible, to take precautions that prevent the likelihood of retaliation even occurring; otherwise, it will make it virtually impossible for there even to be such a thing as an intelligence community whistleblower. Fraud and waste would then go unreported. No one would dare take the risk.

To return to the theme I started with, whistleblowers need protection from retaliation today just as much as they did 25 years ago when the Whistleblower Protection Act was passed on April 10 of that year. I have always said whistleblowers are too often treated like a skunk at a picnic. You have now heard it for the third time. You can't say it too many times. I have seen too many of them retaliated against.

However, 25 years after the Whistleblower Protection Act, the data on whistleblowing is in, and the debate on whether to protect whistleblowers is over. There is widespread public recognition that whistleblowers perform a very valuable public service.

Earlier this year PricewaterhouseCoopers found that 31 percent of serious fraud globally was detected by whistleblowing systems or other tipoffs. According to a 2012 report from another organization, that number is even higher when looking just in the United States, with 51 percent of the fraud tips coming from a company's own employees.

In 2013, of U.S. workers who had observed misconduct and blown the whistle, 40 percent said the existence of whistleblower protection had made them more likely to report misconduct.

Whistleblowers are particularly vital in government, where bureaucrats only seem to work overtime when it comes to resisting transparency and accountability.

A year and a half after the Whistleblower Protection Act, President Bush

issued Executive Order 1990 that said all Federal employees ''shall disclose waste, fraud, abuse and corruption to appropriate authorities.'' That should have changed the entire culture of these agencies that are antiwhistleblower, but it hasn't. But that is what the directive says.

Federal employees are still under obligations this very day. They are fulfilling a civic duty when they blow the whistle.

I encouraged President Reagan and every President after him that we should have a Rose Garden ceremony honoring whistleblowers. If you do that, it sends a signal from the highest level of the U.S. Government to the lowest level of the U.S. Government that whistleblowing is patriotic. Unfortunately, there isn't a single President who has taken me up on my suggestion.

Further, while the Obama administration promised to be the most transparent in history, it has, instead, cracked down on whistleblowers as never before.

Last week, the Supreme Court denied a petition to hear an appeal from a case named Kaplan v. Conyers. The Obama administration's position in that case, if allowed to stand, means untold numbers of Federal employees may lose some of the very same appeal rights we tried to strengthen in the Whistleblower Protection Act. There could be half or more of the Federal employees impacted. Such a situation would undo 130 years of protection for civil servants dating back to the Pendleton Civil Service Reform Act of 1883.

We all remember that President Obama promised to ensure that whistleblowers have full access to the courts and due process. However, his administration has pursued the exact opposite goal here. That ought to be unacceptable to all of us.

I think it is important to send a loud and clear signal that waste, fraud, and abuse won't be tolerated in government, and that is why I am pleased to announce I will officially be forming a whistleblower protection caucus at the beginning of the 114th Congress. Until then, I will be talking to my colleagues and encouraging them to join me as we start putting together an agenda for that caucus in a new Congress.

As we celebrate the 25th anniversary of this very important bill called the Whistleblower Protection Act, we should all recognize whistleblowers for the sacrifices they make. Those who fight waste, fraud, and abuse in the government should be lauded for patriotism. Whistleblower protections are only worth anything if they are enforced.

Just because we have passed good laws does not mean we can stop paying attention to the issue. There must be vigilance and oversight by the Congress.

The best protection for a whistleblower is a culture of understanding and respecting the right to blow the whistle. I hope this whistleblower caucus will send the message that Congress expects that kind of culture.

I call on my colleagues to help me make sure whistleblowers continue to receive the kind of protection they need and deserve.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

STOP IDENTITY THEFT ACT OF 2013

Ms. KLOBUCHAR. Mr. President, I rise today to urge my colleagues to pass the Stopping Tax Offenders and Prosecuting Identity Theft Act of 2013. With tax day coming upon us on Tuesday, the time is now to pass this bipartisan legislation.

I worked on the STOP Identity Theft Act to address the growing problems of tax identity theft and to protect taxpayers against fraud. From the beginning this bill has been bipartisan. Senator SESSIONS is the lead Republican on this bill, and in fact recently this bill passed the Senate Judiciary Committee on a vote of 18–0. Given the number of members on the committee with very different views on issues, that is an accomplishment and shows what a pressing problem this is.

I think people will be pretty shocked, as you will be, Mr. President, when you hear these numbers. Criminals are increasingly filing false tax returns using stolen identity information in order to claim victims' refunds. You might think that would be a rare incident, but as a former law enforcement person, as the attorney general for the State of New Mexico, I think you know anything can happen. This is a problem where more than anything is happening.

In 2012 alone, identity thieves filed 1.8 million fraudulent tax returns, almost double the number confirmed in 2011. The numbers and the documents in these cases may be forged, but the dollars behind them are real, because in 2012 there was another 1.1 million fraudulent tax returns that slipped through the cracks, and our U.S. Treasury paid out $3.6 billion in the fraudulent returns—$3.6 billion. That is the number coming from the IRS. That is your taxpayer dollars going down the drain to people who are actually stealing taxpayers' identities, putting them on returns, filing returns, and getting back the money.

When criminals file these tax returns, it is not just the Treasury that loses out. Everyday people are the real victims here, because when someone else uses your identity, when someone else fakes your identity, people are then forced to wait months and sometimes even years before receiving their actual refund.

So what is going on? Well, we are having double refunds, right? First they go to the thief. This is happening millions of times. Then the real taxpayer says: Wait a minute, where is my refund, and files a return. The government has to check this out and figure out the first one and they then pay twice. This is what is happening in the United States of America.

In 2012, Alan Stender, a retired businessman from the 5,000-person town of Circle Pines, MN, was working to file his taxes on time just as people are doing right now. After completing all the forms and sending in his tax returns, Alan heard from the IRS that there was a major problem. So he gets it done on time and files the return and finds out from the IRS there is a problem. Someone had stolen his identity and used his personal information to fraudulently file his taxes and steal his tax return.

Just last week 25 people were arrested in Florida for using thousands of stolen identities to claim $36 million in fraudulent tax refunds. This included the arrest of a middle school food service worker who sold the identities of more than 400 students, if you can believe it. Those victims are just kids, and criminals are stealing their identities to file fake returns.

Are you ready for this one? Attorney General Eric Holder recently revealed that he was a victim of tax return identity theft. This came out this week. Two young adults used his name, his date of birth, and Social Security number to file a fraudulent tax return. They got caught. They were prosecuted. But if you can imagine that this can happen to the Attorney General of the United States—at least we got action there—think about some guy in Circle Pines, MN, who has it happen. As I said, it is happening over a million times every year, from a retired man in Minnesota to middle school students in Florida, to the Attorney General of the United States. It is clear that identity theft can happen to anyone.

We also know this crime can victimize our most vulnerable citizens, victims such as seniors living on fixed incomes or people with disabilities who depend on tax returns to make ends meet and cannot financially manage having their tax returns stolen. There is a lot at stake here and action is needed. That is why I put forward the bipartisan legislation a few years back with Republican Senator JEFF SESSIONS of Alabama, to take on this problem and crack down on the criminals committing this crime. There was also significant bipartisan work in the House last year. A very similar bill was passed in the House that did the same thing, passed bipartisan bills in the House of Representatives. It happened. And the Senate now, as we know, passed it 18–0 out of the Judiciary Committee.

This critical legislation will take important steps to streamline law enforcement resources and strengthen

penalties for tax identity theft. The STOP Identity Theft Act will direct the Justice Department to dedicate additional resources to address tax identity theft. It also directs the Department to focus on parts of the country with especially high rates of tax return identity theft and to boost protections for vulnerable populations such as seniors, minors, and veterans.

We also urge the Justice Department to cooperate fully and coordinate investigations with State and local law enforcement organizations.

Identity thieves have become more creative and have expanded from stealing identities of individuals to stealing that of businesses and organizations. My bill recognizes this change and broadens the definitions of tax identity theft to include businesses, nonprofits, and other similar organizations. This is important because once a company or an organization's tax information is stolen, it can be used to create fraudulent tax returns and claim false refunds.

Finally, we need to crack down on the criminals committing this crime. This bill would strengthen tax identity theft penalties by raising the maximum jail sentences from 15 to 20 years. I believe this bill goes a long way in helping law enforcement use their resources more efficiently and effectively and it is time to bring it to the floor.

In recent weeks we have made significant progress, as I said, by passing the bill out of the Senate Judiciary Committee unanimously on an 18–0 vote. It doesn't happen often. I thank all of my colleagues on the committee and all of my friends across the aisle for joining with us to vote for this bill. After a long discussion we had amendments. We got this bill. Every single member of the Judiciary Committee voted for this bill, including Senator CRUZ, Senator SCHUMER, Senator FEINSTEIN, and Senator HATCH. It was a unanimous 18–0 vote.

Now I want to bring this bill to the full Senate. I would love to get this done before tax day. I know there is a holdup on the other side of the aisle, and it is time for people to understand that this is a bill that passed the House of Representatives, it passed on an 18–0 vote out of Judiciary, and we simply need to get this done.

When the Attorney General of the United States of America is having his identity stolen and his identity is used to file fake tax returns, we have a problem. We have a problem that involves a lot of money. We have a problem that involves 1.8 million fraudulent tax returns in 2012 alone, double the number in 2011. We have a problem that also involves a lot of money. We have a problem that involves $3.6 billion in 1 year alone in 2012, paid out by the U.S. Government. What do you think taxpayers think when they hear that, that $3.6 billion went to thieves and we have a bill that passed out of the Judiciary Committee 18–0? I would want someone explaining why they are holding up this bill.

It is time to get this bill done. I would love to see it happen before we go back to our home State so I can explain it to my constituents, and I hope our colleagues on the other side of the aisle will work with us. Because with tax season upon us, it is time to pass this bipartisan legislation, to crack down on identity thieves and protect the hard-earned tax dollars of innocent Americans. The time to do it is now.

I again thank Senator JEFF SESSIONS for being the Republican on this bill, and I thank all my colleagues for passing it through the committee. I thank the House for getting it done over there. It is now the time to pass it in the Senate.

Thank you, Mr. President. I yield the floor.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PORTMAN. I would ask unanimous consent that the quorum call be rescinded.

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

Mr. PORTMAN. I wish to speak as if in morning business.

THE DATA ACT

Mr. President, I was not able to be here earlier on the Senate floor when my colleague Senator WARNER got unanimous consent to pass the DATA Act. This is the Digital Accountability and Transparency Act, something we have been working on over the last couple of years.

It is a good bill, and it is about good government and I am glad we were able to pass it this afternoon in the Senate. I now hope it will go to the House for passage and get to the President's desk, because it will help to give all the taxpayers a better view into our government.

Specifically, it improves Federal financial transparency and data quality, both of which are going to help identify and illuminate the ways we spend—certainly something we should be focused on with the huge deficits and all the pressure we are facing.

It will also ease the compliance burden with the people working in the Federal Government and recipients of Federal funds. At the same time it improves the data that they send to the Federal Government. It is a win/win for the taxpayer, for the government, at getting at the issue of waste, fraud, and abuse.

It is an issue that transcends party lines. I want to thank my friend Senator COBURN because he has been a leader in the Governmental Affairs Committee and also the chairman of the committee, Senator TOM CARPER. Without their help, Senator WARNER and I would not have been able to get this bill to the floor today. We also have a number of other cosponsors on a bipartisan basis.

We all know that the Federal Government spends a lot of money—over $3 trillion a year. The goal is to know more about how that money is spent so we can ensure it is being spent on the right things. This legislation, the DATA Act, picks up on lessons we learned about how to make it more accountable and more transparent so taxpayers have a better understanding of how the money is being used. This has to do with grants and contracts. I think it is something that is going to help ensure that we are not just spending the money right but also eliminating fraud and abuse that we otherwise would not find.

I first got involved in this issue when I was at the Office of Management and Budget. I supported it and then was tasked with implementing a 2006 bill that was introduced by Senator COBURN and Senator Obama at the time. It was called the Federal Funding Accountability and Transparency Act, FFATA—an unfortunate acronym in my view.

FFATA worked in the sense that it led to something which is called usaspending.gov. Back then a lot of Federal agencies thought this could not be done; that we wouldn't be able to improve our transparency up to the standards that were established in FFATA, and we proved them wrong, thanks to a lot of hard work by a lot of folks in the agencies and at the Office of Management and Budget where I served as Director. It ended up with the ability of taxpayers to get a wealth of information online, again, about Federal grants and Federal contracts so they could better understand how their tax dollars were spent.

It was a good start. It also helped us learn some lessons about how to improve fiscal data quality and transparency even more. We learned that the usaspending.gov can be more comprehensive, more accurate, more reliable, and more timely.

By the way, if you have not gone on this Web site, usaspending.gov, I recommend it. If we pass this legislation, you will like it even more because the data you will be seeing will be more understandable, will be more uniform across the agencies, and will enable us all, as taxpayers, to get a better view into the government.

What does it do? First, it makes it easier to compare spending across the Federal agencies by requiring establishment of these governmentwide standards, such as financial data standards, which is very difficult to do, as I learned when I was at the Office of Management and Budget. It sounds easy, but it is hard and it pays off. It promotes consistency and reliability in data. Second, it strengthens the Federal financial transparency by reforming and significantly improving the Web site itself. It requires more frequent updates—quarterly financial updates of spending by each Federal agency on their programs and at the object class-level basis. It is basically more

specific data and more up-to-date so it refreshes the Web site more to make it more useful.

Third, it empowers the inspector general and the GAO to hold agencies accountable. I think putting the inspectors general into this is a good idea because it has another level of accountability. This will make them more accountable for completeness, timeliness, quality, and accuracy of the data they are submitting to the usaspending.gov. This is new and will make the Web site work even better.

Fourth, it simplifies the reporting requirements by recipients of Federal funds, eliminating unnecessary duplication and burdensome regulations. It basically streamlines what people have to provide to the Federal Government. This will actually make it easier for us to understand what is going on with these contractors, again, as taxpayers doing oversight, but it also makes it easier to do business with the Federal Government. It makes it less complicated for them and gives more transparency for taxpayers, so it is another good aspect of this legislation.

I think each of these reforms will enhance Federal financial accountability in real ways by allowing citizens to track government spending better, allowing agencies to more easily identify improper payments and unnecessary spending.

We have a big issue around here with spending. We spend more than we take in every year to the tune of hundreds of billions of dollars. We have a debt that is at least $17 trillion. It is time to make sure we are not wasting money that could be applied to that debt or it could pay for programs that are a top priority. This bipartisan legislation will help us get there.

I am very pleased we were able to get it passed today. Again, I will be working hard with Senator WARNER and others to ensure that we get this through the House and to the President's desk for signature so we can indeed begin to help all of us as citizens have a better view into our Federal Government.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

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

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

TRIBUTE TO PETER MUNK

Mr. REID. Mr. President, I rise today to honor the more than 30 years of hard work and leadership Mr. Peter Munk has demonstrated as the founder and chairman of the board of Barrick Gold Corporation.

Since Barrick Gold was established in 1983, Mr. Munk has worked to make Barrick one of the world's largest gold mining companies, with projects reaching four continents. In 1986, Mr. Munk bet on Nevada, bringing Barrick to the Silver State with the acquisition of the Goldstrike mine located on the Carlin Trend in Eureka County. Nevada has since become the largest source of gold in the United States, producing more than 75 percent of the gold mined throughout the country. Even today, the Goldstrike mine is one of Barrick's most productive properties. Two of Barrick's 5 core gold mines are located in Nevada, and the company continues to operate 7 mines throughout the State, employing more than 4,200 people.

Mr. Munk has shared his many successes and accomplishments with the communities in which he works and lives, and through his philanthropy, he has demonstrated his dedication to education and health. He created the Peter Munk Charitable Foundation in 1992 and has made significant donations to his alma mater, the University of Toronto, which is home to the Munk School of Global Affairs. Additionally, the premier Peter Munk Cardiac Centre was constructed at the University Health Network in Toronto as a product of his generous contributions.

Under Mr. Munk's strong leadership, Barrick Gold has given back to the many communities surrounding Barrick mining operations, and the company has helped provide added support for local economic, health, and social development. In Nevada, much needed school supplies, college scholarships, and large community projects have been funded with the support of Barrick Gold. The company has also implemented strict controls to help reduce the impacts of mining on the environment and contributed to wildlife restoration and improvement projects to enhance Nevada's native plants and species habitats. For instance, in 2012, Barrick partnered with Federal and State land managers to restore vital greater sage-grouse habitat that had been scarred and damaged by a devastating wildfire.

Mr. Munk has made a significant impact on the State of Nevada and has established a lasting legacy on the international mining industry. His influence has been recognized by the Canadian Business Hall of Fame and the Canadian Mining Hall of Fame, and he was honored with one of Canada's highest honors for a private citizen when he was made a Companion of the Order of Canada. Additionally, Mr. Munk was the first Canadian to be awarded the Woodrow Wilson Award for Corporate Citizenship in 2002 and received the Queen Elizabeth II Diamond Jubilee Medal in 2012.

As Mr. Munk steps down from his role as chairman of the board of Barrick Gold Corporation, I congratulate him on his many years of success and wish him all the best in his future endeavors.

JUSTICE FOR ALL ACT

Mr. LEAHY. Mr. President, this week marks the 30th annual National Crime Victims' Rights Week. It is a time to recognize victims of crime and their families and to acknowledge the efforts to help them recover and rebuild their lives in the wake of tragedy. It is also a time to ask what more we can do to help serve victims of crime and improve our criminal justice system. We have an opportunity this week to pass a bill that will not just pay lipservice to crime victims but actually impact and improve their lives. It is time to pass the Justice for All Act.

The Justice for All Act is a bipartisan bill that Senator CORNYN and I introduced nearly 1 year ago to improve the quality of justice in this country. It was approved by the Judiciary Committee in October by a unanimous voice vote, and it cleared the Democratic side of the hotline on March 27. However, it still has not passed the Senate because Senate Republicans object. For reasons that have not been explained, Republicans have failed to consent to passing this commonsense bill. This is no way to treat victims of crime, especially during a week when we seek to honor them.

The Justice for All Act reauthorizes the Debbie Smith DNA Backlog Reduction Act, which has provided significant funding to reduce the backlog of untested rape kits so that victims need not live in fear while kits languish in storage. That program is named after Debbie Smith, who waited years for her rape kit to be tested. Although delayed for years, that rape kit test ultimately enabled the perpetrator to be caught. She and her husband Rob have worked tirelessly to ensure that others will not have the same experience. I thank Debbie and Rob for their continuing help on this extremely important cause.

The Justice for All Act reauthorization establishes safeguards to prevent wrongful convictions and enhances protections and legal rights for crime victims. It is supported by experts in the field and law enforcement, including the National Center for Victims of Crime, the National Center of Police Organizations, and the National District Attorneys Associations. Yet even during Crime Victims' Week, which coincides with Sexual Assault Awareness and Prevention Month, Senate Republicans have not yet shown a willingness to clear the important reauthorization.

Senator CORNYN was on the floor just last week and earlier today expressing his commitment to getting this passed and signed into law. I urge him to lead