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House of Representatives

The House met at noon and was called to order by the Speaker pro tempore (Mr. WOMACK).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 31, 2012.

I hereby appoint the Honorable STEVE WOMACK to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 1:50 p.m.

FAILED POLICY IN AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, again, I try to get to the floor once a week to talk about our failed policy in Afghanistan.

Last Thursday, an article in Politico reminded us of the difficulty of trying to change a culture like Afghanistan. It is nearly impossible. For centuries, outside influences have been trying, but we are never going to be able to change the belief systems and culture of the Middle East.

The Politico article stated that parts of Afghanistan were stuck in the 14th century. We are supporting a corrupt country and a culture where it is commonplace for grown men to have sexual relations with young boys. The American taxpayer should be outraged to know that their tax dollars are going to support this kind of practice.

Yesterday, The Washington Post published an article, titled, ''U.S. Construction Projects in Afghanistan Challenged by Inspector General's Report.'' While discussing the fact that projects implemented in Afghanistan by Americans will not be possible for the Afghans to sustain once the United States leaves, the question for policymakers in Washington is whether the massive influx of American spending in Afghanistan is actually making the problem worse.

One such project to provide electricity requires purchasing diesel fuel to run the generators enough to power about 2,500 Afghan homes or small businesses and is projected to cost the United States' taxpayers about $220 million through 2013.

Mr. Speaker, it is just billions and billions and billions going to Afghanistan and very little accountability, and yet we are cutting programs for the American people. To me, it makes no sense at all.

Mr. Speaker, again I brought a poster down. This is a new one that I purchased myself. There is a little girl holding her mother's arm. The mother is being escorted by an Army officer, and the little girl is looking at the caisson that is carrying her father. Her father is under an American flag. The father was killed in Afghanistan for America.

I would say to this family: You should be very proud of your father.

I would say to Congress: Why can't you understand that you've got a failed policy in Afghanistan, and these young men and women are dying?

These young men and women are losing their legs and arms, and yet we keep sending $10 billion a month to a corrupt leader where they have the practice of adult men making love with boys over there in Afghanistan. I just don't understand the Congress, to be honest with you.

Mr. Speaker, as you and many know, I have Camp Lejeune Marine Base in my district. In the last 10 days, three marines have been killed in Afghanistan. I salute their families and thank them for the gift of that loved one.

How many more young men and women have to die in Afghanistan? How many more taxpayer dollars have to go to prop up a corrupt leader? Afghanistan will not survive under Karzai. The Taliban will eventually take over.

Mr. Speaker, before closing, as I always do, first I would like to ask the American people to contact their Member of Congress and say bring our troops home now, at least no later than 2014, and stop spending our taxpayers' money when you can't even account for what it is being spent for in Afghanistan, and start spending it right here in America to rebuild our roads, schools, and infrastructure.

So on behalf of this little girl and her mom, and all of the families who've given loved ones dying for freedom in Afghanistan, I will close this way:

God, please bless our men and women in uniform. God, please bless the families of our men and women in uniform. God, in your loving arms, hold the families who have given a child dying for freedom in Afghanistan and Iraq. God, please bless the House and Senate that we will do what is right in God's eyes for the people of today and the people of tomorrow. And I ask God to please bless the President of the United States, to give him wisdom, courage, and strength to do what's right for God's people here. And three times I will say, God, please, God, please, God, please continue to bless America.

REPRODUCTIVE HEALTH FOR WOMEN OF THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from the District of Columbia (Ms. NORTON) for 5 minutes.

Ms. NORTON. Mr. Speaker, sometimes schoolyard bullies pick on the wrong kid. Anti-choice forces thought they had found a cheap way to make a large point against the right of women in our country to reproductive health and choice by picking on the District of Columbia. Pick a fight with the District of Columbia—after all, the District of Columbia doesn't have a vote even if the bill is about only the District of Columbia. But in the process, they picked a fight with the women of the United States because this is still a pro-choice Nation.

Now, they didn't want to get women worked up in an election year, but they wanted a Federal imprimatur, a Federal label, so they thought that they could get the House to pass the bill that's coming to the floor today on suspension that women in the District of Columbia are not entitled to an abortion after 20 weeks. Mind you, everywhere else in the United States that right still would exist.

And while they're at it, they say, let's penalize women by allowing an injunction against an abortion by these women by, any health care provider who has had anything to do with the woman any time in her life—I guess the elementary school nurse could come in to seek an injunction. And, of course, penalize doctors—2 years in jail and a fine are possible. No health exception for the woman no matter her health nor fetal abnormality, rape or incest exceptions.

One of my constituents, Professor Christy Zink, had an abortion at 21 weeks, the earliest time her physicians would discover that she was carrying a fetus with half a brain. Had it been born alive, it would have had constant seizures. She would have had to carry that fetus to term.

Sometimes, bullies pick the wrong fight. Anti-choice forces have threatened the leadership here, particularly Republicans, saying they are going to score the vote. All that did was to bring out the really big boys and girls—Planned Parenthood and NARAL Pro-Choice America—who are going to score the bill as well.

They've been too clever by two-thirds. It'll take two-thirds to pass this bill. I'm hoping they won't get that kind of supermajority.

This is not the typical anti-home-rule bill that holds everyone else harmless except for D.C. residents and the D.C. government. This bill is a key element in a State-by-State campaign that seeks first to undermine and then to eliminate reproductive choice and health care for women across the United States.

They've miscalculated. They have reinvigorated the pro-choice movement, just as they did when they infiltrated Susan G. Komen for the Cure and forced Komen, which later reversed itself to stop giving to Planned Parenthood, just as they did when they failed to defund Planned Parenthood, just as they did when they caused a furor by women with the attack on contraceptives in health insurance policies.

□ 1210

Now women see this fight against reproductive choice for what it is, because it has ended with the constitutional right to abortion. Anti-choice Republicans have abandoned their own principles. If they feel so deeply, how could they introduce a bill that would affect only women and only fetuses in the District of Columbia?

The Supreme Court decided 39 years ago that a woman is entitled to an abortion. That's a constitutional right. It's not a constitutional right everywhere except the Nation's Capital. The differences in our country on choice are great, but they are differences we all must respect. And the Supreme Court has settled those differences with Roe v. Wade, which says pre-viability, that is a decision between a woman and her doctor. After viability, of course, there are some things that can be done, but the health and life of the mother always have to be protected.

This bill stretches beyond penalties doctors in our country would receive, and penalties on women, and it is the kind of bill that sends a message to women: this is not a House that is protecting your reproductive health. If this bill passes, it will cause the kind of uproar that we have not seen in almost 40 years.

FREE TRADE WITH EGYPT

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. DREIER) for 5 minutes.

Mr. DREIER. Mr. Speaker, nearly three decades ago, one of my great heroes, Ronald Reagan, famously said:

> In all of the arsenals of the world, no weapon is so powerful as the will and moral courage of free men and women.

For the last year and a half, no development on the world stage has drawn greater interest or sparked more passionate debate than the upheaval in the Arab world. What started in Tunisia in December of 2010 has spread throughout North Africa and the Middle East, leaving virtually no Arab nation untouched.

Tunisia ousted a dictator and elected a constituent assembly, which is drafting a new constitution. Libya fought a civil war, rid itself of its dictator, and held elections. In both cases, particularly in Libya, blood was shed, but it has so far not been in vain, as real hope for democracy and an improved quality of life prevails.

Other countries, such as Morocco and Jordan, have seen more modest changes, but in the same direction—toward greater openness. Elsewhere in the Arab world, this unprecedented chain of events has thus far taken a far more tragic path. The Syrian people are suffering immeasurably for their efforts to unseat a regime that has proven itself eager to take innocent lives in brutal fashion.

In countries like Bahrain, the violence has been more limited, but no less tragic. Even in those nations where regimes stifle public discourse, we know that the autocrats are watching. They are mindful of Reagan's lesson that the will of the people cannot be suppressed indefinitely.

Of all the nations where this movement has unfolded, none holds greater sway over the future of the region than Egypt. Since the stunning fall of Mubarak in February of last year, Egypt has held parliamentary and presidential elections. Both sets of elections swept the Muslim Brotherhood to office, setting up a power struggle between the Brotherhood's leadership, the secularists, and the military council. Knowing of the harsh and deeply troubling rhetoric the Brotherhood has used over the years, many Americans rightly ask the question, can we work with the newly elected leadership in Egypt?

Should we continue to provide support to this government and the Egyptian people? What exactly does the Brotherhood stand for, and how will they lead? Mr. Speaker, these are important questions. To answer them, we have to go beyond the reactionary and reductionist assumptions that are often made. I've spent a great deal of time in Egypt, meeting with staunch secularists to Salafists and everyone in between, including leaders and members of the Muslim Brotherhood. What I have found is a vast movement that is far from monolithic. It is made up of moderates and hard-liners, reformers and the old guard, and great internal differences exist.

One thing, however, that has unified them is their public statements of support for the Camp David peace accords for human rights, including women's rights, as well as religious freedom, all of which are prerequisites to meet their quest to get their economy back on track through tourism and international investment. I've joined with a Democratic colleague in introducing a resolution calling for a free trade agreement with Egypt to help achieve just that.

Ultimately, we will judge them not by their words, as Secretary Clinton has just said in a piece, but by their actions. But the mere fact that these public statements have been made says a great deal about the stark difference between the nature of an underground movement, which the Muslim Brotherhood was, and an elected government. Now that the Brotherhood has at least taken some of the responsibility of righting the economy and providing opportunity for 85 million Egyptians, it will face enormous pressure to pursue a

reform agenda, engage appropriately with the West and eschew regional conflict.

In the meantime, Mr. Speaker, we as Americans have a responsibility to live up to our own ideals. How can we preach democracy, yet shun the free and fair choices of Egyptians? Of course, we cannot be naive. We have to recognize that democracy is about more than just elections, but also about protecting minority rights and building institutions that outlast the individuals who occupy them.

But we also have to recognize that supporting only democracies around the world that produce our own preferred results is the height of hypocrisy. On a more practical level, compromising our own values would only strengthen the hands of anti-Western fundamentalists. Refusing to engage with the Muslim Brotherhood would simply achieve a self-fulfilling prophecy by giving rise to extremists over reformists and moderates.

No country following decades of authoritarian rule can make a full transition to a thriving, stable, peaceful and prosperous democracy quickly and painlessly. Even with the most optimistic of outlooks, the Egyptian people will struggle for years to come to throw off the shackles of the past and create the kind of future for which we all strive. We have been working at this for 236 years, Mr. Speaker, and we still haven't gotten it exactly right.

We have a responsibility, as longtime Egyptian allies and as champions of democracy around the globe, to stand with them in this process, encouraging continued reform and providing our support for the development of real democracy in the Arab world's most populous nation.

HONORING AMERICA'S VETERANS AND CARING FOR CAMP LEJEUNE FAMILIES ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. MILLER) for 5 minutes.

Mr. MILLER of North Carolina. Mr. Speaker, I rise in support of the Honoring America's Veterans and Caring for Camp Lejeune Families Act, which the House will consider later today, especially title I, the Janey Ensminger Act.

Title I and a similar House bill honor a 9-year-old girl who died from childhood leukemia, most likely because she was exposed to contaminated drinking water at Camp Lejeune, North Carolina, when her mother was pregnant with her.

And by honoring Janey Ensminger, we honor those Americans who have shown remarkable determination to make their government do the right thing. They have struggled for more than a decade to learn exactly what chemicals were in the drinking water at Camp Lejeune, water that perhaps a million marines and their families were exposed to over a 30-year period, to learn the health effects of exposure to the contaminated drinking water, and to seek justice for those harmed.

They took on their own government, including the Marine Corps they had served and to which they are still loyal, but which has been shamefully reluctant to accept responsibility for the water contamination.

Janey's father, Jerry Ensminger, is a retired marine who lived with his family on base at Camp Lejeune for a time. Jerry watched his daughter become ill from leukemia, struggle with the disease, and eventually lose the struggle. Years after he watched his daughter die, Jerry learned of the water contamination at Camp Lejeune and has not rested since.

I first met Jerry 4 years ago when he testified powerfully on the Science and Technology Committee's Subcommittee on Investigations and Oversight, which I then chaired. Jerry worked shoulder to shoulder with others, including Tom Townsend, Mike Partain, Jim Fontella, the Byron family and William Hill against long odds.

□ 1220

The Janey Ensminger Act is the result of their remarkable efforts. They were always faithful to the cause of justice for those harmed by the contaminated drinking water.

The Janey Ensminger Act will require the VA to provide medical coverage for certain illnesses to veterans who served at Camp Lejeune between 1957 and 1987, and to their families. The VA will be the ''payer of last resort.'' Justice requires no less for the people harmed by the water contamination at Camp Lejeune.

The harm will never be fully made right. The bill will not help Janey or her father. But the Janey Ensminger Act acknowledges responsibility and provides needed treatment for many others.

The marines who have championed this legislation served our democracy when they wore our Nation's uniform, and they served our democracy by their determination to obtain justice for the people harmed by the toxic drinking water at Camp Lejeune.

THE POLITICS OF FAIRNESS—I.E., THE POLITICS OF FAVORITISM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, we have heard a lot about fairness from the President lately. Perhaps his Chicago advisers think that if he distracts, divides, and creates envy all in the name of so-called ''fairness,'' Americans will ignore their thin wallets and stacked up bills. But the people are smarter than back-room government policycrats.

If the President is reelected in January, he will have inherited a weak economy from his predecessor—himself. Then who will he blame? The President was elected to solve problems, not place blame and make excuses for failure.

Like most Americans, I want the administration to succeed, but the evidence is not on the administration's side. With unemployment higher than 8 percent for 41 months—even higher for recent college graduates at above 50 percent—and our deficit above $15 trillion, there isn't much of a record to stand on.

So we are involved in a new Madison Avenue campaign diversion called ''Remake America'' to make America ''fair.'' Of course, fairness is in the eyes of the beholder, and it means different things to different folks; but it certainly sounds good at first glance.

Mr. Speaker, let's look at this idea. The politics of ''fairness'' are used when politicians want you to ignore their record and then claim that some people just haven't been treated fairly. This is a mere diversion from failed policy, failed ideas. When you look at the record, you'll see that this administration's definition of ''fairness'' really means ''favoritism.''

There is no fairness in crony capitalism. That is favoritism. There is no fairness in a perpetual bailout culture where the omnipotent government deems some too big to fail and others too small to succeed. That is favoritism. There is no fairness in forcing Americans to fork over money to pay for failed pet endeavors like Solyndra. That is favoritism. There is no fairness in an unaccountable government that constantly takes money from the working people and squanders it in a failed stimulus—or two. That is favoritism. And there is no fairness in enforcing some laws while proudly ignoring other laws. That is favoritism.

What this ''fairness'' debate—or the politics of favoritism—achieves is a systematic desire by government to create animosity—animosity towards those who have or are just trying to achieve some success. It also creates animosity toward government from those who built it on their own without being a member of the government's favored class.

This debate degrades the American Dream because it removes the equality of opportunity and creates a class of favorites—the class of government ''friends.''

There is no equality or fairness in forced equal outcomes. Since some people are more successful than others, to paraphrase Lincoln, the government, which cannot make everyone rich, is trying to accomplish what it can do—make everyone poor and dependent on the government for success. This is fairness? I think not.

Instead of encouraging individuals to succeed on their own, this administration tells citizens that they need the government. In fact, according to The Wall Street Journal, almost 50 percent of the population lives in a household where at least one member receives a government benefit.

Bad policies have forced more Americans to grow dependent on government. The President wants to, in his own words, remake America. Remake it into what? A Nation where the government is running roughshod over our lives and our liberty? A country where no one is allowed to succeed unless the government gives permission? No thanks. I thought we threw that idea away when we left the regime of King George III.

America doesn't need to be remade into a Third World country totally oppressed by a government that wants America to be another European nanny state where special favoritism is given to government's special friends.

We need to return to what our country was founded on: the pursuit of opportunity or, as Jefferson said it, the right of life, liberty and the pursuit of happiness.

The American Dream—a dream that can come true with individualism and hard work and without a government that punishes ambition, creativity, and success while rewarding failure—all in the name of fairness.

The politics of favoritism, under the guise of ''fairness,'' is not the America we need. Mr. Speaker, the America I know doesn't need to be remade into the politics of favoritism.

And that's just the way it is.

HONORING THE LIFE OF WILLIS EDWARDS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. BASS) for 5 minutes.

Ms. BASS of California. Mr. Speaker, I rise today to honor the life of a friend and a remarkable individual from Los Angeles, Willis Edwards.

For the past 40 years, Mr. Edwards tirelessly advocated for civil and political rights and worked to ensure that positive images of African Americans were seen by the American public.

Throughout his life, Willis Edwards was known for his strength of conviction and passion for the promotion of the African American community. After working for the Robert Kennedy Presidential campaign in college and earning a Bronze Star in the U.S. Army during the Vietnam war, Edwards helped to elect the first African American mayor of Los Angeles, Tom Bradley, and served as the youngest-ever city commissioner on his Social Services Commission.

Mr. Edwards continued his career of service as the director of black student services at the University of Southern California, where he helped future generations of students discover their passion.

In 1982, Mr. Edwards was elected president of the Beverly Hills-Hollywood branch of the NAACP. Under his leadership, the branch fought to improve the image and gain more jobs for African Americans in front of and behind the scenes in Hollywood. As president in 1986, he helped to nationally televise the NAACP Image Awards, which continues today as a highly regarded entertainment event.

Mr. Edwards never shied away from controversial subjects or issues. After his diagnosis with AIDS, he used his position on the national board of the NAACP to publicly discuss the impact of HIV/AIDS in the African American community, and he organized the NAACP's participation in World AIDS Day. Despite his health challenges, Mr. Edwards continued to support his friends and communities.

Until Rosa Parks's death in 2002, Mr. Edwards was a friend and confidant of the civil rights legend. He helped to promote her legacy by escorting her to the 1998 Oscar ceremony and worked alongside former Congresswoman Julia Carson for Parks to receive the Congressional Medal of Honor. Upon her death, Edwards arranged for her to lie in state here in the Capitol rotunda.

Mr. Speaker, I am proud to have called Willis Edwards a friend and a mentor. He has left an indelible mark on Los Angeles, and his dedication to California and national politics will never be forgotten. It is a great honor to recognize his life here on the floor today. His spirit and vision will truly be missed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 28 minutes p.m.), the House stood in recess.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 2 p.m.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Dear God, we give You thanks for giving us another day.

As the Members of this people's House return, grant them the generosity to serve You as You deserve; to give of their industry and not count the cost; to fight for their convictions and not heed the political wounds; to toil and not seek for rest; to labor and not ask for reward except for knowing that, in being their best selves, they do Your will.

And, dear God, on this day, we ask Your blessing upon the family of Tim Harroun. Grant them peace and consolation as they mourn the loss of their mother.

May all that is done be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from North Carolina (Ms. FOXX) come forward and lead the House in the Pledge of Allegiance.

Ms. FOXX led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

REGULATORY REFORM

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. The President's policies have failed and are making the economy worse.

Since President Obama took office, we've seen a 52 percent increase in completed regulations deemed ''economically significant,'' which means they cost the economy at least $100 million a year. We can't create a fair system for job creators when the government keeps changing the rules. We can't help the job seeker by punishing the job creator with more government red tape.

How can someone who believes that small business owners didn't even build their own businesses understand the effects of red tape? He can't.

That is why House Republicans passed the Red Tape Reduction and Small Business Job Creation Act—a combination of pro-growth bills aimed at cutting red tape to make it easier for small businesses to create more jobs. In order to grow more jobs for the American people, we need to shrink the amount of red tape coming from Washington.

TAX RATES

(Mr. COURTNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTNEY. Mr. Speaker, in exactly 5-months' time, the tax rates for every tax filer in this country will go up in the event of the so-called ''fiscal cliff,'' which most mainstream economists believe would push our country back into a double-dip recession.

There is hope, however.

Last week, the U.S. Senate passed a measure which protects the incomes of every tax filer up to $250,000 and allows rates for incomes above that point to

return to the Clinton-era rates. This is a plan which will protect 98 percent of the tax filers in this country from any tax increase. It will help balance the budget and will give confidence to the financial markets, which are terrified of the inability of this town to get its business done.

We should act on the Senate's plan. The House Republican leadership has a choice: let's compromise; let's get something done; let's help the economy—or let's push this country into brinksmanship, which for the last year and a half has been the trademark of the 112th Congress.

We can do better as the House of Representatives. Let's pass the Senate measure. Let's provide some confidence for the American people and for the U.S. economy to grow.

THREATENING CONGRESS DOES NOT SOLVE THE ISSUE OF SEQUESTRATION

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, in a recent opinion piece submitted to Politico, Jeffrey Zients, the Acting Director for the Office of Management and Budget, wrote:

> As President Barack Obama has said many times, the sequester wasn't meant to be implemented. It was designed to cut so deep that just threatening them would force Congress to meet and agree on a big, balanced package of deficit reduction.

If the President actually believed the Budget Control Act would destroy jobs and threaten our national security, why did he sign the legislation into law? Additionally, if he believed the proposed cuts would frighten Members of Congress, why has he remained silent on this issue?

House Republicans have acted and passed bipartisan legislation several times replacing the sequester with responsible reforms as well as calling for more government transparency to stop the destruction of 200,000 jobs in Virginia alone.

I urge the President to support this bill in order to promote peace through strength.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

20TH ANNIVERSARY OF VIETBAO DAILY NEWS

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to recognize and celebrate the achievements of VietBao Daily News. They are celebrating their 20th anniversary in the Vietnamese American community. For 20 years, VietBao Daily News has served its readers with comprehensive news, current affairs, as well as information from the broader community and from Vietnam.

VietBao Daily News is also a venue for the Vietnamese people to preserve the Vietnamese language and cultural values through the Writing on America Award initiative. This is a writing competition that they hold every year that allows the Vietnamese American community to write short stories about their experiences, whether their experiences are those of coming over from Vietnam or of their experiences here. They judge it. They have winners. Then they make a compilation of these written stories. It's for the archives. It's for the future. It's for their community to understand where they come from. It's also for the broader American community to understand.

So I would like to congratulate all of the winners and the participants of the 2012 Writing on America and Teen Writing awards for submitting so many incredible stories, some of which I have had the opportunity to read. Again, congratulations to your staff and for your dedication towards the community on this 20th anniversary.

PROVIDING A ONE-YEAR EXTENSION FOR MEDICARE PHYSICIAN PAYMENT RATES

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, as a physician and now as a legislator, I, frankly, do not understand the way our government continues to treat those who care for America's patients.

Earlier this month, I introduced legislation, H.R. 6142, to provide a 1-year extension for Medicare physician payment rates. This allows patients to continue to have access to their physicians in the next year.

Look, this is no mystery. We all know the last patch is going to expire on December 31. We all know that before December 31 of this year that somehow we'll cobble together and provide another patch. Why not do that now? Why make them wait until the deadline? They can't plan. They can't grow their practices. They can't expand because they don't know what their government is going to do to them.

Further compounding the problem this year is the specter of sequestration that occurs on January 1. No matter how you slice it, it's another 2 percent cut on top of the 27 to 29 percent cut they are already going to get under the SGR.

Let's do the right thing. We could pass this bill under suspension this afternoon. We could provide our Nation's physicians the stability and the certainty that they need to continue to see the patients we've asked them to serve.

□ 1410

SAIPAN SOUTHERN HIGH SCHOOL MANTA RAY CONCERT BAND

(Mr. SABLAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SABLAN. Mr. Speaker, here's a story to make us all cheer: 46 high school musicians from America's smallest insular area raise a quarter of a million dollars to go to London and perform during the Olympics where they win a silver medal.

This is the story of the Saipan Southern High School Manta Ray Concert Band, who played their hearts out at the London Celebration Music Festival this week in Central Hall Westminster. We are all cheering in the Northern Mariana Islands because the Manta Rays represent us all.

We're the only U.S. insular area that did not send athletes to London. We sent our student musicians, and they came away with silver. It took bake sales, rummage sales, garage sales, a bowling tournament, tree plantings, car washes, a radio telethon, lunches, and raffles. It took business, government, civic organizations, and individual donors all chipping in because these kids dared us to dream.

Ten years ago, there was no high school band in our islands. Most families could not afford to buy an instrument. Today, through the faith, effort, and determination of the students, we're all inspired, confirming the belief that there is no better investment than in our children.

Congratulations, Manta Rays.

RUSSIA AND THE WORLD TRADE ORGANIZATION

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, August 22 is a very important date.

The reason I say that is that August 22 is the date that Russia will become a member of the World Trade Organization. It's a done deal. Both Houses of the Russian Parliament have passed it, and it's been agreed to.

I point to this day because there are many who believe that as we look at a vote on permanent normal trade relations with Russia that will be on the horizon—we're not going to be able to do it this week; I hope we will do it shortly after we come back in September—there are some who believe that we are playing a role in getting Russia into the World Trade Organization. That is not the case.

All we're saying, Mr. Speaker, is that since Russia is already going to be a member as of August 22 of the World Trade Organization, we want to make sure that U.S. workers and U.S. businesses will have the opportunity to have access to the 140 million consumers in Russia.

Mr. Speaker, it's important for us to note the question is not whether or not Russia will be a member of the WTO, because I believe that our access will play a role in undermining the policies of Vladimir Putin. The question is: Are we going to get our Western values into Russia? We need to say ''yes.''

COMMUNICATION FROM CHAIR OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chair of the Committee on Transportation and Infrastructure, which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, July 26, 2012.

Hon. JOHN BOEHNER,
Speaker of the House, House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER: On July 26, 2012, pursuant to section 3307 of Title 40, United States Code, the Committee on Transportation and Infrastructure met in open session to consider resolutions to authorize 12 lease prospectuses included in the General Services Administration's (GSA) FY2011 and FY2012 Capital Investment and Leasing Programs (CILP) and one resolution to authorize the exercise of a purchase option on currently leased space for $14 million below fair market value.

Our Committee continues to work to cut waste and the cost of federal property and leases. The resolutions approved by the Committee will save the taxpayer $10.3 million annually or $178 million over the terms of the leases. These resolutions ensure savings through lower rents, shrinking the space requirements of agencies, avoidance of holdover penalties, and efficiencies created through consolidation. In addition, the Committee has included space utilization requirements in each of the resolutions to ensure agencies are held to appropriate utilization rates.

I have enclosed copies of the resolutions adopted by the Committee on Transportation and Infrastructure on July 26, 2012.

Sincerely,

JOHN L. MICA,
Chairman.

Enclosures

COMMITTEE RESOLUTION

LEASE—DEPARTMENT OF ENERGY, NATIONAL NUCLEAR SECURITY ADMINISTRATION, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a replacement lease of up to 89,000 rentable square feet of space for the Department of Energy, National Nuclear Security Administration, currently located at 955 L'Enfant Plaza North, SW, Washington, D.C. at a proposed total annual cost of $4,361,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 202 square feet or less per person as detailed in the Housing Plan contained in the prospectus.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 202 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF ENERGY
NATIONAL NUCLEAR SECURITY ADMINISTRATION
WASHINGTON, DC

Prospectus Number: PDC-04-WA11

Project Summary

The General Services Administration (GSA) proposes a replacement lease of up to 89,000 rentable square feet (rsf) for the Department of Energy (DOE) National Nuclear Security Administration (NNSA), currently located at 955 L'Enfant Plaza North, SW, Washington, DC.

Description

Occupants:	DOE-NNSA
Delineated Area:	Washington, DC Central Employment Area, North of Massachusetts Avenue, and Southwest Waterfront
Lease Type:	Replacement
Justification:	Expiring Lease (7/31/2012)
Expansion Space:	None
Number of Parking Spaces:	None
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	89,000
Current Total Annual Cost:	$2,790,890
Proposed Total Annual Cost:[1]	$4,361,000
Maximum Proposed Rental Rate[2]:	$49.00

Energy Performance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

[1] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[2] This estimate is for fiscal year 2012 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF ENERGY
NATIONAL NUCLEAR SECURITY ADMINISTRATION
WASHINGTON, DC

Prospectus Number: PDC-04-WA11

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on September 10, 2010

Recommended: Robert A. Peck
Commissioner, Public Buildings Service

Approved: Martha Johnson
Administrator, General Services Administration

November 2009

Housing Plan
Department of Energy
National Nuclear Security Administration

PDC-04-WA11
Washington, DC

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
955 L'Enfant Plaza	250	250	68,348	-	5,530	73,878						
Proposed Lease							264	264	68,348	-	5,530	73,878
Total	250	250	68,348	-	5,530	73,878	264	264	68,348	-	5,530	73,878

	Current	Proposed
Utilization Rate	213	202

Current UR excludes 15,037 USF of office support space
Proposed UR excludes 15,037 USF of office support space

Special Space	USF
Conference	1,968
Copy Center	1,356
Food Service	324
LAN	558
Security	1,324
Total	5,530

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g.,auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

COMMITTEE RESOLUTION

LEASE—DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a replacement lease of up to 292,173 rentable square feet of space, including 7 parking spaces, for the Department of Justice, Office of Justice Programs (OJP), currently located at 800 K Street, NW and 810 7th Street, NW, Washington, D.C., at a proposed total annual cost of $14,316,477 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 128 square feet or less per person.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 128 square feet or higher per person.

Provided that, the 1,242 personnel identified in the Housing Plan contained in the prospectus are consolidated into the 292,173 rentable square feet of space authorized in this resolution.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
WASHINGTON, DC

Prospectus Number: PDC-06-WA11

Project Summary

The General Services Administration (GSA) proposes a replacement lease(s) of up to 375,000 rentable square feet (rsf) for the Department of Justice, Office of Justice Programs (OJP), located at 800 K Street, NW and 810 7th Street, NW in Washington DC.

The proposed lease(s) includes expansion space that is based on the average growth rates of OJP in the preceding decade, and the need for shared space. Within the past seven years, OJP has experienced a 31% growth in employees/contractors due to an increased workload. OJP is expected to hire an additional 63 full time employees by 2011. The expansion space will accommodate the current demand and future growth while alleviating the overcrowding.

Acquisition Strategy

In order to maximize flexibility in acquiring space to house OJP elements, GSA may issue a single, multiple award lease solicitation that will allow offerors to provide blocks of space able to meet these requirements in whole or in part.

Description

Occupants:	OJP
Delineated Area:	Washington, DC Central Employment Area, North of Massachusetts Avenue, and Southwest Waterfront)
Lease Type:	Replacement/Expansion
Justification:	Expiring Leases: 10/31/2011 and 8/31/2013
Expansion Space:	57,000 rsf
Number of Parking Spaces: [1]	7 Official Government Vehicles
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	15 years

[1] DOJ's security requirements may necessitate control of the parking at the leased location. This may be accomplished as a lessor-furnished service, as a separate operating agreement with the lessor, or as part of the Government's leasehold interest in the building.

PROSPECTUS – LEASE
DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
WASHINGTON, DC

Prospectus Number: PDC-06-WA11

Maximum Rentable Square Feet:	375,000 rsf
Current Total Annual Cost:	$11,923,460
Proposed Total Annual Cost:[2]	$18,375,000
Maximum Proposed Rental Rate:[3]	$49.00 per rsf

Energy Performance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

[2] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[3] This estimate is for fiscal year 2013 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
WASHINGTON, DC

Prospectus Number: PDC-06-WA11

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on December 21, 2010

Recommended: _____
Commissioner, Public Buildings Service

Approved: Martha Johnson
Administrator, General Services Administration

June 2010

Housing Plan
Department of Justice
Office Of Justice Programs

Prospectus Number PDC-06-WA11

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
810 7th Street, NW	889	889	174,449	2,010	33,406	209,865						
800 K Street NW	290	290	45,318	550	9,143	55,011						
		-				-						
Proposed Lease		-					1,242	1,242	260,913	5,024	46,286	312,223
Total	1,179	1,179	219,767	2,560	42,549	264,876	1,242	1,242	260,913	5,024	46,286	312,223

	Current	Proposed
Utilization Rate	145	164

Current UR excludes 48,349 USF of Office for support space
Proposed UR excludes 57,401 USF of office for support space

Special Space	USF
Conference	18,406
ADP	2,900
File Room	11,700
Break Rooms	5,000
Health Unit	900
Showers/Locke	500
SCIF	180
Training	1,500
Security	1,000
Copy Rooms	4,200
Total	46,286

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g.,auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

COMMITTEE RESOLUTION

LEASE—FEDERAL BUREAU OF INVESTIGATIONS, ATLANTA, GA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a lease consolidation of up to 191,156 rentable square feet of space, including 343 structured and 60 surface parking spaces, for the Federal Bureau of Investigation in Atlanta, GA, at a proposed total annual cost of $5,925,836 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 105 square feet or less per person.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 105 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSA PBS

PROSPECTUS - LEASE
FEDERAL BUREAU OF INVESTIGATION
ATLANTA, GA

Prospectus Number: PGA-01-AT11
Congressional District: 04

Project Summary

The General Services Administration (GSA) proposes a lease consolidation with expansion of up to 263,000 rentable square feet (rsf) with 343 structured and 60 surface parking spaces for the Federal Bureau of Investigation (FBI) in Atlanta, GA.

The FBI has undergone a fundamental shift in programs and functions to meet the needs of the global war on terrorism and other high priority missions. It is transforming its field offices into facilities that enhance collaboration, stimulate communication, enable long-term flexibility, and use resources in a more sustainable manner. The expanded FBI intelligence mission requires secure space to support connectivity and communications at the Top Secret level.

The Atlanta Field Office covers a variety of highly visible programs to include international and domestic terrorism, Safe Streets, Mortgage Fraud, Gangs, Auto Cargo, Crimes Against Children, Public Corruption and Human Trafficking. Atlanta is the regional hub for information technology as well as the Special Weapons, Tactics and Evidence Response Teams. All of these programs require collaboration with other law enforcement and intelligence partners. The Atlanta field office currently occupies space which results in inefficient, non-collaborative, and compartmentalized work environments that hinder successful investigations. Expansion for the Atlanta Field Office is required to meet the needs of the joint terrorism task forces and the field intelligence group. It will allow creation of large open spaces to foster synergy, increased productivity, and collaboration within the FBI and with their intelligence and law enforcement partners in these efforts.

The FBI is currently located under leases at 2635 Century Parkway, 3301 Buckeye Road in Atlanta, GA and warehouse space at 6544 Warren Drive in Norcross, GA. None of these locations have any significant setback or perimeter security or meets the current Interagency Security Criteria for a Level IV agency. In addition, the current facility cannot provide the expansion space necessary to support all of the required programs and operational responsibilities of the Atlanta Field Office. A new consolidated location will provide the FBI with sufficient space to meets its current and future requirements, and allow for full compliance with the ISC guideline.

GSA is proposing a new lease in an existing single tenant facility within the established delineated area. A comprehensive survey revealed that no existing federal space exists that could fulfill this requirement.

GSA PBS

PROSPECTUS - LEASE
FEDERAL BUREAU OF INVESTIGATION
ATLANTA, GA

Prospectus Number: PGA-01-AT11
Congressional District: 04

Description

Occupants:	FBI
Delineated Area:	CBD, and the Interstate 85 North – Interstate 285, NE arc corridor
Lease Type:	Consolidation/Expansion
Justification:	Expiring leases; 1/31/12, 6/30/11, 8/15/11, expanded mission and increased security standards.
Number of Parking Spaces:	403 (343 structured and 60 surface)
Expansion Space:	84,000 RSF
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	20 years
Maximum Rentable Square Feet:	263,000
Current Total Annual Cost:	$3,505,416
Proposed Total Annual Cost[1]:	$8,153,000
Maximum Proposed Rental Rate[2]:	$31.00 per rentable square foot

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

Authorizations

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

[1]Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[2]This estimate is for fiscal year 2012 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS - LEASE
FEDERAL BUREAU OF INVESTIGATION
ATLANTA, GA

Prospectus Number: PGA-01-AT11
Congressional District: 04

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on December 21, 2010

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Administrator, General Services Administration

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
2635 Century Pkwy Atlanta GA	448	448	55,848	16,754	39,093	111,695	0	0	0	0	0	0
3301 Buckeye Rd, Atlanta GA	48	48	12,595	6,800	1,020	20,415						
6544 Warren Dr Norcross GA	0	0		22,848		22,848						
New Lease	0	0	0	0	0	0	645	645	119,512	42,250	66,160	227,922
Total:	496	496	68,443	46,402	40,113	154,958	645	645	119,512	42,250	66,160	227,922

	Current	Proposed
Utilization		
Rate	108	145

Current UR excludes 15,057 USF of office support space
Proposed UR excludes 26,293 USF of office support space

Special Space	
Restrooms	1,220
Health Unit	790
Physical Fitness	4,000
Conference / Training	10,760
Workbench	1,700
Vehicle Bays	18,030
Gun Vault	400
Shredder Room	500
Mail	850
Mug and Fingerprint	250
Breakroom	2,300
Evidence / Photo	1,700
ADP	21,920
Emergency Generator	500
Visitor Screening	500
Loading Dock	740
Total:	**66,160**

USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

COMMITTEE RESOLUTION

LEASE—DEPARTMENT OF DEFENSE, DEFENSE SECURITY COOPERATION AGENCY, NORTHERN VIRGINIA

Resolved by the Committee on Transportation and Infrasfructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a replacement lease of up to 87,000 rentable square feet of space, including 5 parking spaces, for the Department of Defense, Defense Security Cooperation Agency currently located at Crystal Gateway North, 201 12th Street South formerly recorded as 1111 Jefferson Davis Highway, Arlington, VA, at a proposed total annual cost of $3,306,000 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 141 square feet or less per person.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 141 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF DEFENSE
DEFENSE SECURITY COOPERATION AGENCY
NORTHERN VIRGINIA

Prospectus Number: PVA-06-WA11
Congressional District: 8

Project Summary

The General Services Administration (GSA) proposes a replacement lease of up to 100,000 rentable square feet (rsf) and 5 inside parking spaces for the Department of Defense (DoD) Defense Security Cooperation Agency (DSCA) currently located at Crystal Gateway North, 201 12th Street South formerly recorded as 1111 Jefferson Davis Highway, Arlington, VA.

DSCA is currently collocated with several other DoD components at Crystal Gateway North. DoD is housed in approximately 205,000 rsf under two separate leases for 71,465 rsf and 133,292 rsf. DSCA occupies approximately one quarter of this space and the balance is occupied by DoD components that are required by the Base Realignment and Closure Act to relocate to DoD owned space by September 2011. GSA submitted lease prospectus PVA-02-WA08 on August 1, 2007 to extend the 133,292 rsf lease, which expired June 5, 2009, for three years. The 71,465 rsf lease was below the prospectus threshold and was extended separately. To mitigate vacant space within these leases, DSCA will remain at Crystal Gateway North during the extensions and will synchronize its move to a replacement leased location with the relocation of the remaining DoD components to DoD owned locations.

DSCA personnel are currently scattered throughout Gateway North Building with employees and supervisors offices located in different suites on different floors. This housing arrangement is disruptive to employee productivity because the space is not contiguous and does not promote a cohesive working environment. The new location will provide DSCA with contiguous space in one building.

DSCA anticipates an additional increase in personnel of approximately 11 percent by 2011 and also requires additional space. Moreover, DSCA requires onsite conference and training space at their proposed location to accommodate large meeting/training sessions. DSCA's current practice of renting offsite conference space is problematic because it is costly, requires disruptive travel between the office and the meeting location, and is not equipped to accommodate sensitive/classified meetings.

The current leased location is not compliant with DoD Minimum Anti-Terrorism Standards for Buildings effective for all leases that expire in FY 2007 and beyond. These requirements include but are not limited to: progressive collapse, DoD full building occupancy, 82 foot setback from the curb, and control of underground parking. GSA will solicit for a facility that is compliant with the DoD Minimum Antiterrorism Standards for Buildings.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF DEFENSE
DEFENSE SECURITY COOPERATION AGENCY
NORTHERN VIRGINIA

Prospectus Number: PVA-06-WA11
Congressional District: 8

Description

Occupants:	DOD
Delineated Area:	Northern Virginia
Lease Type:	Consolidation/Expansion
Justification:	Expiring leases (6/05/12 & 3/13/14) DoD Anti-Terrorism Standards
Expansion Space:	47,162 rsf
Number of Parking Spaces[1]:	5 Inside (official government vehicles)
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	20 years
Maximum Rentable Square Feet:	100,000
Current Total Annual Cost:	$1,580,000
Proposed Total Annual Cost[2]:	$3,800,000
Maximum Proposed Rental Rate[3]:	$38.00

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA will encourage offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

[1] The Department of Defense security requirements may necessitate control of the parking garage at the leased location. This may be accomplished as a lessor-furnished service, as a separate operating agreement with the lessor, or as part of the Government's leasehold interest in the building.

[2] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[3] This estimate is for fiscal year 2012 and may be escalated by 1.70 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF DEFENSE
DEFENSE SECURITY COOPERATION AGENCY
NORTHERN VIRGINIA

Prospectus Number: PVA-06-WA11
Congressional District: 8

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on December 21, 2010

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Administrator, General Services Administration

June 2010

Housing Plan
Department of Defense
Defense Security Cooperation Agency

Arlington, VA
PVA-06-WA11

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
Crytal Gateway North	270	270	44,082	-	-	**44,082**						
New Lease							300	300	63,804	4,001	15,623	**83,428**
Total	**270**	**270**	**44,082**	**-**	**-**	**44,082**	**300**	**300**	**63,804**	**4,001**	15,623	**83,428**

	Current	Proposed
Utilization		
Rate	127	166

Current UR excludes 9,698 USF of Office for support space
Proposed UR excludes 14,037 USF of office for support space

Special Space	USF
ADP	3,506
Food Service	2,082
Conf./Training	7,824
Copy Room	529
Library	765
Mail/Security	588
Private Toilet	94
SCIF	235
Total	**15,623**

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g., auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

COMMITTEE RESOLUTION

LEASE—GENERAL SERVICES ADMINISTRATION, PHILADELPHIA, PA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a replacement lease of up to 172,000 rentable square feet of space and 49 parking spaces for the General Services Administration, currently located in the Strawbridge's Building at 20 North Eighth Street in Philadelphia, PA at a proposed total annual cost of $5,848,000 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 107 square feet or less per person.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 107 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

PROSPECTUS - LEASE
GENERAL SERVICES ADMINISTRATION
PHILADELPHIA, PA

Prospectus Number: PPA-01-PH11
Congressional District: 1, 2

Project Summary

The General Services Administration (GSA) proposes a replacement lease of up to 231,000 rentable square feet (rsf) and 49 parking spaces for the GSA regional office. GSA is currently located in the Strawbridge's Building at 20 North Eighth Street in Philadelphia, PA.

Throughout the term of the existing lease, GSA's regional office experienced an unanticipated growth in personnel of approximately 30 percent due in large part to an increase in workload and organizational changes. GSA has accommodated the increased personnel without increasing the amount of space under the current lease. This prospectus proposes an increase of approximately 33,000 rsf to house GSA's current personnel and to accommodate GSA's Federal Acquisition Service (FAS) workload realignment of employees from Crystal City, VA to Philadelphia.

Description

Occupants:	GSA
Delineated Area:	Central Business District
Lease Type:	Replacement with expansion
Justification:	Expiring Lease 12/15/12
Number of Parking Spaces:	49 structured
Expansion Space:	33,000 rsf
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	20 years
Maximum Rentable Square Feet:	231,000
Current Total Annual Cost:	$4,064,372
Proposed Total Annual Cost[1]:	$7,854,000
Maximum Proposed Rental Rate[2]:	$34.00 per rentable square foot

[1]Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[2]This estimate is for fiscal year 2013 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS - LEASE
GENERAL SERVICES ADMINISTRATION
PHILADELPHIA, PA

Prospectus Number: PPA-01-PH11
Congressional District: 1, 2

Energy Performance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

Authorizations

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on December 21, 2010

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Administrator, General Services Administration

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
THE STRAWBRIDGE'S BUILDING												
General Services Administration	642	642	115,521	2,367	20,648	138,536						
General Services Administration *	50	50	20,000			20,000						
NEW LEASE												
General Services Administration							763	763	148,428	6,391	29,963	184,782
Total:	692	692	135,521	2,367	20,648	158,536	763	763	148,428	6,391	29,963	184,782

* Lease to Accommodate Additional FAS Personnel relocating from Crystal City

	Current	Proposed
Utilization		
Rate	153	152

Current UR excludes 29,815 USF of office support space
Proposed UR excludes 32,659 USF of office support space

Special Space	
Restroom	575
Physical Fitness	2,500
Conference	13,895
ADP	2,280
Food Service	4,513
High Density File	6,200
Total:	29,963

USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

COMMITTEE RESOLUTION

LEASE—BUREAU OF PUBLIC DEBT, PARKERSBURG, WV

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a superseding lease of up to 284,209 rentable square feet of space and 10 parking spaces for the Bureau of Public Debt, currently located at 200 Third Street in Parkersburg, WV at a proposed total annual cost of $5,527,865 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 179 square feet or less per person as detailed in the Housing Plan contained in the prospectus.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 179 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSA PBS

PROSPECTUS – LEASE
BUREAU OF PUBLIC DEBT
PARKERSBURG, WV

Prospectus Number: PWV-01-PA11
Congressional District: 01

Project Summary

The General Services Administration (GSA) proposes a superseding lease of up to 284,209 rentable square feet (rsf) and 10 parking spaces for the Bureau of Public Debt (BPD). The BPD facility is currently located at 200 Third Street in Parkersburg, WV.

The current lease at this facility, which houses over 1,000 employees, is set to expire on October 14, 2014. A superseding lease will enable the lessor to undertake building system upgrades prior to the expiration of the current lease including much needed improvements to the electrical system distribution and capacity within the building. Additional improvements include the replacement of several key building systems to make the building more energy efficient. The proposed improvements will result in a cost savings for the government since this lease is net of utilities.

The proposed rental rate is structured such that the government will continue to pay the current lease rate through the end of the original lease term, upon which the rental rate will increase to the maximum proposed rental rate of this prospectus, and will remain at this rate, excluding operating cost escalations, until the expiration of the superseding lease.

GSA PBS

PROSPECTUS – LEASE
BUREAU OF PUBLIC DEBT
PARKERSBURG, WV

Prospectus Number: PWV-01-PA11
Congressional District: 01

Description

Occupants:	Bureau of Public Debt
Delineated Area:	200 Third Street Parkersburg, WV
Lease Type:	Superseding
Justification:	Continuing need
Number of Parking Spaces:	10 surface
Expansion Space:	0 rsf
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	20 years
Maximum Rentable Square Feet:	284,209
Current Total Annual Cost[1]:	$2,460,088
Proposed Total Annual Cost[2]:	$5,527,865
Maximum Proposed Rental Rate[3]:	$19.45 per rentable square foot

Justification

The BPD's facility at 200 Third Street was constructed in 1974 for the BPD and has been 100 percent occupied by the agency since its construction. The facility is located one block west of the BPD's 320 Avery Street building, a recently constructed leased facility, which is also 100 percent occupied by BPD. The BPD employees at both downtown buildings collaborate on a daily basis, thereby increasing the inherent value of locating these facilities in close proximity. Additionally, BPD occupies 2 leased facilities within the surrounding communities, a recently constructed warehouse facility and the Contingency and Alternate Processing Site (CAPS) facility located nearby in Mineral Wells, West Virginia. All of these buildings are considered long term requirements of the BPD, and represent the only BPD facilities, controlled by GSA, located outside of Washington, D.C.

Due to the size of this continuing requirement there are no buildings available in the Parkersburg area that could accommodate the entire requirement. Additionally, it far exceeds the total amount of vacant space within the Parkersburg market making it difficult to satisfy a substantial portion of the requirement in multiple locations.

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[1] Current total annual cost until October 2014.
[2] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs. Includes operating costs paid directly by the Government.
[3] This estimate is for fiscal year 2015, the projected commencement of the new rental rate, and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
BUREAU OF PUBLIC DEBT
PARKERSBURG, WV

Prospectus Number: PWV-01-PA11
Congressional District: 01

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed the minimum requirements set forth in the procurement.

Authorizations

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to undertake improvements and enter into a superseding lease at the existing BDP facility.

- Approval of this prospectus will also constitute authority, in the event GSA is unable to secure a lease agreement with the incumbent lessor, to conduct a competitive procurement for an alternate facility(s) in the City of Parkersburg, WV for the same maximum rentable square footage, rentable rate and lease term included in this prospectus.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on December 21, 2010 .

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Administrator, General Services Administration

June 2010

Housing Plan
Bureau of Public Debt

Parkersburg, WV
PWV-01-PA11

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	**Total**	**Office**	**Storage**	**Special**	**Total**	**Office**	**Total**	**Office**	**Storage**	**Special**	**Total**
200 Third Street Building												
Bureau of Public Debt	1,009	1,009	231,138	0	16,000	**247,138**	1,009	1,009	231,138	0	16,000	**247,138**
Total:	**1,009**	**1,009**	**231,138**	**0**	**16,000**	**247,138**	**1,009**	**1,009**	**231,138**	**0**	**16,000**	**247,138**

	Current	Proposed
Utilization		
Rate	179	179

Special Space	
ADP	16,000
Total:	**16,000**

Current UR excludes 50,850 USF of office support space
Proposed UR excludes 50,850 USF of office support space

COMMITTEE RESOLUTION

LEASE—DEPARTMENT OF HOMELAND SECURITY, IMMIGRATION AND CUSTOMS ENFORCEMENT, PHOENIX, AZ

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a consolidation lease of up to 131,000 rentable square feet of space, including 318 parking spaces, for the Department of Homeland Security, Immigration and Customs Enforcement in Phoenix, AZ, at a proposed total annual cost of $5,305,500 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 100 square feet or less per person as detailed in the Housing Plan contained in the prospectus.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 100 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatoiy statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSA PBS

PROSPECTUS - LEASE
DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT
PHOENIX, AZ

Prospectus Number: PAZ-01-PH12
Congressional District: 04

Project Summary

The General Services Administration (GSA) proposes a consolidation and expansion lease for up to 131,000 rentable square feet (rsf) and 318 secure parking spaces (10 structured and 308 surface) primarily for the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) in Phoenix, AZ. It is expected that the requirement will be met through existing leased space.

Directed by Congress through the Homeland Security Act of 2002 to undertake a study for consolidating the agency's real property assets, ICE investigated the feasibility of co-locating its offices. The July 2008 study, "Consolidation and Co-Location of Offices," (55 cities with an ICE presence) found that ICE's current requirements could not be met in current federally owned space and based on their co-location requirements, personnel growth, and parking needs, a leased alternative was determined to be the best solution.

The co-location will consolidate ICE's functions, provide strategic direction to better manage ICE facilities and will allow ICE to accomplish its mission: to protect the national security and uphold public safety by targeting criminal networks and terrorist organizations that seek to do harm to the United States by exploiting vulnerabilities in our immigration system, along our border, at federal facilities, and elsewhere.

ICE is currently located in several sites. A new location will provide the ICE with sufficient space to meet its current requirements and reduce redundancies in multiple locations. The proposed new lease will also allow for the co-location of DHS-Federal Protective Service (FPS) and the Department of Justice (DOJ) Executive Office for Immigration Review (EOIR) with ICE. Through an interagency Memorandum of Understanding, ICE and EOIR, which is responsible for adjudicating immigration cases, attempt to co-locate wherever possible.

GSA PBS

PROSPECTUS - LEASE
DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT
PHOENIX, AZ

Prospectus Number: PAZ-01-PH12
Congressional District: 04

Description

Occupants:	DHS ICE; FPS, DOJ-EOIR
Delineated Area:	Expanded boundaries of the Phoenix Central Business Area. Bounded by Cactus Road to the north, Mariposa Freeway to the south, Highway 17 to the west, and Scottsdale Road to the east.
Lease Type:	Consolidation/Expansion
Justification:	The current ICE facilities cannot meet the space requirement necessary to co-locate all ICE functions. Expiring Leases: 10/31/2012; 10/31/2013; 12/31/2014
Number of Parking Spaces:	318 (10 structured and 308 surface)
Expansion Space:	54,000 rsf
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	131,000
Current Annual Cost:	$3,324,759
Proposed Total Annual Costs[1]:	$5,305,500
Maximum Proposed Rental Rate[2]:	$40.50 per rentable square foot

[1] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[2] This estimate is for fiscal year 2014 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS - LEASE
DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT
PHOENIX, AZ

Prospectus Number: PAZ-01-PH12
Congressional District: 04

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages landlords to work with energy service providers to exceed minimum requirements set forth in the procurement.

Authorizations

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

GSA PBS

PROSPECTUS - LEASE
DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT
PHOENIX, AZ

Prospectus Number: PAZ-01-PH12
Congressional District: 04

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on March 9, 2011

Recommended: Robert A. Peck
Commissioner, Public Buildings Service

Approved: Martha Johnson
Administrator, General Services Administration

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
3010 N. Second Street	33	33	6,229	0	0	6,229	0	0	0	0	0	0
2035 N. Central Avenue	169	169	23,051	0	0	23,051	0	0	0	0	0	0
2020 N. Central Avenue	18	18	6,575	0	0	6,575	0	0	0	0	0	0
400 N. 5th Street	115	115	19,478	0	0	19,478	0	0	0	0	0	0
301 East Virgnia	44	44	5,715	0	0	5,715	0	0	0	0	0	0
16212 N 28th Street[1]	11	11	N/A	N/A	N/A	N/A	0	0	0	0	0	0
230 North First Street	7	7	2,878	N/A	256	3,134	0	0	0	0	0	0
New Lease												
ICE	0	0	0	0	0	0	528	528	67,325	0	26,172	93,497
EOIR	0	0	0	0	0	0	31	31	4,474	1,581	9,024	15,079
Total:	397	397	63,926	0	256	64,182	559	559	71,799	1,581	35,196	108,576

	Current	Proposed
	Utilization	
Rate	129	100

Current UR excludes 14,063 USF of office support space
Proposed UR excludes 15,796 USF of office support space

Special Space	
Laboratory	1,270
Holding Cell	3,304
Restroom	146
Physical Fitness	1,783
Conference	3,947
ADP	1,661
Courtroom	6,545
Judicial Chambers	1,593
Legal / SCIF/HSDN	4,394
Mail Rooms	563
Sallyport	2,043
Telephone Room	865
Interview Rooms	3,303
Vaults	3,584
Break Rooms	195
Total:	**35,196**

[1]These locations are outside of the GSA inventory and do not have separately identifiable space data.
[2]These locations are within the GSA inventory but ICE is utilizing space that is not specifically assigned for ICE personnel (e.g. Task Force space) and do not have separately identifiable space data.

USF ns the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

COMMITTEE RESOLUTION

LEASE—DEPARTMENT OF HOMELAND SECURITY, IMMIGRATION AND CUSTOMS ENFORCEMENT, DALLAS, TX

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a consolidation lease of up to 195,000 rentable square feet of space, including 400 parking spaces, for the Department of Homeland Security, Immigration and Customs Enforcement in Dallas, TX, at a proposed total annual cost of $4,972,500 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessaiy, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 100 square feet or less per person as detailed in the Housing Plan contained in the prospectus.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 100 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infra structure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSA PBS

PROSPECTUS - LEASE
DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT
DALLAS, TX

Prospectus Number:	PTX-02-DA12
Congressional District:	24, 26, 32

Project Summary

The General Services Administration (GSA) proposes a consolidation and expansion lease for 195,000 rentable square feet (rsf) and 400 secured parking spaces for the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) in Dallas, TX.

Directed by Congress through the Homeland Security Act of 2002 to undertake a study for consolidating the agency's real property assets, ICE investigated the feasibility of co-locating its offices. The July 2008 study, "Consolidation and Co-Location of Offices," (55 cities with an ICE presence) found that ICE's current requirements could not be met in current federally owned space and based on their co-location requirements, personnel growth, and parking needs, a leased alternative was determined to be the best solution.

The co-location will consolidate ICE's functions, provide strategic direction to better manage ICE facilities and will allow ICE to accomplish its mission: to protect the national security and uphold public safety by targeting criminal networks and terrorist organizations that seek to do harm to the United States by exploiting vulnerabilities in our immigration system, along our border, at federal facilities, and elsewhere. ICE is currently located in multiple owned and leased facilities.

GSA PBS

PROSPECTUS - LEASE
DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT
DALLAS, TX

Prospectus Number:	PTX-02-DA12
Congressional District:	24, 26, 32

Description

Occupants:	DHS ICE
Delineated Area:	Highway 26 to Interstate 635 on the North; Interstate 35 to Loop 12 on the East; Highway 183 on the South; and Highway 121 to Highway 26 on the West
Lease Type:	Consolidation/Expansion
Justification:	The current ICE facilities cannot meet the space requirements necessary to co-locate all ICE functions. Expiring Leases: 9/4/12; 6/7/13[1]; 10/21/13[2]; 9/2/12[3]
Number of Parking Spaces:	400 secured surface spaces
Expansion Space:	17,000 rsf (reduction)
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	195,000
Current Total Annual Cost:	$3,405,110
Proposed Total Annual Cost[4]	$4,972,500
Maximum Proposed Rental Rate[5]:	$25.50 per rentable square foot

[1] Using applicable lease termination rights. Lease expires 6/7/20.
[2] Using applicable lease termination rights. Lease expires 9/30/14.
[3] Using applicable lease termination rights. Lease expires 9/2/19.
[4] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[5] This estimate is for fiscal year 2013 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS - LEASE
DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT
DALLAS, TX

Prospectus Number:	PTX-02-DA12
Congressional District:	24, 26, 32

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages landlords to work with energy service providers to exceed minimum requirements set forth in the procurement.

Authorizations

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

GSA PBS

PROSPECTUS - LEASE
DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT
DALLAS, TX

Prospectus Number: PTX-02-DA12
Congressional District: 24, 26, 32

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on March 9, 2011

Recommended: _____
Commissioner, Public Buildings Service

Approved: Martha Johnson
Administrator, General Services Administration

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
EMPIRE CENTRAL BLDG – 7701 Stemmons												
DHS-ICE	209	209	42,488	2,890	2,177	**47,555**	0	0	0	0	0	**0**
8101 STEMMONS												
DHS-ICE	218	218	48,000	722	4,400	**53,122**	0	0	0	0	0	**0**
CALTEX HOUSE – 125 E. Carpenter Freeway												
DHS-ICE	195	195	45,651	0	0	**45,651**	0	0	0	0	0	**0**
1460 PRUDENTIAL DRIVE												
DHS-ICE	160	160	28,975	0	0	**28,975**	0	0	0	0	0	**0**
SANTA FE FEDERAL BLD – 1114 Commerce												
DHS-ICE	6	6	863	180	30	**1,073**	0	0	0	0	0	**0**
J. GORDON SHANKLIN BLDG – 1 JUSTICE WAY[2]	2	2	N/A	N/A	N/A	**N/A**	0	0	0	0	0	**0**
8404 ESTERS ROAD[1]	17	17	N/A	N/A	N/A	**N/A**	0	0	0	0	0	**0**
NEW LEASE												
DHS-ICE	0	0	0	0	0	**0**	1,040	1,040	133,579	0	28,811	**162,390**
Total:	**807**	**807**	**165,977**	**3,792**	**6,607**	**176,376**	**1,040**	**1,040**	**133,579**	**0**	**28,811**	**162,390**

	Current	Proposed
Utilization		
Rate	164	100

Current UR excludes 36,515 USF of office support space

Proposed UR excludes 29,388 USF of office support space

Special Space	
Laboratory	1,270
Holding Cell	3,304
Physical Fitness	1,783
Conference	3,558
ADP	2,370
Evidence Room	4,282
Law Enforcement	4,708
Mail Rooms	562
Legal	4,031
Sallyport	2,043
SCIF	900
Total:	**28,811**

[1]These locations are outside of the GSA inventory and do not have separately identifiable space data.

[2]These locations are within the GSA inventory but ICE is utilizing space that is not specifically assigned for ICE personnel (e.g. Task Force space) and do not have separately identifiable space data.

USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

COMMITTEE RESOLUTION

LEASE—DEPARTMENT OF HOMELAND SECURITY, IMMIGRATION AND CUSTOMS ENFORCEMENT, HOUSTON, TX

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a consolidation lease of up to 144,000 rentable square feet of space, including 600 parking spaces, for the Department of Homeland Security, Immigration and Customs Enforcement in Houston, TX, at a proposed total annual cost of $4,104,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 100 square feet or less per person as detailed in the Housing Plan contained in the prospectus.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 100 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSA PBS

PROSPECTUS - LEASE
DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT
HOUSTON, TX

Prospectus Number: PTX-02-HO12
Congressional District: 18, 29

Project Summary

The General Services Administration (GSA) proposes a consolidation and expansion lease for 144,000 rentable square feet (rsf) and 600 secured parking spaces for the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), in Houston, TX.

Directed by Congress through the Homeland Security Act of 2002 to undertake a study for consolidating the agency's real property assets, ICE investigated the feasibility of co-locating its offices. The July 2008 study, "Consolidation and Co-Location of Offices," (55 cities with an ICE presence) found that ICE's current requirements could not be met in current federally owned space and based on their co-location requirements, personnel growth, and parking needs, a leased alternative was determined to be the best solution.

The co-location will consolidate ICE's functions, provide strategic direction to better manage ICE facilities and will allow ICE to accomplish its mission: to protect the national security and uphold public safety by targeting criminal networks and terrorist organizations that seek to do harm to the United States by exploiting vulnerabilities in our immigration system, along our border, at federal facilities, and elsewhere.

ICE is currently located in several facilities in Houston. A new location will provide ICE with sufficient space to meet its current requirements and reduce redundancies in multiple locations.

GSA PBS

PROSPECTUS - LEASE
DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT
HOUSTON, TX

Prospectus Number: PTX-02-HO12
Congressional District: 18, 29

Description

Occupants:	DHS ICE
Delineated Area:	North: Farm to Market 1960 to Cypress Creek Parkway to Farm to Market 1960 West: U.S. Route 290 (Northwest Freeway) including any properties immediately to the west of the freeway South: Interstate 610 (North Loop Freeway) East: U.S. Route 59 (Eastex Freeway)
Lease Type:	Consolidation/Expansion
Justification:	The current ICE facilities cannot meet the space requirements necessary to co-locate all ICE functions. Expiring Leases: 1/31/2019[1], 6/30/2012.
Number of Parking Spaces:	600 secured surface spaces
Expansion Space:	49,000 rsf
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	144,000
Current Total Annual Cost:	$1,631,000
Proposed total Annual Cost[2]:	$4,104,000
Maximum Proposed Rental Rate[3]:	$28.50 per rentable square foot

[1] GSA has termination rights with 90 days notice.
[2] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[3] This estimate is for fiscal year 2013 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS - LEASE
DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT
HOUSTON, TX

Prospectus Number: PTX-02-HO12
Congressional District: 18, 29

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages landlords to work with energy service providers to exceed minimum requirements set forth in the procurement.

Authorizations

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

GSA PBS

PROSPECTUS - LEASE
DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT
HOUSTON, TX

Prospectus Number: PTX-02-HO12
Congressional District: 18, 29

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on March 9, 2011

Recommended: Robert A. Peck
Commissioner, Public Buildings Service

Approved: Martha Johnson
Administrator, General Services Administration

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
INTERNATIONAL SQUARE – 4141 Sam Houston Pkwy												
DHS – ICE	110	110	27,290	0	0	27,290	0	0	0	0	0	0
NORTH POINT PLAZA – 126 Northpoint Dr.												
DHS – ICE	209	209	34,659	1,284	14,106	50,049	0	0	0	0	0	0
LABRANCH FEDERAL BLD												
DHS – ICE	13	13	2,006	0	0	2,006	0	0	0	0	0	0
POST OAK CENTER – 1433 W Loop South[2]	26	26	N/A	N/A	N/A	N/A	0	0	0	0	0	0
15311 WEST VANTAGE[2]	27	27	N/A	N/A	N/A	N/A	0	0	0	0	0	0
5520 GREENS ROAD[1]	128	128	N/A	N/A	N/A	N/A	0	0	0	0	0	0
1 JUSTICE PARK[2]	7	7	N/A	N/A	N/A	N/A	0	0	0	0	0	0
406 CAROLINE STREET[1]	25	25	N/A	N/A	N/A	N/A	0	0	0	0	0	0
8090 HIGH LEVEL[1]	8	8	N/A	N/A	N/A	N/A	0	0	0	0	0	0
NEW LEASE												
DHS – ICE	0	0	0	0	0	0	719	719	92,350	0	27,714	120,064
Total:	**553**	**553**	**63,955**	**1,284**	**14,106**	**79,345**	**719**	**719**	**92,350**	**0**	**27,714**	**120,064**

	Current	Proposed
Utilization		
Rate	150	100

Current UR excludes 14,070 USF of office support space
Proposed UR excludes 20,317 USF of office support space

Special Space	
Laboratory	1,270
Holding Cell	3,304
Physical Fitness	1,783
Conference	3,558
ADP	2,370
Evidence Room	3,923
Law Enforcement	4,064
Legal	3,787
Sallyport	2,043
Mail Rooms	562
SCIF	1,050
Total:	27,714

[1]These locations are outside of the GSA inventory and do not have separately identifiable space data.

[2]These locations are within the GSA inventory but ICE is utilizing space that is not specifically assigned for ICE personnel (e.g. Task Force space) and do not have separately identifiable space data.

USF means the ··rtion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

COMMITTEE RESOLUTION

LEASE—INTERNAL REVENUE SERVICE, COVINGTON, KY

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a replacement lease of up to 414,000 rentable square feet of space for the Internal Revenue Service in Covington, KY, at a proposed total annual cost of $9,108,000 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 105 square feet or less per person as detailed in the Housing Plan contained in the prospectus.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 105 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSA PBS

PROSPECTUS – LEASE
INTERNAL REVENUE SERVICE
COVINGTON, KY

Prospectus Number: PKY-01-C012
Congressional District: 4th

Executive Summary

The General Services Administration (GSA) proposes a replacement lease of up to 414,000 rentable square feet (RSF) for the Internal Revenue Service (IRS) in Covington, KY. IRS is currently housed under one lease in the Gateway Center East Building and three leases in the Gateway Center West Building, having occupied space in these buildings since 1993 and 2002, respectively. The proposed replacement lease will allow for the continued support of IRS's mission and operations at the Cincinnati Service Center, while a long term space solution can be developed for the entire Cincinnati IRS Service Center complex. These leases primarily house IRS's Accounts Management Group, as well as a large call site operation for one of two Business Tax Return Submission Processing centers in the nation.

The proposed increase in the annual cost of leasing space to meet the IRS requirements reflects the adjustment to current market rent of expiring leases that have been in effect since the end of 1993 and the beginning of 2002. The proposed maximum rentable square feet does not represent expansion space but the amount of space needed to provide 359,745 USF as indicated on the housing plan in buildings having a more representative market RSF/USF = 1.15, than the current RSF/USF estimated at 1.03.

Description

Occupant:	IRS
Lease Type:	Replacement
Current Rentable Square Feet (RSF):	369,224 (Current RSF/USF=1.03)
Maximum Rentable Square Feet:	414,000 (Market RSF/USF=1.15)
Expansion Space[1]:	None
Current Usable Square Feet/Person:	149
Proposed Usable Square Feet/Person:	149
Proposed Maximum Leasing Authority:	10 years
Expiration Dates of Current Leases[2]:	01/01/12, 02/29/12, 11/30/13
Proposed Delineated Area:	Central Business District
Number of Official Parking Spaces:	3

[1]The RSF/USF of the buildings currently occupied by IRS equals 1.00 and 1.08 respectively, or an average of 1.03.
[2] The current leases have executable termination rights.

GSA PBS

PROSPECTUS – LEASE
INTERNAL REVENUE SERVICE
COVINGTON, KY

Prospectus Number: PKY-01-C012
Congressional District: 4th

Scoring:	Operating Lease
Maximum Proposed Rental Rate[3]:	$22.00
Proposed Total Annual Cost[4]:	$9,108,000
Current Total Annual Cost:	$6,999,440 (leases efffective 1993 and 2002)

Acquisition Strategy

GSA may satisfy this requirement through a single award solicitation or as part of a multiple award solicitation. GSA will consider offers and alternatives from both IRS's current leased locations as well as newly proposed locations within the designated delineated area.

Background

The Cincinnati IRS Service Center is one of two Business Tax Return Submission Processing centers in the nation, primarily responsible for processing Employment Tax returns. In 2008, the Cincinnati Campus, which houses more than 5,000 employees, processed approximately 25 million tax returns in total, including paper and electronically filed returns. The Service Center is comprised of a federally-owned IRS Service Center, located at 200 West Fourth Street in Covington, the four leases at the Gateway Center in Covington: one in the Gateway Center East Building located at 333 Scott Street, and three in the Gateway Center West Building located at 3rd and Madison Avenue, along with 2 leases in Florence, Kentucky.

Justification

IRS and GSA are currently engaged in analysis to determine the future of IRS operations in Covington, which may result in a future prospectus level request to address the agency's long term needs. In the interim, IRS will need to continue their current leased operations in Covington until a final all-encompassing strategy in Covington, KY is selected, approved, and implemented.

[3]This estimate is for fiscal year 2013 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced including all operating expenses whether paid by the lessor or directly by the Government.
[4]Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

GSA PBS

PROSPECTUS – LEASE
INTERNAL REVENUE SERVICE
COVINGTON, KY

Prospectus Number: PKY-01-C012
Congressional District: 4th

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement and to achieve an Energy Star performance rating of 75 or higher.

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.

Interim Leasing

GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency prior to the effective date of the new lease. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on December 6, 2011

Recommended: Robert A. Peck
Commissioner, Public Buildings Service

Approved: Martha Johnson
Administrator, General Services Administration

Leased Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	**Total**	**Office**	**Storage**	**Special**	**Total**	**Office**	**Total**	**Office**	**Storage**	**Special**	**Total**
Gateway Center East	1,511	1,511	196,435	0	40,309	**236,744**						
Gateway Center West	905	905	123,001	0	0	**123,001**						
New Lease							2,416	2,416	325,137	6,537	28,071	**359,745**
Total:	**2,416**	**2,416**	**319,436**	**0**	**40,309**	359,745	**2,416**	**2,416**	**325,137**	**6,537**	**28,071**	359,745

Utilization Rate (UR) *		
	Current	Proposed
Rate	103	105

* UR = average amount of office space per person
Current UR excludes 70,276 usf of office support space
Proposed UR excludes 71,530 usf of office support space

Special Space	
Health Unit	1,975
Conference/Training	18,971
Break/Food Service	6,000
ADP	750
Security Reception	375
Total:	**28,071**

USF/Person **		
	Current	Proposed
Rate	149	149

** USF/Person = housing plan total USF divided by total personnel

	Total USF	**RSF/USF**	**Maximum RSF**
Current	359,745	1.03	369,224
Proposed	359,745	1.15 ***	414,000

*** Market R/U Factor for Competitive Procurement

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g.,auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

COMMITTEE RESOLUTION

LEASE—CONSUMER PRODUCT SAFETY COMMISSION, SUBURBAN MARYLAND

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a replacement lease of up to 124,000 rentable square feet of space, including 4 parking spaces, for the Consumer Product Safety Commission currently located at East West Towers, 4340 East West Highway, Bethesda, MD, at a proposed total annual cost of $4,340,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 130 square feet or less per person as detailed in the Housing Plan contained in the prospectus.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 130 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSA PBS

PROSPECTUS – LEASE
CONSUMER PRODUCT SAFETY COMMISSION
SUBURBAN MARYLAND

Prospectus Number: PMD-04-WA12
Congressional District: 4,5,6,8

Executive Summary

The General Services Administration (GSA) proposes a replacement lease of up to 124,000 rentable square feet for the Consumer Product Safety Commission (CPSC) currently located at East West Towers, 4340 East West Highway, Bethesda, MD. The CPSC has occupied space at this location under the current lease since 1993.

CPSC has experienced growth due to the Consumer Product Safety Improvement Act (CPSIA) of 2008, Public Law 110-314. This law revamped the CPSC by improving upon the agency's safety standards and requirements. It also expanded the agency's enforcement responsibilities, therefore creating an increased demand for resources. This prospectus accounts for the personnel growth needed to support this mandate. Approval of this prospectus will accommodate the personal growth per Public Law 110-314 while decreasing CPSC's overall space.

The maximum proposed rental rate in this prospectus is a projected rate for lease transactions with a future effective (rent start) date consistent with the expiration of the current lease on August 25, 2013. GSA will conduct the procurement using prevailing market rental rates as a benchmark for the evaluation of competitive offers and as a basis for negotiating with offerors to ensure that lease award is made in the best interest of the Government.

GSA PBS

PROSPECTUS – LEASE
CONSUMER PRODUCT SAFETY COMMISSION
SUBURBAN MARYLAND

Prospectus Number: PMD-04-WA12
Congressional District: 4,5,6,8

Description

Occupant:	CPSC
Lease Type:	Replacement
Current Rentable Square Feet (RSF) :	154,410 (Current RSF/USF=1.13)
Proposed Maximum RSF:	124,000 (Proposed RSF/USF=1.2)
Expansion Space:	Reduction of 30,410 RSF
Current Usable Square Feet/Person:	292
Proposed Usable Square Feet/Person:	213
Proposed Maximum Leasing Authority:	15 years
Expiration Date of Current Lease:	8/25/2013
Delineated Area:	Suburban Maryland
Number of Official Parking Spaces:	4
Scoring:	Operating Lease
Maximum Proposed Rental Rate:[1]	$35.00 per rsf
Proposed Total Annual Cost:[2]	$4,340,000
Current Total Annual Cost:	$4,819,950 (lease effective 1993)

Background

CPSC is an independent federal regulatory body tasked with protecting persons from unsafe consumer products through developing safety standards, recalling defective products, and warning the public about safety hazards.

Because of the shift in the production of consumer goods to locations around the world, often in less regulated environments, addressing consumer product safety by preventing injuries and deaths has become increasingly more complex. There is now a demand for faster and more meaningful analysis and a demand by consumers, industry groups and the media for more access to CPSC.

[1]This estimate is for fiscal year 2013 and may be escalated by 1.75 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced, including all operating expenses, whether paid by the lessor or directly by the Government.

[2]Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

GSA PBS

PROSPECTUS – LEASE
CONSUMER PRODUCT SAFETY COMMISSION
SUBURBAN MARYLAND

Prospectus Number: PMD-04-WA12
Congressional District: 4,5,6,8

Justification

The current lease at East West Towers, 4340 East West Highway, Bethesda, MD expires on August 25, 2013, and CPSC requires continued housing to carry out its mission.

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement and to achieve the Energy Star performance rating of 75 or higher.

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.

Interim Leasing

GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency until the effective date of the new lease. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

GSA PBS

PROSPECTUS – LEASE
CONSUMER PRODUCT SAFETY COMMISSION
SUBURBAN MARYLAND

Prospectus Number: PMD-04-WA12
Congressional District: 4,5,6,8

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on December 6, 2011

Recommended: Robert A. Peck
Commissioner, Public Buildings Service

Approved: Martha Johnson
Administrator, General Services Administration

Leased Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
		-				-						
East West Towers	469	469	106,069	3,393	27,511	136,973						
		-				-						
Proposed Lease		-					485	485	80,869	3,393	19,183	103,445
Total	469	469	106,069	3,393	27,511	136,973	485	485	80,869	3,393	19,183	103,445

Utilization Rate (UR) *		
	Current	Proposed
Rate	176	130

* UR = average amount of office space per person
Current UR excludes 23,335 usf of office support space
Proposed UR excludes 23,335 usf of office support space

USF/Person **		
	Current	Proposed
Rate	292	213

** USF/Person = housing plan total USF divided by total personnel

	Total USF	RSF/USF	Maximum RSF
Current	136,973	1.13	154,410
Proposed	103,445	1.2	124,000

Special Space	USF
Conference	3,992
LAN	1,931
Lab	236
Hearing room	7,884
A/V studio	280
Private toilet	210
Fitness center	1,500
Security	1,650
Mail/file room	1,500
Total	19,183

USF means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building.
USF does not include space devoted to buildings operations and maintenance.

COMMITTEE RESOLUTION

LEASE—DEPARTMENT OF DEFENSE, UNITED STATES JOINT FORCES COMMAND, JOINT WARFIGHTING CENTER, SUFFOLK, VA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a lease renewal option for up to 320,825 rentable square feet of space, including 990 parking spaces, for the United States Joint Forces Command, Joint Warfighting Center currently located at 116 Lakeview Parkway, Suffolk, VA, at a proposed total annual cost of $5,011,287 for a lease term of up to 5 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply a utilization rate of 52 square feet or less per person as detailed in the Housing Plan contained in the prospectus.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in a utilization rate of 52 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSA PBS

PROSPECTUS - LEASE
DEPARTMENT OF DEFENSE
UNITED STATES JOINT FORCES COMMAND
JOINT WARFIGHTING CENTER
SUFFOLK, VA

Prospectus Number: PVA-01-SU12
Congressional District: 04

Executive Summary

The General Services Administration (GSA) proposes to exercise a five year lease renewal option for 320,825 rentable square feet currently leased at 116 Lakeview Parkway, Suffolk, VA, for the United States Joint Forces Command (USJFCOM), Joint Warfighting Center (JWFC). The renewal option rental rate is approximately 15% below the average market rental rate, resulting in an annual savings of approximately $812,000.

The Department of Defense (DoD) has recently announced the reassignment of USJFCOM functions to other DoD organizational components. Approximately 50 percent of USJFCOM personnel and budget will remain in the Hampton Roads area of Virginia, which includes Suffolk, along with core missions. Although the overall space requirement does not change, the agency is anticipating a slight decrease in staffing during the transition period resulting in a higher proposed usable square foot per person ratio, a large component of which is associated with specialty space.

Description

Occupants:	United States Joint Forces Command
Lease Type:	Existing/Exercise of Renewal Option
Current Rentable Square Feet (RSF):	320,825 (Current RSF/USF=1.15)
Proposed Maximum RSF:	320,825 (Proposed RSF/USF=1.15)
Expansion Space:	None
Current Usable Square Feet/Person:	176
Proposed Usable Square Feet/Person:	199
Proposed Maximum Leasing Authority:	5 years
Expiration Date of Current Lease:	05/09/13
Delineated Area:	116 Lakeview Parkway, Suffolk, VA
Number of Parking Spaces:	990
Scoring:	Operating Lease
Maximum Proposed Rental Rate[1]:	$15.62 per RSF
Proposed Total Annual Cost[2]:	$5,011,287
Current Total Annual Cost:	$4,405,475 ($13.73/RSF)

[1]This estimate is for fiscal year 2013 and may be escalated by 1.5 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced, including all operating expenses, whether paid by the lessor or directly by the Government.
[2]Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

PROSPECTUS - LEASE
DEPARTMENT OF DEFENSE
UNITED STATES JOINT FORCES COMMAND
JOINT WARFIGHTING CENTER
SUFFOLK, VA

Prospectus Number: PVA-01-SU12
Congressional District: 04

Acquisition Strategy

GSA may satisfy this requirement by providing written notification to the incumbent lessor 180 days (by November 9, 2012) prior to the expiration of the current lease, in order to exercise the renewal option in the existing lease contract.

Background

USJFCOM-JWFC has occupied its current location since May 1993 under a 20-year lease.

Justification

The execution of the five-year renewal option will support the agency's immediate housing needs until its long-term requirements based on the reassignment of its functions can be developed. By remaining in their current location, USJFCOM can continue to benefit from the facility's capital improvements for ADP, technology, sensitive compartment information facilities (SCIF) space and security enhancement invested by USJFCOM throughout the past 20 years. To recreate these capital improvements in a new facility would be cost prohibitive to the Government.

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.

Interim Leasing

GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency prior to the effective date of the new lease. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

GSA PBS

PROSPECTUS - LEASE
DEPARTMENT OF DEFENSE
UNITED STATES JOINT FORCES COMMAND
JOINT WARFIGHTING CENTER
SUFFOLK, VA

Prospectus Number: PVA-01-SU12
Congressional District: 04

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on December 6, 2011

Recommended: Robert A. Peck
Commissioner, Public Buildings Service

Approved: Martha Johnson
Administrator, General Services Administration

August 2011

Ho Plan
U.S. Joint Forces Command
Joint Warfighting Center

Suffolk, VA
PVA-01-SU12

Leased Location	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	**Total**	**Office**	**Storage**	**Special**	**Total**	**Office**	**Total**	**Office**	**Storage**	**Special**	**Total**
116 Lake View Parkway	1,586	1,586	93,840	29,198	155,940	**278,978**	1,400	1,400	93,840	29,198	155,940	**278,978**
Total:	**1,586**	**1,586**	**93,840**	**29,198**	**155,940**	**278,978**	**1,400**	**1,400**	**93,840**	**29,198**	**155,940**	**278,978**

Office Utilization Rate (UR) *		
	Current	Proposed
Rate	46	52

* UR = average amount of office space per person
Current UR excludes 20,645 USF of office support space
Proposed UR excludes 20,645 USF of office support space

USF/Person **		
	Current	Proposed
Rate	176	199

** USF/Person = housing plan total USF divided by total personnel

	Total USF	**RSF/USF**	**Maximum RSF**
Current	278,978	1.15	320,825
Proposed	278,978	1.15	320,825

Special Space	
Laboratory	96,671
Restroom	1,309
Physical Fitness	4,524
ADP	8,340
Food Service	2,769
Training Room	23,418
SCIF	18,523
Telephone Room	386
Total:	**155,940**

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g.,auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

COMMITTEE RESOLUTION

PURCHASE OF CURRENT LEASED FACILITIES—VARIOUS BUILDINGS

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for the acquisition, through existing purchase options, of a building currently under lease to the federal government located at 4700 River Road in Riverdale, MD at a proposed purchase price of $31,000,000, a prospectus for which is attached to and included in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSA PBS

PROSPECTUS – PURCHASE OF CURRENT LEASED FACILITIES
VARIOUS BUILDINGS

Prospectus Number: PUR-0001-VA13
Congressional Districts: Multiple

Prospectus Summary:

The General Services Administration (GSA) proposes to acquire, through existing purchase options, two buildings currently under lease to the federal government located in Martinsburg, WV and Riverdale, MD. The government has the option to purchase these buildings at a set price prior to lease expirations, provided, as per the contract options, advance notice is given to the lessors. The execution of these purchase options will result in the elimination of costly lease obligations and the realization of outyear significant cost avoidance for the government.

Proposed Buildings:

145 Murall Drive.....$25,000,000
Martinsburg, WV

4700 River Road.....$31,000,000
Riverdale, MD

Authorization Requested.....**$31,233,000**

Funding Requested.....**$56,000,000**

Prior Authority

The House Committee on Transportation and Infrastructure authorized $24,767,000 for the acquisition of 145 Murall Drive, Martinsburg, WV, through an existing purchase option on December 2, 2010.

The Senate Committee on Environment and Public Works authorized $24,767,000 for the acquisition of 145 Murall Drive, Martinsburg, WV, through an existing purchase option on November, 30, 2010.

Recommendation

PURCHASE OF CURRENT LEASED FACILITIES

GSA PBS

PROSPECTUS – PURCHASE OF CURRENT LEASED FACILITIES VARIOUS BUILDINGS

Prospectus Number: PUR-0001-VA13
Congressional Districts: Multiple

Proposed Buildings:

145 Murall Drive.....$25,000,000
Martinsburg, WV
Tenant agency: Internal Revenue Service (IRS)

The building currently leased to house the Internal Revenue Service and located at 145 Murall Drive, was a phased construction, 20 year build-to-suit lease completed in 1995. GSA currently leases the entire building which has 122,457 rentable square feet, approximately 50% of this space consisting of a data center, and 295 parking spaces. The building is adjacent to and within the secured boundary of the IRS Enterprise Computing Center, a government owned facility, located at 250 Murall Drive.

The IRS has a continued long term requirement for the currently leased location. Operations executed with this facility are heavily integrated with the adjacent government owned facility. Under the current lease agreement, the government has responsibilities for all repair and alterations as well as operations and maintenance of the facility. GSA has both maintained the building and made necessary capital repairs in accordance with the lease agreement. IRS has also made a significant investment in the building since lease commencement in order to fund improvements that are essential to the agency's operation.

The terms of the purchase option price were finalized with the completion of the final phase of construction in March 1996. In April 2008, GSA completed a Fair Market Value (FMV) appraisal which indicated that the building was in good condition and well maintained with no deferred maintenance and a FMV of $28,400,000.

The government has an option to purchase the building before the lease expires in July 2015, provided a minimum of 90 days notice has been given to the lessor. If the government does not exercise the purchase option, the rental rate is expected to increase to approximately $6,000,000 or twice the present annual rent of $3,000,000.

4700 River Road.....$31,000,000
Riverdale, MD
Tenant agency: United States Department of Agriculture (USDA)

The building currently leased to house the United States Department of Agriculture (USDA), is located at 4700 River Road and was constructed in 1994 specifically to house USDA. The building has a total of 337,500 rentable square feet. The current lease expires in February, 2015

PROSPECTUS – PURCHASE OF CURRENT LEASED FACILITIES
VARIOUS BUILDINGS

Prospectus Number: PUR-0001-VA13
Congressional Districts: Multiple

and the government has the option to purchase the building for roughly $92 per rentable square feet, provided at least 180 days notification is provided to the lessor.

Presently the government is making annual net lease payments of approximately $8,200,000. If the purchase option is not exercised, the net rent is expected to increase. The current estimate is that annual net lease payments may increase by over $2,500,000.

The government's option to purchase the building for $31,000,000 is well below the current market rate for buildings of comparable size. In 2010, GSA completed a fair market value (FMV) appraisal which indicated the FMV to be approximately $45,000,000, an amount well above the established option price to the government.

GSA PBS

PROSPECTUS – PURCHASE OF CURRENT LEASED FACILITIES
VARIOUS BUILDINGS

Prospectus Number: PUR-0001-VA13
Congressional Districts: Multiple

Certification of Need

The proposed acquisitions are the best solutions to meet validated Government needs.

Submitted at Washington, DC, on February 22, 2012

Recommended Robert A. Peck
Commissioner, Public Buildings Service

Approved Martha Johnson
Administrator, General Services Administration

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 3:30 p.m. today.

Accordingly (at 2 o'clock and 14 minutes p.m.), the House stood in recess.

□ 1530

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 3 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

PRESIDENTIAL APPOINTMENT EFFICIENCY AND STREAMLINING ACT OF 2011

Mr. CHAFFETZ. Mr. Speaker, I move to suspend the rules and pass the bill (S. 679) to reduce the number of executive positions subject to Senate confirmation.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 679

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 ''Presidential Appointment Efficiency and Streamlining Act of 2011''.

SEC. 2. PRESIDENTIAL APPOINTMENTS NOT SUBJECT TO SENATE APPROVAL.

(a) AGRICULTURE.—

(1) ASSISTANT SECRETARY OF AGRICULTURE FOR ADMINISTRATION.—Section 218(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6918(b)) is amended—

(A) by striking ''subsection (a)'' and inserting ''paragraph (1) or (3) of subsection (a)'';

(B) by striking subsection (c); and

(C) by redesignating subsection (d) as subsection (c).

(2) RURAL UTILITIES SERVICE ADMINISTRATOR.—Section 232(b)(1) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6942(b)(1)) is amended—

(A) by striking '', by and with the advice and consent of the Senate'';

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(3) COMMODITY CREDIT CORPORATION.—Section 9(a) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714g(a)) is amended in the third sentence by striking ''by and with the advice and consent of the Senate''.

(b) COMMERCE.—

(1) CHIEF SCIENTIST; NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—Section 2(d) of Reorganization Plan No. 4 of 1970 (5 U.S.C. App. 1) is amended by striking '', by and with the advice and consent of the Senate,''.

(c) DEPARTMENT OF DEFENSE.—

(1) ASSISTANT SECRETARIES OF DEFENSE.—

(A) IN GENERAL.—Section 138(a)(1) of title 10, United States Code, is amended by striking ''16'' and inserting ''14''.

(B) ADMINISTRATION OF REDUCTION.—The Assistant Secretary of Defense positions eliminated in accordance with the reduction in numbers required by the amendment made by subparagraph (A) shall be—

(i) the Assistant Secretary of Defense for Networks and Information Integration; and

(ii) the Assistant Secretary of Defense for Public Affairs.

(C) CONTINUED SERVICE OF INCUMBENTS.—Notwithstanding the requirements of this paragraph, any individual serving in a position described under subparagraph (B) on the date of the enactment of this Act may continue to serve in such position without regard to the limitation imposed by the amendment in subparagraph (A).

(D) PLAN FOR SUCCESSOR POSITIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall report to the congressional defense committees on his plan for successor positions, not subject to Senate confirmation, for the positions eliminated in accordance with the requirements of this paragraph.

(2) MEMBERS OF NATIONAL SECURITY EDUCATION BOARD.—Section 803(b)(7) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1903(b)(7)) is amended by striking ''by and with the advice and consent of the Senate,''.

(3) DIRECTOR OF SELECTIVE SERVICE.—Section 10(a)(3) of the Selective Service Act of 1948 (50 U.S.C. App. 460(a)(3)) is amended by striking '', by and with the advice and consent of the Senate''.

(d) DEPARTMENT OF EDUCATION.—

(1) ASSISTANT SECRETARY FOR MANAGEMENT.—Section 202(e) of the Department of Education Organization Act (20 U.S.C. 3412(e)) is amended by inserting after the first sentence the following: ''Notwithstanding the previous sentence, the appointments of individuals to serve as the Assistant Secretary for Management shall not be subject to the advice and consent of the Senate.''.

(2) COMMISSIONER, EDUCATION STATISTICS.—Section 117(b) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9517(b)) is amended by striking '', by and with the advice and consent of the Senate,''.

(e) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—

(1) ASSISTANT SECRETARY FOR PUBLIC AFFAIRS.—Notwithstanding any other provision of law, the appointment of an individual to serve as the Assistant Secretary for Public Affairs within the Department of Health and Human Services shall not be subject to the advice and consent of the Senate.

(f) DEPARTMENT OF HOMELAND SECURITY.—

(1) DIRECTOR OF THE OFFICE FOR DOMESTIC PREPAREDNESS; ASSISTANT ADMINISTRATOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, GRANT PROGRAMS.—Section 430(b) of the Homeland Security Act of 2002 (6 U.S.C. 238(b)) is amended by striking '', by and with the advice and consent of the Senate''.

(2) ADMINISTRATOR OF THE UNITED STATES FIRE ADMINISTRATION.—Section 5(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2204(b)) is amended by striking '', by and with the advice and consent of the Senate,''.

(3) DIRECTOR OF THE OFFICE OF COUNTER-NARCOTICS ENFORCEMENT.—Section 878(a) of the Homeland Security Act of 2002 (6 U.S.C. 458(a)) is amended by striking '', by and with the advice and consent of the Senate''.

(4) CHIEF MEDICAL OFFICER.—Section 516(a) of the Homeland Security Act of 2002 (6 U.S.C. 321e(a)) is amended by striking '', by and with the advice and consent of the Senate''.

(5) ASSISTANT SECRETARIES.—Section 103(a) of the Homeland Security Act of 2002 (6 U.S.C. 113(a) is amended—

(A) by striking ''There'' and inserting ''(1) IN GENERAL.—Except as provided under paragraph (2), there'';

(B) by redesignating paragraphs (1) through (10) as subparagraphs (A) through (J), respectively; and

(C) by adding at the end the following:

''(2) ASSISTANT SECRETARIES.—If any of the Assistant Secretaries referred to under paragraph (1)(I) is designated to be the Assistant Secretary for Health Affairs, the Assistant Secretary for Legislative Affairs, or the Assistant Secretary for Public Affairs, that Assistant Secretary shall be appointed by the President without the advice and consent of the Senate.''.

(g) HOUSING AND URBAN DEVELOPMENT; ASSISTANT SECRETARY FOR PUBLIC AFFAIRS.—Section 4(a) of the Department of Housing and Urban Development Act (42 U.S.C. 3533(a)) is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) by striking ''eight'' and inserting ''7''; and

(3) by adding at the end the following:

''(2) There shall be in the Department an Assistant Secretary for Public Affairs, who shall be appointed by the President and shall perform such functions, powers, and duties as the Secretary shall prescribe from time to time.''.

(h) DEPARTMENT OF JUSTICE.—

(1) DIRECTOR, BUREAU OF JUSTICE STATISTICS.—Section 302(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732(b)) is amended by striking '', by and with the advice and consent of the Senate''.

(2) DIRECTOR, BUREAU OF JUSTICE ASSISTANCE.—Section 401(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3741(b)) is amended by striking '', by and with the advice and consent of the Senate''.

(3) DIRECTOR, NATIONAL INSTITUTE OF JUSTICE.—Section 202(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3722(b)) is amended by striking '', by and with the advice and consent of the Senate''.

(4) ADMINISTRATOR, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—Section 201(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(b)) is amended by striking '', by and with the advice and consent of the Senate,''.

(5) DIRECTOR, OFFICE FOR VICTIMS OF CRIME.—Section 1411(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10605(b)) is amended by striking '', by and with the advice and consent of the Senate''.

(i) DEPARTMENT OF LABOR.—

(1) ASSISTANT SECRETARIES FOR ADMINISTRATION AND MANAGEMENT AND PUBLIC AFFAIRS.—Notwithstanding section 2 of the Act of April 17, 1946 (29 U.S.C. 553), the appointment of individuals to serve as the Assistant Secretary for Administration and Management and the Assistant Secretary for Public Affairs within the Department of Labor, shall not be subject to the advice and consent of the Senate.

(2) DIRECTOR OF THE WOMEN'S BUREAU.—Section 2 of the Act of June 5, 1920 (29 U.S.C. 12) is amended by striking '', by and with the advice and consent of the Senate''.

(j) DEPARTMENT OF STATE; ASSISTANT SECRETARY FOR PUBLIC AFFAIRS AND ASSISTANT

SECRETARY FOR ADMINISTRATION.—Section 1(c)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)(1)) is amended—

(1) by striking '', each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and''; and

(2) by adding at the end the following: ''Each Assistant Secretary of State shall be appointed by the President, by and with the advice and consent of the Senate, except that the appointments of the Assistant Secretary for Public Affairs and the Assistant Secretary for Administration shall not be subject to the advice and consent of the Senate.''.

(k) DEPARTMENT OF TRANSPORTATION.—

(1) ASSISTANT SECRETARIES.—Section 102(e) of title 49, United States Code, is amended—

(A) by striking ''(e) THE DEPARTMENT'' and all that follows through ''An Assistant Secretary'' and inserting the following:

''(e) ASSISTANT SECRETARIES; GENERAL COUNSEL.—

''(1) APPOINTMENT.—The Department has 5 Assistant Secretaries and a General Counsel, including—

''(A) an Assistant Secretary for Aviation and International Affairs, an Assistant Secretary for Governmental Affairs, and an Assistant Secretary for Transportation Policy, who shall each be appointed by the President, with the advice and consent of the Senate;

''(B) an Assistant Secretary for Budget and Programs who shall be appointed by the President;

''(C) an Assistant Secretary for Administration, who shall be appointed by the Secretary, with the approval of the President; and

''(D) a General Counsel, who shall be appointed by the President, with the advice and consent of the Senate.

''(2) DUTIES AND POWERS.—The officers set forth in paragraph (1) shall carry out duties and powers prescribed by the Secretary. An Assistant Secretary''.

(2) DEPUTY ADMINISTRATOR, FEDERAL AVIATION ADMINISTRATION.—Section 106 of title 49, United States Code, is amended—

(A) in subsection (b), by striking ''. The Administration has a Deputy Administrator. They are appointed'' and inserting '', who shall be appointed''; and

(B) in subsection (d)(1), by striking ''The Deputy Administrator must'' and inserting ''The Administration has a Deputy Administrator, who shall be appointed by the President. In making an appointment, the President shall consider the fitness of the appointee to efficiently carry out the duties and powers of the office. The Deputy Administrator shall''.

(l) DEPARTMENT OF THE TREASURY.—

(1) ASSISTANT SECRETARIES FOR PUBLIC AFFAIRS AND MANAGEMENT.—Section 301(e) of title 31, United States Code, is amended—

(A) by striking ''10 Assistant Secretaries'' and inserting ''8 Assistant Secretaries''; and

(B) by inserting ''The Department shall have 2 Assistant Secretaries not subject to the advice and consent of the Senate who shall be the Assistant Secretary for Public Affairs, and the Assistant Secretary for Management.'' after the first sentence.

(2) TREASURER OF THE UNITED STATES.—Section 301(d) of title 31, United States Code, is amended—

(A) by striking ''2 Deputy Under Secretaries, and a Treasurer of the United States'' and inserting ''and 2 Deputy Under Secretaries'', and

(B) by inserting ''and a Treasurer of the United States appointed by the President'' after ''Fiscal Assistant Secretary appointed by the Secretary''.

(m) DEPARTMENT OF VETERANS AFFAIRS.—Section 308(a) of title 38, United States Code, is amended—

(1) by striking ''There shall'' and inserting ''(1) There shall'';

(2) in paragraph (1), as designated by paragraph (1) of this subsection, by striking ''Each Assistant'' and all that follows through the period at the end; and

(3) by adding at the end the following new paragraphs:

''(2) Except as provided in paragraph (3), each Assistant Secretary appointed under paragraph (1) shall be appointed by the President, by and with the advice and consent of the Senate.

''(3) The following Assistant Secretaries may be appointed without the advice and consent of the Senate:

''(A) The Assistant Secretary for Management.

''(B) The Assistant Secretary for Human Resources and Administration.

''(C) The Assistant Secretary for Public and Intergovernmental Affairs.

''(D) The Assistant Secretary for Operations, Security, and Preparedness.''.

(n) APPALACHIAN REGIONAL COMMISSION; ALTERNATE FEDERAL CO-CHAIRMAN.—Section 14301(b)(2) of title 40, United States Code, is amended by striking ''by and with the advice and consent of the Senate''.

(o) COUNCIL OF ECONOMIC ADVISERS, MEMBERS.—Section 10 of the Employment Act of 1946 (15 U.S.C. 1023) is amended by striking subsection (a) and inserting the following:

''(a) CREATION; COMPOSITION; QUALIFICATIONS; CHAIRMAN AND VICE CHAIRMAN.—

''(1) CREATION.—There is created in the Executive Office of the President a Council of Economic Advisers (hereinafter called the 'Council').

''(2) COMPOSITION.—The Council shall be composed of three members, of whom—

''(A) 1 shall be the chairman who shall be appointed by the President by and with the advice and consent of the Senate; and

''(B) 2 shall be appointed by the President.

''(3) QUALIFICATIONS.—Each member shall be a person who, as a result of training, experience, and attainments, is exceptionally qualified to analyze and interpret economic developments, to appraise programs and activities of the Government in the light of the policy declared in section 2, and to formulate and recommend national economic policy to promote full employment, production, and purchasing power under free competitive enterprise.

''(4) VICE CHAIRMAN.—The President shall designate 1 of the members of the Council as vice chairman, who shall act as chairman in the absence of the chairman.''.

(p) CORPORATION FOR NATIONAL AND COMMUNITY SERVICE; MANAGING DIRECTOR.—Section 194(a)(1) of the National and Community Service Act of 1990 (42 U.S.C. 12651e(a)(1)) is amended by striking '', by and with the advice and consent of the Senate''.

(q) NATIONAL COUNCIL ON DISABILITY MEMBERS.—Section 400(a)(1)(A) of the Rehabilitation Act of 1973 (29 U.S.C. 780(a)(1)(A)) is amended by striking '', by and with the advice and consent of the Senate''.

(r) NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES; NATIONAL MUSEUM AND LIBRARY SERVICES BOARD; MEMBERS.—Section 207(b)(1) of the Museum and Library Services Act (20 U.S.C. 9105a(b)(1)) is amended—

(1) in subparagraph (D), by striking '', by and with the advice and consent of the Senate''; and

(2) in subparagraph (E), by striking '', by and with the advice and consent of the Senate''.

(s) NATIONAL SCIENCE FOUNDATION; BOARD MEMBERS.—Section 4(a) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(a)) is amended by striking '', by and with the advice and consent of the Senate,''.

(t) OFFICE OF NATIONAL DRUG CONTROL POLICY; DEPUTY DIRECTORS.—Section 704(a)(1) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1703(a)(1)) is amended to read as follows:

''(1) IN GENERAL.—

''(A) DIRECTOR.—The Director shall be appointed by the President, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President.

''(B) DEPUTY DIRECTORS.—The Deputy Director of National Drug Control Policy, Deputy Director for Demand Reduction, the Deputy Director for Supply Reduction, and the Deputy Director for State, Local, and Tribal Affairs shall each be appointed by the President and serve at the pleasure of the President.

''(C) DEPUTY DIRECTOR FOR DEMAND REDUCTION.—In appointing the Deputy Director for Demand Reduction under this paragraph, the President shall take into consideration the scientific, educational, or professional background of the individual, and whether the individual has experience in the fields of substance abuse prevention, education, or treatment.''.

(u) OFFICE OF NAVAJO AND HOPI RELOCATION; COMMISSIONER.—Section 12(b)(1) of Public Law 93–531 (25 U.S.C. 640d–11(b)(1)) is amended by striking ''by and with the advice and consent of the Senate''.

(v) UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—

(1) ASSISTANT ADMINISTRATOR FOR MANAGEMENT.—Notwithstanding section 624(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(a)), the appointment by the President of the Assistant Administrator for Management at the United States Agency for International Development shall not be subject to the advice and consent of the Senate.

(w) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION FUND; ADMINISTRATOR.—Section 104(b)(1) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4703(b)(1)) is amended by striking '', by and with the advice and consent of the Senate''.

(x) DEPARTMENT OF TRANSPORTATION; ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION; ADMINISTRATOR.—Subsection (a) of section 2 of the Act of May 13, 1954, referred to as the Saint Lawrence Seaway Act (33 U.S.C. 982(a)) is amended by striking '', by and with the advice and consent of the Senate, for a term of seven years''.

(y) MISSISSIPPI RIVER COMMISSION; COMMISSIONER.—Section 2 of the Act of June 28, 1879 (33 U.S.C. 642), is amended in the first sentence by striking '', by and with the advice and consent of the Senate,''.

(z) GOVERNOR AND ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT BANK.—

(1) IN GENERAL.—Section 1333 of the African Development Bank Act (22 U.S.C. 290i–1) is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by striking ''(a) The President'' and all that follows through ''The term of office'' and inserting the following:

''(a) The President shall appoint a Governor and an Alternate Governor of the Bank—

''(1) by and with the advice and consent of the Senate; or

''(2) from among individuals serving as officials required by law to be appointed by and with the advice and consent of the Senate.

''(b) The term of office''.

(2) CONFORMING AMENDMENTS.—Section 1334 of such Act (22 U.S.C. 290i–2) is amended—

(A) by striking ''The Director or Alternate Director'' and inserting the following:

''(b) The Director or Alternate Director''; and

(B) by inserting before subsection (b), as redesignated, the following:

''(a) The President, by and with the advice and consent of the Senate, shall appoint a Director of the Bank.''.

(aa) GOVERNOR AND ALTERNATE GOVERNOR OF THE ASIAN DEVELOPMENT BANK.—Section 3(a) of the Asian Development Bank Act (22 U.S.C. 285a(a)) is amended to read as follows:

''(a) The President shall appoint—

''(1) a Governor of the Bank and an alternate for the Governor—

''(A) by and with the advice and consent of the Senate; or

''(B) from among individuals serving as officials required by law to be appointed by and with the advice and consent of the Senate; and

''(2) a Director of the Bank, by and with the advice and consent of the Senate.''.

(bb) GOVERNOR AND ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT FUND.—Section 203(a) of the African Development Fund Act (22 U.S.C. 290g–1(a)) is amended to read as follows:

''(a) The President shall appoint a Governor, and an Alternate Governor, of the Fund—

''(1) by and with the advice and consent of the Senate; or

''(2) from among individuals serving as officials required by law to be appointed by and with the advice and consent of the Senate.''.

(cc) NATIONAL BOARD FOR EDUCATION SCIENCES; MEMBERS.—Section 116(c)(1) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9516(c)(1)) is amended by striking '', by and with the advice and consent of the Senate''.

(dd) NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD; MEMBERS.—Section 242(e)(1)(A) of the Adult Education and Family Literacy Act (20 U.S.C. 9252(e)(1)(A)) is amended by striking ''with the advice and consent of the Senate''.

(ee) INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT; MEMBER, BOARD OF TRUSTEES.—Section 1505 of the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4412(a)(1)(A)) is amended by striking ''by and with the advice and consent of the Senate''.

(ff) PUBLIC HEALTH SERVICE COMMISSIONED OFFICER CORPS.—

(1) APPOINTMENT.—Section 203(a)(3) of the Public Health Service Act (42 U.S.C. 204(a)(3)) is amended by striking ''with the advice and consent of the Senate''.

(2) PROMOTIONS.—Section 210(a) of the Public Health Service Act (42 U.S.C. 211(a)) is amended by striking '', by and with the advice and consent of the Senate''.

(gg) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS.—

(1) APPOINTMENTS AND PROMOTIONS TO PERMANENT GRADES.—Section 226 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3026) is amended by striking '', by and with the advice and consent of the Senate''.

(2) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Section 228(d)(1) of such Act (33 U.S.C. 3028(d)(1)) is amended by striking '', by and with the advice and consent of the Senate''.

(3) TEMPORARY APPOINTMENTS AND PROMOTIONS GENERALLY.—Section 229 of such Act (33 U.S.C. 3029) is amended—

(A) by striking ''alone'' each place it appears; and

(B) in subsection (a), in the second sentence, by striking ''unless the Senate sooner gives its advice and consent to the appointment''.

(hh) RULE OF CONSTRUCTION.—Notwithstanding section 3132(a)(2) of title 5, United States Code, removal of Senate confirmation for any position in this section shall not—

(1) result in any such position being placed in the Senior Executive Service; or

(2) alter compensation for any such position under the Executive Schedule or other applicable compensation provisions of law.

SEC. 3. APPOINTMENT OF THE DIRECTOR OF THE CENSUS.

(a) IN GENERAL.—Section 21 of the title 13, United States Code, is amended to read as follows:

''§ 21. Director of the Census; duties

''(a) APPOINTMENT.—

''(1) IN GENERAL.—The Bureau shall be headed by a Director of the Census, appointed by the President, by and with the advice and consent of the Senate, without regard to political affiliation.

''(2) QUALIFICATIONS.—Such appointment shall be made from individuals who have a demonstrated ability in managing large organizations and experience in the collection, analysis, and use of statistical data.

''(b) TERM OF OFFICE.—

''(1) IN GENERAL.—The term of office of the Director shall be 5 years, and shall begin on January 1, 2012, and every fifth year thereafter. An individual may not serve more than 2 full terms as Director.

''(2) VACANCIES.—Any individual appointed to fill a vacancy in such position, occurring before the expiration of the term for which such individual's predecessor was appointed, shall be appointed for the remainder of that term. The Director may serve after the end of the Director's term until reappointed or until a successor has been appointed, but in no event longer than 1 year after the end of such term.

''(3) REMOVAL.—An individual serving as Director may be removed from office by the President. The President shall communicate in writing the reasons for any such removal to both Houses of Congress not later than 60 days before the removal.

''(4) PERSONNEL ACTIONS.—Except as provided under paragraph (3), nothing in this subsection shall prohibit a personnel action otherwise authorized by law with respect to the Director of the Census, other than removal.

''(c) DUTIES.—The Director shall perform such duties as may be imposed upon the Director by law, regulations, or orders of the Secretary.''.

(b) TRANSITION RULES.—

(1) APPOINTMENT OF INITIAL DIRECTOR.—The initial Director of the Bureau of the Census shall be appointed in accordance with the provisions of section 21(a) of title 13, United States Code, as amended by subsection (a).

(2) INTERIM ROLE OF CURRENT DIRECTOR OF THE CENSUS AFTER DATE OF ENACTMENT.—If, as of January 1, 2012, the initial Director of the Bureau of the Census has not taken office, the officer serving on December 31, 2011, as Director of the Census (or Acting Director of the Census, if applicable) in the Department of Commerce—

(A) shall serve as the Director of the Bureau of the Census; and

(B) shall assume the powers and duties of such Director for one term beginning January 1, 2012, as described in section 21(b) of such title, as so amended.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Not later than January 1, 2012, the Secretary of Commerce, in consultation with the Director of the Census, shall submit to each House of the Congress draft legislation containing any technical and conforming amendments to title 13, United States Code, and any other provisions which may be necessary to carry out the purposes of this section.

SEC. 4. WORKING GROUP ON STREAMLINING PAPERWORK FOR EXECUTIVE NOMINATIONS.

(a) ESTABLISHMENT.—There is established the Working Group on Streamlining Paperwork for Executive Nominations (in this section referred to as the ''Working Group'').

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Working Group shall be composed of—

(A) the chairperson who shall be—

(i) except as provided under clause (ii), the Director of the Office of Presidential Personnel; or

(ii) a Federal officer designated by the President;

(B) representatives designated by the President from—

(i) the Office of Personnel Management;

(ii) the Office of Government Ethics; and

(iii) the Federal Bureau of Investigation; and

(C) individuals appointed by the chairperson of the Working Group who have experience and expertise relating to the Working Group, including—

(i) individuals from other relevant Federal agencies; and

(ii) individuals with relevant experience from previous presidential administrations.

(c) STREAMLINING OF PAPERWORK REQUIRED FOR EXECUTIVE NOMINATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Working Group shall conduct a study and submit a report on the streamlining of paperwork required for executive nominations to—

(A) the President;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Rules and Administration of the Senate.

(2) CONSULTATION WITH COMMITTEES OF THE SENATE.—In conducting the study under this section, the Working Group shall consult with the chairperson and ranking member of the committees referred to under paragraph (1) (B) and (C).

(3) CONTENTS.—

(A) IN GENERAL.—The report submitted under this section shall include—

(i) recommendations for the streamlining of paperwork required for executive nominations; and

(ii) a detailed plan for the creation and implementation of an electronic system for collecting and distributing background information from potential and actual Presidential nominees for positions which require appointment by and with the advice and consent of the Senate.

(B) ELECTRONIC SYSTEM.—The electronic system described under subparagraph (A)(ii) shall—

(i) provide for—

(I) less burden on potential nominees for positions which require appointment by and with the advice and consent of the Senate;

(II) faster delivery of background information to Congress, the White House, the Federal Bureau of Investigation, Diplomatic Security, and the Office of Government Ethics; and

(III) fewer errors of omission; and

(ii) ensure the existence and operation of a single, searchable form which shall be known as a ''Smart Form'' and shall—

(I) be free to a nominee and easy to use;

(II) make it possible for the nominee to answer all vetting questions one way, at a single time;

(III) secure the information provided by a nominee;

(IV) allow for multiple submissions over time, but always in the format requested by the vetting agency or entity;

(V) be compatible across different computer platforms;

(VI) make it possible to easily add, modify, or subtract vetting questions;

(VII) allow error checking; and

(VIII) allow the user to track the progress of a nominee in providing the required information.

(d) REVIEW OF BACKGROUND INVESTIGATION REQUIREMENTS.—

(1) IN GENERAL.—The Working Group shall conduct a review of the impact of background investigation requirements on the appointments process.

(2) CONDUCT OF REVIEW.—In conducting the review, the Working Group shall—

(A) assess the feasibility of using personnel other than Federal Bureau of Investigation personnel, in appropriate circumstances, to conduct background investigations of individuals under consideration for positions appointed by the President, by and with the advice and consent of the Senate; and

(B) consider the extent to which the scope of the background investigation conducted for an individual under consideration for a position appointed by the President, by and with the advice and consent of the Senate, should be varied depending on the nature of the position for which the individual is being considered.

(3) REPORT.—Not later than 270 days after the date of enactment of this Act, the Working Group shall submit a report of the findings of the review under this subsection to—

(A) the President;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Rules and Administration of the Senate.

(e) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—

(A) FEDERAL OFFICERS AND EMPLOYEES.—Each member of the Working Group who is a Federal officer or employee shall serve without compensation in addition to that received for their services as a Federal officer or employee.

(B) MEMBERS NOT FEDERAL OFFICERS AND EMPLOYEES.—Each member of the Working Group who is not a Federal officer or employee shall not be compensated for services performed for the Working Group.

(2) TRAVEL EXPENSES.—The members of the Working Group shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Working Group.

(3) STAFF.—

(A) IN GENERAL.—The President may designate Federal officers and employees to provide support services for the Working Group.

(B) DETAIL OF FEDERAL EMPLOYEES.—Any Federal employee may be detailed to the Working Group without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(f) NON-APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Working Group established under this section.

(g) TERMINATION OF THE WORKING GROUP.—The Working Group shall terminate 60 days after the date on which the Working Group submits the latter of the 2 reports under this section.

SEC. 5. REPORT ON PRESIDENTIALLY APPOINTED POSITIONS.

(a) DEFINITIONS.—In this section—

(1) the term ''agency'' means an Executive agency defined under section 105 of title 5, United States Code; and

(2) the term ''covered position'' means a position in an agency that requires appointment by the President without the advice and consent of the Senate.

(b) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Government Accountability Office shall conduct a study and submit a report on covered positions to Congress and the President.

(c) CONTENTS.—The report submitted under this section shall include—

(1) a determination of the number of covered positions in each agency;

(2) an evaluation of whether maintaining the total number of covered positions is necessary;

(3) an evaluation of the benefits and disadvantages of—

(A) eliminating certain covered positions;

(B) converting certain covered positions to career positions or positions in the Senior Executive Service that are not career reserved positions; and

(C) converting any categories of covered positions to career positions;

(4) the identification of—

(A) covered positions described under paragraph (3)(A) and (B); and

(B) categories of covered positions described under paragraph (3)(C); and

(5) any other recommendations relating to covered positions.

SEC. 6. EFFECTIVE DATE.

(a) PRESIDENTIAL APPOINTMENTS NOT SUBJECT TO SENATE APPROVAL.—The amendments made by section 2 shall take effect 60 days after the date of enactment of this Act and apply to appointments made on and after that effective date, including any nomination pending in the Senate on that date.

(b) DIRECTOR OF THE CENSUS AND WORKING GROUP.—The provisions of sections 3 and 4 (including any amendments made by those sections) shall take effect on the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CHAFFETZ) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CHAFFETZ. I yield myself such time as I may consume.

The need for reforms in the Federal appointments process is not a new topic. There is little dispute that the current nominations process has grown too cumbersome and complicated, in some cases, discouraging qualified individuals from seeking leadership positions. On average in recent administrations, only 35 of the 100 most needed leadership roles were filled within the first 100 days of the new administration, and 200 days into a new administration, only 50 percent of key national security officials are actually in place.

Nine special commissions have called for fixing the broken Presidential appointments process by starting the Presidential transition and personnel planning earlier, streamlining background investigations, and reducing the number of appointments requiring Senate confirmation.

S. 679 provides a commonsense solution that preserves the important role of the Senate in confirming key nominees but unburdens the process by relieving the advice and consent requirement for less critical positions. The bill is based on a bipartisan Senate working group commissioned to improve the nominations process, which was led by Senators ALEXANDER and SCHUMER.

S. 679 eliminates the requirement for Senate confirmation for a number of executive branch positions, many of which are: one, below the assistant secretary level and report to a Senate-confirmed individual; two, do not make policy; or three, are members of part-time advisory boards or commissions.

S. 679 also establishes an executive branch working group to study and report on streamlining the paperwork required for nominations.

In addition, S. 679 requires a fixed 5-year term for the Director of the Census Bureau to coincide with the planning and operational phases of the census. The Director of the Census Bureau remains subject to Senate confirmation.

S. 679 provides a mechanism to allow the Senate to focus its efforts on installing qualified leaders to key positions in order to meet the many challenges facing our Nation.

At this time, Mr. Speaker, I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I rise in support of S. 679, the Presidential Appointment Efficiency and Streamlining Act, which was introduced in the Senate by Senators SCHUMER and ALEXANDER. This bill will improve the Presidential appointment process by reducing the number of Presidentially appointed positions that are required to be confirmed by the Senate.

The number of Presidentially appointed positions that require Senate confirmation has increased over the years. The Congressional Research Service estimates that at the beginning of the Obama administration, there were 1,215 executive branch positions subject to Senate confirmation. It takes months for a new President to fill these positions, and the resulting gaps in leadership make the government less efficient and less productive.

This bill will reduce the bureaucracy and red tape that comes with requiring the Senate to confirm Presidential appointments. Under this bill, high-profile positions, such as Department Secretaries and Deputy Secretaries, will continue to require the consent of the Senate. This bill impacts lower-level positions, which a President routinely fills these positions without any controversy. For example, this bill would eliminate the Senate confirmation requirement for positions such as the alternate Federal cochairman of the Appalachian Regional Commission and

members of the National Council on Disability.

In addition to reforming the Presidential appointments process, the legislation before us today makes the Director of the Census Bureau a Presidential term appointment of 5 years, subject to confirmation by the Senate. I particularly am pleased the bill includes this provision so that the Director is tied to the needs of the decennial census and not to an election year calendar.

For years, I have been working on this provision, which I proposed in H.R. 4595 in the 111th Congress, to ensure the Census Bureau is able to perform the decennial census as accurately and as inexpensively as possible. Senator CARPER introduced this bill in the Senate and added this amendment to the bill we are considering today.

Too often, in the last four decennials, there have been major operations issues to overcome just before implementation. Historically, it's not uncommon for the Bureau to be without a Director to lead the agency until shortly before the decennial. We did not have a Director in place for the current 2010 count until mere months before census day. In 2000, the Census Director took office 2 years before the decennial count; and in 1990, it was 1 week before the count.

This change will help to ensure the independence of the Census Bureau from political interference and ensure adequate leadership for the census in critical planning and implementation phases for the decennial.

Data and analysis from the Census Bureau provides policymakers, businesses, and State and local governments with vital, accurate, scientific information that is used to guide our country's economic growth. It's important that Bureau leadership have stability. So I thank the chairman and ranking members for getting this done.

The Senate passed this bill with an overwhelming bipartisan majority. I believe this body should defer to the will of the Senate when it comes to their own process for confirming Presidential appointments. I urge my colleagues on both sides of the aisle to support this good-government bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I would like to yield 4 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, with due deference to my friend from New York and my friend from Utah—and I do mean that literally—I rise in opposition to this bill.

What we've seen over the last year and a half is a Presidency that had the most disdain for Congress in the confirmation process of any President I'm aware of, and I'm quite familiar with the history of the United States.

Not only has this President made recess appointments when there was no recess, not only has this President appointed czars that were beyond the reach of Congress—although we could have made it within our reach; we could have just cut off every dime for anything that did not come before congressional approval—but with this latest tactic of having a recess appointment when there wasn't a recess, all of the talk across the country about the appointing of czars with no accountability to the Senate, I really did expect some of my conservative friends in the Senate at some point to move a bill on this subject. I expected it to be a bill that would send a loud and clear message to the President that, if you feel like some of these don't need to be appointed, you come talk to us about it, and let's talk about no more recess appointments. Let's talk about some of these others.

□ 1540

Instead, it's almost a pat on the back to the President to say, Look, you've ignored us; you've made us irrelevant. You've done all of these things, as you've said, Congress won't act so you're going to act. The President has gone out and made speeches like the king or Caesar: as I speak, so it is the law.

And even though Congress has duly passed immigration laws that the President has stood up, and as he spoke, he made law and ignored Congress completely. The message we're sending back here is: Mr. President—as in some old movie—thank you, may I have another. Look, you just keep ignoring us, and we'll keep making ourselves more and more irrelevant.

I would like to make one other point, too. Here we are in a desperate situation where our military, our very national security is at risk for being cut to the extent that we will no longer be secure. I would humbly submit that a better bill would be, Mr. President, if these are not all that important, let's get rid of all of these. There are board members. There's commissions. I mean, there's things in here, there's a director of the Women's Bureau. I don't see one for the Men's Bureau. There's director of all kinds of things here that it just seems like are redundant, that could be done away with. If they're not important enough for the Senate to take a look at them, Mr. Speaker, I would humbly suggest that maybe they're irrelevant and immaterial enough that we just do away with the positions. And accordingly, I would urge my colleagues to vote ''no'' on this provision.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

I respectfully disagree with my good friend from the great State of Texas, Representative GOHMERT. The number of executive branch positions subject to Senate confirmation has grown at a very large number, and it literally takes months to fill these positions, and the resulting gaps in leadership makes the government less efficient and less productive. It came to us with a strong bipartisan vote in the Senate, and I urge my colleagues on both sides of the aisle to support it, and I yield back the balance of my time.

Mr. CHAFFETZ. I yield myself such time as I may consume.

Mr. Speaker, I will be, under the general leave, inserting a couple of letters. One is from Frank Carlucci, former Secretary of Defense under President Reagan, who wrote us a letter saying:

> Leaving positions vacant indefinitely as appointees wait to be confirmed is not smart management and is frankly a threat to our national security.

Also in support of this piece of legislation, a noted conservative Senator, former Senator Fred Thompson, took a position on this and said:

> I believe that this will result in an increasingly narrow pool of potential public servants who are more likely to be wealthy and already live in the Washington, D.C. area.

That is if we don't pass this piece of legislation. He went on to say:

> In 1960, President Kennedy had 286 positions to fill in the ranks of Secretary, deputy secretary, under secretary, Assistant Secretary, and administrator; and by the end of the Clinton administration, there were 914 positions with these titles.

As was noted by the gentleman from Texas, there is an argument to say a lot of these positions shouldn't even be in the Federal Government. But nevertheless, under the Constitution, the Constitution says under article II, section 2, the appointments clause—I'll cut right to the phrase I would like to refer to which is:

> Congress may by law vest the appointment of such inferior officers, as they think proper.

Therefore, as I read the Constitution, we have a duty and a responsibility to review this and look at this. So here you have a situation where 79 Senators in a very bipartisan way came together after nine different commissions and looking at things and decided to trim it back a little bit. There will still be over a thousand Senate-confirmed positions. But if we want proper oversight, if we want to go through this process in a swift and timely manner, if we want oversight, let's focus on what's most important.

What's most important probably doesn't require Senate confirmation for the Assistant Secretary for Public Affairs. How about the administrator of St. Lawrence Seaway Development Corporation, or the National Council on Disability, or the Office of Navaho and Hopi Relocation? These are positions that, while are important to our Nation, and some would argue are vital, probably don't necessarily rise to the level that requires Senate confirmation. These should not just be used as political tools. This Nation has business at hand, and we should focus on what's important.

Again, there are still more than a thousand appointments that will require Senate confirmation. But let's listen to our colleagues in the Senate. Seventy-nine of them came here and said we think this is good. There have

been nine different commissions looking at this. I think it's a valid recommendation. It still allows for the advice and consent within the Senate. It is a duty under the Constitution to do this.

I would encourage adoption of this. I think it is common sense. It is what our friends in the Senate are asking us to do with 79 Senators coming together to urge the adoption of this.

And with that, I yield back the balance of my time.

FRANK C. CARLUCCI,
McLean, Virginia, June 1, 2011.

Hon. HARRY REID,
U.S. Senate, Hart Senate Office Bldg., Washington, DC.
Hon. MITCH MCCONNELL,
U.S. Senate, Russell Senate Office Bldg., Washington, DC.
Hon. CHARLES SCHUMER,
U.S. Senate, Hart Senate Office Bldg., Washington, DC.
Hon. LAMAR ALEXANDER,
U.S. Senate, Dirksen Senate Office Bldg., Washington, DC.

DEAR SENATORS REID, MCCONNELL, SCHUMER AND ALEXANDER: I am writing to commend you for your leadership and bipartisan approach to tackling one of the great challenges facing our government—presidential appointments and nominations reform. There is little dispute that the current nominations process has grown too cumbersome and complicated, and the number of political appointees is too large. S. 679, the Presidential Appointment Efficiency and Streamlining Act, and S. Res. 116 are a promising show of progress, and I encourage all Senators to support this bipartisan legislation.

As former Secretary of Defense (under President Reagan), I know the importance of having high quality leaders in place within an agency. Leaving positions vacant indefinitely as appointees wait to be confirmed is not smart management, and is frankly a threat to our national security. We need strong leaders installed quickly in agencies to ensure our government is ready to meet the many challenges it faces. S. 679 and S. Res. 116 together present a common-sense solution that preserves the important role of the Senate in confirming key nominees, but unburdens the process by relieving the advice and consent requirement for less critical positions.

Congress would be wise to act now, before the politics of the next election cycle get in the way of practical reforms to improve the efficiency and effectiveness of our federal government. I urge the Senate to swiftly pass both S. 679 and S. Res. 116 to ensure our government has its senior leaders in place within agencies to carry out critical missions.

Sincerely,

FRANK CARLUCCI.

SENATOR FRED THOMPSON,
Hermitage, TN, April 12, 2011.

Hon. JOSEPH LIEBERMAN,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.
Hon. SUSAN COLLINS,
Ranking Republican Member, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR JOE AND SUSAN, in 2001, when I was Chairman of the Senate Committee on Governmental Affairs, we held hearings reviewing the nominations process and potential options for reforms. President George W. Bush had been in office 10 months and only about 60 percent of the government's top political jobs had been filled—which created national security concerns.

That's why 1 want to commend you for your work on the Presidential Appointment Efficiency and Streamlining Act of 2011 which would eliminate the need for Senate confirmation of approximately 200 relatively low level positions. We tried to fix this problem when I was chairman, and it still needs to be done.

My experience was that our confirmation process led to substantial delay and extraordinary expense for nominees as they are vetted beyond what is necessary even for the least sensitive positions. I believe that this will result in an increasingly narrow pool of potential public servants who are more likely to be wealthy, and already live in the Washington, DC, area.

In 1960, President Kennedy had 286 positions to fill in the ranks of Secretary, Deputy Secretary, Under Secretary, Assistant Secretary, and Administrator and by the end of the Clinton Administration there were 914 positions with these titles. Reform would not diminish oversight. It would make oversight more effective.

Comprehensive reforms throughout the presidential appointment process are needed so that the Senate can spend its time focusing on senior nominations and on major priorities such as national defense and tackling our budget problems.

The Senate should take its advice and consent powers seriously, but the number of nominations has grown and expanded over time—much like the rest of the federal government. I hope your committee will take quick action on this legislation and send the bill to the full Senate for its consideration.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, S. 679.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GOHMERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

THRIFT SAVINGS FUND CLARIFICATION ACT

Mr. CHAFFETZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4365) to amend title 5, United States Code, to make clear that accounts in the Thrift Savings Fund are subject to certain Federal tax levies, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4365

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

SECTION 1. AMENDMENTS.

Section 8437(e)(3) of title 5, United States Code, is amended in the first sentence—

(1) by striking ''659)'' and inserting ''659),''; and

(2) by striking the period at the end and inserting the following: '', and shall be subject to a Federal tax levy under section 6331 of the Internal Revenue Code of 1986.''.

SEC. 2. DISPOSITION OF AMOUNTS.

Any potential revenue gain attributable to the enactment of this Act, as determined by the Director of the Congressional Budget Office—

(1) shall be deposited in the general fund of the Treasury of the United States; and

(2) shall be used solely for purposes of deficit reduction.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CHAFFETZ) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CHAFFETZ. I yield such time as she may consume to the gentlewoman from New York (Ms. BUERKLE), the prime sponsor and author of this piece of legislation.

Ms. BUERKLE. Mr. Speaker, I thank the gentleman for yielding to me, and I rise today in support of my legislation, H.R. 4365, which would make Thrift Savings Plans subject to Federal tax levies. Currently, TSP accounts are not listed in the IRS Code provisions identifying property that is exempt from tax. This bill makes clear that the TSP accounts are to be treated the same as 401(k)s and similar retirement and savings accounts held by private sector employees.

This bill is about fairness, Mr. Speaker. It will treat Federal employees the same as private sector employees.

H.R. 4365 adds needed clarification to existing law and provides guidance to the Thrift Board on how to honor IRS levies as they arise. In 2010, the Office of Legal Counsel at the Department of Justice concluded that TSPs are subject to levy. And last week, the Federal Retirement Thrift Investment Board, which oversees TSP accounts, wrote Congress asking that this issue be clarified expeditiously, noting that the lack of clarity is causing significant operational issues.

At the end of 2010, Mr. Speaker, the most recent year for which IRS data is available, 279,000 Federal employees owed $3.4 billion in Federal taxes. And the Joint Committee on Taxation estimates that enacting this legislation would increase revenues by $24 million over the 2012–2022 period.

Mr. Speaker, $24 million may seem like a small figure to some inside the Beltway. However, I believe any savings Congress can produce in today's fiscal environment is significant.

This is a commonsense solution which received bipartisan support in the House Oversight and Government Reform Committee. Similar legislation also received overwhelming support in the Senate. I urge passage of this bill.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H.R. 4365, a bill to amend title 5, United States Code, to make clear that accounts in the Thrift Savings Fund are subject to Federal tax levies.

Current law authorizes the Internal Revenue Service to levy private sector 401(k) retirement plans in order to collect unpaid Federal taxes.

□ 1550

However, due to an existing ambiguity between the Internal Revenue Code and the authorizing statute for the Federal Thrift Savings Plan, the IRS is unable to garnish TSP accounts to recover unpaid taxes from Federal employees and Members of Congress. In light of this statutory confusion, the Thrift Savings Plan's executive director requested clarification from our committee back in July of 2011 as to whether the TSP should honor Federal levies on TSP accounts.

H.R. 4365 would simply ensure that Federal TSP accounts and private sector 401(k) plans receive equal treatment in the area of tax administration and enforcement by amending the TSP authorizing statute to make clear that TSP fund accounts are, in fact, subject to Federal tax levies by the IRS. In addition, pursuant to an amendment offered by our distinguished ranking member, Mr. CUMMINGS of Maryland, and included in the bill as reported by our committee, any potential revenue derived from the enactment of H.R. 4365 may be used only for the purposes of deficit reduction.

In supporting this bill, I would note that the vast majority of our public servants pay their taxes in a responsible and timely manner. In fact, according to the most recent IRS statistics, the tax delinquency rate among Federal employees in 2010 was 3.33 percent, far lower than that of the general public.

Mr. Speaker, I urge my colleagues on both sides of the aisle to support this reasonable legislation, and I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, this is a good, commonsense piece of legislation, and I urge its adoption.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, H.R. 4365, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. MALONEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

GOVERNMENT CHARGE CARD ABUSE PREVENTION ACT OF 2012

Mr CHAFFETZ. Mr. Speaker, I move to suspend the rules and pass the bill (S. 300) to prevent abuse of Government charge cards, as amended.

The Clerk read the title of the bill.

The text of the amendment is as follows:

Amendment:

Strike out all after the enacting clause and insert:

S. 300

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Government Charge Card Abuse Prevention Act of 2012''.

SEC. 2. MANAGEMENT OF PURCHASE CARDS.

(a) GOVERNMENT-WIDE SAFEGUARDS AND INTERNAL CONTROLS.—

(1) IN GENERAL.—Chapter 19 of title 41, United States Code, is amended by adding at the end the following new section:

''§ 1909. Management of purchase cards

''(a) REQUIRED SAFEGUARDS AND INTERNAL CONTROLS.—The head of each executive agency that issues and uses purchase cards and convenience checks shall establish and maintain safeguards and internal controls to ensure the following:

''(1) There is a record in each executive agency of each holder of a purchase card issued by the agency for official use, annotated with the limitations on single transactions and total transactions that are applicable to the use of each such card or check by that purchase card holder.

''(2) Each purchase card holder and individual issued a convenience check is assigned an approving official other than the card holder with the authority to approve or disapprove transactions.

''(3) The holder of a purchase card and each official with authority to authorize expenditures charged to the purchase card are responsible for—

''(A) reconciling the charges appearing on each statement of account for that purchase card with receipts and other supporting documentation; and

''(B) forwarding a summary report to the certifying official in a timely manner of information necessary to enable the certifying official to ensure that the Federal Government ultimately pays only for valid charges that are consistent with the terms of the applicable Government-wide purchase card contract entered into by the Administrator of General Services.

''(4) Any disputed purchase card charge, and any discrepancy between a receipt and other supporting documentation and the purchase card statement of account, is resolved in the manner prescribed in the applicable Government-wide purchase card contract entered into by the Administrator of General Services.

''(5) Payments on purchase card accounts are made promptly within prescribed deadlines to avoid interest penalties.

''(6) Rebates and refunds based on prompt payment, sales volume, or other actions by the agency on purchase card accounts are reviewed for accuracy and properly recorded as a receipt to the agency that pays the monthly bill.

''(7) Records of each purchase card transaction (including records on associated contracts, reports, accounts, and invoices) are retained in accordance with standard Government policies on the disposition of records.

''(8) Periodic reviews are performed to determine whether each purchase card holder has a need for the purchase card.

''(9) Appropriate training is provided to each purchase card holder and each official with responsibility for overseeing the use of purchase cards issued by the executive agency.

''(10) The executive agency has specific policies regarding the number of purchase cards issued by various component organizations and categories of component organizations, the credit limits authorized for various categories of card holders, and categories of employees eligible to be issued purchase cards, and that those policies are designed to minimize the financial risk to the Federal Government of the issuance of the purchase cards and to ensure the integrity of purchase card holders.

''(11) The executive agency uses effective systems, techniques, and technologies to prevent or identify illegal, improper, or erroneous purchases.

''(12) The executive agency invalidates the purchase card of each employee who—

''(A) ceases to be employed by the agency, immediately upon termination of the employment of the employee; or

''(B) transfers to another unit of the agency, immediately upon the transfer of the employee unless the agency determines that the units are covered by the same purchase card authority.

''(13) The executive agency takes steps to recover the cost of any illegal, improper, or erroneous purchase made with a purchase card or convenience check by an employee, including, as necessary, through salary offsets.

''(b) GUIDANCE.—The Director of the Office of Management and Budget shall review existing guidance and, as necessary, prescribe additional guidance governing the implementation of the requirements of subsection (a) by executive agencies.

''(c) PENALTIES FOR VIOLATIONS.—

''(1) IN GENERAL.—The head of each executive agency shall provide for appropriate adverse personnel actions or other punishment to be imposed in cases in which employees of the agency violate agency policies implementing the guidance required by subsection (b) or make illegal, improper, or erroneous purchases with purchase cards or convenience checks.

''(2) DISMISSAL.—Penalties prescribed for employee misuse of purchase cards or convenience checks shall include dismissal of the employee, as appropriate.

''(3) REPORTS ON VIOLATIONS.—The guidance prescribed under subsection (b) shall direct each head of an executive agency with more than $10,000,000 in purchase card spending annually, and each Inspector General of such an executive agency, on a semiannual basis, to submit to the Director of the Office of Management and Budget a joint report on violations or other actions covered by paragraph (1) by employees of such executive agency. At a minimum, the report shall set forth the following:

''(A) A summary description of confirmed violations involving misuse of a purchase card following completion of a review by the agency or by the Inspector General of the agency.

''(B) A summary description of all adverse personnel action, punishment, or other action taken based on each violation.

''(d) RISK ASSESSMENTS AND AUDITS.—The Inspector General of each executive agency shall—

''(1) conduct periodic assessments of the agency purchase card or convenience check programs to identify and analyze risks of illegal, improper, or erroneous purchases and payments in order to develop a plan for using such risk assessments to determine the scope, frequency, and number of periodic audits of purchase card or convenience check transactions;

''(2) perform analysis or audits, as necessary, of purchase card transactions designed to identify—

''(A) potentially illegal, improper, or erroneous uses of purchase cards;

''(B) any patterns of such uses; and

''(C) categories of purchases that could be made by means other than purchase cards in order to better aggregate purchases and obtain lower prices (excluding transactions made under card-based strategic sourcing arrangements);

''(3) report to the head of the executive agency concerned on the results of such analysis or audits; and

''(4) report to the Director of the Office of Management and Budget on the implementation of recommendations made to the head of the executive agency to address findings of any analysis or audit of purchase card and convenience check transactions or programs for compilation and transmission by the Director to Congress and the Comptroller General.

''(e) RELATIONSHIP TO DEPARTMENT OF DEFENSE PURCHASE CARD REGULATIONS.—The requirements of this section shall not apply to the Department of Defense. See section 2784 of title 10 for provisions relating to management of purchase cards in the Department.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 19 of title 41, United States Code, is amended by adding at the end the following new item:

''1909. Management of purchase cards.''.

(b) CONFORMING AMENDMENTS TO DEPARTMENT OF DEFENSE PURCHASE CARD PROVISIONS.—Subsection (b) of section 2784 of title 10, United States Code, is amended—

(1) by moving paragraph (8) to the end of the subsection and redesignating that paragraph as paragraph (14);

(2) by redesignating paragraphs (2), (3), (4), (5), (6), and (7) as paragraphs (3), (4), (5), (6), (7), and (8), respectively;

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) That each purchase card holder and individual issued a convenience check is assigned an approving official other than the card holder with the authority to approve or disapprove transactions.'';

(4) by adding after paragraph (10) the following new paragraphs:

''(11) That the Department of Defense uses effective systems, techniques, and technologies to prevent or identify potential fraudulent purchases.

''(12) That the Department of Defense takes appropriate steps to invalidate the purchase card of each card holder who—

''(A) in the case of an employee of the Department—

''(i) ceases to be employed by the Department, immediately upon termination of the employment of the employee; or

''(ii) transfers to another unit of the Department, immediately upon the transfer of the employee unless the Secretary of Defense determines that the units are covered by the same purchase card authority; and

''(B) in the case of a member of the armed forces, is separated or released from active duty or full-time National Guard duty.

''(13) That the Department of Defense takes steps to recover the cost of any illegal, improper, or erroneous purchase made with a purchase card or convenience check by an employee or member of the armed forces, including, as necessary, through salary offsets.''; and

(5) by adding at the end the following new paragraph:

''(15) That the Inspector General of the Department of Defense conducts periodic audits or reviews of purchase card or convenience check programs to identify and analyze risks of illegal, improper, or erroneous purchases and payments and that the findings of such audits or reviews, along with recommendations to prevent abuse of purchase cards or convenience checks, are reported to the Director of the Office of Management and Budget and Congress.''.

(c) DEADLINE FOR GUIDANCE ON MANAGEMENT OF PURCHASE CARDS.—The Director of the Office of Management and Budget shall prescribe the guidance required by section 1909(b) of title 41, United States Code, as added by subsection (a), not later than 180 days after the date of the enactment of this Act.

SEC. 3. MANAGEMENT OF TRAVEL CARDS.

Section 2 of the Travel and Transportation Reform Act of 1998 (Public Law 105–264; 5 U.S.C. 5701 note) is amended by adding at the end the following new subsection:

''(h) MANAGEMENT OF TRAVEL CHARGE CARDS.—

''(1) REQUIRED SAFEGUARDS AND INTERNAL CONTROLS.—The head of each executive agency that has employees that use travel charge cards shall establish and maintain the following internal control activities to ensure the proper, efficient, and effective use of such travel charge cards:

''(A) There is a record in each executive agency of each holder of a travel charge card issued on behalf of the agency for official use, annotated with the limitations on amounts that are applicable to the use of each such card by that travel charge card holder.

''(B) Rebates and refunds based on prompt payment, sales volume, or other actions by the agency on travel charge card accounts are monitored for accuracy and properly recorded as a receipt of the agency that employs the card holder.

''(C) Periodic reviews are performed to determine whether each travel charge card holder has a need for the travel charge card.

''(D) Appropriate training is provided to each travel charge card holder and each official with responsibility for overseeing the use of travel charge cards issued by the executive agency.

''(E) Each executive agency has specific policies regarding travel charge cards issued for various component organizations and categories of component organizations, the credit limits authorized for various categories of card holders, and categories of employees eligible to be issued travel charge cards, and designs those policies to minimize the financial risk to the Federal Government of the issuance of the travel charge cards and to ensure the integrity of travel charge card holders.

''(F) Each executive agency has policies to ensure its contractual arrangement with each travel charge card issuing contractor contains a requirement that the creditworthiness of an individual be evaluated before the individual is issued a travel charge card, and that no individual be issued a travel charge card if that individual is found not creditworthy as a result of the evaluation (except that this paragraph shall not preclude issuance of a restricted use, prepaid, declining balance, controlled-spend, or stored value card when the individual lacks a credit history or has a credit score below the minimum credit score established by the Director of the Office of Management and Budget). The Director of the Office of Management and Budget shall establish a minimum credit score for determining the creditworthiness of an individual based on rigorous statistical analysis of the population of card holders and historical behaviors. Notwithstanding any other provision of law, such evaluation shall include an assessment of an individual's consumer report from a consumer reporting agency as those terms are defined in section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a).

''(G) Each executive agency uses effective systems, techniques, and technologies to prevent or identify improper purchases.

''(H) Each executive agency ensures that the travel charge card of each employee who ceases to be employed by the agency is invalidated immediately upon termination of the employment of the employee (or, in the case of a member of the uniformed services, upon separation or release from active duty or full-time National Guard duty).

''(I) Each executive agency shall ensure that, where appropriate, travel card payments are issued directly to the travel card-issuing bank for credit to the employee's individual travel card account.

''(2) GUIDANCE ON MANAGEMENT OF TRAVEL CHARGE CARDS.—Not later than 180 days after the date of the enactment of the Government Charge Card Abuse Prevention Act of 2012, the Director of the Office of Management and Budget shall review the existing guidance and, as necessary, prescribe additional guidance for executive agencies governing the implementation of the requirements in paragraph (1).

''(3) INSPECTOR GENERAL AUDIT.—The Inspector General of each executive agency with more than $10,000,000 in travel card spending shall conduct periodic audits or reviews of travel card programs to analyze risks of illegal, improper, or erroneous purchases and payments. The findings of such audits or reviews along with recommendations to prevent improper use of travel cards shall be reported to the Director of the Office of Management and Budget and Congress.

''(4) PENALTIES FOR VIOLATIONS.—Consistent with the guidance prescribed under paragraph (2), each executive agency shall provide for appropriate adverse personnel actions to be imposed in cases in which employees of the executive agency fail to comply with applicable travel charge card terms and conditions or applicable agency regulations or commit fraud with respect to a travel charge card, including removal in appropriate cases.

''(5) DEFINITIONS.—In this subsection:

''(A) EXECUTIVE AGENCY.—The term 'executive agency' means an agency as that term is defined in subparagraphs (A) and (B) of section 5701(1) of title 5, United States Code.

''(B) TRAVEL CHARGE CARD.—The term 'travel charge card' means any Federal contractor-issued travel charge card that is individually billed to each card holder.''.

SEC. 4. MANAGEMENT OF CENTRALLY BILLED ACCOUNTS.

(a) REQUIRED INTERNAL CONTROLS FOR CENTRALLY BILLED ACCOUNTS.—The head of an executive agency that has employees who use a travel charge card that is billed directly to the United States Government shall establish and maintain the following internal control activities:

(1) The executive agency shall ensure that officials with the authority to approve official travel verify that centrally billed account charges are not reimbursed to an employee.

(2) The executive agency shall dispute unallowable and erroneous charges and track the status of the disputed transactions to ensure appropriate resolution.

(3) The executive agency shall submit requests to servicing airlines for refunds of fully or partially unused tickets, when entitled to such refunds, and track the status of unused tickets to ensure appropriate resolution.

(b) GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall review the existing guidance and, as necessary, prescribe additional guidance for executive agencies implementing the requirements of subsection (a).

SEC. 5. DEFINITIONS.

In this Act:

(1) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given such term in section 133 of title 41, United States Code.

(2) EMPLOYEE.—The term ''employee'' has the meaning given such term in section 2(d)(3) of the Travel and Transportation Reform Act of 1998 (Public Law 105–264; 5 U.S.C. 5701 note).

SEC. 6. CONSTRUCTION.

(a) EXECUTIVE AGENCY ACCOUNTING.—Nothing in this Act, or the amendments made by this Act, shall be construed to excuse the head of an executive agency from the responsibilities set out in section 3512 of title 31, United States Code, or in the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(b) PERSONAL INFORMATION.—Nothing in this Act, or the amendments made by this Act, shall be construed to require the disclosure of personally identifying information that is otherwise protected from disclosure under section 552a of title 5, United States Code (popularly known as the Privacy Act of 1974).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Utah (Mr. CHAFFETZ) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. CHAFFETZ. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CHAFFETZ. S. 300 puts commonsense controls on the users of government charge cards which allow Federal workers to purchase goods and to travel in a timely and cost-efficient manner. In any economy, but especially the one we're in now, there is no room for waste, much less fraud and abuse. These safeguards will make all users of Federal charge cards accountable for their use.

While the use of charge cards has saved the Federal Government both time and money when compared to a paper reimbursement system, some Federal employees have abused their purchase and travel card privileges, resulting in unnecessary and sometimes fraudulent expenses.

Numerous GAO reports over the last decade have called for additional controls to prevent waste, fraud, and abuse in the government charge card program. In 2008, GAO estimated that nearly 41 percent of purchase card transactions failed to meet basic internal control standards.

Senator GRASSLEY has put the spotlight on the problematic use of government charge cards for more than a decade, and the GAO has documented fraudulent purchases made by Federal workers with these cards, including jewelry, gambling, cruises, and even the tab at gentlemen's clubs. Government charge cards were used to pay for the infamous GSA 2010 Western Regional Conference.

The Oversight Committee was able to work on a bipartisan basis with the Armed Services Committee to bring Senator GRASSLEY's bill, S. 300, to the floor today. The bill brings needed accountability to the process by which the Federal Government manages charge cards used by Federal employees.

S. 300 requires agencies to improve their internal controls for government charge cards. It is based largely on GAO's recommendations for preventing waste, fraud, and abuse. The additional safeguards resulting from the bill will avoid the waste of millions of dollars of taxpayer money on fraudulent or questionable purposes. The controls also help ensure the Federal Government benefits from rebates available from charge card vendors for prompt payment.

S. 300 requires agency inspectors general to periodically conduct risk assessments and perform audits to identify potential abuse of government charge cards. The bill also requires agencies to take appropriate disciplinary action, including removal, for Federal employees who misuse charge cards. This provision responds to GAO investigations that found inconsistent or nonexistent consequences for Federal employees who abuse these charge card privileges.

I will be placing into the RECORD a jurisdictional exchange of letters between the Committee on Armed Services and the Committee on Oversight and Government Reform.

With that, Mr. Speaker, I reserve the balance of my time.

COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 14, 2012.

Hon. DARRELL E. ISSA,
Chairman, Committee on Oversight and Government Reform, House of Representatives, Washington, DC.

DEAR CHAIRMAN ISSA: I am writing to you concerning the bill S. 300, Government Charge Card Abuse Prevention Act of 2011, as amended. This legislation includes provisions that deal with the Department of Defense policies regarding government charge cards which fall within the Rule X jurisdiction of the Committee on Armed Services.

Our committee recognizes the importance of S. 300, and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this legislation, the Committee on Armed Services will waive further consideration of S. 300. I do so with the understanding that by waiving consideration of the bill, the Committee on Armed Services does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction. I appreciate your willingness to work with the Committee on Armed Services to incorporate modifications requested by the Office of the Secretary of Defense to the legislation to be considered in the House. I request that you urge the Speaker to name members of this committee to any conference committee which is named to consider these provisions.

Please place this letter and your committee's response into the Congressional Record during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

Sincerely,

HOWARD P. ''BUCK'' MCKEON,
Chairman.

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES,
Washington, DC, February 23, 2012.

Hon. HOWARD P. ''BUCK'' MCKEON,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the Committee on Armed Services' jurisdictional interest in S. 300, the ''Government Charge Card Abuse Prevention Act of 2011,'' and your willingness to forego consideration of S. 300 by your committee.

I agree that the Armed Services Committee has a valid jurisdictional interest in certain provisions of S. 300 and that the Committee's jurisdiction will not be adversely affected by your decision to forego consideration of the bill. As you have requested, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Finally, I will include a copy of your letter and this response in the Congressional Record during the floor consideration of this bill. Thank you again for your cooperation.

Sincerely,

DARRELL ISSA,
Chairman.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

The serious fiscal challenges facing the Federal Government demand that agencies do everything they can to operate as efficiently as possible. The Federal Government spends billions annually through its purchase card programs, using purchase cards and convenience checks to acquire millions of items—everything from paper and pencils to computers—and to make payments on government contracts for a variety of goods and services such as vehicles and relocation services.

The primary responsibility for purchasing these items rests with cardholders and the officials who approve their purchases. Because of the position of public trust held by Federal employees, Congress and the American people expect cardholders and approving officials to maintain stewardship over the Federal funds at their disposal. Specifically, purchase cardholders and approving officials are expected to follow published acquisition requirements and exercise a standard of care in acquiring goods and services that is necessary and reasonable for the proper operation of an agency.

Because every Federal dollar that is spent on fraudulent, improper, and abusive purchases is a dollar that cannot be used for necessary government goods and services, ensuring that purchase cards are used responsibly is of particular concern at a time when the United States is experiencing substantial fiscal challenges.

I strongly support Senator GRASSLEY's bill, on which he has worked many years, S. 300, because the legislation will require agencies to establish internal control activities over travel and charge cards. Agencies will be able to perform credit checks on potential recipients of travel cards. Agencies will also be able to appropriately discipline employees who misuse charge cards, including termination of their employment.

Most importantly, this legislation will keep agencies accountable for charge card misuse because the inspectors general of each agency will be required to examine charge card use twice a year and report any violations to the Office of Management and Budget.

I urge my colleagues to support this bill, and I yield back the balance of my time.

Mr. CHAFFETZ. I appreciate the great work Senator GRASSLEY has done on this bill. I urge its adoption. I think

we can do so in a bipartisan way, and I urge a ''yes'' vote.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, S. 300, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. MALONEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

□ 1600

FEDERAL EMPLOYEE TAX ACCOUNTABILITY ACT OF 2012

Mr. CHAFFETZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 828) to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 828

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 ''Federal Employee Tax Accountability Act of 2012''.

SEC. 2. INELIGIBILITY OF PERSONS HAVING SERIOUSLY DELINQUENT TAX DEBTS FOR FEDERAL EMPLOYMENT.

(a) IN GENERAL.—Chapter 73 of title 5, United States Code, is amended by adding at the end the following:

''SUBCHAPTER VIII—INELIGIBILITY OF PERSONS HAVING SERIOUSLY DELINQUENT TAX DEBTS FOR FEDERAL EMPLOYMENT

''§ 7381. Definitions

''For purposes of this subchapter—

''(1) the term 'seriously delinquent tax debt' means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of such Code, except that such term does not include—

''(A) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or section 7122 of such Code;

''(B) a debt with respect to which a collection due process hearing under section 6330 of such Code, or relief under subsection (a), (b), or (f) of section 6015 of such Code, is requested or pending;

''(C) a debt with respect to which a levy has been issued under section 6331 of such Code (or, in the case of an applicant for employment, a debt with respect to which the applicant agrees to be subject to a levy issued under such section); and

''(D) a debt with respect to which relief under section 6343(a)(1)(D) of such Code is granted;

''(2) the term 'employee' means an employee in or under an agency, including an individual described in sections 2104(b) and 2105(e); and

''(3) the term 'agency' means—

''(A) an Executive agency;

''(B) the United States Postal Service;

''(C) the Postal Regulatory Commission; and

''(D) an employing authority in the legislative branch.

''§ 7382. Ineligibility for employment

''(a) IN GENERAL.—Subject to subsection (c), any person who has a seriously delinquent tax debt shall be ineligible to be appointed or to continue serving as an employee.

''(b) DISCLOSURE REQUIREMENT.—The head of each agency shall take appropriate measures to ensure that each person applying for employment with such agency shall be required to submit (as part of the application for employment) certification that such person does not have any seriously delinquent tax debt.

''(c) REGULATIONS.—The Office of Personnel Management, in consultation with the Internal Revenue Service, shall, for purposes of carrying out this section with respect to the executive branch, promulgate any regulations which the Office considers necessary, except that such regulations shall provide for the following:

''(1) All due process rights, afforded by chapter 75 and any other provision of law, shall apply with respect to a determination under this section that an applicant is ineligible to be appointed or that an employee is ineligible to continue serving.

''(2) Before any such determination is given effect with respect to an individual, the individual shall be afforded 180 days to demonstrate that such individual's debt is one described in subparagraph (A), (B), (C), or (D) of section 7381(a)(1).

''(3) An employee may continue to serve, in a situation involving financial hardship, if the continued service of such employee is in the best interests of the United States, as determined on a case-by-case basis.

''(d) REPORTS TO CONGRESS.—The Director of the Office of Personnel Management shall report annually to Congress on the number of exemptions made pursuant to subsection (c)(3).

''§ 7383. Review of public records

''(a) IN GENERAL.—Each agency shall provide for such reviews of public records as the head of such agency considers appropriate to determine if a notice of lien (as described in section 7381(1)) has been filed with respect to an employee of or an applicant for employment with such agency.

''(b) ADDITIONAL REQUESTS.—If a notice of lien is discovered under subsection (a) with respect to an employee or applicant for employment, the agency may—

''(1) request that the employee or applicant execute and submit a form authorizing the Secretary of the Treasury to disclose to the head of the agency information limited to describing whether the employee or applicant has a seriously delinquent tax debt; and

''(2) contact the Secretary of the Treasury to request tax information limited to describing whether the employee or applicant has a seriously delinquent tax debt.

''(c) AUTHORIZATION FORM.—The Secretary of the Treasury shall make available to all agencies a standard form for the authorization described in subsection (b)(1).

''(d) NEGATIVE CONSIDERATION.—The head of an agency, in considering an individual's application for employment or in making an employee appraisal or evaluation, shall give negative consideration to a refusal or failure to comply with a request under subsection (b)(1).

''§ 7384. Confidentiality

''Neither the head nor any other employee of an agency may—

''(1) use any information furnished under the provisions of this subchapter for any purpose other than the administration of this subchapter;

''(2) make any publication whereby the information furnished by or with respect to any particular individual under this subchapter can be identified; or

''(3) permit anyone who is not an employee of such agency to examine or otherwise have access to any such information.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 73 of title 5, United States Code, is amended by adding at the end the following:

''SUBCHAPTER VIII—INELIGIBILITY OF PERSONS HAVING SERIOUSLY DELINQUENT TAX DEBTS FOR FEDERAL EMPLOYMENT

''7381. Definitions.
''7382. Ineligibility for employment.
''7383. Review of public records.
''7384. Confidentiality.''.

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 9 months after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CHAFFETZ) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CHAFFETZ. I yield myself such time as I may consume.

Mr. Speaker, almost every Federal employee that I have run into, they're good, hardworking, patriotic people trying to do the right thing; but unfortunately we have a few that really aren't doing the right thing.

I want to highlight a problem that we see out there. There are those Federal employees that are delinquent on their Federal taxes. Now, this becomes egregious, I think, because of the nature of their employment—they're working for the Federal Government, they're being paid by the Federal taxpayers, and yet they're not paying their own Federal taxes.

Unfortunately, over the course of time this situation has not gotten better. People are dealing with very difficult situations, they have adopted something or somehow in their life they've gotten upside down. The nature and the spirit of this bill, the bill that I am the chief sponsor on, is to find those people who are trying to do the right thing—they're trying to rectify it, they're trying to come up with a plan—we're not going after those people. But for the other group of people who are just totally ignoring the law

and they're not living up to their obligation, they're not paying their Federal taxes, there ought to be more of a consequence.

The number of delinquent employees has remained fairly consistent since the year 2004. Remarkably, there were 102,794 employees who were delinquent with their Federal taxes back in 2004. Fast forward to 2010, that number is still 98,291. In fact, nearly 700 people on Capitol Hill are delinquent on their Federal taxes. Unfortunately, the dollar amount of these delinquencies from 2004, which was $599.8 million, has grown to over $1 billion—in fact, it's $1.034 billion unpaid taxes from Federal employees.

So, employees who consciously ignore the channels and processes in place to fulfill their tax obligations must be held accountable. The Federal Employee Tax Accountability Act addresses noncompliance with our tax laws by prohibiting individuals with seriously delinquent tax debt from Federal civilian employment. This should be common sense, and I hope it's bipartisan.

Most taxpayers, including government employees, file accurate tax returns and pay the taxes they owe on time, regardless of their income. Federal employees and individuals applying for Federal employment should do the same—always.

In 2010, the most recent year for which the IRS data is available, more than 98,000 civilian Federal employees owed more than $1 billion in taxes. The average delinquency rate for Federal civilian employees was 3.33 percent, up from 2.29 percent in 2008.

The vast majority of Federal workers who owe taxes owe them from income that they earned. The intent of this bill is simple. If you're a Federal employee or an applicant for Federal employment, you should be making a good faith effort to pay your taxes or to dispute them, as taxpayers have the right to do.

Under this bill, H.R. 828, individuals having seriously delinquent tax debts are ineligible for Federal civilian employment in the executive and legislative branch. ''Serious tax delinquent'' is defined as an outstanding Federal debt for which the notice of lien has been filed publicly.

H.R. 828 exempts employees who are working to settle tax liabilities by excluding Federal tax debts that are being paid in accordance with an installment agreement, offer of compromise, or wage garnishment; for which a due process hearing or request for relief from joint and several liability is requested or pending; or for which relief has been granted. So, there are exceptions. We're not trying to cut somebody off at the knees if they're trying to do the right thing.

The bill requires individuals applying for Federal jobs to certify that they are not seriously delinquent in their taxes. Agencies will also conduct periodic reviews of public records for tax liens. And individuals with seriously delinquent tax debt may avail themselves of existing due process rights, including before the Merit Systems Protection Board. In addition, individuals will have 6 months to demonstrate that their tax debt is not ''seriously delinquent.''

The bill also provides a financial hardship exemption for employees. Federal employees are called to account for paying taxes by the code of ethics for the executive branch. The code of ethics dictates that Federal employees must ''satisfy in good faith their obligations as citizens, including all just financial obligations, especially those such as Federal, State or local taxes that are imposed by law.'' Thus, the necessity of this situation. Unfortunately, it's getting worse, it's not getting better.

We have an obligation, I think, to the American taxpayers and to the overwhelming majority, the 96-plus percent of Federal workers, who are doing the right thing. Thus, I urge the adoption of this bill.

I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as Chairman ISSA stated during the Oversight Committee's consideration of this bill, H.R. 828, this is largely a symbolic gesture.

We all agree that everyone, including Federal workers, should pay their taxes. Members on both sides of the aisle emphasize the need to hold Federal employees accountable for tax obligations. However, the overwhelming majority of Federal workers take their income tax obligation seriously.

The tax compliance rate for Federal employees is much higher than for the American public. According to the most recent statistics from the Internal Revenue Service, more than 96 percent of Federal workers pay their taxes on time and do not owe money to the government.

In addition, there are already existing laws and regulations that address tax debts owed by Federal employees, and the IRS has a system in place for levying up to 15 percent of Federal wage payments made to delinquent taxpayers until the tax debt is satisfied.

The Joint Committee on Taxation has concluded that H.R. 828 would have ''negligible impact'' on revenue. In fact, implementation of the bill would have a small cost. So, I'm not certain that this bill will have any significant impact whatsoever.

I strongly believe that the House's efforts and energy would be better spent by focusing on measures to strengthen the Federal civil service and improve the efficiency and effectiveness of the Federal Government rather than by making symbolic gestures that reinforce a negative view of the Federal workforce.

I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

There is a need for this. I wish there wasn't a need for this. There are other more pressing things that we should be focused on. But this is $1 billion in uncollected taxes, taxes that are due by Federal workers.

Again, I don't want to disparage the reputation of all Federal employees, but this small group—in excess now of 3 percent of our Federal workers—is putting tarnishment on those other employees.

I want to point to a January 23, 2012, Federal Eye article—Ed O'Keefe is the author. Let me read a paragraph from his article. He said:

> But on Capitol Hill, 684 employees, or almost 4 percent, of the 18,000 congressional staffers owed taxes in 2010, a jump of 46 workers from 2009. Four percent of House staffers owed $8.5 million, and 3 percent of Senate employees owed $2.1 million, the IRS said.

We actually get a report from the IRS, and it has a breakdown of the number of employees by department who aren't paying their Federal taxes. The Department of Treasury, they have one of the lowest percentages. Less than 1 percent of their employees don't pay their taxes, but they still have 1,181 employees at the Department of Treasury who aren't paying it. There's an uncollected $9.3 million.

At the Federal Reserve, the Board of Governors, smaller in terms of their numbers, but you still had 91 employees at the Federal Reserve not paying their taxes—4.86 percent of their employees not paying over $1.2 million in taxes.

If you go on and look here, this one is my personal favorite. The U.S. Office of Government Ethics has the worst compliance rate of our Federal workers. If you put that in a movie, you wouldn't believe it. But nearly 6.5 percent of their employees don't pay their Federal taxes, the U.S. Office of Government Ethics.

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Unfortunately, there is a need for this.

I would like to highlight, we did this in a very bipartisan way within committee. There was an amendment offered by Mr. LYNCH of Massachusetts, who I have the greatest respect for. He offered an amendment. We accepted that. When we accepted that, he was quoted as saying, and I quote from Mr. LYNCH:

> With that refinement here, a friendly amendment, I certainly would vote for the bill if the amendment were included.

I hope we can do this in a bipartisan way. We have an obligation, a duty to do this.

I reserve the balance of my time, Mr. Speaker.

Mrs. MALONEY. Mr. Speaker, I have no additional speakers. I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, let me say, in conclusion here, look, if Federal workers aren't paying their Federal taxes, they should be fired. If they're

not paying their Federal taxes and they want employment here, they should not be employed as Federal workers.

We have a duty and an obligation. This is a billion dollar problem in search of a solution. This is the solution. We should do so in a bipartisan way.

And with that, I urge the adoption of this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, H.R. 828, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CHAFFETZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

HONORING AMERICA'S VETERANS AND CARING FOR CAMP LEJEUNE FAMILIES ACT OF 2012

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 1627) to amend title 38, United States Code, to provide for certain requirements for the placement of monuments in Arlington National Cemetery, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012''.

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

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 3. SCORING OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE I—HEALTH CARE MATTERS

SEC. 101. SHORT TITLE.

This title may be cited as the ''Janey Ensminger Act''.

SEC. 102. HOSPITAL CARE AND MEDICAL SERVICES FOR VETERANS STATIONED AT CAMP LEJEUNE, NORTH CAROLINA.

(a) HOSPITAL CARE AND MEDICAL SERVICES FOR VETERANS.—

(1) IN GENERAL.—Paragraph (1) of section 1710(e) is amended by adding at the end the following new subparagraph:

''(F) Subject to paragraph (2), a veteran who served on active duty in the Armed Forces at Camp Lejeune, North Carolina, for not fewer than 30 days during the period beginning on January 1, 1957, and ending on December 31, 1987, is eligible for hospital care and medical services under subsection (a)(2)(F) for any of the following illnesses or conditions, notwithstanding that there is insufficient medical evidence to conclude that such illnesses or conditions are attributable to such service:

''(i) Esophageal cancer.

''(ii) Lung cancer.

''(iii) Breast cancer.

''(iv) Bladder cancer.

''(v) Kidney cancer.

''(vi) Leukemia.

''(vii) Multiple myeloma.

''(viii) Myleodysplasic syndromes.

''(ix) Renal toxicity.

''(x) Hepatic steatosis.

''(xi) Female infertility.

''(xii) Miscarriage.

''(xiii) Scleroderma.

''(xiv) Neurobehavioral effects.

''(xv) Non-Hodgkin's lymphoma.''.

(2) LIMITATION.—Paragraph (2)(B) of such section is amended by striking ''or (E)'' and inserting ''(E), or (F)''.

(b) FAMILY MEMBERS.—

(1) IN GENERAL.—Subchapter VIII of chapter 17 is amended by adding at the end the following new section:

''§ 1787. Health care of family members of veterans stationed at Camp Lejeune, North Carolina

''(a) IN GENERAL.—Subject to subsection (b), a family member of a veteran described in subparagraph (F) of section 1710(e)(1) of this title who resided at Camp Lejeune, North Carolina, for not fewer than 30 days during the period described in such subparagraph or who was in utero during such period while the mother of such family member resided at such location shall be eligible for hospital care and medical services furnished by the Secretary for any of the illnesses or conditions described in such subparagraph, notwithstanding that there is insufficient medical evidence to conclude that such illnesses or conditions are attributable to such residence.

''(b) LIMITATIONS.—(1) The Secretary may only furnish hospital care and medical services under subsection (a) to the extent and in the amount provided in advance in appropriations Acts for such purpose.

''(2) Hospital care and medical services may not be furnished under subsection (a) for an illness or condition of a family member that is found, in accordance with guidelines issued by the Under Secretary for Health, to have resulted from a cause other than the residence of the family member described in that subsection.

''(3) The Secretary may provide reimbursement for hospital care or medical services provided to a family member under this section only after the family member or the provider of such care or services has exhausted without success all claims and remedies reasonably available to the family member or provider against a third party (as defined in section 1725(f) of this title) for payment of such care or services, including with respect to health-plan contracts (as defined in such section).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1786 the following new item:

''1787. Health care of family members of veterans stationed at Camp Lejeune, North Carolina.''.

(c) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than December 31 of each of 2013, 2014, and 2015, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the care and services provided under sections 1710(e)(1)(F) and 1787 of title 38, United States Code (as added by subsections (a) and (b)(1), respectively).

(2) ELEMENTS.—Each report under paragraph (1) shall set forth the following:

(A) The number of veterans and family members provided hospital care and medical services under the provisions of law specified in paragraph (1) during the period beginning on October 1, 2012, and ending on the date of such report.

(B) The illnesses, conditions, and disabilities for which care and services have been provided such veterans and family members under such provisions of law during that period.

(C) The number of veterans and family members who applied for care and services under such provisions of law during that period but were denied, including information on the reasons for such denials.

(D) The number of veterans and family members who applied for care and services under such provisions of law and are awaiting a decision from the Secretary on eligibility for such care and services as of the date of such report.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The provisions of this section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) APPLICABILITY.—Subparagraph (F) of section 1710(e)(1) of such title, as added by subsection (a), and section 1787 of title 38, United States Code, as added by subsection (b)(1), shall apply with respect to hospital care and medical services provided on or after the date of the enactment of this Act.

SEC. 103. AUTHORITY TO WAIVE COLLECTION OF COPAYMENTS FOR TELEHEALTH AND TELEMEDICINE VISITS OF VETERANS.

(a) IN GENERAL.—Subchapter III of chapter 17 is amended by inserting after section 1722A the following new section:

''§ 1722B. Copayments: waiver of collection of copayments for telehealth and telemedicine visits of veterans

''The Secretary may waive the imposition or collection of copayments for telehealth and telemedicine visits of veterans under the laws administered by the Secretary.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1722A the following new item:

''1722B. Copayments: waiver of collection of copayments for telehealth and telemedicine visits of veterans.''.

SEC. 104. TEMPORARY EXPANSION OF PAYMENTS AND ALLOWANCES FOR BENEFICIARY TRAVEL IN CONNECTION WITH VETERANS RECEIVING CARE FROM VET CENTERS.

(a) IN GENERAL.—Beginning one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall commence a three-year initiative to assess the feasibility and advisability of paying under section 111(a) of title 38, United States Code, the actual necessary expenses of travel or allowances for travel from a residence located in an area that is designated by the Secretary as highly rural to the nearest Vet Center and from such Vet Center to such residence.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the completion of the initiative, the Secretary shall submit to Congress a report on the findings of the Secretary with respect to the initiative required by subsection (a).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the individuals who benefitted from payment under the initiative.

(B) A description of any impediments to the Secretary in paying expenses or allowances under the initiative.

(C) A description of any impediments encountered by individuals in receiving such payments.

(D) An assessment of the feasibility and advisability of paying such expenses or allowances.

(E) An assessment of any fraudulent receipt of payment under the initiative and the recommendations of the Secretary for legislative or administrative action to reduce such fraud.

(F) Such recommendations for legislative or administrative action as the Secretary considers appropriate with respect to the payment of expenses or allowances as described in subsection (a).

(c) VET CENTER DEFINED.—In this section, the term ''Vet Center'' means a center for readjustment counseling and related mental health services for veterans under section 1712A of title 38, United States Code.

SEC. 105. CONTRACTS AND AGREEMENTS FOR NURSING HOME CARE.

(a) CONTRACTS.—Section 1745(a) is amended—

(1) in paragraph (1), by striking ''The Secretary shall pay each State home for nursing home care at the rate determined under paragraph (2)'' and inserting ''The Secretary shall enter into a contract (or agreement under section 1720(c)(1) of this title) with each State home for payment by the Secretary for nursing home care provided in the home''; and

(2) by striking paragraph (2) and inserting the following new paragraph (2):

''(2) Payment under each contract (or agreement) between the Secretary and a State home under paragraph (1) shall be based on a methodology, developed by the Secretary in consultation with the State home, to adequately reimburse the State home for the care provided by the State home under the contract (or agreement).''.

(b) AGREEMENTS.—Section 1720(c)(1)(A) is amended—

(1) in clause (i), by striking ''; and'' and inserting a semicolon;

(2) in clause (ii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new clause:

''(iii) a provider of services eligible to enter into a contract pursuant to section 1745(a) of this title that is not otherwise described in clause (i) or (ii).''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to care provided on or after the date that is 180 days after the date of the enactment of this Act.

(2) MAINTENANCE OF PRIOR METHODOLOGY OF REIMBURSEMENT FOR CERTAIN STATE HOMES.—In the case of a State home that provided nursing home care on the day before the date of the enactment of this Act for which the State home was eligible for pay under section 1745(a)(1) of title 38, United States Code, at the request of any State home, the Secretary shall offer to enter into a contract (or agreement described in such section) with such State home under such

section, as amended by subsection (a), for payment for nursing home care provided by such State home under such section that reflects the overall methodology of reimbursement for such care that was in effect for such State home on the day before the date of the enactment of this Act.

SEC. 106. COMPREHENSIVE POLICY ON REPORTING AND TRACKING SEXUAL ASSAULT INCIDENTS AND OTHER SAFETY INCIDENTS.

(a) POLICY.—Subchapter I of chapter 17 is amended by adding at the end the following:

''§ 1709. Comprehensive policy on reporting and tracking sexual assault incidents and other safety incidents

''(a) POLICY REQUIRED.—(1) Not later than September 30, 2012, the Secretary shall develop and implement a centralized and comprehensive policy on the reporting and tracking of sexual assault incidents and other safety incidents that occur at each medical facility of the Department, including—

''(A) suspected, alleged, attempted, or confirmed cases of sexual assault, regardless of whether such assaults lead to prosecution or conviction;

''(B) criminal and purposefully unsafe acts;

''(C) alcohol or substance abuse related acts (including by employees of the Department); and

''(D) any kind of event involving alleged or suspected abuse of a patient.

''(2) In developing and implementing a policy under paragraph (1), the Secretary shall consider the effects of such policy on—

''(A) the use by veterans of mental health care and substance abuse treatments; and

''(B) the ability of the Department to refer veterans to such care or treatment.

''(b) SCOPE.—The policy required by subsection (a) shall cover each of the following:

''(1) For purposes of reporting and tracking sexual assault incidents and other safety incidents, definitions of the terms—

''(A) 'safety incident';

''(B) 'sexual assault'; and

''(C) 'sexual assault incident'.

''(2)(A) The development and use of specific risk-assessment tools to examine any risks related to sexual assault that a veteran may pose while being treated at a medical facility of the Department, including clear and consistent guidance on the collection of information related to—

''(i) the legal history of the veteran; and

''(ii) the medical record of the veteran.

''(B) In developing and using tools under subparagraph (A), the Secretary shall consider the effects of using such tools on the use by veterans of health care furnished by the Department.

''(3) The mandatory training of employees of the Department on security issues, including awareness, preparedness, precautions, and police assistance.

''(4) The mandatory implementation, use, and regular testing of appropriate physical security precautions and equipment, including surveillance camera systems, computer-based panic alarm systems, stationary panic alarms, and electronic portable personal panic alarms.

''(5) Clear, consistent, and comprehensive criteria and guidance with respect to an employee of the Department communicating and reporting sexual assault incidents and other safety incidents to—

''(A) supervisory personnel of the employee at—

''(i) a medical facility of the Department;

''(ii) an office of a Veterans Integrated Service Network; and

''(iii) the central office of the Veterans Health Administration; and

''(B) a law enforcement official of the Department.

''(6) Clear and consistent criteria and guidelines with respect to an employee of the Department referring and reporting to the Office of Inspector General of the Department sexual assault incidents and other safety incidents that meet the regulatory criminal threshold prescribed under sections 901 and 902 of this title.

''(7) An accountable oversight system within the Veterans Health Administration that includes—

''(A) systematic information sharing of reported sexual assault incidents and other safety incidents among officials of the Administration who have programmatic responsibility; and

''(B) a centralized reporting, tracking, and monitoring system for such incidents.

''(8) Consistent procedures and systems for law enforcement officials of the Department with respect to investigating, tracking, and closing reported sexual assault incidents and other safety incidents.

''(9) Clear and consistent guidance for the clinical management of the treatment of sexual assaults that are reported more than 72 hours after the assault.

''(c) UPDATES TO POLICY.—The Secretary shall review and revise the policy required by subsection (a) on a periodic basis as the Secretary considers appropriate and in accordance with best practices.

''(d) ANNUAL REPORT.—(1) Not later than 60 days after the date on which the Secretary develops the policy required by subsection (a) and not later than October 1 of each year thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the implementation of the policy.

''(2) The report required by paragraph (1) shall include—

''(A) the number and type of sexual assault incidents and other safety incidents reported by each medical facility of the Department;

''(B) a detailed description of the implementation of the policy required by subsection (a), including any revisions made to such policy from the previous year; and

''(C) the effectiveness of such policy on improving the safety and security of the medical facilities of the Department, including the performance measures used to evaluate such effectiveness.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1708 the following new item:

''1709. Comprehensive policy on reporting and tracking sexual assault incidents and other safety incidents.''.

(c) INTERIM REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the development of the policy required by section 1709 of title 38, United States Code, as added by subsection (a).

SEC. 107. REHABILITATIVE SERVICES FOR VETERANS WITH TRAUMATIC BRAIN INJURY.

(a) REHABILITATION PLANS AND SERVICES.—Section 1710C is amended—

(1) in subsection (a)(1), by inserting before the semicolon the following: ''with the goal of maximizing the individual's independence'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting ''(and sustaining improvement in)'' after ''improving'';

(ii) by inserting ''behavioral,'' after ''cognitive,'';

(B) in paragraph (2), by inserting ''rehabilitative services and'' before ''rehabilitative components''; and

(C) in paragraph (3)—

(i) by striking ''treatments'' the first place it appears and inserting ''services''; and

(ii) by striking ''treatments and'' the second place it appears; and

(3) by adding at the end the following new subsection:

''(h) REHABILITATIVE SERVICES DEFINED.—For purposes of this section, and sections 1710D and 1710E of this title, the term 'rehabilitative services' includes—

''(1) rehabilitative services, as defined in section 1701 of this title;

''(2) treatment and services (which may be of ongoing duration) to sustain, and prevent loss of, functional gains that have been achieved; and

''(3) any other rehabilitative services or supports that may contribute to maximizing an individual's independence.''.

(b) REHABILITATION SERVICES IN COMPREHENSIVE PROGRAM FOR LONG-TERM REHABILITATION.—Section 1710D(a) is amended—

(1) by inserting ''and rehabilitative services (as defined in section 1710C of this title)'' after ''long-term care''; and

(2) by striking ''treatment''.

(c) REHABILITATION SERVICES IN AUTHORITY FOR COOPERATIVE AGREEMENTS FOR USE OF NON-DEPARTMENT FACILITIES FOR REHABILITATION.—Section 1710E(a) is amended by inserting '', including rehabilitative services (as defined in section 1710C of this title),'' after ''medical services''.

(d) TECHNICAL AMENDMENT.—Section 1710C(c)(2)(S) of title 38, United States Code, is amended by striking ''opthamologist'' and inserting ''ophthalmologist''.

SEC. 108. TELECONSULTATION AND TELEMEDICINE.

(a) TELECONSULTATION.—

(1) IN GENERAL.—Subchapter I of chapter 17, as amended by section 106(a), is further amended by adding at the end the following new section:

''§ 1709A. Teleconsultation

''(a) TELECONSULTATION.—(1) The Secretary shall carry out an initiative of teleconsultation for the provision of remote mental health and traumatic brain injury assessments in facilities of the Department that are not otherwise able to provide such assessments without contracting with third-party providers or reimbursing providers through a fee basis system.

''(2) The Secretary shall, in consultation with appropriate professional societies, promulgate technical and clinical care standards for the use of teleconsultation services within facilities of the Department.

''(3) In carrying out an initiative under paragraph (1), the Secretary shall ensure that facilities of the Department are able to provide a mental health or traumatic brain injury assessment to a veteran through contracting with a third-party provider or reimbursing a provider through a fee basis system when—

''(A) such facilities are not able to provide such assessment to the veteran without—

''(i) such contracting or reimbursement; or

''(ii) teleconsultation; and

''(B) providing such assessment with such contracting or reimbursement is more clinically appropriate for the veteran than providing such assessment with teleconsultation.

''(b) TELECONSULTATION DEFINED.—In this section, the term 'teleconsultation' means the use by a health care specialist of telecommunications to assist another health care provider in rendering a diagnosis or treatment.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 1709, as added by section 106(b), the following new item:

''1709A. Teleconsultation.''.

(b) TRAINING IN TELEMEDICINE.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall, to the extent feasible, offer medical residents opportunities in training in telemedicine for medical residency programs. The Secretary shall consult with the Accreditation Council for Graduate Medical Education and

with universities with which facilities of the Department have a major affiliation to determine the feasibility and advisability of making telehealth a mandatory component of medical residency programs.

(2) TELEMEDICINE DEFINED.—In this subsection, the term ''telemedicine'' means the use by a health care provider of telecommunications to assist in the diagnosis or treatment of a patient's medical condition.

SEC. 109. USE OF SERVICE DOGS ON PROPERTY OF THE DEPARTMENT OF VETERANS AFFAIRS.

Section 901 is amended by adding at the end the following new subsection:

''(f)(1) The Secretary may not prohibit the use of a covered service dog in any facility or on any property of the Department or in any facility or on any property that receives funding from the Secretary.

''(2) For purposes of this subsection, a covered service dog is a service dog that has been trained by an entity that is accredited by an appropriate accrediting body that evaluates and accredits organizations which train guide or service dogs.''.

SEC. 110. RECOGNITION OF RURAL HEALTH RESOURCE CENTERS IN OFFICE OF RURAL HEALTH.

Section 7308 is amended by adding at the end the following new subsection:

''(d) RURAL HEALTH RESOURCE CENTERS.—(1) There are, in the Office, veterans rural health resource centers that serve as satellite offices for the Office.

''(2) The veterans rural health resource centers have purposes as follows:

''(A) To improve the understanding of the Office of the challenges faced by veterans living in rural areas.

''(B) To identify disparities in the availability of health care to veterans living in rural areas.

''(C) To formulate practices or programs to enhance the delivery of health care to veterans living in rural areas.

''(D) To develop special practices and products for the benefit of veterans living in rural areas and for implementation of such practices and products in the Department systemwide.''.

SEC. 111. IMPROVEMENTS FOR RECOVERY AND COLLECTION OF AMOUNTS FOR DEPARTMENT OF VETERANS AFFAIRS MEDICAL CARE COLLECTIONS FUND.

(a) DEVELOPMENT AND IMPLEMENTATION OF PLAN FOR RECOVERY AND COLLECTION.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall develop and implement a plan to ensure the recovery and collection of amounts under the provisions of law described in section 1729A(b) of title 38, United States Code, for deposit in the Department of Veterans Affairs Medical Care Collections Fund.

(2) ELEMENTS.—The plan required by paragraph (1) shall include the following:

(A) An effective process to identify billable fee claims.

(B) Effective and practicable policies and procedures that ensure recovery and collection of amounts described in section 1729A(b) of such title.

(C) The training of employees of the Department, on or before September 30, 2013, who are responsible for the recovery or collection of such amounts to enable such employees to comply with the process required by subparagraph (A) and the policies and procedures required by subparagraph (B).

(D) Fee revenue goals for the Department.

(E) An effective monitoring system to ensure achievement of goals described in subparagraph (D) and compliance with the policies and procedures described in subparagraph (B).

(b) MONITORING OF THIRD-PARTY COLLECTIONS.—The Secretary shall monitor the recovery and collection of amounts from third parties (as defined in section 1729(i) of such title) for deposit in such fund.

SEC. 112. EXTENSION OF AUTHORITY FOR COPAYMENTS.

Section 1710(f)(2)(B) is amended by striking ''September 30, 2012'' and inserting ''September 30, 2013''.

SEC. 113. EXTENSION OF AUTHORITY FOR RECOVERY OF COST OF CERTAIN CARE AND SERVICES.

Section 1729(a)(2)(E) is amended by striking ''October 1, 2012'' and inserting ''October 1, 2013''.

TITLE II—HOUSING MATTERS

SEC. 201. SHORT TITLE.

This title may be cited as the ''Andrew Connelly Veterans Housing Act''.

SEC. 202. TEMPORARY EXPANSION OF ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING ASSISTANCE FOR CERTAIN VETERANS WITH DISABILITIES CAUSING DIFFICULTY WITH AMBULATING.

(a) IN GENERAL.—Paragraph (2) of section 2101(a) is amended to read as follows:

''(2)(A) A veteran is described in this paragraph if the veteran—

''(i) is entitled to compensation under chapter 11 of this title for a permanent and total service-connected disability that meets any of the criteria described in subparagraph (B); or

''(ii) served in the Armed Forces on or after September 11, 2001, and is entitled to compensation under chapter 11 of this title for a permanent service-connected disability that meets the criterion described in subparagraph (C).

''(B) The criteria described in this subparagraph are as follows:

''(i) The disability is due to the loss, or loss of use, of both lower extremities such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair.

''(ii) The disability is due to—

''(I) blindness in both eyes, having only light perception, plus (ii) loss or loss of use of one lower extremity.

''(iii) The disability is due to the loss or loss of use of one lower extremity together with—

''(I) residuals of organic disease or injury; or

''(II) the loss or loss of use of one upper extremity,

which so affect the functions of balance or propulsion as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair.

''(iv) The disability is due to the loss, or loss of use, of both upper extremities such as to preclude use of the arms at or above the elbows.

''(v) The disability is due to a severe burn injury (as determined pursuant to regulations prescribed by the Secretary).

''(C) The criterion described in this subparagraph is that the disability—

''(i) was incurred on or after September 11, 2001; and

''(ii) is due to the loss or loss of use of one or more lower extremities which so affects the functions of balance or propulsion as to preclude ambulating without the aid of braces, crutches, canes, or a wheelchair.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2012.

(c) SUNSET.—Subsection (a) of section 2101 is amended—

(1) in paragraph (1), by striking ''to paragraph (3)'' and inserting ''to paragraphs (3) and (4)''; and

(2) by adding at the end the following new paragraph:

''(4) The Secretary's authority to furnish assistance under paragraph (1) to a disabled veteran described in paragraph (2)(A)(ii) shall apply only with respect to applications for such assistance approved by the Secretary on or before September 30, 2013.''.

SEC. 203. EXPANSION OF ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING ASSISTANCE FOR VETERANS WITH VISION IMPAIRMENT.

(a) IN GENERAL.—Paragraph (2) of section 2101(b) is amended to read as follows:

''(2) A veteran is described in this paragraph if the veteran is entitled to compensation under chapter 11 of this title for a service-connected disability that meets any of the following criteria:

''(A) The disability is due to blindness in both eyes, having central visual acuity of 20/200 or less in the better eye with the use of a standard correcting lens. For the purposes of this subparagraph, an eye with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered as having a central visual acuity of 20/200 or less.

''(B) A permanent and total disability that includes the anatomical loss or loss of use of both hands.

''(C) A permanent and total disability that is due to a severe burn injury (as so determined).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2012.

SEC. 204. REVISED LIMITATIONS ON ASSISTANCE FURNISHED FOR ACQUISITION AND ADAPTATION OF HOUSING FOR DISABLED VETERANS.

(a) IN GENERAL.—Subsection (d) of section 2102 is amended to read as follows:

''(d)(1) The aggregate amount of assistance available to an individual under section 2101(a) of this title shall be limited to $63,780.

''(2) The aggregate amount of assistance available to an individual under section 2101(b) of this title shall be limited to $12,756.

''(3) No veteran may receive more than three grants of assistance under this chapter.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is one year after the date of the enactment of this Act and shall apply with respect to assistance provided under sections 2101(a), 2101(b), and 2102A of title 38, United States Code, after such date.

(c) MAINTENANCE OF HIGHER RATES.—The amendment made by subsection (a) shall not be construed to decrease the aggregate amount of assistance available to an individual under the sections described in subsection (b), as most recently increased by the Secretary pursuant to section 2102(e) of such title.

SEC. 205. IMPROVEMENTS TO ASSISTANCE FOR DISABLED VETERANS RESIDING IN HOUSING OWNED BY A FAMILY MEMBER.

(a) INCREASED ASSISTANCE.—Subsection (b) of section 2102A is amended—

(1) in paragraph (1), by striking ''$14,000'' and inserting ''$28,000''; and

(2) in paragraph (2), by striking ''$2,000'' and inserting ''$5,000''.

(b) INDEXING OF LEVELS OF ASSISTANCE.—Such subsection is further amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) in the matter before subparagraph (A), as redesignated by paragraph (1), by inserting ''(1)'' before ''The''; and

(3) by adding at the end the following new paragraph (2):

''(2) Effective on October 1 of each year (beginning in 2012), the Secretary shall use the same percentage calculated pursuant to section 2102(e) of this title to increase the amounts described in paragraph (1) of this subsection.''.

(c) EXTENSION OF AUTHORITY FOR ASSISTANCE.—Subsection (e) of such section is amended by striking ''December 31, 2012'' and inserting ''December 31, 2022''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to assistance furnished in accordance with section 2102A of title 38, United States Code, on or after that date.

SEC. 206. DEPARTMENT OF VETERANS AFFAIRS HOUSING LOAN GUARANTEES FOR SURVIVING SPOUSES OF CERTAIN TOTALLY DISABLED VETERANS.

(a) IN GENERAL.—Section 3701(b) is amended by adding at the end the following new paragraph:

''(6) The term 'veteran' also includes, for purposes of home loans, the surviving spouse of a veteran who died and who was in receipt of or entitled to receive (or but for the receipt of retired or retirement pay was entitled to receive) compensation at the time of death for a service-connected disability rated totally disabling if—

''(A) the disability was continuously rated totally disabling for a period of 10 or more years immediately preceding death;

''(B) the disability was continuously rated totally disabling for a period of not less than five years from the date of such veteran's discharge or other release from active duty; or

''(C) the veteran was a former prisoner of war who died after September 30, 1999, and the disability was continuously rated totally disabling for a period of not less than one year immediately preceding death.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to a loan guaranteed after the date of the enactment of this Act.

(c) CLARIFICATION WITH RESPECT TO CERTAIN FEES.—Fees shall be collected under section 3729 of title 38, United States Code, from a person described in paragraph (6) of section 3701(b) of such title, as added by subsection (a) of this section, in the same manner as such fees are collected from a person described in paragraph (2) of section 3701(b) of such title.

SEC. 207. OCCUPANCY OF PROPERTY BY DEPENDENT CHILD OF VETERAN FOR PURPOSES OF MEETING OCCUPANCY REQUIREMENT FOR DEPARTMENT OF VETERANS AFFAIRS HOUSING LOANS.

Paragraph (2) of section 3704(c) is amended to read as follows:

''(2) In any case in which a veteran is in active-duty status as a member of the Armed Forces and is unable to occupy a property because of such status, the occupancy requirements of this chapter shall be considered to be satisfied if—

''(A) the spouse of the veteran occupies or intends to occupy the property as a home and the spouse makes the certification required by paragraph (1) of this subsection; or

''(B) a dependent child of the veteran occupies or will occupy the property as a home and the veteran's attorney-in-fact or legal guardian of the dependent child makes the certification required by paragraph (1) of this subsection.''.

SEC. 208. MAKING PERMANENT PROJECT FOR GUARANTEEING OF ADJUSTABLE RATE MORTGAGES.

Section 3707(a) is amended by striking ''demonstration project under this section during fiscal years 1993 through 2012'' and inserting ''project under this section''.

SEC. 209. MAKING PERMANENT PROJECT FOR INSURING HYBRID ADJUSTABLE RATE MORTGAGES.

Section 3707A(a) is amended by striking ''demonstration project under this section during fiscal years 2004 through 2012'' and inserting ''project under this section''.

SEC. 210. WAIVER OF LOAN FEE FOR INDIVIDUALS WITH DISABILITY RATINGS ISSUED DURING PRE-DISCHARGE PROGRAMS.

Paragraph (2) of section 3729(c) is amended to read as follows:

''(2)(A) A veteran described in subparagraph (B) shall be treated as receiving compensation for purposes of this subsection as of the date of the rating described in such subparagraph without regard to whether an effective date of the award of compensation is established as of that date.

''(B) A veteran described in this subparagraph is a veteran who is rated eligible to receive compensation—

''(i) as the result of a pre-discharge disability examination and rating; or

''(ii) based on a pre-discharge review of existing medical evidence (including service medical and treatment records) that results in the issuance of a memorandum rating.''.

SEC. 211. MODIFICATION OF AUTHORITIES FOR ENHANCED-USE LEASES OF REAL PROPERTY.

(a) SUPPORTIVE HOUSING DEFINED.—Section 8161 is amended by adding at the end the following new paragraph:

''(3) The term 'supportive housing' means housing that engages tenants in on-site and community-based support services for veterans or their families that are at risk of homelessness or are homeless. Such term may include the following:

''(A) Transitional housing.
''(B) Single-room occupancy.
''(C) Permanent housing.
''(D) Congregate living housing.
''(E) Independent living housing.
''(F) Assisted living housing.
''(G) Other modalities of housing.''.

(b) MODIFICATION OF LIMITATIONS ON ENHANCED USE LEASES.—

(1) IN GENERAL.—Paragraph (2) of section 8162(a) is amended to read as follows:

''(2) The Secretary may enter into an enhanced-use lease only for the provision of supportive housing and the lease is not inconsistent with and will not adversely affect the mission of the Department.''.

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—Paragraph (2) of section 8162(a) of title 38, United States Code, as amended by paragraph (1), shall take effect on January 1, 2012, and shall apply with respect to enhanced-use leases entered into on or after such date.

(B) PREVIOUS LEASES.—Any enhanced-use lease that the Secretary has entered into prior to the date described in subparagraph (A) shall be subject to the provisions of subchapter V of chapter 81 of such title, as in effect on the day before the date of the enactment of this Act.

(c) CONSIDERATION FOR AND TERMS OF ENHANCED-USE LEASES.—

(1) IN GENERAL.—Section 8162(b) is amended—

(A) in paragraph (1), by striking ''(A) If the Secretary'' and all that follows through ''under subparagraph (A).'' and inserting the following: ''If the Secretary has determined that a property should be leased to another party through an enhanced-use lease, the Secretary shall, at the Secretary's discretion, select the party with whom the lease will be entered into using such selection procedures as the Secretary considers appropriate.'';

(B) by amending paragraph (3) to read as follows:

''(3)(A) For any enhanced-use lease entered into by the Secretary, the lease consideration provided to the Secretary shall consist solely of cash at fair value as determined by the Secretary.

''(B) The Secretary shall receive no other type of consideration for an enhanced-use lease besides cash.

''(C) The Secretary may enter into an enhanced-use lease without receiving consideration.'';

(C) in paragraph (4), by striking ''Secretary to'' and all that follows through ''use minor'' and inserting ''Secretary to use minor''; and

(D) by adding at the end the following new paragraphs:

''(5) The terms of an enhanced-use lease may not provide for any acquisition, contract, demonstration, exchange, grant, incentive, procurement, sale, other transaction authority, service agreement, use agreement, lease, or lease-back by the Secretary or Federal Government.

''(6) The Secretary may not enter into an enhanced-use lease without certification in advance in writing by the Director of the Office of Management and Budget that such lease complies with the requirements of this subchapter.''.

(2) EFFECTIVE DATE.—Paragraph (3) of section 8162(b), as amended by paragraph (1)(B) of this subsection, shall take effect on January 1, 2012, and shall apply with respect to enhanced-use leases entered into on or after such date.

(d) PROHIBITED ENHANCED-USE LEASES.—Section 8162(c) is amended—

(1) by striking paragraph (2); and

(2) in paragraph (1), by striking ''(1) Subject to paragraph (2), the'' and inserting ''The''.

(e) DISPOSITION OF LEASED PROPERTY.—Subsection (b) of section 8164 is amended to read as follows:

''(b) A disposition under this section may be made in return for cash at fair value as the Secretary determines is in the best interest of the United States and upon such other terms and conditions as the Secretary considers appropriate.''.

(f) USE OF AMOUNTS RECEIVED FOR DISPOSITION OF LEASED PROPERTY.—Section 8165(a)(2) is amended by striking ''in the Department of Veterans Affairs Capital Asset Fund established under section 8118 of this title'' and inserting ''into the Department of Veterans Affairs Construction, Major Projects account or Construction, Minor Projects account, as the Secretary considers appropriate''.

(g) CONSTRUCTION STANDARDS.—Section 8166 is amended to read as follows:

''§ 8166. Construction standards

''The construction, alteration, repair, remodeling, or improvement of a property that is the subject of an enhanced-use lease shall be carried out so as to comply with all applicable provisions of Federal, State, and local law relating to land use, building standards, permits, and inspections.''.

(h) EXEMPTION FROM STATE AND LOCAL TAXES.—Section 8167 is amended to read as follows:

''§ 8167. Exemption from State and local taxes

''(a) IMPROVEMENTS AND OPERATIONS NOT EXEMPTED.—The improvements and operations on land leased by a person with an enhanced-use lease from the Secretary shall be subject to all applicable provisions of Federal, State, or local law relating to taxation, fees, and assessments.

''(b) UNDERLYING FEE TITLE INTEREST EXEMPTED.—The underlying fee title interest of the United States in any land subject to an enhanced-use lease shall not be subject, directly or indirectly, to any provision of State or local law relating to taxation, fees, or assessments.''.

(i) ANNUAL REPORTS.—

(1) IN GENERAL.—Subchapter V of chapter 81 is amended by inserting after section 8167 the following new section:

''§ 8168. Annual reports

''(a) REPORT ON ADMINISTRATION OF LEASES.—Not later than 120 days after the date of the enactment of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012 and not less frequently than once each year thereafter, the Secretary shall submit to Congress a report identifying the actions taken by the Secretary to implement and administer enhanced-use leases.

''(b) REPORT ON LEASE CONSIDERATION.—Each year, as part of the annual budget submission of the President to Congress under section 1105(a) of title 31, the Secretary shall submit to Congress a detailed report of the consideration received by the Secretary for each enhanced-use lease under this subchapter, along with an overview of how the Secretary is utilizing such consideration to support veterans.''.

(2) ELEMENTS OF INITIAL REPORT.—The first report submitted by the Secretary under section 8168(a) of title 38, United States Code, as added by paragraph (1), shall include a summary of those measures the Secretary is taking to address the following recommendations from the February 9, 2012, audit report of the Department of Veterans Affairs Office of Inspector General on enhanced-use leases under subchapter V of chapter 81 of title 38, United States Code:

(A) Improve standards to ensure complete lease agreements are negotiated in line with strategic goals of the Department of Veterans Affairs.

(B) Institute improved policies and procedures to govern activities such as monitoring enhanced-use lease projects and calculating, classifying, and reporting on enhanced-use lease benefits and expenses.

(C) Recalculate and update enhanced-use lease expenses and benefits reported in the most recent Enhanced-Use Lease Consideration Report of the Department.

(D) Establish improved oversight mechanisms to ensure major enhanced-use lease project decisions are documented and maintained in accordance with policy.

(E) Establish improved criteria to measure timeliness and performance in enhanced-use lease project development and execution.

(F) Establish improved criteria and guidelines for assessing projects to determine whether they are or remain viable candidates for enhanced-use leases.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 is amended by inserting after the item relating to section 8167 the following new item:

''8168. Annual reports.''.

(j) EXPIRATION OF AUTHORITY.—Section 8169 is amended by striking ''December 31, 2011'' and inserting ''December 31, 2023''.

(k) EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this section shall take effect on the date of the enactment of this Act.

TITLE III—HOMELESS MATTERS

SEC. 301. ENHANCEMENT OF COMPREHENSIVE SERVICE PROGRAMS.

(a) ENHANCEMENT OF GRANTS.—Section 2011 is amended—

(1) in subsection (b)(1)(A), by striking ''expansion, remodeling, or alteration of existing buildings, or acquisition of facilities,'' and inserting ''new construction of facilities, expansion, remodeling, or alteration of existing facilities, or acquisition of facilities,''; and

(2) in subsection (c)—

(A) in the first sentence, by striking ''A grant'' and inserting ''(1) A grant'';

(B) in the second sentence of paragraph (1), as designated by subparagraph (A), by striking ''The amount'' and inserting the following:

''(2) The amount''; and

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

''(3)(A) The Secretary may not deny an application from an entity that seeks a grant under this section to carry out a project described in subsection (b)(1)(A) solely on the basis that the entity proposes to use funding from other private or public sources, if the entity demonstrates that a private nonprofit organization will provide oversight and site control for the project.

''(B) In this paragraph, the term 'private nonprofit organization' means the following:

''(i) An incorporated private institution, organization, or foundation—

''(I) that has received, or has temporary clearance to receive, tax-exempt status under paragraph (2), (3), or (19) of section 501(c) of the Internal Revenue Code of 1986;

''(II) for which no part of the net earnings of the institution, organization, or foundation inures to the benefit of any member, founder, or contributor of the institution, organization, or foundation; and

''(III) that the Secretary determines is financially responsible.

''(ii) A for-profit limited partnership or limited liability company, the sole general partner or manager of which is an organization that is described by subclauses (I) through (III) of clause (i).

''(iii) A corporation wholly owned and controlled by an organization that is described by subclauses (I) through (III) of clause (i).''.

(b) GRANT AND PER DIEM PAYMENTS.—

(1) STUDY AND DEVELOPMENT OF FISCAL CONTROLS AND PAYMENT METHOD.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(A) complete a study of all matters relating to the method used by the Secretary to make per diem payments under section 2012(a) of title 38, United States Code, including changes anticipated by the Secretary in the cost of furnishing services to homeless veterans and accounting for costs of providing such services in various geographic areas;

(B) develop more effective and efficient procedures for fiscal control and fund accounting by recipients of grants under sections 2011, 2012, and 2061 of such title; and

(C) develop a more effective and efficient method for adequately reimbursing recipients of grants under section 2011 of such title for services furnished to homeless veterans.

(2) CONSIDERATION.—In developing the method required by paragraph (1)(C), the Secretary may consider payments and grants received by recipients of grants described in such paragraph from other departments and agencies of Federal and local governments and from private entities.

(3) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on—

(A) the findings of the Secretary with respect to the study required by subparagraph (A) of paragraph (1);

(B) the methods developed under subparagraphs (B) and (C) of such paragraph; and

(C) any recommendations of the Secretary for revising the method described in subparagraph (A) of such paragraph and any legislative action the Secretary considers necessary to implement such method.

SEC. 302. MODIFICATION OF AUTHORITY FOR PROVISION OF TREATMENT AND REHABILITATION TO CERTAIN VETERANS TO INCLUDE PROVISION OF TREATMENT AND REHABILITATION TO HOMELESS VETERANS WHO ARE NOT SERIOUSLY MENTALLY ILL.

Section 2031(a) is amended in the matter before paragraph (1) by striking '', including'' and inserting ''and to''.

SEC. 303. MODIFICATION OF GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS.

(a) INCLUSION OF ENTITIES ELIGIBLE FOR COMPREHENSIVE SERVICE PROGRAM GRANTS AND PER DIEM PAYMENTS FOR SERVICES TO HOMELESS VETERANS.—Subsection (a) of section 2061 is amended—

(1) by striking ''to grant and per diem providers'' and inserting ''to entities eligible for grants and per diem payments under sections 2011 and 2012 of this title''; and

(2) by striking ''by those facilities and providers'' and inserting ''by those facilities and entities''.

(b) INCLUSION OF MALE HOMELESS VETERANS WITH MINOR DEPENDENTS.—Subsection (b) of such section is amended—

(1) in paragraph (1), by striking '', including women who have care of minor dependents'';

(2) in paragraph (3), by striking ''or'';

(3) in paragraph (4), by striking the period at the end and inserting ''; or''; and

(4) by adding at the end the following new paragraph:

''(5) individuals who have care of minor dependents.''.

(c) AUTHORIZATION OF PROVISION OF SERVICES TO DEPENDENTS.—Such section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) PROVISION OF SERVICES TO DEPENDENTS.—A recipient of a grant under subsection (a) may use amounts under the grant to provide services directly to a dependent of a homeless veteran with special needs who is under the care of such homeless veteran while such homeless veteran receives services from the grant recipient under this section.''.

SEC. 304. COLLABORATION IN PROVISION OF CASE MANAGEMENT SERVICES TO HOMELESS VETERANS IN SUPPORTED HOUSING PROGRAM.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall consider entering into contracts or agreements, under sections 513 and 8153 of title 38, United States Code, with eligible entities to collaborate with the Secretary in the provision of case management services to covered veterans as part of the supported housing program carried out under section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) to ensure that the homeless veterans facing the most significant difficulties in obtaining suitable housing receive the assistance they require to obtain such housing.

(b) COVERED VETERANS.—For purposes of this section, a covered veteran is any veteran who, at the time of receipt of a housing voucher under such section 8(o)(19)—

(1) requires the assistance of a case manager in obtaining suitable housing with such voucher; and

(2) is having difficulty obtaining the amount of such assistance the veteran requires, including because—

(A) the veteran resides in an area that has a shortage of low-income housing and because of such shortage the veteran requires more assistance from a case manager than the Secretary otherwise provides;

(B) the location in which the veteran resides is located at such distance from facilities of the Department of Veterans Affairs as makes the provision of case management services by the Secretary to such veteran impractical; or

(C) the veteran resides in an area where veterans who receive case management services from the Secretary under such section have a significantly lower average rate of successfully obtaining suitable housing than the average rate of successfully obtaining suitable housing for all veterans receiving such services.

(c) ELIGIBLE ENTITIES.—For purposes of this section, an eligible entity is any State or local government agency, tribal organization (as such term is defined in section 4 of the Indian Self Determination and Education Assistance Act (25 U.S.C. 450b)), or nonprofit organization that—

(1) under a contract or agreement described in subsection (a), agrees—

(A) to ensure access to case management services by covered veterans on an as-needed basis;

(B) to maintain referral networks for covered veterans for purposes of assisting covered veterans in demonstrating eligibility for assistance and additional services under entitlement and assistance programs available for covered veterans, and to otherwise aid covered veterans in obtaining such assistance and services;

(C) to ensure the confidentiality of records maintained by the entity on covered veterans receiving services through the supported housing program described in subsection (a);

(D) to establish such procedures for fiscal control and fund accounting as the Secretary of Veterans Affairs considers appropriate to ensure proper disbursement and accounting of funds under a contract or agreement entered into by the entity as described in subsection (a);

(E) to submit to the Secretary each year, in such form and such manner as the Secretary may require, a report on the collaboration undertaken by the entity under a contract or agreement described in such subsection during the most recent fiscal year, including a description of, for the year covered by the report—

(i) the services and assistance provided to covered veterans as part of such collaboration;

(ii) the process by which covered veterans were referred to the entity for such services and assistance;

(iii) the specific goals jointly set by the entity and the Secretary for the provision of such services and assistance and whether the entity achieved such goals; and

(iv) the average length of time taken by a covered veteran who received such services and assistance to successfully obtain suitable housing and the average retention rate of such a veteran in such housing; and

(F) to meet such other requirements as the Secretary considers appropriate for purposes of providing assistance to covered veterans in obtaining suitable housing; and

(2) has demonstrated experience in—

(A) identifying and serving homeless veterans, especially those who have the greatest difficulty obtaining suitable housing;

(B) working collaboratively with the Department of Veterans Affairs or the Department of Housing and Urban Development;

(C) conducting outreach to, and maintaining relationships with, landlords to encourage and facilitate participation by landlords in supported housing programs similar to the supported housing program described in subsection (a);

(D) mediating disputes between landlords and veterans receiving assistance under such supported housing program; and

(E) carrying out such other activities as the Secretary of Veterans Affairs considers appropriate.

(d) CONSULTATION.—In considering entering into contracts or agreements as described in subsection (a), the Secretary of Veterans Affairs shall consult with—

(1) the Secretary of Housing and Urban Development; and

(2) third parties that provide services as part of the Department of Housing and Urban Development continuum of care.

(e) TECHNICAL ASSISTANCE FOR COLLABORATING ENTITIES.—

(1) IN GENERAL.—The Secretary may provide training and technical assistance to entities with whom the Secretary collaborates in the provision of case management services to veterans as part of the supported housing program described in subsection (a).

(2) GRANTS.—The Secretary may provide training and technical assistance under paragraph (1) through the award of grants or contracts to appropriate public and nonprofit private entities.

(3) FUNDING.—From amounts appropriated or otherwise made available to the Secretary in the Medical Services account in a year, $500,000 shall be available to the Secretary in that year to carry out this subsection.

(f) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 545 days after the date of the enactment of this Act and not less frequently than once each year thereafter, the Secretary of Veterans Affairs shall submit to Congress a report on the collaboration between the Secretary and eligible entities in the provision of case management services as described in subsection (a) during the most recently completed fiscal year.

(2) ELEMENTS.—Each report required by paragraph (1) shall include, for the period covered by the report, the following:

(A) A discussion of each case in which a contract or agreement described in subsection (a) was considered by the Secretary, including a description of whether or not and why the Secretary chose or did not choose to enter into such contract or agreement.

(B) The number and types of eligible entities with whom the Secretary has entered into a contract or agreement as described in subsection (a).

(C) A description of the geographic regions in which such entities provide case management services as described in such subsection.

(D) A description of the number and types of covered veterans who received case management services from such entities under such contracts or agreements.

(E) An assessment of the performance of each eligible entity with whom the Secretary entered into a contract or agreement as described in subsection (a).

(F) An assessment of the benefits to covered veterans of such contracts and agreements.

(G) A discussion of the benefits of increasing the ratio of case managers to recipients of vouchers under the supported housing program described in such subsection to veterans who reside in rural areas.

(H) Such recommendations for legislative or administrative action as the Secretary considers appropriate for the improvement of collaboration in the provision of case management services under such supported housing program.

SEC. 305. EXTENSIONS OF PREVIOUSLY FULLY FUNDED AUTHORITIES AFFECTING HOMELESS VETERANS.

(a) COMPREHENSIVE SERVICE PROGRAMS.—Section 2013 is amended by striking paragraph (5) and inserting the following new paragraphs:

''(5) $250,000,000 for fiscal year 2013.

''(6) $150,000,000 for fiscal year 2014 and each subsequent fiscal year.''.

(b) HOMELESS VETERANS REINTEGRATION PROGRAMS.—Section 2021(e)(1)(F) is amended by striking ''2012'' and inserting ''2013''.

(c) FINANCIAL ASSISTANCE FOR SUPPORTIVE SERVICES FOR VERY LOW-INCOME VETERAN FAMILIES IN PERMANENT HOUSING.—Section 2044(e)(1) is amended by adding at the end the following new subparagraph:

''(E) $300,000,000 for fiscal year 2013.''.

(d) GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS.—Section 2061(c)(1) is amended by striking ''through 2012'' and inserting ''through 2013''.

TITLE IV—EDUCATION MATTERS

SEC. 401. AGGREGATE AMOUNT OF EDUCATIONAL ASSISTANCE AVAILABLE TO INDIVIDUALS WHO RECEIVE BOTH SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE AND OTHER VETERANS AND RELATED EDUCATIONAL ASSISTANCE.

(a) AGGREGATE AMOUNT AVAILABLE.—Section 3695 is amended—

(1) in subsection (a)(4), by striking ''35,''; and

(2) by adding at the end the following new subsection:

''(c) The aggregate period for which any person may receive assistance under chapter 35 of this title, on the one hand, and any of the provisions of law referred to in subsection (a), on the other hand, may not exceed 81 months (or the part-time equivalent thereof).''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall take effect on October 1, 2013, and shall not operate to revive any entitlement to assistance under chapter 35 of title 38, United States Code, or the provisions of law referred to in section 3695(a) of such title, as in effect on the day before such date, that was terminated by reason of the operation of section 3695(a) of such title, as so in effect, before such date.

(c) REVIVAL OF ENTITLEMENT REDUCED BY PRIOR UTILIZATION OF CHAPTER 35 ASSISTANCE.—

(1) IN GENERAL.—Subject to paragraph (2), in the case of an individual whose period of entitlement to assistance under a provision of law referred to in section 3695(a) of title 38, United States Code (other than chapter 35 of such title), as in effect on September 30, 2013, was reduced under such section 3695(a), as so in effect, by reason of the utilization of entitlement to assistance under chapter 35 of such title before October 1, 2013, the period of entitlement to assistance of such individual under such provision shall be determined without regard to any entitlement so utilized by the individual under chapter 35 of such title.

(2) LIMITATION.—The maximum period of entitlement to assistance of an individual under paragraph (1) may not exceed 81 months.

SEC. 402. ANNUAL REPORTS ON POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM AND SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM.

(a) REPORTS REQUIRED.—

(1) IN GENERAL.—Subchapter III of chapter 33 is amended by adding at the end the following new section:

''§ 3325. Reporting requirement

''(a) IN GENERAL.—For each academic year—

''(1) the Secretary of Defense shall submit to Congress a report on the operation of the program provided for in this chapter; and

''(2) the Secretary shall submit to Congress a report on the operation of the program provided for in this chapter and the program provided for under chapter 35 of this title.

''(b) CONTENTS OF SECRETARY OF DEFENSE REPORTS.—The Secretary of Defense shall include in each report submitted under this section—

''(1) information—

''(A) indicating the extent to which the benefit levels provided under this chapter are adequate to achieve the purposes of inducing individuals to enter and remain in the Armed Forces and of providing an adequate level of financial assistance to help meet the cost of pursuing a program of education;

''(B) indicating whether it is necessary for the purposes of maintaining adequate levels of well-qualified active-duty personnel in the Armed Forces to continue to offer the opportunity for educational assistance under this chapter to individuals who have not yet entered active-duty service; and

''(C) describing the efforts under section 3323(b) of this title to inform members of the Armed Forces of the active duty service requirements for entitlement to educational assistance under this chapter and the results from such efforts; and

''(2) such recommendations for administrative and legislative changes regarding the provision of educational assistance to members of the Armed Forces and veterans, and their dependents, as the Secretary of Defense considers appropriate.

''(c) CONTENTS OF SECRETARY OF VETERANS AFFAIRS REPORTS.—The Secretary shall include in each report submitted under this section—

''(1) information concerning the level of utilization of educational assistance and of expenditures under this chapter and under chapter 35 of this title;

''(2) appropriate student outcome measures, such as the number of credit hours, certificates, degrees, and other qualifications earned by beneficiaries under this chapter and chapter 35 of this title during the academic year covered by the report; and

''(3) such recommendations for administrative and legislative changes regarding the provision of educational assistance to members of the Armed Forces and veterans, and their dependents, as the Secretary considers appropriate.

''(d) TERMINATION.—No report shall be required under this section after January 1, 2021.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3324 the following new item:

''3325. Reporting requirement.''.

(3) DEADLINE FOR SUBMITTAL OF FIRST REPORT.—The first reports required under section 3325 of title 38, United States Code, as added by paragraph (1), shall be submitted by not later than November 1, 2013.

(b) REPEAL OF REPORT ON ALL VOLUNTEER-FORCE EDUCATIONAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—Chapter 30 is amended by striking section 3036.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 3036.

TITLE V—BENEFITS MATTERS

SEC. 501. AUTOMATIC WAIVER OF AGENCY OF ORIGINAL JURISDICTION REVIEW OF NEW EVIDENCE.

(a) IN GENERAL.—Section 7105 is amended by adding at the end the following new subsection:

''(e)(1) If, either at the time or after the agency of original jurisdiction receives a substantive appeal, the claimant or the claimant's representative, if any, submits evidence to either the agency of original jurisdiction or the Board of Veterans' Appeals for consideration in connection with the issue or issues with which disagreement has been expressed, such evidence shall be subject to initial review by the Board unless the claimant or the claimant's representative, as the case may be, requests in writing that the agency of original jurisdiction initially review such evidence.

''(2) A request for review of evidence under paragraph (1) shall accompany the submittal of the evidence.''.

(b) EFFECTIVE DATE.—Subsection (e) of such section, as added by subsection (a), shall take effect on the date that is 180 days after the date of the enactment of this Act, and shall apply with respect to claims for which a substantive appeal is filed on or after the date that is 180 days after the date of the enactment of this Act.

SEC. 502. AUTHORITY FOR CERTAIN PERSONS TO SIGN CLAIMS FILED WITH SECRETARY OF VETERANS AFFAIRS ON BEHALF OF CLAIMANTS.

(a) IN GENERAL.—Section 5101 is amended—

(1) in subsection (a)—

(A) by striking ''A specific'' and inserting ''(1) A specific''; and

(B) by adding at the end the following new paragraph:

''(2) If an individual has not attained the age of 18 years, is mentally incompetent, or is physically unable to sign a form, a form filed under paragraph (1) for the individual may be signed by a court-appointed representative, a person who is responsible for the care of the individual, including a spouse or other relative, or an attorney in fact or agent authorized to act on behalf of the individual under a durable power of attorney. If the individual is in the care of an institution, the manager or principal officer of the institution may sign the form.'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting '', signs a form on behalf of an individual to apply for,'' after ''who applies for'';

(ii) by inserting '', or TIN in the case that the person is not an individual,'' after ''of such person''; and

(iii) by striking ''dependent'' and inserting ''claimant, dependent,''; and

(B) in paragraph (2), by inserting ''or TIN'' after ''social security number'' each place it appears; and

(3) by adding at the end the following new subsection:

''(d) In this section:

''(1) The term 'mentally incompetent' with respect to an individual means that the individual lacks the mental capacity—

''(A) to provide substantially accurate information needed to complete a form; or

''(B) to certify that the statements made on a form are true and complete.

''(2) The term 'TIN' has the meaning given the term in section 7701(a)(41) of the Internal Revenue Code of 1986.''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to claims filed on or after the date of the enactment of this Act.

SEC. 503. IMPROVEMENT OF PROCESS FOR FILING JOINTLY FOR SOCIAL SECURITY AND DEPENDENCY AND INDEMNITY COMPENSATION.

Section 5105 is amended—

(1) in subsection (a)—

(A) by striking ''shall'' the first place it appears and inserting ''may''; and

(B) by striking ''Each such form'' and inserting ''Such forms''; and

(2) in subsection (b), by striking ''on such a form'' and inserting ''on any document indicating an intent to apply for survivor benefits''.

SEC. 504. AUTHORIZATION OF USE OF ELECTRONIC COMMUNICATION TO PROVIDE NOTICE TO CLAIMANTS FOR BENEFITS UNDER LAWS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 5103 is amended—

(1) in subsection (a)(1)—

(A) by striking ''Upon receipt of a complete or substantially complete application, the'' and inserting ''The'';

(B) by striking ''notify'' and inserting ''provide to''; and

(C) by inserting ''by the most effective means available, including electronic communication or notification in writing, notice'' before ''of any information''; and

(2) in subsection (b), by adding at the end the following new paragraphs:

''(4) Nothing in this section shall require the Secretary to provide notice for a subsequent claim that is filed while a previous claim is pending if the notice previously provided for such pending claim—

''(A) provides sufficient notice of the information and evidence necessary to substantiate such subsequent claim; and

''(B) was sent within one year of the date on which the subsequent claim was filed.

''(5)(A) This section shall not apply to any claim or issue where the Secretary may award the maximum benefit in accordance with this title based on the evidence of record.

''(B) For purposes of this paragraph, the term 'maximum benefit' means the highest evaluation assignable in accordance with the evidence of record, as long as such evidence is adequate for rating purposes and sufficient to grant the earliest possible effective date in accordance with section 5110 of this title.''.

(b) CONSTRUCTION.—Nothing in the amendments made by subsection (a) shall be construed as eliminating any requirement with respect to the contents of a notice under section 5103 of title 38, United States Code, that is required under regulations prescribed pursuant to subsection (a)(2) of such section as of the date of the enactment of this Act.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act and shall apply with respect to notification obligations of the Secretary of Veterans Affairs on or after such date.

(2) CONSTRUCTION REGARDING APPLICABILITY.—Nothing in this section or the amendments made by this section shall be construed to require the Secretary to carry out notification procedures in accordance with requirements of section 5103 of title 38, United States Code, as in effect on the day before the effective date established in paragraph (1) on or after such effective date.

SEC. 505. DUTY TO ASSIST CLAIMANTS IN OBTAINING PRIVATE RECORDS.

(a) IN GENERAL.—Subsection (b) of section 5103A is amended to read as follows:

''(b) ASSISTANCE IN OBTAINING PRIVATE RECORDS.—(1) As part of the assistance provided under subsection (a), the Secretary shall make reasonable efforts to obtain relevant private records that the claimant adequately identifies to the Secretary.

''(2)(A) Whenever the Secretary, after making such reasonable efforts, is unable to obtain all of the relevant records sought, the Secretary shall notify the claimant that the Secretary is unable to obtain records with respect to the claim. Such a notification shall—

''(i) identify the records the Secretary is unable to obtain;

''(ii) briefly explain the efforts that the Secretary made to obtain such records; and

''(iii) explain that the Secretary will decide the claim based on the evidence of record but that this section does not prohibit the submission of records at a later date if such submission is otherwise allowed.

''(B) The Secretary shall make not less than two requests to a custodian of a private record in order for an effort to obtain relevant private records to be treated as reasonable under this section, unless it is made evident by the first request that a second request would be futile in obtaining such records.

''(3)(A) This section shall not apply if the evidence of record allows for the Secretary to award the maximum benefit in accordance with this title based on the evidence of record.

''(B) For purposes of this paragraph, the term 'maximum benefit' means the highest evaluation assignable in accordance with the evidence of record, as long as such evidence is adequate for rating purposes and sufficient to grant the earliest possible effective date in accordance with section 5110 of this title.

''(4) Under regulations prescribed by the Secretary, the Secretary—

''(A) shall encourage claimants to submit relevant private medical records of the claimant to the Secretary if such submission does not burden the claimant; and

''(B) in obtaining relevant private records under paragraph (1), may require the claimant to authorize the Secretary to obtain such records if such authorization is required to comply with Federal, State, or local law.''.

(b) PUBLIC RECORDS.—Subsection (c) of such section is amended to read as follows:

''(c) OBTAINING RECORDS FOR COMPENSATION CLAIMS.—(1) In the case of a claim for disability compensation, the assistance provided by the Secretary under this section shall include obtaining the following records if relevant to the claim:

''(A) The claimant's service medical records and, if the claimant has furnished the Secretary information sufficient to locate such records, other relevant records pertaining to the claimant's active military, naval, or air service that are held or maintained by a governmental entity.

''(B) Records of relevant medical treatment or examination of the claimant at Department health-care facilities or at the expense of the Department, if the claimant furnishes information sufficient to locate those records.

''(C) Any other relevant records held by any Federal department or agency that the claimant adequately identifies and authorizes the Secretary to obtain.

''(2) Whenever the Secretary attempts to obtain records from a Federal department or agency under this subsection, the efforts to obtain those records shall continue until the records are obtained unless it is reasonably certain that such records do not exist or that further efforts to obtain those records would be futile.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b) shall take effect on the date that is 180 days after the date of the enactment of this Act and shall apply with respect to assistance obligations of the Secretary of Veterans Affairs on or after such date.

(2) CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to require the Secretary to carry out assistance in accordance with requirements of section 5103A of title 38, United States Code, as in effect on the day before the effective date established in paragraph (1) on or after such effective date.

SEC. 506. AUTHORITY FOR RETROACTIVE EFFECTIVE DATE FOR AWARDS OF DISABILITY COMPENSATION IN CONNECTION WITH APPLICATIONS THAT ARE FULLY-DEVELOPED AT SUBMITTAL.

Section 5110(b) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2)(A) The effective date of an award of disability compensation to a veteran who submits an application therefor that sets forth an original claim that is fully-developed (as determined by the Secretary) as of the date of submittal shall be fixed in accordance with the facts found, but shall not be earlier than the date that is one year before the date of receipt of the application.

''(B) For purposes of this paragraph, an original claim is an initial claim filed by a veteran for disability compensation.

''(C) This paragraph shall take effect on the date that is one year after the date of the enactment of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012 and shall not apply with respect to claims filed after the date that is three years after the date of the enactment of such Act.''.

SEC. 507. MODIFICATION OF MONTH OF DEATH BENEFIT FOR SURVIVING SPOUSES OF VETERANS WHO DIE WHILE ENTITLED TO COMPENSATION OR PENSION.

(a) SURVIVING SPOUSE BENEFIT FOR MONTH OF VETERAN'S DEATH.—Subsections (a) and (b) of section 5310 are amended to read as follows:

''(a) IN GENERAL.—(1) A surviving spouse of a veteran is entitled to a benefit for the month of the veteran's death if—

''(A) at the time of the veteran's death, the veteran was receiving compensation or pension under chapter 11 or 15 of this title; or

''(B) the veteran is determined for purposes of section 5121 or 5121A of this title as having been entitled to receive compensation or pension under chapter 11 or 15 of this title for the month of the veteran's death.

''(2) The amount of the benefit under paragraph (1) is the amount that the veteran would have received under chapter 11 or 15 of this title, as the case may be, for the month of the veteran's death had the veteran not died.

''(b) CLAIMS PENDING ADJUDICATION.—If a claim for entitlement to compensation or additional compensation under chapter 11 of this title or pension or additional pension under chapter 15 of this title is pending at the time of a veteran's death and the check or other payment issued to the veteran's surviving spouse under subsection (a) is less than the amount of the benefit the veteran would have been entitled to for the month of death pursuant to the adjudication of the pending claim, an amount equal to the difference between the amount to which the veteran would have been entitled to receive under chapter 11 or 15 of this title for the month of the veteran's death had the veteran not died and the amount of the check or other payment issued to the surviving spouse shall be treated in the same manner as an accrued benefit under section 5121 of this title.''.

(b) MONTH OF DEATH BENEFIT EXEMPT FROM DELAYED COMMENCEMENT OF PAYMENT.—Section 5111(c)(1) is amended by striking ''apply to'' and all that follows through ''death occurred'' and inserting the following: ''not apply to payments made pursuant to section 5310 of this title''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to deaths that occur on or after that date.

SEC. 508. INCREASE IN RATE OF PENSION FOR DISABLED VETERANS MARRIED TO ONE ANOTHER AND BOTH OF WHOM REQUIRE REGULAR AID AND ATTENDANCE.

(a) IN GENERAL.—Section 1521(f)(2) is amended by striking ''$30,480'' and inserting ''$32,433''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 509. EXCLUSION OF CERTAIN REIMBURSEMENTS OF EXPENSES FROM DETERMINATION OF ANNUAL INCOME WITH RESPECT TO PENSIONS FOR VETERANS AND SURVIVING SPOUSES AND CHILDREN OF VETERANS.

(a) IN GENERAL.—Paragraph (5) of section 1503(a) of title 38, United States Code, is amended to read as follows:

''(5) payments regarding reimbursements of any kind (including insurance settlement payments) for expenses related to the repayment, replacement, or repair of equipment, vehicles, items, money, or property resulting from—

''(A) any accident (as defined by the Secretary), but the amount excluded under this subclause shall not exceed the greater of the fair market value or reasonable replacement value of the equipment or vehicle involved at the time immediately preceding the accident;

''(B) any theft or loss (as defined by the Secretary), but the amount excluded under this subclause shall not exceed the greater of the fair market value or reasonable replacement value of the item or the amount of the money (including legal tender of the United States or of a foreign country) involved at the time immediately preceding the theft or loss; or

''(C) any casualty loss (as defined by the Secretary), but the amount excluded under this subclause shall not exceed the greater of the fair market value or reasonable replacement value of the property involved at the time immediately preceding the casualty loss;''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act.

TITLE VI—MEMORIAL, BURIAL, AND CEMETERY MATTERS

SEC. 601. PROHIBITION ON DISRUPTIONS OF FUNERALS OF MEMBERS OR FORMER MEMBERS OF THE ARMED FORCES.

(a) PURPOSE AND AUTHORITY.—

(1) PURPOSE.—The purpose of this section is to provide necessary and proper support for the recruitment and retention of the Armed Forces and militia employed in the service of the United States by protecting the dignity of the service of the members of such Forces and militia, and by protecting the privacy of their immediate family members and other attendees during funeral services for such members.

(2) CONSTITUTIONAL AUTHORITY.—Congress finds that this section is a necessary and proper exercise of its powers under the Constitution, article I, section 8, paragraphs 1, 12, 13, 14, 16, and 18, to provide for the common defense, raise and support armies, provide and maintain a navy, make rules for the government and regulation of the land and naval forces, and provide for organizing and governing such part of the militia as may be employed in the service of the United States.

(b) AMENDMENT TO TITLE 18.—Section 1388 of title 18, United States Code, is amended to read as follows:

''§ 1388. Prohibition on disruptions of funerals of members or former members of the Armed Forces

''(a) PROHIBITION.—For any funeral of a member or former member of the Armed Forces that is not located at a cemetery under the control of the National Cemetery Administration or part of Arlington National Cemetery, it shall be unlawful for any person to engage in an activity during the period beginning 120 minutes before and ending 120 minutes after such funeral, any part of which activity—

''(1)(A) takes place within the boundaries of the location of such funeral or takes place within 300 feet of the point of the intersection between—

''(i) the boundary of the location of such funeral; and

''(ii) a road, pathway, or other route of ingress to or egress from the location of such funeral; and

''(B) includes any individual willfully making or assisting in the making of any noise or diversion—

''(i) that is not part of such funeral and that disturbs or tends to disturb the peace or good order of such funeral; and

''(ii) with the intent of disturbing the peace or good order of such funeral;

''(2)(A) is within 500 feet of the boundary of the location of such funeral; and

''(B) includes any individual—

''(i) willfully and without proper authorization impeding or tending to impede the access to or egress from such location; and

''(ii) with the intent to impede the access to or egress from such location; or

''(3) is on or near the boundary of the residence, home, or domicile of any surviving member of the deceased person's immediate family and includes any individual willfully making or assisting in the making of any noise or diversion—

''(A) that disturbs or tends to disturb the peace of the persons located at such location; and

''(B) with the intent of disturbing such peace.

''(b) PENALTY.—Any person who violates subsection (a) shall be fined under this title or imprisoned for not more than 1 year, or both.

''(c) CIVIL REMEDIES.—

''(1) DISTRICT COURTS.—The district courts of the United States shall have jurisdiction—

''(A) to prevent and restrain violations of this section; and

''(B) for the adjudication of any claims for relief under this section.

''(2) ATTORNEY GENERAL.—The Attorney General may institute proceedings under this section.

''(3) CLAIMS.—Any person, including a surviving member of the deceased person's immediate family, who suffers injury as a result of conduct that violates this section may—

''(A) sue therefor in any appropriate United States district court or in any court of competent jurisdiction; and

''(B) recover damages as provided in subsection (d) and the cost of the suit, including reasonable attorneys' fees.

''(4) ESTOPPEL.—A final judgment or decree rendered in favor of the United States in any criminal proceeding brought by the United States under this section shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by a person or by the United States.

''(d) ACTUAL AND STATUTORY DAMAGES.—

''(1) IN GENERAL.—In addition to any penalty imposed under subsection (b), a violator of this section is liable in an action under subsection (c) for actual or statutory damages as provided in this subsection.

''(2) ACTIONS BY PRIVATE PERSONS.—A person bringing an action under subsection (c)(3) may elect, at any time before final judgment is rendered, to recover the actual damages suffered by him or her as a result of the violation or, instead of actual damages, an award of statutory damages for each violation involved in the action.

''(3) ACTIONS BY ATTORNEY GENERAL.—In any action under subsection (c)(2), the Attorney General is entitled to recover an award of statutory damages for each violation involved in the action notwithstanding any recovery under subsection (c)(3).

''(4) STATUTORY DAMAGES.—A court may award, as the court considers just, statutory damages in a sum of not less than $25,000 or more than $50,000 per violation.

''(e) REBUTTABLE PRESUMPTION.—It shall be a rebuttable presumption that the violation was committed willfully for purposes of determining relief under this section if the violator, or a person acting in concert with the violator, did not have reasonable grounds to believe, either from the attention or publicity sought by the violator

or other circumstance, that the conduct of such violator or person would not disturb or tend to disturb the peace or good order of such funeral, impede or tend to impede the access to or egress from such funeral, or disturb or tend to disturb the peace of any surviving member of the deceased person's immediate family who may be found on or near the residence, home, or domicile of the deceased person's immediate family on the date of the service or ceremony.

''(f) DEFINITIONS.—In this section—

''(1) the term 'Armed Forces' has the meaning given the term in section 101 of title 10 and includes members and former members of the National Guard who were employed in the service of the United States; and

''(2) the term 'immediate family' means, with respect to a person, the immediate family members of such person, as such term is defined in section 115 of this title.''.

(c) AMENDMENT TO TITLE 38.—

(1) IN GENERAL.—Section 2413 is amended to read as follows:

''§2413. Prohibition on certain demonstrations and disruptions at cemeteries under control of the National Cemetery Administration and at Arlington National Cemetery

''(a) PROHIBITION.—It shall be unlawful for any person—

''(1) to carry out a demonstration on the property of a cemetery under the control of the National Cemetery Administration or on the property of Arlington National Cemetery unless the demonstration has been approved by the cemetery superintendent or the director of the property on which the cemetery is located; or

''(2) with respect to such a cemetery, to engage in a demonstration during the period beginning 120 minutes before and ending 120 minutes after a funeral, memorial service, or ceremony is held, any part of which demonstration—

''(A)(i) takes place within the boundaries of such cemetery or takes place within 300 feet of the point of the intersection between—

''(I) the boundary of such cemetery; and

''(II) a road, pathway, or other route of ingress to or egress from such cemetery; and

''(ii) includes any individual willfully making or assisting in the making of any noise or diversion—

''(I) that is not part of such funeral, memorial service, or ceremony and that disturbs or tends to disturb the peace or good order of such funeral, memorial service, or ceremony; and

''(II) with the intent of disturbing the peace or good order of such funeral, memorial service, or ceremony; or

''(B)(i) is within 500 feet of the boundary of such cemetery; and

''(ii) includes any individual—

''(I) willfully and without proper authorization impeding or tending to impede the access to or egress from such cemetery; and

''(II) with the intent to impede the access to or egress from such cemetery.

''(b) PENALTY.—Any person who violates subsection (a) shall be fined under title 18 or imprisoned for not more than one year, or both.

''(c) CIVIL REMEDIES.—(1) The district courts of the United States shall have jurisdiction—

''(A) to prevent and restrain violations of this section; and

''(B) for the adjudication of any claims for relief under this section.

''(2) The Attorney General of the United States may institute proceedings under this section.

''(3) Any person, including a surviving member of the deceased person's immediate family, who suffers injury as a result of conduct that violates this section may—

''(A) sue therefor in any appropriate United States district court or in any court of competent jurisdiction; and

''(B) recover damages as provided in subsection (d) and the cost of the suit, including reasonable attorneys' fees.

''(4) A final judgment or decree rendered in favor of the United States in any criminal proceeding brought by the United States under this section shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by a person or by the United States.

''(d) ACTUAL AND STATUTORY DAMAGES.—(1) In addition to any penalty imposed under subsection (b), a violator of this section is liable in an action under subsection (c) for actual or statutory damages as provided in this subsection.

''(2) A person bringing an action under subsection (c)(3) may elect, at any time before final judgment is rendered, to recover the actual damages suffered by him or her as a result of the violation or, instead of actual damages, an award of statutory damages for each violation involved in the action.

''(3) In any action brought under subsection (c)(2), the Attorney General is entitled to recover an award of statutory damages for each violation involved in the action notwithstanding any recovery under subsection (c)(3).

''(4) A court may award, as the court considers just, statutory damages in a sum of not less than $25,000 or more than $50,000 per violation.

''(e) REBUTTABLE PRESUMPTION.—It shall be a rebuttable presumption that the violation of subsection (a) was committed willfully for purposes of determining relief under this section if the violator, or a person acting in concert with the violator, did not have reasonable grounds to believe, either from the attention or publicity sought by the violator or other circumstance, that the conduct of such violator or person would not—

''(1) disturb or tend to disturb the peace or good order of such funeral, memorial service, or ceremony; or

''(2) impede or tend to impede the access to or egress from such funeral, memorial service, or ceremony.

''(f) DEFINITIONS.—In this section—

''(1) the term 'demonstration' includes—

''(A) any picketing or similar conduct;

''(B) any oration, speech, use of sound amplification equipment or device, or similar conduct that is not part of a funeral, memorial service, or ceremony;

''(C) the display of any placard, banner, flag, or similar device, unless such a display is part of a funeral, memorial service, or ceremony; and

''(D) the distribution of any handbill, pamphlet, leaflet, or other written or printed matter other than a program distributed as part of a funeral, memorial service, or ceremony; and

''(2) the term 'immediate family' means, with respect to a person, the immediate family members of such person, as such term is defined in section 115 of title 18.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 24 is amended by striking the item relating to section 2413 and inserting the following new item:

''2413. Prohibition on certain demonstrations and disruptions at cemeteries under control of the National Cemetery Administration and at Arlington National Cemetery.''.

SEC. 602. CODIFICATION OF PROHIBITION AGAINST RESERVATION OF GRAVESITES AT ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—Chapter 24 is amended by inserting after section 2410 the following new section:

''§2410A. Arlington National Cemetery: other administrative matters

''(a) ONE GRAVESITE.—(1) Not more than one gravesite may be provided at Arlington National Cemetery to a veteran or member of the Armed Forces who is eligible for interment or inurnment at such cemetery.

''(2) The Secretary of the Army may waive the prohibition in paragraph (1) as the Secretary of the Army considers appropriate.

''(b) PROHIBITION AGAINST RESERVATION OF GRAVESITES.—(1) A gravesite at Arlington National Cemetery may not be reserved for an individual before the death of such individual.

''(2)(A) The President may waive the prohibition in paragraph (1) as the President considers appropriate.

''(B) Upon waiving the prohibition in paragraph (1), the President shall submit notice of such waiver to—

''(i) the Committee on Veterans' Affairs and the Committee on Armed Services of the Senate; and

''(ii) the Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2410 the following new item:

''2410A. Arlington National Cemetery: other administrative matters.''.

(c) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), section 2410A of title 38, United States Code, as added by subsection (a), shall apply with respect to all interments at Arlington National Cemetery after the date of the enactment of this Act.

(2) EXCEPTION.—Subsection (b) of such section, as so added, shall not apply with respect to the interment of an individual for whom a request for a reserved gravesite was approved by the Secretary of the Army before January 1, 1962.

(d) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report on reservations made for interment at Arlington National Cemetery.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The number of requests for reservation of a gravesite at Arlington National Cemetery that were submitted to the Secretary of the Army before January 1, 1962.

(B) The number of gravesites at such cemetery that, on the day before the date of the enactment of this Act, were reserved in response to such requests.

(C) The number of such gravesites that, on the day before the date of the enactment of this Act, were unoccupied.

(D) A list of all reservations for gravesites at such cemetery that were extended by individuals responsible for management of such cemetery in response to requests for such reservations made on or after January 1, 1962.

(E) A description of the measures that the Secretary is taking to improve the accountability and transparency of the management of gravesite reservations at Arlington National Cemetery.

(F) Such recommendations as the Secretary may have for legislative action as the Secretary considers necessary to improve such accountability and transparency.

SEC. 603. EXPANSION OF ELIGIBILITY FOR PRESIDENTIAL MEMORIAL CERTIFICATES TO PERSONS WHO DIED IN THE ACTIVE MILITARY, NAVAL, OR AIR SERVICE.

Section 112(a) is amended—

(1) by inserting ''and persons who died in the active military, naval, or air service,'' after ''under honorable conditions,''; and

(2) by striking ''veteran's'' and inserting ''deceased individual's''.

SEC. 604. REQUIREMENTS FOR THE PLACEMENT OF MONUMENTS IN ARLINGTON NATIONAL CEMETERY.

Section 2409(b) is amended—

(1) by striking ''Under'' and inserting ''(1) Under'';

(2) by inserting after ''Secretary of the Army'' the following: ''and subject to paragraph (2)''; and

(3) by adding at the end the following new paragraphs:

''(2)(A) Except for a monument containing or marking interred remains, no monument (or similar structure, as determined by the Secretary of the Army in regulations) may be placed in Arlington National Cemetery except pursuant to the provisions of this subsection.

''(B) A monument may be placed in Arlington National Cemetery if the monument commemorates—

''(i) the service in the Armed Forces of the individual, or group of individuals, whose memory is to be honored by the monument; or

''(ii) a particular military event.

''(C) No monument may be placed in Arlington National Cemetery until the end of the 25-year period beginning—

''(i) in the case of the commemoration of service under subparagraph (B)(i), on the last day of the period of service so commemorated; and

''(ii) in the case of the commemoration of a particular military event under subparagraph (B)(ii), on the last day of the period of the event.

''(D) A monument may be placed only in those sections of Arlington National Cemetery designated by the Secretary of the Army for such placement and only on land the Secretary determines is not suitable for burial.

''(E) A monument may only be placed in Arlington National Cemetery if an appropriate nongovernmental entity has agreed to act as a sponsoring organization to coordinate the placement of the monument and—

''(i) the construction and placement of the monument are paid for only using funds from private sources;

''(ii) the Secretary of the Army consults with the Commission of Fine Arts and the Advisory Committee on Arlington National Cemetery before approving the design of the monument; and

''(iii) the sponsoring organization provides for an independent study on the availability and suitability of alternative locations for the proposed monument outside of Arlington National Cemetery.

''(3)(A) The Secretary of the Army may waive the requirement under paragraph (2)(C) in a case in which the monument would commemorate a group of individuals who the Secretary determines—

''(i) has made valuable contributions to the Armed Forces that have been ongoing and perpetual for longer than 25 years and are expected to continue on indefinitely; and

''(ii) has provided service that is of such a character that the failure to place a monument to the group in Arlington National Cemetery would present a manifest injustice.

''(B) If the Secretary waives such requirement under subparagraph (A), the Secretary shall—

''(i) make available on an Internet website notification of the waiver and the rationale for the waiver; and

''(ii) submit to the Committee on Veterans' Affairs and the Committee on Armed Services of the Senate and the Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives written notice of the waiver and the rationale for the waiver.

''(4) The Secretary of the Army shall provide notice to the Committee on Veterans' Affairs and the Committee on Armed Services of the Senate and the Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives of any monument proposed to be placed in Arlington National Cemetery. During the 60-day period beginning on the date on which such notice is received, Congress may pass a joint resolution of disapproval of the placement of the monument. The proposed monument may not be placed in Arlington National Cemetery until the later of—

''(A) if Congress does not pass a joint resolution of disapproval of the placement of the monument, the date that is 60 days after the date on which notice is received under this paragraph; or

''(B) if Congress passes a joint resolution of disapproval of the placement of the monument, and the President signs a veto of such resolution, the earlier of—

''(i) the date on which either House of Congress votes and fails to override the veto of the President; or

''(ii) the date that is 30 session days after the date on which Congress received the veto and objections of the President.''.

TITLE VII—OTHER MATTERS

SEC. 701. ASSISTANCE TO VETERANS AFFECTED BY NATURAL DISASTERS.

(a) ADDITIONAL GRANTS FOR DISABLED VETERANS FOR SPECIALLY ADAPTED HOUSING.—

(1) IN GENERAL.—Chapter 21 is amended by adding at the end the following new section:

''§2109. Specially adapted housing destroyed or damaged by natural disasters

''(a) IN GENERAL.—Notwithstanding the provisions of section 2102 and 2102A of this title, the Secretary may provide assistance to a veteran whose home was previously adapted with assistance of a grant under this chapter in the event the adapted home which was being used and occupied by the veteran was destroyed or substantially damaged in a natural or other disaster, as determined by the Secretary.

''(b) USE OF FUNDS.—Subject to subsection (c), assistance provided under subsection (a) shall—

''(1) be available to acquire a suitable housing unit with special fixtures or moveable facilities made necessary by the veteran's disability, and necessary land therefor;

''(2) be available to a veteran to the same extent as if the veteran had not previously received assistance under this chapter; and

''(3) not be deducted from the maximum uses or from the maximum amount of assistance available under this chapter.

''(c) LIMITATIONS.—The amount of the assistance provided under subsection (a) may not exceed the lesser of—

''(1) the reasonable cost, as determined by the Secretary, of repairing or replacing the damaged or destroyed home in excess of the available insurance coverage on such home; or

''(2) the maximum amount of assistance to which the veteran would have been entitled under sections 2101(a), 2101(b), and 2102A of this title had the veteran not obtained previous assistance under this chapter.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2108 the following new item:

''2109. Specially adapted housing destroyed or damaged by natural disasters.''.

(b) EXTENSION OF SUBSISTENCE ALLOWANCE FOR VETERANS COMPLETING VOCATIONAL REHABILITATION PROGRAM.—Section 3108(a)(2) is amended—

(1) by inserting ''(A)'' before ''In''; and

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

''(B) In any case in which the Secretary determines that a veteran described in subparagraph (A) has been displaced as the result of a natural or other disaster while being paid a subsistence allowance under that subparagraph, as determined by the Secretary, the Secretary may extend the payment of a subsistence allowance under such subparagraph for up to an additional two months while the veteran is satisfactorily following a program of employment services described in such subparagraph.''.

(c) WAIVER OF LIMITATION ON PROGRAM OF INDEPENDENT LIVING SERVICES AND ASSISTANCE.—Section 3120(e) is amended—

(1) by inserting ''(1)'' before ''Programs''; and

(2) by adding at the end the following new paragraph:

''(2) The limitation in paragraph (1) shall not apply in any case in which the Secretary determines that a veteran described in subsection (b) has been displaced as the result of, or has otherwise been adversely affected in the areas covered by, a natural or other disaster, as determined by the Secretary.''.

(d) COVENANTS AND LIENS CREATED BY PUBLIC ENTITIES IN RESPONSE TO DISASTER-RELIEF ASSISTANCE.—Paragraph (3) of section 3703(d) is amended to read as follows:

''(3)(A) Any real estate housing loan (other than for repairs, alterations, or improvements) shall be secured by a first lien on the realty. In determining whether a loan is so secured, the Secretary may either disregard or allow for subordination to a superior lien created by a duly recorded covenant running with the realty in favor of either of the following:

''(i) A public entity that has provided or will provide assistance in response to a major disaster as determined by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

''(ii) A private entity to secure an obligation to such entity for the homeowner's share of the costs of the management, operation, or maintenance of property, services, or programs within and for the benefit of the development or community in which the veteran's realty is located, if the Secretary determines that the interests of the veteran borrower and of the Government will not be prejudiced by the operation of such covenant.

''(B) With respect to any superior lien described in subparagraph (A) created after June 6, 1969, the Secretary's determination under clause (ii) of such subparagraph shall have been made prior to the recordation of the covenant.''.

(e) AUTOMOBILES AND OTHER CONVEYANCES FOR CERTAIN DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES.—Section 3903(a) is amended—

(1) by striking ''No'' and inserting ''(1) Except as provided in paragraph (2), no''; and

(2) by adding at the end the following new paragraph:

''(2) The Secretary may provide or assist in providing an eligible person with a second automobile or other conveyance under this chapter if—

''(A) the Secretary receives satisfactory evidence that the automobile or other conveyance previously purchased with assistance under this chapter was destroyed—

''(i) as a result of a natural or other disaster, as determined by the Secretary; and

''(ii) through no fault of the eligible person; and

''(B) the eligible person does not otherwise receive from a property insurer compensation for the loss.''.

(f) ANNUAL REPORT.—

(1) IN GENERAL.—Each year, the Secretary of Veterans Affairs shall submit to Congress a report on the assistance provided or action taken by the Secretary in the last fiscal year pursuant to the authorities added by the amendments made by this section.

(2) ELEMENTS.—Each report submitted under paragraph (1) shall include the following for the fiscal year covered by the report:

(A) A description of each natural disaster for which assistance was provided or action was taken as described in paragraph (1).

(B) The number of cases or individuals, as the case may be, in which or to whom the Secretary provided assistance or took action as described in paragraph (1).

(C) For each such case or individual, a description of the type or amount of assistance or action taken, as the case may be.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 702. EXTENSION OF CERTAIN EXPIRING PROVISIONS OF LAW.

(a) POOL OF MORTGAGE LOANS.—Section 3720(h)(2) is amended by striking ''December 31, 2011'' and inserting ''December 31, 2016''.

(b) LOAN FEES.—Section 3729(b)(2) is amended—

(1) in subparagraph (A)—
(A) in clause (iii), by striking ''October 1, 2016'' and inserting ''October 1, 2017''; and
(B) in clause (iv), by striking ''October 1, 2016'' and inserting ''October 1, 2017'';
(2) in subparagraph (B)—
(A) in clause (i), by striking ''October 1, 2016'' and inserting ''October 1, 2017''; and
(B) in clause (ii), by striking ''October 1, 2016'' and inserting ''October 1, 2017'';
(3) in subparagraph (C)—
(A) in clause (i), by striking ''October 1, 2016'' and inserting ''October 1, 2017''; and
(B) in clause (ii), by striking ''October 1, 2016'' and inserting ''October 1, 2017''; and
(4) in subparagraph (D)—
(A) in clause (i), by striking ''October 1, 2016'' and inserting ''October 1, 2017''; and
(B) in clause (ii), by striking ''October 1, 2016'' and inserting ''October 1, 2017''.

(c) TEMPORARY ADJUSTMENT OF MAXIMUM HOME LOAN GUARANTY AMOUNT.—Section 501 of the Veterans' Benefits Improvement Act of 2008 (Public Law 110–389; 122 Stat. 4175; 38 U.S.C. 3703 note) is amended by striking ''December 31, 2011'' and inserting ''December 31, 2014''.

SEC. 703. REQUIREMENT FOR PLAN FOR REGULAR ASSESSMENT OF EMPLOYEES OF VETERANS BENEFITS ADMINISTRATION WHO HANDLE PROCESSING OF CLAIMS FOR COMPENSATION AND PENSION.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a plan that describes how the Secretary will—

(1) regularly assess the skills and competencies of appropriate employees and managers of the Veterans Benefits Administration who are responsible for processing claims for compensation and pension benefits administered by the Secretary;

(2) provide training to those employees whose skills and competencies are assessed as unsatisfactory by the regular assessment described in paragraph (1), to remediate deficiencies in such skills and competencies;

(3) reassess the skills and competencies of employees who receive training as described in paragraph (2); and

(4) take appropriate personnel action if, following training and reassessment as described in paragraphs (2) and (3), respectively, skills and competencies remain unsatisfactory.

SEC. 704. MODIFICATION OF PROVISION RELATING TO REIMBURSEMENT RATE FOR AMBULANCE SERVICES.

Section 111(b)(3)(C) is amended by striking ''under subparagraph (B)'' and inserting ''to or from a Department facility''.

SEC. 705. CHANGE IN COLLECTION AND VERIFICATION OF VETERAN INCOME.

Section 1722(f)(1) is amended by striking ''the previous year'' and inserting ''the most recent year for which information is available''.

SEC. 706. DEPARTMENT OF VETERANS AFFAIRS ENFORCEMENT PENALTIES FOR MISREPRESENTATION OF A BUSINESS CONCERN AS A SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY VETERANS OR AS A SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.

Subsection (g) of section 8127 is amended—

(1) by striking ''Any business'' and inserting ''(1) Any business'';

(2) in paragraph (1), as so designated—

(A) by inserting ''willfully and intentionally'' before ''misrepresented''; and

(B) by striking ''a reasonable period of time, as determined by the Secretary'' and inserting ''a period of not less than five years''; and

(3) by adding at the end the following new paragraphs:

''(2) In the case of a debarment under paragraph (1), the Secretary shall commence debarment action against the business concern by not later than 30 days after determining that the concern willfully and intentionally misrepresented the status of the concern as described in paragraph (1) and shall complete debarment actions against such concern by not later than 90 days after such determination.

''(3) The debarment of a business concern under paragraph (1) includes the debarment of all principals in the business concern for a period of not less than five years.''.

SEC. 707. QUARTERLY REPORTS TO CONGRESS ON CONFERENCES SPONSORED BY THE DEPARTMENT.

(a) IN GENERAL.—Subchapter I of chapter 5 is amended by adding at the end the following new section:

''§ 517. Quarterly reports to Congress on conferences sponsored by the Department

''(a) QUARTERLY REPORTS REQUIRED.—Not later than 30 days after the end of each fiscal quarter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on covered conferences.

''(b) MATTERS INCLUDED.—Each report under subsection (a) shall include the following:

''(1) An accounting of the final costs to the Department of each covered conference occurring during the fiscal quarter preceding the date on which the report is submitted, including the costs related to—

''(A) transportation and parking;
''(B) per diem payments;
''(C) lodging;
''(D) rental of halls, auditoriums, or other spaces;
''(E) rental of equipment;
''(F) refreshments;
''(G) entertainment;
''(H) contractors; and
''(I) brochures or other printed media.

''(2) The total estimated costs to the Department for covered conferences occurring during the fiscal quarter in which the report is submitted.

''(c) COVERED CONFERENCE DEFINED.—In this section, the term 'covered conference' means a conference, meeting, or other similar forum that is sponsored or co-sponsored by the Department and is—

''(1) attended by 50 or more individuals, including one or more employees of the Department; or

''(2) estimated to cost the Department at least $20,000.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 516 the following:

''517. Quarterly reports to Congress on conferences sponsored by the Department.''.

(c) EFFECTIVE DATE.—Section 517 of title 38, United States Code, as added by subsection (a), shall take effect on October 1, 2012, and shall apply with respect to the first quarter of fiscal year 2013 and each quarter thereafter.

SEC. 708. PUBLICATION OF DATA ON EMPLOYMENT OF CERTAIN VETERANS BY FEDERAL CONTRACTORS.

Section 4212(d) is amended by adding at the end the following new paragraph:

''(3) The Secretary of Labor shall establish and maintain an Internet website on which the Secretary of Labor shall publicly disclose the information reported to the Secretary of Labor by contractors under paragraph (1).''.

SEC. 709. VETSTAR AWARD PROGRAM.

(a) IN GENERAL.—Section 532 is amended—

(1) by striking ''The Secretary may'' and inserting '' (a) ADVERTISING IN NATIONAL MEDIA.—The Secretary may''; and

(2) by adding at the end the following new subsection:

''(b) VETSTAR AWARD PROGRAM.—(1) The Secretary shall establish an award program, to be known as the 'VetStar Award Program', to recognize annually businesses for their contributions to veterans' employment.

''(2) The Secretary shall establish a process for the administration of the award program, including criteria for—

''(A) categories and sectors of businesses eligible for recognition each year; and

''(B) objective measures to be used in selecting businesses to receive the award.''.

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended by adding at the end the following: ''***; VetStar Award Program***''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 5 is amended by striking the item relating to section 532 and inserting the following new item:

''532. Authority to advertise in national media; VetStar Award Program.''.

SEC. 710. EXTENDED PERIOD OF PROTECTIONS FOR MEMBERS OF UNIFORMED SERVICES RELATING TO MORTGAGES, MORTGAGE FORECLOSURE, AND EVICTION.

(a) STAY OF PROCEEDINGS AND PERIOD OF ADJUSTMENT OF OBLIGATIONS RELATING TO REAL OR PERSONAL PROPERTY.—Section 303(b) of the Servicemembers Civil Relief Act (50 U.S.C. App. 533(b)) is amended by striking ''within 9 months'' and inserting ''within one year''.

(b) PERIOD OF RELIEF FROM SALE, FORECLOSURE, OR SEIZURE.—Section 303(c) of such Act (50 U.S.C. App. 533(c)) is amended by striking ''within 9 months'' and inserting ''within one year''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(d) EXTENSION OF SUNSET.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b) shall expire on December 31, 2014.

(2) CONFORMING AMENDMENT.—Subsection (c) of section 2203 of the Housing and Economic Recovery Act of 2008 (Public Law 110–289; 50 U.S.C. App. 533 note) is amended to read as follows:

''(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.''.

(3) REVIVAL.—Effective January 1, 2015, the provisions of subsections (b) and (c) of section 303 of the Servicemembers Civil Relief Act (50 U.S.C. App. 533), as in effect on July 29, 2008, are hereby revived.

(e) REPORT.—

(1) IN GENERAL.—Not later than 540 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the protections provided under section 303 of such Act (50 U.S.C. App 533) during the five-year period ending on the date of the enactment of this Act.

(2) ELEMENTS.—The report required by paragraph (1) shall include, for the period described in such paragraph, the following:

(A) An assessment of the effects of such section on the long-term financial well-being of servicemembers and their families.

(B) The number of servicemembers who faced foreclosure during a 90-day period, 270-day period, or 365-day period beginning on the date on which the servicemembers completed a period of military service.

(C) The number of servicemembers who applied for a stay or adjustment under subsection (b) of such section.

(D) A description and assessment of the effect of applying for a stay or adjustment under such subsection on the financial well-being of the servicemembers who applied for such a stay or adjustment.

(E) An assessment of the Secretary of Defense's partnerships with public and private sector entities and recommendations on how the Secretary should modify such partnerships to

improve financial education and counseling for servicemembers in order to assist them in achieving long-term financial stability.

(3) PERIOD OF MILITARY SERVICE AND SERVICEMEMBER DEFINED.—In this subsection, the terms ''period of military service'' and ''servicemember'' have the meanings given such terms in section 101 of such Act (50 U.S.C. App. 511).

Amend the title so as to read: ''An Act A bill to amend title 38, United States Code, to furnish hospital care and medical services to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune, to improve the provision of housing assistance to veterans and their families, and for other purposes.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from Maine (Mr. MICHAUD) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MILLER of Florida. Mr. Speaker, I yield myself as much time as I might consume.

GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members would have 5 legislative days to revise and extend their remarks and add any extraneous material on the bill under consideration

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MILLER of Florida. As the chairman of the House Committee on Veterans Affairs, I rise in support of the Senate amendments to H.R. 1627. This is a comprehensive, bipartisan, bicameral legislative package to provide for the needs of veterans, their families and survivors through improved health care, housing, education, and memorial services.

In addition, the Senate amendments to H.R. 1627 would improve the accountability and transparency of the Department of Veterans Affairs, ensuring that VA is responsible to those it serves, our American veterans.

As the title of this bill implies, this legislation would authorize VA health care services for veterans and their families for certain illnesses that manifested as a result of exposure to water contamination at Camp Lejeune, North Carolina, during a 30-year span that ended in 1987.

I want to specifically acknowledge the efforts of retired Marine Master Sergeant Jerry Ensminger, whose dogged efforts to seek answers from the government and justice for the victims of the water contamination inspired this bill. In honor of Jerry's daughter, Janey, who died of leukemia at the age of 9 after time spent at Camp Lejeune when the water was contaminated, title I of this bill bears her name.

Finally, I thank Representative BRAD MILLER and Senator RICHARD BURR, the original sponsors of the Camp Lejeune legislation in the House and the Senate, for their leadership. And although this legislation represents a hard-fought victory, we must not forget those who are no longer with us to see it become law.

I think when Senator BURR said this, he said it best:

> Unfortunately, many who were exposed have died as a result and are not here to receive the care this bill can provide. While I wish we could have accomplished this years ago, we now have the opportunity to do the right thing for thousands who were harmed during their service to our country.

And I couldn't agree more.

In addition to the veterans of Camp Lejeune, section 106 of this bill contains legislation the chairwoman of the Subcommittee on Health, Ms. BUERKLE, introduced, H.R. 2074, the Veterans Sexual Assault Prevention Act. The section and her bill, which passed the House last year, would address the serious failure of the Department of Veterans Affairs to prevent and report sexual assault incidents and corresponding flaws in the security of their facilities. It creates a fundamentally safer environment for our veterans and VA employees by requiring an accountable and comprehensive oversight system.

I want to express my personal appreciation to Ms. BUERKLE for her advocacy on behalf of women and all of our veterans. In just 2 short years, she has proven herself to be a committed and strong voice for servicemembers and veterans, not only in the State of New York, but across this country.

Her considerable expertise as a nurse, a lawyer, and a mother of six was the reason I chose her to be the chairwoman of the Subcommittee on Health, and I can tell you that in the roll that she has played, she has never wavered from doing what is right for all of our veterans.

The bill also includes several worthy legislative proposals to improve health care services brought forth from our Members on both sides of the aisle and in both Chambers, the House and in the Senate.

This bill also addresses several other areas where we will be able to expand and improve health care for veterans. It would allow for greater flexibility in VA payments to State veterans homes, break down barriers to care for veterans with traumatic brain injury, clarify the access rights of service dogs on VA property, and improve care for rural elderly and homeless veterans.

This bill also addresses several important matters related to veterans' housing. Because many of our returning wounded warriors need assistance modifying their residences to meet their needs, this bill would reauthorize and expand several provisions relating to the Specially Adapted Housing Grant Program.

These grants provide funding to eligible disabled veterans and servicemembers who adapt homes that they own or homes that they are currently living in to meet their daily needs. Adaptations can include grab bars in bathrooms, widening doorways for wheelchairs, or constructing a wheelchair ramp. These grants are imperative to affording veterans the level of independent living that they were accustomed to prior to their injury and that they may not be able to otherwise enjoy.

As many of us are aware, far too many of our veterans have found themselves on hard times and are homeless or are at risk for homelessness. To combat this problem, this bill would authorize funding for additional housing options for homeless veterans to help them gain stability and obtain access to other treatment and services that they may need from VA.

The next area of the bill would be in addressing education. We all know that we have provided a very generous benefit to the veterans in the post-9/11 GI Bill. The problem is that we have never really tracked the performance of the bill or if the benefits are effective in training veterans to be leaders of tomorrow. Therefore, this legislation would increase our oversight of post-9/11 educational benefits by requiring annual reports to Congress on the effectiveness of these benefits and how they're being utilized.

I want to thank my friend, Congressman GUS BILIRAKIS, for introducing this provision in H.R. 2274 and for his leadership on improving transparency for the post-9/11 GI Bill.

Another critical area addressed by this legislation is that of veteran benefits. Over the last 3 years, we've seen the disability claims backlog grow exponentially, with more than 900,000 claims now awaiting decisions. Fifty percent of those have been pending for a period of 125 days or more. Despite repeated promises from VA to break the backlog, it continues to grow.

Therefore, the provisions of this bill that address benefit matters will assist in processing claims more efficiently:

First, it would allow veterans to automatically waive regional office review of evidence submitted directly to the Board of Veterans Appeals for claims in appellate status;

Second, it would allow veterans in need of assistance with claims to have a signatory on their behalf assist them with the claims process;

Third, it would modernize VA's statutory duty to assist by authorizing electronic communications, potentially saving weeks in a claim's processing time;

Fourth, to alleviate the burdens of redundant paperwork, veterans would now be able to file jointly for Social Security and indemnity compensation;

Finally, to promote accountability of individual claims processors, VA would be required to present a plan in 6 months on how it will take corrective action when their employees need training to do their jobs well.

□ 1620

I want to thank my friend Mr. RUNYAN from New Jersey, the chairman of

the Subcommittee on Disability Assistance and Memorial Affairs, for his dedication to our Nation's veterans and for his focus on advancing legislation such as H.R. 2349, which will achieve measurable results in alleviating the backlog of claims.

While many of these provisions that I have discussed thus far have focused on our efforts to honor our commitment to the brave men and women who serve our Nation, including those transitioning from the recent conflicts in Iraq and Afghanistan, we must also continue our commitment to our fallen heroes. Accordingly, this bill also sets out specific criteria that prohibit disruptions and protests of funerals of members of the Armed Forces at VA national cemeteries and at Arlington National Cemetery, including the imposition of criminal and civil liability for violations of these restrictions.

In addition, given the sacred nature of Arlington National Cemetery, a name synonymous with honoring American freedom, this legislation would codify a prohibition on the reservation of grave sites at Arlington National Cemetery, with very limited exceptions. I worked closely with Mr. RUNYAN on this prohibition to ensure that many future generations of American heroes will be buried and honored at Arlington National Cemetery. I want to thank him again for his leadership on this issue and for originally introducing H.R. 1484.

Similarly, I introduced the original measure on H.R. 1627, which would place restrictions on the type and placement of monuments at Arlington National Cemetery due to the fact that the cemetery, itself, is a monument. Arlington National Cemetery is a unique national treasure. It is for this reason that this legislation is necessary to ensure that the integrity of the cemetery is preserved both in its utilization of land with the placement of monuments and with its allocation of grave sites.

Finally, this comprehensive legislative package also contains several miscellaneous provisions affecting our Nation's veterans. Although these areas may not receive as much attention, such as health care or benefits, they are no less important to improving the lives of the veterans of this country.

I want to thank the ranking member, Mr. FILNER, as well as the chairman and ranking member of the Senate Committee on Veterans' Affairs, Senator MURRAY and Senator BURR, for their insight and cooperation on advancing this compromise bill today.

I want to reiterate that this bill is paid for both in its mandatory and discretionary costs via offsets that have been used many times by this committee and that have historically been supported by both sides of the aisle.

Finally, Mr. Speaker, I ask unanimous consent to insert a floor colloquy between me and the gentleman from Maine (Mr. MICHAUD).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MILLER of Florida. Once again, I thank all of the members of the committee, as well as the staffs of the House and the Senate on Veterans' Affairs, for their work on this bill, and I urge all Members to support the Senate amendments to H.R. 1627.

With that, I reserve the balance of my time.

Mr. Speaker, the Committees have prepared an explanation of certain provisions contained in the amendment to H.R. 1627, as amended, to reflect a Compromise Agreement between the Committees. Differences between the provisions contained in the Compromise Agreement and the related provisions of the House Bills and the Senate Bills are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes. This Explanatory Statement is contained in the CONGRESSIONAL RECORD of July 18, 2012.

Mr. MICHAUD. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of H.R. 1627, as amended, the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012. This bill represents the hard work of both Chambers and of both sides of the aisle.

I want to thank Chairman MILLER and Ranking Member FILNER, as well as Senator MURRAY and Senator BURR and all of my colleagues on the Veterans' Affairs Committees in both Chambers, for all of the work that went into crafting this legislation.

This bill provides health care benefits to veterans and family members who have suffered illnesses due to exposure to harmful chemicals through drinking contaminated water while stationed at Camp Lejeune, North Carolina.

This bill also provides important improvements to enable the VA to better care for veterans living in rural areas. These veterans constitute 40 percent of the veterans who seek care at VA. These improvements include: waiving the collections of copayments for veterans who use telehealth or telemedicine services; authorizing VA to pay travel benefits to veterans seeking care at vet centers; requiring VA to establish and operate Centers of Excellence for rural health research, education, and clinical activities; finally, requiring VA to create a system for the consultation and assessment of mental health, traumatic brain injury, and other conditions through teleconsultation.

A provision I am particularly proud of will improve the care provided to our elderly veterans and to those who are 70-percent disabled or higher in our State veterans' nursing homes.

This bill makes improvements in the area of veterans' benefits and the claims process. One such improvement, a provision based on a measure introduced by Ranking Member FILNER, enables a veteran or a family member, on an appeal, to waive the current requirement that new evidence be first considered by the VA. This provision would enable the Board of Veterans' Appeals to review evidence submitted directly to it instead of waiting for a redecision at the agency level.

This bill includes important housing provisions as well. One provision would help veterans with vision impairments and veterans residing temporarily in housing owned by a family member by aligning VA's definition of ''blindness'' with the definition of ''blindness'' under existing Federal laws.

This bill provides that the amount made available to veterans who receive a temporary residence adaptation grant is not counted against the maximum allowable under the Specially Adapted Housing program. Also, this bill makes permanent the authority of VA to guarantee adjustable rate and hybrid rate mortgages.

Mr. Speaker, I have only highlighted a few of the important parts of this bill that were found in H.R. 1627, as amended. I would encourage my colleagues on both sides of the aisle to support this very important veterans' measure.

I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I am happy to yield such time as she may consume to the chairwoman of the Subcommittee on Health, the gentlewoman from New York (Ms. BUERKLE).

Ms. BUERKLE. I rise in support of the Senate amendments to H.R. 1627, the Honoring American Veterans and Caring for Camp Lejeune Families Act of 2012.

Included in this bill are provisions that reflect the oversight work of the Subcommittee on Health, which I am honored to chair. Central to the health care portion of this legislation is section 106, which would require the Department of Veterans Affairs to develop and implement a comprehensive policy on the prevention, monitoring, reporting, and tracking of sexual assaults and other safety incidents that occur at VA medical facilities.

This provision was originally passed in the House last year in H.R. 2074, as amended, the Veterans Sexual Assault Prevention Act. I introduced this measure last year in response to a disturbing GAO report, which found that between 2007 and 2010 some 284 instances of alleged sexual assault occurred in VA medical facilities around the country. As a former registered nurse and domestic violence counselor, I am all too familiar with the corrosive and harmful effects sexual and physical violence can have in the lives of its victims. Abusive behavior, like the kind documented by the GAO, is unacceptable. For it to be found in what should be an environment of healing for our honored veterans is simply unforgivable.

This bill would establish and enforce critically important actions to correct the serious safety vulnerabilities, security problems, and oversight failures

by VA leadership that threaten the safety of veterans who seek care through the Department and of the hardworking employees who provide that care. I am confident that the comprehensive requirements mandated in this bill will resolve the deficiencies the GAO uncovered and ensure that the VA health care system is a safe and secure place for our veterans and their families to seek care.

I have been working furiously since last October, when this provision first passed the House, to get it through the Senate and signed into law by the President. I am very pleased and relieved that the day has finally come—and not a moment too soon—for those who need it. However, my oversight does not stop at the President's desk. With this statement, I am putting the VA on notice that I will remain vigilant in ensuring that the legislation is implemented swiftly, as intended, to protect veterans and employees at VA medical facilities.

Also included in this bill, Mr. Speaker, is a measure that would allow for greater flexibility in establishing rates for reimbursements to State homes for nursing home care that is provided to certain service-connected veterans. This proposal was also included in H.R. 2074.

□ 1630

I want to thank the gentleman from Maine and ranking member of the Subcommittee on Health for his very hard work in introducing this provision and the manner in which he continues to embody a true bipartisan spirit to advance legislation for the benefit of our veterans, as well as their families. Additionally, the bill includes a measure to expand the ability of worthy nonprofit entities to obtain grants to provide services for homeless veterans.

Our colleague from the State of Washington, DAVE REICHERT, has been a strong advocate for establishing these important enhancements. I am pleased that this provision he introduced is included in the bill. I'm pleased that this provision for which he has been a strong advocate has been included. There are so many other important provisions, including improving rehabilitative care to veterans with traumatic brain injury, waiving the collection of co-payments for telehealth and telemedicine, establishing an initiative to expand beneficiary travel reimbursements to veterans, clarifying the access rights of service dogs on VA property and VA facilities, and providing medical care for certain veterans and their families who were exposed to contaminated water at Camp Lejeune.

It has been an honor for me, Mr. Speaker, to work with my colleagues in the House and the Senate on this legislation. In particular, I am grateful for the hard work, as well as the leadership, of our chairman, Mr. MILLER of Florida.

Mr. Speaker, I urge all of my colleagues to join me in supporting this legislation.

Mr. MICHAUD. Mr. Speaker, at this time I yield 5 minutes to the gentleman from Michigan (Mr. DINGELL).

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, I am delighted that we are finally addressing the problem before the House, and I rise in strong support of H.R. 1627, the Honoring America's Veterans and Caring for Camp Lejeune Families Act. This is long overdue.

The most noteworthy thing we can observe about the behavior of the military leadership is they have been uncooperative and have been most diligent in obfuscating the problem and seeing to it that the matter has been unduly dawdled over while our military personnel were both put at risk and placed in a position where their families also shared that risk and hazard. I want to thank Chairman MILLER, Ranking Member FILNER, the gentleman from North Carolina, Mr. MILLER, and my dear friend, Mr. MICHAUD, for the things that they have done to see to it that finally justice is being done.

The victims of the Camp Lejeune contamination disaster have waited too long for justice for themselves and for their families. The passage of this legislation today is an important first step in moving forward and providing for the victims of what has been a long and ongoing tragedy. It is also evidence that there is still a great need for us to see to it that the military cooperates in these kinds of investigations and see to it that the military goes beyond that and that they conduct a cleanup of the military facilities where we send our military personnel and their families.

In 2004, I conducted a series of investigations into this and other contamination problems as the ranking member of the House Committee on Energy and Commerce. After meeting with the Marine Corps personnel and Master Sergeant Jerry Ensminger, whose daughter died of a rare form of leukemia at the age of 9, I must confess that I can come to no conclusion other than that that was caused by where her father had been serving and the fact that the military had not been diligent in cleaning up its messes.

These investigations revealed a great coverup and much foot dragging and obfuscation on the part of the Department of the Navy to properly deal with the consequences of the contamination. They also showed other failures by the Department of Defense in other places, including installations in far distant points of service like Japan.

With the passage of this bill, veterans of Camp Lejeune and their families who also served there are going to receive some measure of justice and help in addressing the problems they have because of where they were compelled to serve and because of lack of diligence on the part of the military to see that they were properly cared for. They will now be eligible, if they served between 1957 and 1987, to receive VA health benefits for illnesses connected with that contamination.

While the passage of this legislation is a success, we all know there's much more to be done. The veterans deserve the presumptions of the service connection in the bill to ensure that they receive important benefits to which they are due. That is simply a proper concern for our veterans and for their safety. They and their families should not be put at unnecessary risk by places that they serve solely by reason of the fact that they serve at a particular place and because of slothful, improper behavior by the Department of Defense higher-ups and because of coverups in which they did not cooperate in seeing to the proper safeguards of our Federal employees there and our military personnel who were serving there involuntarily as a part of their superb contribution to the safety of this Nation.

The fight continues, and I'm hopeful that we can continue to bring justice to the victims of Camp Lejeune, and to see to it that others of our military are not put at risk because of slothful, improper, and dilatory behavior by the Department of Defense.

I ask my colleagues here to understand our duty in seeing to it that the families of our military and our military personnel are not put at risk by where they serve or by indifferent and careless behavior of their government. The government has a duty not just to see to it that our military personnel are made whole, but they do have the duty to see to it that our military bases and military service are not put at risk by actions which make the points of service of our military unnecessarily risky because of contamination in the places where our military and their families live and work.

Here we have another high duty, and that is to see to it that the military personnel are kept safe with their families at their side as they serve in the military bases.

The Military leadership must recognize their responsibility not to put our soldiers, sailors and airmen at risk by reason of the places they serve. They confront enough risk from their duty, without careless and indifferent behavior of their superiors, who first disregard safety of the facilities, and then expand the risk by reason of cover ups and obfuscation of the facts and the need to clean up messes unnecessarily caused and improperly denied.

Mr. MILLER of Florida. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Florida has 5 minutes remaining, and the gentleman from Maine has 11½ minutes remaining.

Mr. MILLER of Florida. Mr. Speaker, I am happy to yield 2 minutes to the chairman of the Subcommittee on Economic Opportunity, Mr. STUTZMAN, from the great State of Indiana.

Mr. STUTZMAN. Mr. Speaker, I thank the chairman for yielding and

for his leadership on the Veterans' Affairs Committee.

I rise in strong support for the Senate amendments to H.R. 1627. The bill is a product of many months of bipartisan work to improve the lives of our veterans and their families.

I'm very proud of sections 706 and 707, which contained provisions I introduced in H.R. 1657 and H.R. 2302 respectively. Section 706 would tighten the process to debar firms that willfully and intentionally misrepresent themselves as veteran or service-disabled veteran-owned small businesses by stipulating a 5-year debarment period from contracting with the VA for the company and its principals. Section 706 would also require VA to complete the debarment no later than 90 days after such finding.

Mr. Speaker, section 707 of the underlying bill would require VA to provide a quarterly report to Congress on the cost of the Department's conferences. Every year, VA spends millions of dollars on conferences. While I understand the need for such meetings, recent history is sufficient to demand an accounting so Congress can provide proper oversight of such spending. Section 707 would require VA to report on conferences costing $20,000 or more or on conferences attended by 50 or more people, including at least one VA employee. It would also require VA to estimate the cost of conferences to be held during the quarter in which the report is provided.

In closing, Mr. Speaker, for our veterans and their families, I urge my colleagues to support the Senate amendments to H.R. 1627.

□ 1640

Mr. MICHAUD. Mr. Speaker, at this time, I yield 2 minutes to the gentleman from North Carolina (Mr. MILLER).

Mr. MILLER of North Carolina. Mr. Speaker, the Department of the Navy has known for 30 years that the drinking water at Camp Lejeune was contaminated. They've known for 20 years exactly what chemicals were in the water. The science may have been slow to develop on the effects of exposure to those chemicals, but they knew better than to say there was nothing to worry about, which is what they did.

The Navy concealed information from Marines and their families who drank the water, cooked with it, and bathed in it. They withheld information from the Centers for Disease Control and from Congress. And they have shamefully failed to take responsibility for the contaminated water.

Senator BURR and I introduced companion bills 2 years ago to provide treatment for certain diseases associated with exposure to the water. That legislation, the Janey Ensminger Act, is title I of this bill. Justice requires at least the benefits the Janey Ensminger Act provides.

I thank Chairman MILLER and the Veterans' Affairs Committee for bringing this bill to the floor.

Mr. MILLER of Florida. If I might inquire how many further requests for time the gentleman from Maine (Mr. MICHAUD) has.

Mr. MICHAUD. I have one further request for time, and then I am prepared to close.

Mr. MILLER of Florida. I will reserve the balance of my time at this point.

Mr. MICHAUD. Mr. Speaker, at this time, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman for yielding and for his hard work on this bill and in so many other areas in our Congress, not just for veterans and the military, but in a large array of areas, from health to national security, where he has been a leader.

I rise in strong support today of H.R. 1627, as amended, the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012. This represents the hard work of both sides of the aisle. I thank Chairman MILLER, Ranking Member FILNER, as well as the gentleman from Maine (Mr. MICHAUD) and Representative MILLER from North Carolina on our side who have been leaders on this issue.

I am particularly proud to rise in support of this legislation to finally give medical coverage and justice to those military families previously stationed at Camp Lejeune where, for three decades—three decades—thousands of Marines and their families consumed water contaminated with toxic chemicals that likely led to very serious illnesses.

Because of travesties like this, I authored an amendment to the 2012 Defense authorization bill prohibiting the secrecy of information about water contamination on our military bases. I asked Secretary Panetta for transparency to help strike the necessary balance between safeguarding our national interests and preventing another Camp Lejeune scandal from happening that endangers the health of our military families here on the soil of our country.

I strongly support this bill because this is a big step in making sure that our veterans are continuously cared for throughout their deployment and thereafter here at home and are not put at risk for their health.

The SPEAKER pro tempore. With respect to the gentleman's earlier request to enter a colloquy that was granted earlier, the Chair would clarify that a colloquy may not be inserted into the RECORD but that two statements may be inserted independently under general leave.

Mr. MILLER of Florida. Mr. Speaker, I have one other speaker that had a late train that I was trying to wait on, but apparently he is not going to be able to make it. So I am prepared to close after Mr. MICHAUD closes.

Mr. MICHAUD. Mr. Speaker, I am particularly pleased with this package because it also includes legislation that I have been working on for well over 2 years that will ensure that our severely disabled and elderly veterans are able to get the care they need. Specifically, my bill requires the VA to enter into contracts or provider agreements with State Veterans Nursing Homes in order to get the reimbursement that they adequately need to take care of our veterans.

Without this legislation, State Veterans Homes will not get reimbursed properly for the services they provide for our veterans. According to data from the National Association of State Veterans Homes, the average rate for care is roughly $359 per veteran per day, while VA only reimburses the homes $235 per day. This difference of $124 per day amounts to over $45,000 per year for each covered veteran. And with approximately 25,000 beds nationwide, the financial burden on State Veterans Homes could become crippling.

Passing this legislation into law will ensure that our State Veterans Homes are paid adequately for the services they provide and can continue to serve our veterans that are in need of those services.

I want to thank Chairman MILLER and Ranking Member FILNER for their support of this bill and for working to bring this legislation to the floor. Our veterans will be better off as a result.

I also would like to thank Chairwoman BUERKLE for her efforts as well, working in a bipartisan manner, and staff on both the majority and minority sides for bringing this bill forward,

Mr. Speaker, I have a question for Mr. MILLER. He had mentioned earlier about a colloquy. If those colloquies are entered separately, will that be made a part of the RECORD?

The SPEAKER pro tempore. The gentleman is correct.

Mr. MILLER of Florida. Mr. Speaker, if we could go ahead and do the colloquy at this time, that way we'll make sure it's in the RECORD.

Mr. MICHAUD. Mr. Speaker, I would like to ask my colleague about section 102 of the bill. That provides medical care for certain medical conditions for veterans and their families who lived at Camp Lejeune from 1957 through 1987.

There is one provision applicable to family members where VA would reimburse family members for health care services provided under this section but only after they exhaust reasonably available alternative reimbursements.

I want to ensure that this language is not read to mean that family members must actually file suit under the Federal Tort Claims Act or even come to end of litigation under a suit filed under the Federal Tort Claims Act to ensure the medical care offered by this provision. Can my colleague confirm this?

Mr. MILLER of Florida. I thank the gentleman for the question. It allows me to reassure those veterans and family members in the strongest terms possible that this language, which does

appear in section 1787(b)(3) of title 38 of the U.S. Code, absolutely does not—does not—require that any suit be filed under the Federal Tort Claims Act in order to secure this medical care as long as they meet the other requirements of the bill.

As you have noticed, that provision only requires exhaustion of ''reasonably available'' remedies. In the legislation, we are explicit that we want this care to be provided for family members even though at the present time, there is insufficient medical evidence to conclude that the illnesses or conditions listed in the bill are attributable to those exposures.

For this and other reasons surrounding litigation under the Federal Tort Claims Act, such an FTCA remedy can't be considered to be ''reasonably available.'' To require exhaustion under the Federal Tort Claims Act would go completely against the intent of this piece of legislation to make this medical care available to these family members for these conditions so long as VA is considered the final payer as far as other third-party health plans.

Mr. MICHAUD. I thank the gentleman.

Mr. Speaker, with that, I have no further requests for time, and I yield back the balance of my time.

□ 1650

Mr. MILLER of Florida. Mr. Speaker, I once again encourage all Members to support the Senate amendments to H.R. 1627, and I yield back the balance of my time.

Mr. RUNYAN. Mr. Speaker, I rise in support of H.R. 1627, as amended, ''The Honoring of America's Veterans and Caring for Camp Lejeune Families Act of 2012.''

There are several components to this legislation, and they are all aimed toward improving veterans' lives after their selfless sacrifice to our nation.

I would like to draw attention to the provisions that ensure the Veterans' benefits process is more efficient, accountable, and fair for all Veterans and their families.

Section 703 of H.R. 1627 addresses the minimalist approach the VA has adopted in complying with its employee skills certification mandate.

This provision would address disparities in experience and training, while facilitating the individual accountability of employees.

The VA would conduct testing procedures that indicate basic competency of all claims processors and managers.

Test results indicating less than satisfactory scores on the exam would necessitate an individualized remediation program to aid them in improving their areas of deficiency.

Repeated failure after remediation would require the VA to take necessary personnel actions.

Additionally, Section 504 implements the use of electronic communication within the VA in providing notices of responsibility to claimants.

It also removes administrative provisions which have slowed down the processing of Veteran's disability claims.

In total, this section would increase efficiency and help modernize the VA by authorizing the most effective means available for communication while simultaneously removing administrative red tape.

Lastly, another provision that would reduce the claims backlog is Section 505, which clarifies the meaning of the VA's duty to assist claimants in obtaining evidence needed to verify a claim.

As a result, this section establishes a clear and reasonable standard for private record requests as "not less than two requests."

In addition, this section will encourage claimants to take a proactive role in the claims process.

I would like to take the remaining time to commend and thank the Committee for working with me in addressing the concerns affiliated with Arlington National Cemetery.

As Chairman of the House Veterans Affairs Disability Assistance and Memorial Affairs Subcommittee, DAMA, I am very pleased that our Committee continues to improve the ways in which we honor our veterans and preserve Arlington National Cemetery, ANC, as the sacred final resting place for those who have given the ultimate sacrifice in service to our country.

As a member of both the House Veterans Affairs and House Armed Services Committees, with a large veterans population and joint military installation in my home District, it has been an honor to join my colleagues in support of H.R. 1627, as amended, and to work in a bipartisan manner on behalf of veterans.

I would like to thank each of them for their tireless support on behalf of our veterans—the heroes who protect the freedoms we all enjoy. I know they share my commitment to ensuring that we take care of our veterans and military servicemembers.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 1627.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

ACCEPTANCE OF RELINQUISHMENT OF RAILROAD RIGHT OF WAY NEAR PIKE NATIONAL FOREST, COLORADO

Mr. LAMBORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4073) to authorize the Secretary of Agriculture to accept the quitclaim, disclaimer, and relinquishment of a railroad right of way within and adjacent to Pike National Forest in El Paso County, Colorado, originally granted to the Mt. Manitou Park and Incline Railway Company pursuant to the Act of March 3, 1875, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4073

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

SECTION 1. ACCEPTANCE OF RELINQUISHMENT OF RAILROAD RIGHT OF WAY BY MANITOU AND PIKES PEAK RAILWAY COMPANY, COLORADO, OVER NATIONAL FOREST SYSTEM LAND.

(a) AUTHORITY TO ACCEPT.—Notwithstanding the Act of March 8, 1922 (43 U.S.C. 912), the Secretary of Agriculture may accept the quitclaim, disclaimer, and relinquishment by the Manitou and Pikes Peak Railway Company, successor in interest to the Mt. Manitou Park and Incline Railway Company, of a right of way, more fully described in subsection (b), within and adjacent to Pike National Forest that was originally granted by the Secretary to the Mt. Manitou Park and Incline Railway Company pursuant to the authority provided by the Act of March 3, 1875 (Chapter 152; 18 Stat. 482) for the construction of a railroad and station in El Paso County, Colorado.

(b) RIGHT OF WAY DESCRIBED.—The railroad right of way referred to in subsection (a) is located in the S½ of section 6, Township 14 South, Range 67 West, and N½SE ¼ of section 1, Township 14 South, Range 68 West, Sixth Principal Meridian, Colorado, and is depicted in a tracing filed in the United States Land Office at Pueblo, Colorado, file 019416, on December 24, 1914.

(c) LIMITED APPLICABILITY.—Nothing in this section shall be construed to affect the right, title, and interest of the Manitou and Pikes Peak Railway Company in land held in fee title by the Manitou and Pikes Peak Railway Company.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. LAMBORN) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. LAMBORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. LAMBORN. I yield myself such time as I may consume.

Mr. Speaker, today, I am happy to speak in support of my legislation, H.R. 4073, a bill to authorize the Secretary of Agriculture to accept the quitclaim, disclaimer, and relinquishment of a railroad right-of-way within the Pike National Forest in my district.

Originally granted to the Mt. Manitou Park and Incline Railway Company, the Incline Trail exists today as the roadbed to the former Mt. Manitou Scenic Incline Railway, which was a cable car that took people up the eastern face of Rocky Mountain, Pikes Peak, at an average grade of 40 percent, with some of the steepest sections at a grade of 68 percent. Today, it has become a popular hike for adventure seekers in the Pikes Peak region and is said to be hiked nearly half a million times each year, although access is still considered trespassing.

A citizens' initiative began over 8 years ago to encourage making access to this popular trail legal. Although all

parties are amenable, due to an act dated on March 3, 1875, the Forest Service has been unable to accept the quitclaim from the Manitou and Pikes Peak Railway. Recognizing this problem, the railway company came to me and asked that I carry this legislation to allow the Forest Service the authority to accept the quitclaim, which is the last major hurdle in allowing the Incline Trail to be legally opened for public use.

Although several people have informally maintained the incline, no formal steps have been taken by any of the property owners to maintain the Incline since 1997. Legalizing access to the trail will allow the surrounding communities access to repair sections of the trail that are in poor condition and will make use safer for all hikers.

It has been my pleasure to work with the interested parties in helping to gain legal access to this unique trail that I believe will be a wonderful addition to the region's trail inventory. I would like to thank the Forest Service and Senator MICHAEL BENNETT'S office for their diligence in working with my office in this process.

Mr. Speaker, I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SABLAN asked and was given permission to revise and extend his remarks.)

Mr. SABLAN. Mr. Speaker, H.R. 4073 clears up a deed for a popular hiking destination, the Manitou Incline in Colorado. Upon enactment, the Pike National Forest will have full ownership of the trail, which ascends 2,000 feet to Pikes Peak.

We do not object to this legislation, Mr. Speaker, and I yield back the balance of my time.

Mr. LAMBORN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. LAMBORN) that the House suspend the rules and pass the bill, H.R. 4073, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SABLAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PINNACLES NATIONAL PARK ACT

Mr. LAMBORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3641) to establish Pinnacles National Park in the State of California as a unit of the National Park System, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3641

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 ''Pinnacles National Park Act''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Pinnacles National Monument was established by Presidential Proclamation 796 on January 16, 1908, for the purposes of protecting its rock formations, and expanded by Presidential Proclamation 1660 of May 7, 1923; Presidential Proclamation 1704 of July 2, 1924; Presidential Proclamation 1948 of April 13, 1931; Presidential Proclamation 2050 of July 11, 1933; Presidential Proclamation 2528 of December 5, 1941; Public Law 94–567; and Presidential Proclamation 7266 of January 11, 2000.

(2) While the extraordinary geology of Pinnacles National Monument has attracted and enthralled visitors for well over a century, the expanded Monument now serves a critical role in protecting other important natural and cultural resources and ecological processes. This expanded role merits recognition through legislation.

(3) Pinnacles National Monument provides the best remaining refuge for floral and fauna species representative of the central California coast and Pacific coast range, including 32 species holding special Federal or State status, not only because of its multiple ecological niches but also because of its long-term protected status with 14,500 acres of Congressionally designated wilderness.

(4) Pinnacles National Monument encompasses a unique blend of California heritage from prehistoric and historic Native Americans to the arrival of the Spanish, followed by 18th and 19th century settlers, including miners, cowboys, vaqueros, ranchers, farmers, and homesteaders.

(5) Pinnacles National Monument is the only National Park System site within the ancestral home range of the California Condor. The reintroduction of the condor to its traditional range in California is important to the survival of the species, and as a result, the scientific community with centers at the Los Angeles Zoo and San Diego Zoo in California and Buenos Aires Zoo in Argentina looks to Pinnacles National Monument as a leader in California Condor recovery, and as an international partner for condor recovery in South America.

(6) The preservation, enhancement, economic and tourism potential and management of the central California coast and Pacific coast range's important natural and cultural resources requires cooperation and partnerships among local property owners, Federal, State, and local government entities and the private sector.

SEC. 3. ESTABLISHMENT OF PINNACLES NATIONAL PARK.

(a) ESTABLISHMENT AND PURPOSE.—There is hereby established Pinnacles National Park in the State of California for the purposes of—

(1) preserving and interpreting for the benefit of future generations the chaparral, grasslands, blue oak woodlands, and majestic valley oak savanna ecosystems of the area, the area's geomorphology, riparian watersheds, unique flora and fauna, and the ancestral and cultural history of native Americans, settlers and explorers; and

(2) interpreting the recovery program for the California Condor and the international significance of the program.

(b) BOUNDARIES.—The boundaries of Pinnacles National Park are as generally depicted on the map entitled ''Proposed: Pinnacles National Park Designation Change'', numbered 114/111,724, and dated December 2011. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) ABOLISHMENT OF CURRENT PINNACLES NATIONAL MONUMENT.—

(1) IN GENERAL.—In light of the establishment of Pinnacles National Park, Pinnacles National Monument is hereby abolished and the lands and interests therein are incorporated within and made part of Pinnacles National Park. Any funds available for purposes of the monument shall be available for purposes of the park.

(2) REFERENCES.—Any references in law (other than in this Act), regulation, document, record, map or other paper of the United States to Pinnacles National Monument shall be considered a reference to Pinnacles National Park.

(d) ADMINISTRATION.—The Secretary of the Interior shall administer Pinnacles National Park in accordance with this Act and laws generally applicable to units of the National Park System, including the National Park Service Organic Act (16 U.S.C. 1, 2–4).

SEC. 4. REDESIGNATION OF PINNACLES WILDERNESS AS HAIN WILDERNESS.

Subsection (i) of the first section of Public Law 94–567 (90 Stat. 2693; 16 U.S.C. 1132 note) is amended by striking ''Pinnacles Wilderness'' and inserting ''Hain Wilderness''. Any reference in a law, map, regulation, document, paper, or other record of the United States to the Pinnacles Wilderness shall be deemed to be a reference to the Hain Wilderness.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. LAMBORN) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. LAMBORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. LAMBORN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 4631 renames Pinnacles National Monument as Pinnacles National Park. Pinnacles was originally designated in 1908 by President Roosevelt under the authority of the Antiquities Act. However, under this legislation, it is not anticipated that management would change dramatically as the area is already considered a unit of the National Park Service.

The Natural Resources Committee made important changes to H.R. 3641, allowing us to bring this to the floor today. For example, the committee removed a nearly 3,000-acre wilderness expansion and struck unnecessary land acquisition authority. With these changes, the goal of elevating recognition of the area as a national park is achieved without limiting access.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SABLAN asked and was given permission to revise and extend his remarks.)

Mr. SABLAN. Mr. Speaker, President Theodore Roosevelt designated Pinnacles National Monument in California under the authority of the Antiquities Act of 1908.

H.R. 3641 would redesignate the monument as Pinnacles National Park. While the name change will not significantly alter management of the area, it will raise the profile of this beautiful resource and hopefully attract even more visitors.

Representative FARR is to be commended for his tenacity in moving this legislation forward. He has had to make some very difficult concessions to achieve passage of his bill today, and it is our hope that we can continue working on this to achieve his full vision for Pinnacles National Park.

I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, at this time I yield such time as he may consume to the distinguished gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, I rise in support of H.R. 3641, known as the Pinnacles National Park Act. As the sponsor of this bipartisan legislation, I would also like to express my thanks to my friend, Congressman DENHAM from California, for his original cosponsorship of H.R. 3641.

The Pinnacles National Park Act will elevate America's 11th national monument, the Pinnacles National Monument, to a national park. Only Congress can designate a national park. This is the right thing to do because there are not a lot of examples of tectonic plate movement in our National Park System. This legislation would also rename the current Pinnacles Wilderness after Schuyler Hain, who first came to the area in 1886 and was largely responsible for getting the attention of Theodore Roosevelt, who first designated the monument in 1908.

The first designation was to protect the beautiful rock formations and talus caves, notable for its tunnels. It has since been expanded several times by executive order and by congressional mandate to its present size of over 26,000 acres. It is larger than several existing national parks.

Pinnacles is a culturally significant area for several Native American tribes. It served as the backdrop for John Steinbeck's ''Of Mice and Men'' and ''East of Eden.''

Anyone who has visited this place knows it's special. From exploring caves to viewing springtime wildflowers to hiking through spire-like rock formations, visitors and families can participate in activities that leave lasting memories. It is truly worthy of national park status.

The Pinnacles, themselves, are half of the skeletal remains of the Neenach Volcano, which erupted 23 million years ago, and are located at the junction of the Pacific and North American tectonic plates. The San Andreas Fault is just 4 miles to the east, and Miner's Gulch and Pinnacles Faults run directly through the Pinnacles system.

The Pinnacles system is home to 149 species of birds, 49 mammals, 22 reptiles, 6 amphibians, 68 butterflies, 36 dragonflies and damselflies, and nearly 400 different kinds of bees—I didn't even know there were that many—and many thousands of other invertebrates.

□ 1700

One project I'm particularly proud about is the reintroduction of the endangered California condor, the largest flying land bird in North America. Since 2003, the Park Service has been a part of the California Condor Recovery Program to reestablish California condors at Pinnacles National Monument.

This cooperative endeavor between the U.S. Fish and Wildlife Service, Ventana Wildlife Society, Pinnacles Partnership, and others, in collaboration with the California Condor Recovery Team, has done a tremendous job on recovery efforts and public education. Many visitors come to this region to get an opportunity to see the condor in the wild.

This legislation has broad support from our counties of San Benito and Monterey, as well as the chambers of commerce, visitors bureaus, and from the respective counties who are enthusiastically supportive of this legislation. There is no opposition to the bill. The Pinnacles is uniquely located in coastal California to attract thousands of visitors each year who provide a viable and vital economic engine for San Benito County. Tourism is the primary focus for many of the business owners on the central coast. Increasing the number of tourists would promote a healthy impact for those not only in the retail sector, but also dining, lodging and sightseeing opportunities.

The new national park designation would strengthen the region's economic and tourism potential. There is no national park in that whole region. Research shows that for every one dollar invested by the Federal Government into our national parks, it returns $4 to the community in tourism dollars.

Situated slightly inland from the California coast, Pinnacles National Monument has not yet realized its full potential to reach locals and tourists. Many tourists travel, dine, and stay overnight in areas along the coast such as Monterey and Santa Cruz, where they are visiting to recreate, camp, view wildlife, and enjoy the great outdoors. However, many are not aware of the Pinnacles National Monument and, as a result, do not make short trip inland to see this treasure. By elevating its stature to a national park, I believe that more visitors will come through our restaurants and businesses and more visitors will stay overnight near the park.

I'd like to end with an inspiring quote from Ken Burns, who directed ''The National Parks: America's Best Idea.'' In a letter of support, Mr. Burns wrote for this legislation, he stated:

A Pinnacles National Park would preserve a unique portion of our land: not only a critical record of geologic time, what John Muir would have called a ''grand geological library'' that helps Americans look back millions of years to understand the vast tectonic forces that shaped—and still shape—our continent, but also a rare habitat for condors, a wide array of flowers, and 400 species of bees. It would preserve a place that, over the centuries, Native Americans, early Spanish settlers, homesteaders from the East, and Basque sheepherders have considered home, offering an important series of perspectives on the larger sweep of American history.

With that bit of wisdom, I would urge my colleagues to support our bipartisan legislation. Again, I would like to thank JEFF DENHAM, a Congressman from the region, for supporting and cosponsoring H.R. 3641, the Pinnacles National Park Act.

I ask your support.

FLORENTINE FILMS

KEN BURNS AND DAYTON DUNCAN, STATEMENT FOR THE RECORD IN SUPPORT OF H.R. 3444, PINNACLES NATIONAL PARK ACT

During the last ten years, as we researched, filmed, and created our documentary series for PBS, The National Parks: America's Best Idea, we grew to appreciate the amazing diversity of the special treasures that constitute our national parks, every American's incredible inheritance. And in studying the history of the evolution of the national park idea, we learned that many of today's national parks were at one time national monuments—from the Grand Canyon to Death Valley, from Petrified Forest to Biscayne, from Congaree to most of Alaska's national parks, and so many more.

In that spirit, grounded in the tradition of recognizing the special importance of a national monument by extending its designation to that of a national park, we wish to wholeheartedly endorse H.R. 3444 and the creation of Pinnacles National Park.

A Pinnacles National Park would preserve a unique portion of our land: not only a critical record of geological time (what John Muir would have called a ''grand geological library'') that helps Americans look back millions of years to understand the vast tectonic forces that shaped—and still shape—our continent, but also a rare habitat for condors, a wide array of flowers, and 400 species of bees. It would preserve a place that, over the centuries, Native Americans, early Spanish settlers, homesteaders from the East, and Basque sheepherders have considered home, offering an important series of perspectives on the larger sweep of American history.

We also understand from our investigation of national park history that, while changing an area's designation from ''monument'' to ''park'' does not necessarily change its crucial attributes, it nonetheless alters its place in the American imagination. The Grand Canyon was just as wide and deep when it was a national monument as it is now as a national park, but the change enhanced its status in the eyes of the public—and in doing so increased its lure to visitors from our nation and abroad. So, too, a Pinnacles National Park, simply by its new designation, would attract and demand greater attention to the remarkable treasures the monument has to offer.

In closing, we would like to quote John Muir once more, when he was writing about the proposal to make Mount Rainier National Forest into Mount Rainier National

Park: ''Happy will be the men who, having the power and the love and the benevolent forecast to [create a park], will do it. They will not be forgotten. The trees and their lovers will sing their praises, and generations yet unborn will rise up and call them blessed.'' Please give your support to creating Pinnacles National Park. Generations yet to come will thank you for it.

KEN BURNS.
DAYTON DUNCAN.

Mr. LAMBORN. I would like to inquire if the gentleman from the Northern Marianas has any other speakers?

Mr. SABLAN. No, we don't, Mr. Speaker.

At this time, I yield back the balance of my time.

Mr. LAMBORN. Likewise, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. LAMBORN) that the House suspend the rules and pass the bill, H.R. 3641, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZING APPOINTMENT OF CHIEF FINANCIAL OFFICER FOR THE VIRGIN ISLANDS

Mr. LAMBORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3706) to create the Office of Chief Financial Officer of the Government of the Virgin Islands, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3706

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

SECTION 1. CHIEF FINANCIAL OFFICER OF THE VIRGIN ISLANDS.

(a) APPOINTMENT OF CHIEF FINANCIAL OFFICER.—

(1) IN GENERAL.—The Governor of the Virgin Islands shall appoint a Chief Financial Officer, with the advice and consent of the Legislature of the Virgin Islands, from the names on the list required under section 2(d). If the Governor has nominated a person for Chief Financial Officer but the Legislature of the Virgin Islands has not confirmed a nominee within 90 days after receiving the list pursuant to section 2(d), the Governor shall appoint from such list a Chief Financial Officer on an acting basis until the Legislature consents to a Chief Financial Officer.

(2) ACTING CHIEF FINANCIAL OFFICER.—If a Chief Financial Officer has not been appointed under paragraph (1) within 180 days after the date of the enactment of this Act, the Virgin Islands Chief Financial Officer Search Commission, by majority vote, shall appoint from the names on the list submitted under section 2(d), an Acting Chief Financial Officer to serve in that capacity until a Chief Financial Officer is appointed under the first sentence of paragraph (1). In either case, if the Acting Chief Financial Officer serves in an acting capacity for 180 consecutive days, without further action the Acting Chief Financial Officer shall become the Chief Financial Officer.

(b) DUTIES OF CHIEF FINANCIAL OFFICER.—The duties of the Chief Financial Officer shall include the following:

(1) Develop and report on the financial status of the Government of the Virgin Islands not later than 6 months after appointment and quarterly thereafter. Such reports shall be available to the public.

(2) Each year prepare and certify spending limits of the annual budget, including annual estimates of all revenues of the territory without regard to sources, and whether or not the annual budget is balanced.

(3) Revise and update standards for financial management, including inventory and contracting, for the Government of the Virgin Islands in general and for each agency in conjunction with the agency head.

(c) DOCUMENTS PROVIDED.—The heads of each department of the Government of the Virgin Islands, in particular the head of the Department of Finance of the Virgin Islands and the head of the Internal Revenue Bureau of the Virgin Islands shall provide all documents and information under the jurisdiction of that head that the Chief Financial Officer considers required to carry out his or her functions to the Chief Financial Officer.

(d) CONDITIONS RELATED TO CHIEF FINANCIAL OFFICER.—

(1) TERM.—The Chief Financial Officer shall be appointed for a term of 5 years.

(2) REMOVAL.—The Chief Financial Officer shall not be removed except for cause. An Acting Chief Financial Officer may be removed for cause or by a Chief Financial Officer appointed with the advice and consent of the Legislature of the Virgin Islands.

(3) REPLACEMENT.—If the Chief Financial Officer is unable to continue acting in that capacity due to removal, illness, death, or otherwise, another Chief Financial Officer shall be selected in accordance with subsection (a).

(4) SALARY.—The Chief Financial Officer shall be paid at a salary to be determined by the Governor of the Virgin Islands, except such rate may not be less than the highest rate of pay for a cabinet officer of the Government of the Virgin Islands or a Chief Financial Officer serving in any government or semiautonomous agency.

(e) REFERENDUM.—As part of the closest regularly scheduled, islands-wide election in the Virgin Islands to the expiration of the fourth year of the five-year term of the Chief Financial Officer, the Board of Elections of the Virgin Islands shall hold a referendum to seek the approval of the people of the Virgin Islands regarding whether the position of Chief Financial Officer of the Government of the Virgin Islands shall be made a permanent part of the executive branch of the Government of the Virgin Islands. The referendum shall be binding and conducted according to the laws of the Virgin Islands, except that the results shall be determined by a majority of the ballots cast.

SEC. 2. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''Virgin Islands Chief Financial Officer Search Commission''.

(b) DUTY OF COMMISSION.—The Commission shall recommend to the Governor not less than 3 candidates for nomination as Chief Financial Officer of the Virgin Islands. Each candidate must have demonstrated ability in general management of, knowledge of, and extensive practical experience at the highest levels of financial management in governmental or business entities and must have experience in the development, implementation, and operation of financial management systems.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 8 members appointed not later than 30 days after the date of the enactment of this Act. Persons appointed as members must have recognized business, government, or financial expertise and experience and shall be appointed as follows:

(A) 1 individual appointed by the Governor of the Virgin Islands.

(B) 1 individual appointed by the President of the Legislature of the Virgin Islands.

(C) 1 individual, who is an employee of the Government of the Virgin Islands, appointed by the Central Labor Council of the Virgin Islands.

(D) 1 individual appointed by the Chamber of Commerce of St. Thomas-St. John.

(E) 1 individual appointed by the Chamber of Commerce of St. Croix.

(F) 1 individual appointed by the President of the University of the Virgin Islands.

(G) 1 individual, who is a resident of St. John, appointed by the At-Large Member of the Legislature of the Virgin Islands.

(H) 1 individual appointed by the President of AARP Virgin islands.

(2) TERMS.—

(A) IN GENERAL.—Each member shall be appointed for the life of the Commission.

(B) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy shall be appointed for the remainder of that term.

(3) BASIC PAY.—Members shall serve without pay.

(4) QUORUM.—Five members of the Commission shall constitute a quorum.

(5) CHAIRPERSON.—The Chairperson of the Commission shall be the Chief Justice of the Supreme Court of the United States Virgin Islands or the designee of the Chief Justice. The Chairperson shall serve as an ex officio member of the Commission and shall vote only in the case of a tie.

(6) MEETINGS.—The Commission shall meet at the call of the Chairperson. The Commission shall meet for the first time not later than 15 days after all members have been appointed under this subsection.

(7) GOVERNMENT EMPLOYMENT.—Members may not be current government employees, except for the member appointed under paragraph (1)(C).

(d) REPORT; RECOMMENDATIONS.—The Commission shall transmit a report to the Governor, the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 60 days after its first meeting. The report shall name the Commission's recommendations for candidates for nomination as Chief Financial Officer of the Virgin Islands.

(e) TERMINATION.—The Commission shall terminate upon the nomination and confirmation of the Chief Financial Officer.

SEC. 3. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) CHIEF FINANCIAL OFFICER.—In sections 1 and 2, the term ''Chief Financial Officer'' means a Chief Financial Officer or Acting Chief Financial Officer, as the case may be, appointed under section 1(a).

(2) COMMISSION.—The term ''Commission'' means the Virgin Islands Chief Financial Officer Search Commission established pursuant to section 2.

(3) GOVERNOR.—The term ''Governor'' means the Governor of the Virgin Islands.

(4) REMOVAL FOR CAUSE.—The term ''removal for cause'' means removal based upon misconduct, failure to meet job requirements, or any grounds that a reasonable person would find grounds for discharge.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. LAMBORN) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. LAMBORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise

and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. LAMBORN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3706 would create the Office of Chief Financial Officer of the Government of the Virgin Islands to assist in the development of a balanced budget through a review of incoming revenues and recommend spending limits to the Governor and legislature. The intent behind the bill is to create more fiscal certainty and address concerns regarding the overestimation of incoming revenues, which leads to overspending and a budget deficit in the Virgin Islands. The bill would allow Virgin Islands voters to have the final say on the office. If they find this to be a successful process, they will vote in a referendum to determine if the office should be retained in the long term.

I reserve the balance of my time.

Mr. SABLAN. I yield myself as much time as I may consume.

(Mr. SABLAN asked and was given permission to revise and extend his remarks.)

Mr. SABLAN. Mr. Speaker, I rise in support of H.R. 3706, to create an Office of Chief Financial Officer for the Government of the United States Virgin Islands.

Delegate CHRISTENSEN is to be commended for her hard work on behalf of her constituents. Today marks the fourth time—the fourth time—the House will vote on legislation she sponsored to provide greater accountability and transparency in the management of her district's finances.

This is a good bill, I urge my colleagues to support its adoption, and I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, at this time, I yield as much time as she may consume to the distinguished gentlewoman from the United States Virgin Islands, Dr. CHRISTENSEN.

Mrs. CHRISTENSEN. I thank the ranking member for yielding.

Mr. Speaker, I rise to speak in strong support of H.R. 3706, legislation I introduced to provide for a Chief Financial Officer for the Government of the Virgin Islands. I want to begin by thanking Chairman HASTINGS and Ranking Member MARKEY of the Natural Resources Committee for their support in making it possible for H.R. 3706 to be on the floor today. I also want to thank Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs Chairman JOHN FLEMING and, of course, Ranking Member KILILI SABLAN for their support, as well.

Mr. Speaker, today, as you heard, marks the fourth time in 9 years that this House will consider legislation that I have sponsored to provide for a CFO for my congressional district, the U.S. Virgin Islands. It has passed the previous three times.

While I have been severely criticized by some for its introduction, there are many who support it. But I continue to believe that having an independent professional third party being responsible for determining the amount of revenues that the local government has available to spend for an ensuing fiscal year would be a positive development for our government and is also generally supported by a broad cross-section of our electorate.

When I first sponsored the first CFO bill in 2003, the Territory was technically insolvent, and urgent action was necessary to avoid needing a Federal bailout and all that would entail. After studying the experience of the District of Columbia, which sought and obtained a Federal bailout and the accompanying loss of political autonomy through a financial control board, I concluded then that it would have been better if we avoided being taken over by a control board, and I crafted my original CFO bill to do that.

Unlike H.R. 3706, my first chief financial officer bill did involve a loss of authority for the Governor and legislature to accumulate public debt, but it was temporary and would have prevented a complete loss of political autonomy. Today, while the territory is experiencing very serious fiscal challenges, the government is not on the verge of imminent fiscal collapse and no longer has a structural deficit over $1 billion or annual deficits in excess of $100 million.

In view of this, one could reasonably ask, then, why the need for the current bill? First of all, H.R. 3706 seeks to end the acrimony and mistrust among the different branches of Virgin Islands Government and the public at large and provide for revenue projections from a highly qualified person. This individual would be appointed by the Governor and confirmed by the legislature but does not serve at the pleasure of the Governor.

This is the process that is used by the District of Columbia currently through its CFO, and there have been no complaints from the chief executive of D.C., the mayor, about a loss of sovereignty or of a return to colonialism.

Since last year, when the Virgin Islands Governor John de Jongh, Jr., announced a pending $135 million deficit in his budget projections for fiscal year 2012, several members of the 29th legislature questioned the Governor's numbers and they have continued to do so, pointing to differences in figures between reports done by auditors and figures presented in budget documents.

□ 1710

Similarly, public sector union members who have been greatly impacted by various austerity measures also scoffed at the budget projections, saying:

there had not been enough transparency to truly demonstrate that there really was a financial crisis and (that there was) no other way to solve it but layoffs or pay cuts.

H.R. 3706 does not affect in any way the Governor or the legislature's ability to spend the territory's funds as they see fit. It simply attempts to end questions on what the exact revenue of the territory is so that we can move forward on a sound economic recovery.

I'm not under any allusion that my CFO bill will be a cure-all for all that ails the Virgin Islands. I am, however, proposing it as a 5-year pilot program for improving transparency and trust in our budgetary and fiscal practices. If Virgin Islanders approve of the process and system for determining our annual budget limits that the bill provides, they can vote to make it permanent through a referendum that is provided for after 4 years of the CFO's 5-year term.

Each time I have introduced this or one of the earlier versions of this bill, there have been concerns that the United States Congress is imposing itself into the governance of the territory. There are some that would wish that this were the case, but I am not one of them, and this bill would not do that.

Because we do not have a constitution, the people of the Virgin Islands have come to Congress on a number of occasions, for example, to attempt to abolish the Office of Lieutenant Governor; to expand borrowing authority, which we did; to limit the number of senators, and for other purposes. I don't really see this process as being any different coming as a representative of the people of the Virgin Islands and representing their interests.

Moreover, attempts by our local legislature to pass similar legislation have failed, and legislative proposals by nonpartisan organizations have never been considered. Therefore, as a representative of the people of the U.S. Virgin Islands in the Congress, it fell to me, and I accept the responsibility. I just regret that our Governor and I could not see eye to eye on this.

The Federal Government has and will be providing significant funds to the U.S. Virgin Islands, especially in light of the economic disaster that currently exists. I am sure that having such an office as the one being proposed by H.R. 3706 will enhance our ability to successfully navigate through this very critical time because of the added accountability and transparency that it provides.

So I thank you for the time, and I urge my colleagues to support the adoption of H.R. 3706.

Mr. LAMBORN. Mr. Speaker, I'd like to inquire if my colleague, Mr. SABLAN, has any further speakers.

Mr. SABLAN. Mr. Speaker, at this time I have no further speakers, and I urge the adoption of the legislation.

I yield back the balance of my time.

Mr. LAMBORN. I, too, yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Colorado (Mr. LAMBORN) that the House suspend the rules and pass the bill, H.R. 3706, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LAMBORN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

LA PINE LAND CONVEYANCE ACT

Mr. LAMBORN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 270) to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 270

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 ''La Pine Land Conveyance Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CITY.—The term ''City'' means the City of La Pine, Oregon.

(2) COUNTY.—The term ''County'' means the County of Deschutes, Oregon.

(3) MAP.—The term ''map'' means the map entitled ''La Pine, Oregon Land Transfer'' and dated December 11, 2009.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

SEC. 3. CONVEYANCES OF LAND.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, subject to valid existing rights and the provisions of this Act, and notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to the City or County, without consideration, all right, title, and interest of the United States in and to each parcel of land described in subsection (b) for which the City or County has submitted to the Secretary a request for conveyance by the date that is not later than 1 year after the date of enactment of this Act.

(b) DESCRIPTION OF LAND.—The parcels of land referred to in subsection (a) consist of—

(1) the approximately 150 acres of land managed by the Bureau of Land Management, Prineville District, Oregon, depicted on the map as ''parcel A'', to be conveyed to the County, which is subject to a right-of-way retained by the Bureau of Land Management for a power substation and transmission line;

(2) the approximately 750 acres of land managed by the Bureau of Land Management, Prineville District, Oregon, depicted on the map as ''parcel B'', to be conveyed to the County; and

(3) the approximately 10 acres of land managed by the Bureau of Land Management, Prineville District, Oregon, depicted on the map as ''parcel C'', to be conveyed to the City.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) USE OF CONVEYED LAND.—

(1) IN GENERAL.—Consistent with the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.), the land conveyed under subsection (a) shall be used for the following public purposes and associated uses:

(A) The parcel described in subsection (b)(1) shall be used for outdoor recreation, open space, or public parks, including a rodeo ground.

(B) The parcel described in subsection (b)(2) shall be used for a public sewer system.

(C) The parcel described in subsection (b)(3) shall be used for a public library, public park, or open space.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions for the conveyances under subsection (a) as the Secretary determines to be appropriate to protect the interests of the United States.

(e) ADMINISTRATIVE COSTS.—The Secretary shall require the County to pay all survey costs and other administrative costs associated with the conveyances to the County under this Act.

(f) REVERSION.—If the land conveyed under subsection (a) ceases to be used for the public purpose for which the land was conveyed, the land shall, at the discretion of the Secretary, revert to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. LAMBORN) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. LAMBORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. LAMBORN. I yield myself such time as I may consume.

S. 270 will convey to the city of La Pine and Deschutes County, Oregon, 910 acres in three parcels and requires that the land be used only for purposes consistent with the Recreation and Public Purposes Act. The conveyances would be subject to valid existing rights and will address the city's and county's need for existing land.

One parcel of 750 acres will be used by the county to accommodate the expansion of its wastewater treatment facilities. The county will also use 150 acres to develop rodeo grounds and allow for the future development of ball fields, parks, and recreation facilities. A parcel of 10 acres in the center of La Pine will continue to be used for the public library and additional open space use.

Finally, the bill requires the county to pay all administrative costs associated with the transfer.

I urge support for the bill, and I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SABLAN asked and was given permission to revise and extend his remarks.)

Mr. SABLAN. Mr. Speaker, S. 270, sponsored by Senator RON WYDEN, provides for the conveyance of approximately 900 acres of land from the Bureau of Land Management to the city of La Pine, Oregon, and Deschutes County, Oregon. These lands will be used for public purposes as required by the Recreation and Public Purposes Act. We do not object to this legislation, and I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon, my good friend and colleague, Mr. WALDEN.

Mr. WALDEN. I want to thank my colleagues here on the floor today for their support of this legislation, S. 270, the La Pine Land Conveyance Act.

This legislation was originally crafted over in the Senate by my friend and colleague, Senator WYDEN. We've worked together on this project and thought that the most expeditious way to solve the problem for the people of La Pine was to just move his bill on through the Senate, and that's what we're doing today.

The La Pine Land Conveyance Act is the result of efforts of local officials who recognized years ago that for Oregon's newest city, the city of La Pine, to be able to take care of its residents, it needed a helping hand from the Federal Government. Here's why:

Seventy-eight percent of Deschutes County, the county in which the city of La Pine is located, is managed, owned, and controlled by the Federal Government. They're literally surrounded by Federal land. In fact, their own library sits on BLM land.

So, as they became a city and began to try to address the issues that brought about their desire to be a city, they realized they needed to be able to expand a little and take care of some of their problems. So, S. 270 will provide the city with 750 acres so it can build a new wastewater treatment facility, which will allow the community to move off of septic systems and onto municipal water and sewer systems. They have a real problem in La Pine with a fairly high water table and issues related to septic systems, so this will help solve that.

In addition, this legislation also transfers 150 acres to the La Pine Park and Recreation District to establish a more permanent home for what's known as the ''Greatest Little Rodeo in Oregon,'' the La Pine Rodeo, and also to help them build out one of their other celebrations, one which all Americans take advantage of, and that's the Fourth of July.

Now, why are these two things important? Well, among another reasons, it's a job creator. Expanding out the rodeo grounds really will help them grow jobs in this remote, rural community in Deschutes County. In addition,

of course, transferring the other lands will let them have a library on their own city ground and be able to take care of the water needs for the community.

So I thank my colleagues on both sides of the aisle for support of S. 270. This is one of those commonsense bills that actually brings us together and we can get some work done here for the people back home.

Mr. SABLAN. Mr. Speaker, we have no further speakers. If the gentleman from Colorado has no further need of time, I will yield back the balance of my time.

Mr. LAMBORN. I, too, Mr. Speaker, yield back the balance of my time.

The SPEAKER pro tempore (Mr. POE of Texas). The question is on the motion offered by the gentleman from Colorado (Mr. LAMBORN) that the House suspend the rules and pass the bill, S. 270.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LAMBORN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

WALLOWA FOREST SERVICE COMPOUND CONVEYANCE ACT

Mr. LAMBORN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 271) to require the Secretary of Agriculture to enter into a property conveyance with the city of Wallowa, Oregon, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 271

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 ''Wallowa Forest Service Compound Conveyance Act''.

SEC. 2. CONVEYANCE TO CITY OF WALLOWA, OREGON.

(a) DEFINITIONS.—In this Act:

(1) CITY.—The term ''City'' means the city of Wallowa, Oregon.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(3) WALLOWA FOREST SERVICE COMPOUND.—The term ''Wallowa Forest Service Compound'' means the approximately 1.11 acres of National Forest System land that—

(A) was donated by the City to the Forest Service on March 18, 1936; and

(B) is located at 602 First Street, Wallowa, Oregon.

(b) CONVEYANCE.—On the request of the City submitted to the Secretary by the date that is not later than 1 year after the date of enactment of this Act and subject to the provisions of this Act, the Secretary shall convey to the City all right, title, and interest of the United States in and to the Wallowa Forest Service Compound.

(c) CONDITIONS.—The conveyance under subsection (b) shall be—

(1) by quitclaim deed;

(2) for no consideration; and

(3) subject to—

(A) valid existing rights; and

(B) such terms and conditions as the Secretary may require.

(d) USE OF WALLOWA FOREST SERVICE COMPOUND.—As a condition of the conveyance under subsection (b), the City shall—

(1) use the Wallowa Forest Service Compound as a historical and cultural interpretation and education center;

(2) ensure that the Wallowa Forest Service Compound is managed by a nonprofit entity;

(3) agree to manage the Wallowa Forest Service Compound with due consideration and protection for the historic values of the Wallowa Forest Service Compound; and

(4) pay the reasonable administrative costs associated with the conveyance.

(e) REVERSION.—In the quitclaim deed to the City, the Secretary shall provide that the Wallowa Forest Service Compound shall revert to the Secretary, at the election of the Secretary, if any of the conditions under subsection (c) or (d) are violated.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. LAMBORN) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

□ 1720

GENERAL LEAVE

Mr. LAMBORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. LAMBORN. Mr. Speaker, I yield myself such time as I may consume.

S. 271 authorizes the conveyance of just over an acre of Forest Service land to the city of Wallowa, Oregon. The city originally donated this parcel to the Forest Service in 1936 to allow the Agency to construct a ranger station and other facilities.

The site was used for many decades, but now sits vacant. A local nonprofit organization has proposed developing the facilities as an interpretive site. S. 271 would allow the Forest Service to convey the land back to the city for such development.

I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I yield myself as much time as I may consume.

(Mr. SABLAN asked and was given permission to revise and extend his remarks.)

Mr. SABLAN. Mr. Speaker, S. 271, introduced by Senators RON WYDEN and JEFF MERKLEY, transfers approximately 1 acre of land from the Wallowa National Forest to the City of Wallowa, Oregon. A local nonprofit organization will use the facility for local historical and cultural preservation, interpretation, and education. We do not object to this legislation.

I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I yield such time as he may consume to my friend and colleague from Oregon (Mr. WALDEN).

Mr. WALDEN. Mr. Speaker, I thank my colleagues who have brought this legislation forward as well. Again, this, like the prior bill, it's a partnership between Senator WYDEN and myself, as we've worked together to resolve some of these land issues out in Oregon.

This one's kind of interesting. In 1936, the City of Wallowa actually donated this parcel of land to the U.S. Forest Service, and what we're doing today is giving it back to the city. They had a Forest Service compound there for many years and then, at some point, probably 20, 30 years ago, quit using it for that purpose and, basically, the buildings are in horrible disrepair.

I was out there a few weeks ago and toured the compound site with Gwen Trice and some of the county officials and took a look at the facility as it is today and, literally, they've had water damage inside. One place the ceiling had caved in.

But they have this plan. They have this plan to turn this into this interpretive site to honor and teach the history about Maxville, which was a railroad logging town that existed about 15 miles north of Wallowa.

Now, what's interesting about this, the emergence of the Maxville project really reflects the local community's deep appreciation for the preservation of this unique history, and they want to use this facility and restore it to display photographs and really tell the story and bring students in to let them learn about Maxville heritage and what went on there.

Now, the interpretive center seeks to gather, catalog, preserve, and interpret this rich history of the multicultural logging community of Maxville. Maxville itself operated until the early 1930s and was unique in that it included 50-or-so African Americans and their families and was home to the only segregated school in Oregon.

Previous historic records only made small mention of these African Americans. But in the last 3 years, the Maxville heritage project has fostered a reawakening of the interest in this rich chapter of history through public lectures and school visits and Elderhostel lectures and stories that have run across the Nation now.

With the groundswell of historic artifacts and stories emerging from descendents and those with relationships to people from Maxville, a large number of video image audio programs are being put together. So what we're doing here today allows this local-grown idea, this vision that Gwen Trice and her supporters have to be able to rehabilitate this compound, restore these beautiful buildings—once beautiful—they're in pretty bad disrepair now. She's got a job ahead of her.

But it will help this small town in northeast Oregon add to its many attractions, natural and other, and tell this unique history about this special logging community that existed just north of Wallowa.

So I thank my colleagues on both sides of the aisle for once again, in a spirit of bipartisanship, actually solving some problems around here that matter to people back home.

Mr. SABLAN. Mr. Speaker, we have no objection to S. 271, and I have no further speakers.

I yield back the balance of my time.

Mr. LAMBORN. I, too, yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. LAMBORN) that the House suspend the rules and pass the bill, S. 271.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LAMBORN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

AUTHORIZING ADDITIONAL SANCTIONS WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112–128)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congrses of the United States:

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order (the ''order'') that takes additional steps with respect to the national emergency declared in Executive Order 12957 of March 15, 1995.

In Executive Order 12957, the President found that the actions and policies of the Government of Iran threaten the national security, foreign policy, and economy of the United States. To deal with that threat, the President in Executive Order 12957 declared a national emergency and imposed prohibitions on certain transactions with respect to the development of Iranian petroleum resources. To further respond to that threat, Executive Order 12959 of May 6, 1995, imposed comprehensive trade and financial sanctions on Iran. Executive Order 13059 of August 19, 1997, consolidated and clarified the previous orders. To take additional steps with respect to the national emergency declared in Executive Order 12957 and to implement section 105(a) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111–195) (22 U.S.C. 8501 et seq.) (CISADA), I issued Executive Order 13553 on September 28, 2010, to impose sanctions on officials of the Government of Iran and other persons acting on behalf of the Government of Iran determined to be responsible for or complicit in certain serious human rights abuses. To take further additional steps with respect to the threat posed by Iran and to provide implementing authority for a number of the sanctions set forth in the Iran Sanctions Act of 1996 (Public Law 104–172) (50 U.S.C. 1701 note) (ISA), as amended by CISADA, I issued Executive Order 13574 on May 23, 2011, to authorize the Secretary of the Treasury to implement certain sanctions imposed by the Secretary of State pursuant to ISA, as amended by CISADA. I also issued Executive Order 13590 on November 20, 2011, to take additional steps with respect to this emergency by authorizing the Secretary of State to impose sanctions on persons providing certain goods, services, technology, or support that contribute either to Iran's development of petroleum resources or to Iran's production of petrochemicals, and to authorize the Secretary of the Treasury to implement some of those sanctions. On February 5, 2012, in order to take further additional steps pursuant to this emergency, and to implement section 1245(c) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81), I issued Executive Order 13599 blocking the property of the Government of Iran, all Iranian financial institutions, and persons determined to be owned or controlled by, or acting for or on behalf of, such parties. Most recently, on April 22, 2012, and May 1, 2012, I issued Executive Orders 13606 and 13608, respectively. Executive Orders 13606 and 13608 each take additional steps with respect to various emergencies, including the emergency declared in Executive Order 12957 concerning Iran, to address the use of computer and information technology to commit serious human rights abuses and efforts by foreign persons to evade sanctions.

The order takes additional steps with respect to the national emergency declared in Executive Order 12957, particularly in light of the Government of Iran's use of revenues from petroleum, petroleum products, and petrochemicals for illicit purposes; Iran's continued attempts to evade international sanctions through deceptive practices; and the unacceptable risk posed to the international financial system by Iran's activities. Subject to certain exceptions and conditions, the order authorizes the Secretary of the Treasury and the Secretary of State, as set forth in the order, to impose sanctions on persons as described in the order, all as more fully described below.

Section 1 of the order authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to impose financial sanctions on foreign financial institutions determined to have knowingly conducted or facilitated certain significant financial transactions with the National Iranian Oil Company (NIOC) or Naftiran Intertrade Company (NICO), or for the purchase or acquisition of petroleum, petroleum products, or petrochemical products from Iran.

Section 2 of the order authorizes the Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of Commerce, and the United States Trade Representative, and with the President of the Export-Import Bank, the Chairman of the Board of Governors of the Federal Reserve System, and other agencies and officials as appropriate, to impose any of a number of sanctions on a person upon determining that the person:

knowingly engaged in a significant transaction for the purchase or acquisition of petroleum, petroleum products, or petrochemical products from Iran;

is a successor entity to a person determined to meet the criterion above;

owns or controls a person determined to meet the criterion above, and had knowledge that the person engaged in the activities referred to therein; or

is owned or controlled by, or under common ownership or control with, a person determined to meet the criterion above, and knowingly participated in the activities referred to therein.

Sections 3 and 4 of the order provide that, for persons determined to meet any of the criteria specified in section 2 of the order, the heads of the relevant agencies, in consultation with the Secretary of State, shall implement the sanctions imposed by the Secretary of State. The sanctions provided for in sections 3 and 4 of the order include the following actions:

the Board of Directors of the Export-Import Bank shall deny approval of the issuance of any guarantee, insurance, extension of credit, or participation in an extension of credit in connection with the export of any goods or services to the sanctioned person;

agencies shall not issue any specific license or grant any other specific permission or authority under any statute that requires the prior review and approval of the United States Government as a condition for the export or reexport of goods or technology to the sanctioned person;

for a sanctioned person that is a financial institution: the Chairman of the Board of Governors of the Federal Reserve System and the President of the Federal Reserve Bank of New York shall take such actions as they deem appropriate, including denying designation, or terminating the continuation of any prior designation of, the sanctioned person as a primary dealer in United States Government debt instruments; or agencies shall prevent the sanctioned person from serving as

an agent of the United States Government or serving as a repository for United States Government funds;

agencies shall not procure, or enter into a contract for the procurement of, any goods or services from the sanctioned person;

the Secretary of the Treasury shall take actions where necessary to:

prohibit any United States financial institution from making loans or providing credits to the sanctioned person totaling more than $10,000,000 in any 12-month period unless such person is engaged in activities to relieve human suffering and the loans or credits are provided for such activities;

prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the sanctioned person has any interest; o prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the sanctioned person;

block all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any United States person, including any foreign branch, of the sanctioned person, and provide that such property and interests in property may not be transferred, paid, exported, withdrawn, or otherwise dealt in; or

restrict or prohibit imports of goods, technology, or services, directly or indirectly, into the United States from the sanctioned person.

Section 5 of the order authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to block all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any United States person, including any foreign branch, of any person upon determining that the person has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, NIOC, NICO, or the Central Bank of Iran, or the purchase or acquisition of U.S. bank notes or precious metals by the Government of Iran.

I have delegated to the Secretary of the Treasury the authority, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA, as may be necessary to carry out the purposes of sections 1, 4, and 5 of the order.

The order was effective at 12:01 a.m. eastern daylight time on July 31, 2012. All agencies of the United States Government are directed to take all appropriate measures within their authority to carry out the provisions of the order.

I am enclosing a copy of the Executive Order I have issued.

BARACK OBAMA.

THE WHITE HOUSE, *July 30, 2012*.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 5 o'clock and 31 minutes p.m.), the House stood in recess.

□ 1745

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. POE of Texas) at 5 o'clock and 45 minutes p.m.

DISTRICT OF COLUMBIA PAIN-CAPABLE UNBORN CHILD PROTECTION ACT

Mr. FRANKS of Arizona. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3803) to amend title 18, United States Code, to protect pain-capable unborn children in the District of Columbia, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3803

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 ''District of Columbia Pain-Capable Unborn Child Protection Act''.

SEC. 2. LEGISLATIVE FINDINGS.

Congress finds and declares the following:

(1) Pain receptors (nociceptors) are present throughout the unborn child's entire body and nerves link these receptors to the brain's thalamus and subcortical plate by no later than 20 weeks after fertilization.

(2) By 8 weeks after fertilization, the unborn child reacts to touch. After 20 weeks, the unborn child reacts to stimuli that would be recognized as painful if applied to an adult human, for example, by recoiling.

(3) In the unborn child, application of such painful stimuli is associated with significant increases in stress hormones known as the stress response.

(4) Subjection to such painful stimuli is associated with long-term harmful neurodevelopmental effects, such as altered pain sensitivity and, possibly, emotional, behavioral, and learning disabilities later in life.

(5) For the purposes of surgery on unborn children, fetal anesthesia is routinely administered and is associated with a decrease in stress hormones compared to their level when painful stimuli are applied without such anesthesia.

(6) The position, asserted by some medical experts, that the unborn child is incapable of experiencing pain until a point later in pregnancy than 20 weeks after fertilization predominately rests on the assumption that the ability to experience pain depends on the cerebral cortex and requires nerve connections between the thalamus and the cortex. However, recent medical research and analysis, especially since 2007, provides strong evidence for the conclusion that a functioning cortex is not necessary to experience pain.

(7) Substantial evidence indicates that children born missing the bulk of the cerebral cortex, those with hydranencephaly, nevertheless experience pain.

(8) In adult humans and in animals, stimulation or ablation of the cerebral cortex does not alter pain perception, while stimulation or ablation of the thalamus does.

(9) Substantial evidence indicates that structures used for pain processing in early development differ from those of adults, using different neural elements available at specific times during development, such as the subcortical plate, to fulfill the role of pain processing.

(10) The position, asserted by some commentators, that the unborn child remains in a coma-like sleep state that precludes the unborn child experiencing pain is inconsistent with the documented reaction of unborn children to painful stimuli and with the experience of fetal surgeons who have found it necessary to sedate the unborn child with anesthesia to prevent the unborn child from engaging in vigorous movement in reaction to invasive surgery.

(11) Consequently, there is substantial medical evidence that an unborn child is capable of experiencing pain at least by 20 weeks after fertilization, if not earlier.

(12) It is the purpose of the Congress to assert a compelling governmental interest in protecting the lives of unborn children from the stage at which substantial medical evidence indicates that they are capable of feeling pain.

(13) The compelling governmental interest in protecting the lives of unborn children from the stage at which substantial medical evidence indicates that they are capable of feeling pain is intended to be separate from and independent of the compelling governmental interest in protecting the lives of unborn children from the stage of viability, and neither governmental interest is intended to replace the other.

(14) The District Council of the District of Columbia, operating under authority delegated by Congress, repealed the entire District law limiting abortions, effective April 29, 2004, so that in the District of Columbia, abortion is now legal, for any reason, until the moment of birth.

(15) Article I, section 8 of the Constitution of the United States of America provides that the Congress shall ''exercise exclusive Legislation in all Cases whatsoever'' over the District established as the seat of government of the United States, now known as the District of Columbia. The constitutional responsibility for the protection of pain-capable unborn children within the Federal District resides with the Congress.

SEC. 3. DISTRICT OF COLUMBIA PAIN-CAPABLE UNBORN CHILD PROTECTION.

(a) IN GENERAL.—Chapter 74 of title 18, United States Code, is amended by inserting after section 1531 the following:

''§ 1532. District of Columbia pain-capable unborn child protection

''(a) UNLAWFUL CONDUCT.—Notwithstanding any other provision of law, including any legislation of the District of Columbia under authority delegated by Congress, it shall be unlawful for any person to perform an abortion within the District of Columbia, or attempt to do so, unless in conformity with the requirements set forth in subsection (b).

''(b) REQUIREMENTS FOR ABORTIONS.—

''(1) The physician performing or attempting the abortion shall first make a determination of the probable post-fertilization age of the unborn child or reasonably rely upon such a determination made by another physician. In making such a determination, the physician shall make such inquiries of the pregnant woman and perform or cause to be performed such medical examinations and tests as a reasonably prudent physician, knowledgeable about the case and the medical conditions involved, would consider necessary to make an accurate determination of post-fertilization age.

''(2)(A) Except as provided in subparagraph (B), the abortion shall not be performed or attempted, if the probable post-fertilization age, as

determined under paragraph (1), of the unborn child is 20 weeks or greater.

''(B) Subject to subparagraph (C), subparagraph (A) does not apply if, in reasonable medical judgment, the abortion is necessary to save the life of a pregnant woman whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, but not including psychological or emotional conditions.

''(C) Notwithstanding the definitions of 'abortion' and 'attempt an abortion' in this section, a physician terminating or attempting to terminate a pregnancy under the exception provided by subparagraph (B) may do so only in the manner which, in reasonable medical judgment, provides the best opportunity for the unborn child to survive, unless, in reasonable medical judgment, termination of the pregnancy in that manner would pose a greater risk of—

''(i) the death of the pregnant woman; or

''(ii) the substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions, of the pregnant woman;

than would other available methods.

''(c) CRIMINAL PENALTY.—Whoever violates subsection (a) shall be fined under this title or imprisoned for not more than 2 years, or both.

''(d) BAR TO PROSECUTION.—A woman upon whom an abortion in violation of subsection (a) is performed or attempted may not be prosecuted under, or for a conspiracy to violate, subsection (a), or for an offense under section 2, 3, or 4 based on such a violation.

''(e) CIVIL REMEDIES.—

''(1) CIVIL ACTION BY WOMAN ON WHOM THE ABORTION IS PERFORMED.—A woman upon whom an abortion has been performed or attempted in violation of subsection (a), may in a civil action against any person who engaged in the violation obtain appropriate relief.

''(2) CIVIL ACTION BY RELATIVES.—The father of an unborn child who is the subject of an abortion performed or attempted in violation of subsection (a), or a maternal grandparent of the unborn child if the pregnant woman is an unemancipated minor, may in a civil action against any person who engaged in the violation, obtain appropriate relief, unless the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the abortion.

''(3) APPROPRIATE RELIEF.—Appropriate relief in a civil action under this subsection includes—

''(A) objectively verifiable money damages for all injuries, psychological and physical, occasioned by the violation of this section;

''(B) statutory damages equal to three times the cost of the abortion; and

''(C) punitive damages.

''(4) INJUNCTIVE RELIEF.—

''(A) IN GENERAL.—A qualified plaintiff may in a civil action obtain injunctive relief to prevent an abortion provider from performing or attempting further abortions in violation of this section.

''(B) DEFINITION.—In this paragraph the term 'qualified plaintiff' means—

''(i) a woman upon whom an abortion is performed or attempted in violation of this section;

''(ii) any person who is the spouse, parent, sibling or guardian of, or a current or former licensed health care provider of, that woman; or

''(iii) the United States Attorney for the District of Columbia.

''(5) ATTORNEYS FEES FOR PLAINTIFF.—The court shall award a reasonable attorney's fee as part of the costs to a prevailing plaintiff in a civil action under this subsection.

''(6) ATTORNEYS FEES FOR DEFENDANT.—If a defendant in a civil action under this section prevails and the court finds that the plaintiff's suit was frivolous and brought in bad faith, the court shall also render judgment for a reasonable attorney's fee in favor of the defendant against the plaintiff.

''(7) AWARDS AGAINST WOMAN.—Except under paragraph (6), in a civil action under this subsection, no damages, attorney's fee or other monetary relief may be assessed against the woman upon whom the abortion was performed or attempted.

''(f) PROTECTION OF PRIVACY IN COURT PROCEEDINGS.—

''(1) IN GENERAL.—Except to the extent the Constitution or other similarly compelling reason requires, in every civil or criminal action under this section, the court shall make such orders as are necessary to protect the anonymity of any woman upon whom an abortion has been performed or attempted if she does not give her written consent to such disclosure. Such orders may be made upon motion, but shall be made sua sponte if not otherwise sought by a party.

''(2) ORDERS TO PARTIES, WITNESSES, AND COUNSEL.—The court shall issue appropriate orders under paragraph (1) to the parties, witnesses, and counsel and shall direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard her identity from public disclosure. Each such order shall be accompanied by specific written findings explaining why the anonymity of the woman must be preserved from public disclosure, why the order is essential to that end, how the order is narrowly tailored to serve that interest, and why no reasonable less restrictive alternative exists.

''(3) PSEUDONYM REQUIRED.—In the absence of written consent of the woman upon whom an abortion has been performed or attempted, any party, other than a public official, who brings an action under paragraphs (1), (2), or (4) of subsection (e) shall do so under a pseudonym.

''(4) LIMITATION.—This subsection shall not be construed to conceal the identity of the plaintiff or of witnesses from the defendant or from attorneys for the defendant.

''(g) REPORTING.—

''(1) DUTY TO REPORT.—Any physician who performs or attempts an abortion within the District of Columbia shall report that abortion to the relevant District of Columbia health agency (hereinafter in this section referred to as the 'health agency') on a schedule and in accordance with forms and regulations prescribed by the health agency.

''(2) CONTENTS OF REPORT.—The report shall include the following:

''(A) POST-FERTILIZATION AGE.—For the determination of probable postfertilization age of the unborn child, whether ultrasound was employed in making the determination, and the week of probable post-fertilization age that was determined.

''(B) METHOD OF ABORTION.—Which of the following methods or combination of methods was employed:

''(i) Dilation, dismemberment, and evacuation of fetal parts also known as 'dilation and evacuation'.

''(ii) Intra-amniotic instillation of saline, urea, or other substance (specify substance) to kill the unborn child, followed by induction of labor.

''(iii) Intracardiac or other intra-fetal injection of digoxin, potassium chloride, or other substance (specify substance) intended to kill the unborn child, followed by induction of labor.

''(iv) Partial-birth abortion, as defined in section 1531.

''(v) Manual vacuum aspiration without other methods.

''(vi) Electrical vacuum aspiration without other methods.

''(vii) Abortion induced by use of mifepristone in combination with misoprostol.

''(viii) If none of the methods described in the other clauses of this subparagraph was employed, whatever method was employed.

''(C) AGE OF WOMAN.—The age or approximate age of the pregnant woman.

''(D) COMPLIANCE WITH REQUIREMENTS FOR EXCEPTION.—The facts relied upon and the basis for any determinations required to establish compliance with the requirements for the exception provided by subsection (b)(2).

''(3) EXCLUSIONS FROM REPORTS.—

''(A) A report required under this subsection shall not contain the name or the address of the woman whose pregnancy was terminated, nor shall the report contain any other information identifying the woman.

''(B) Such report shall contain a unique Medical Record Number, to enable matching the report to the woman's medical records.

''(C) Such reports shall be maintained in strict confidence by the health agency, shall not be available for public inspection, and shall not be made available except—

''(i) to the United States Attorney for the District of Columbia or that Attorney's delegate for a criminal investigation or a civil investigation of conduct that may violate this section; or

''(ii) pursuant to court order in an action under subsection (e).

''(4) PUBLIC REPORT.—Not later than June 30 of each year beginning after the date of enactment of this paragraph, the health agency shall issue a public report providing statistics for the previous calendar year compiled from all of the reports made to the health agency under this subsection for that year for each of the items listed in paragraph (2). The report shall also provide the statistics for all previous calendar years during which this section was in effect, adjusted to reflect any additional information from late or corrected reports. The health agency shall take care to ensure that none of the information included in the public reports could reasonably lead to the identification of any pregnant woman upon whom an abortion was performed or attempted.

''(5) FAILURE TO SUBMIT REPORT.—

''(A) LATE FEE.—Any physician who fails to submit a report not later than 30 days after the date that report is due shall be subject to a late fee of $1,000 for each additional 30-day period or portion of a 30-day period the report is overdue.

''(B) COURT ORDER TO COMPLY.—A court of competent jurisdiction may, in a civil action commenced by the health agency, direct any physician whose report under this subsection is still not filed as required, or is incomplete, more than 180 days after the date the report was due, to comply with the requirements of this section under penalty of civil contempt.

''(C) DISCIPLINARY ACTION.—Intentional or reckless failure by any physician to comply with any requirement of this subsection, other than late filing of a report, constitutes sufficient cause for any disciplinary sanction which the Health Professional Licensing Administration of the District of Columbia determines is appropriate, including suspension or revocation of any license granted by the Administration.

''(6) FORMS AND REGULATIONS.—Not later than 90 days after the date of the enactment of this section, the health agency shall prescribe forms and regulations to assist in compliance with this subsection.

''(7) EFFECTIVE DATE OF REQUIREMENT.—Paragraph (1) of this subsection takes effect with respect to all abortions performed on and after the first day of the first calendar month beginning after the effective date of such forms and regulations.

''(h) DEFINITIONS.—In this section the following definitions apply:

''(1) ABORTION.—The term 'abortion' means the use or prescription of any instrument, medicine, drug, or any other substance or device—

''(A) to intentionally kill the unborn child of a woman known to be pregnant; or

''(B) to otherwise intentionally terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead unborn child who died as the result of natural causes in utero, accidental trauma, or a criminal assault on the pregnant woman or her

unborn child, and which causes the premature termination of the pregnancy.

''(2) ATTEMPT AN ABORTION.—The term 'attempt', with respect to an abortion, means conduct that, under the circumstances as the actor believes them to be, constitutes a substantial step in a course of conduct planned to culminate in performing an abortion in the District of Columbia.

''(3) FERTILIZATION.—The term 'fertilization' means the fusion of human spermatozoon with a human ovum.

''(4) HEALTH AGENCY.—The term 'health agency' means the Department of Health of the District of Columbia or any successor agency responsible for the regulation of medical practice.

''(5) PERFORM.—The term 'perform', with respect to an abortion, includes induce an abortion through a medical or chemical intervention including writing a prescription for a drug or device intended to result in an abortion.

''(6) PHYSICIAN.—The term 'physician' means a person licensed to practice medicine and surgery or osteopathic medicine and surgery, or otherwise licensed to legally perform an abortion.

''(7) POST-FERTILIZATION AGE.—The term 'post-fertilization age' means the age of the unborn child as calculated from the fusion of a human spermatozoon with a human ovum.

''(8) PROBABLE POST-FERTILIZATION AGE OF THE UNBORN CHILD.—The term 'probable postfertilization age of the unborn child' means what, in reasonable medical judgment, will with reasonable probability be the postfertilization age of the unborn child at the time the abortion is planned to be performed or induced.

''(9) REASONABLE MEDICAL JUDGMENT.—The term 'reasonable medical judgment' means a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

''(10) UNBORN CHILD.—The term 'unborn child' means an individual organism of the species homo sapiens, beginning at fertilization, until the point of being born alive as defined in section 8(b) of title 1.

''(11) UNEMANCIPATED MINOR.—The term 'unemancipated minor' means a minor who is subject to the control, authority, and supervision of a parent or guardian, as determined under the law of the State in which the minor resides.

''(12) WOMAN.—The term 'woman' means a female human being whether or not she has reached the age of majority.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 74 of title 18, United States Code, is amended by adding at the end the following new item:

''1532. District of Columbia pain-capable unborn child protection.''.

(c) CHAPTER HEADING AMENDMENTS.—

*(1) CHAPTER HEADING IN CHAPTER.—The chapter heading for chapter 74 of title 18, United States Code, is amended by striking ''**PARTIAL-BIRTH ABORTIONS**'' and inserting ''**ABORTIONS**''.*

(2) TABLE OF CHAPTERS FOR PART I.—The item relating to chapter 74 in the table of chapters at the beginning of part I of title 18, United States Code, is amended by striking ''Partial-Birth Abortions'' and inserting ''Abortions''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. FRANKS) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. FRANKS of Arizona. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3803, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. FRANKS of Arizona. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gruesome late-term abortions of unborn children who can feel pain is the greatest human rights atrocity in the United States today. H.R. 3803, the bipartisan District of Columbia Pain-Capable Unborn Child Protection Act, has more than 220 cosponsors in the House of Representatives. It protects unborn children who have reached 20 weeks' development, their being subjected to inhumane torturous late-term abortions on the basis that the unborn child feels pain by at least this stage of development, if not much earlier. Just 2 days ago, a Federal court upheld Arizona's version of this bill.

Mr. Speaker, throughout America's history, the hearts of the American people have always been moved with compassion when they discover a theretofore hidden class of victims once the humanity of the victim and the inhumanity of what was being done to them finally became clear in their minds. Mr. Speaker, America is on the cusp of another such realization.

Medical science regarding the development of unborn babies and their capacities at various stages of growth has advanced dramatically, and incontrovertibly it demonstrates that unborn children clearly do experience pain. The single greatest hurdle to legislation like H.R. 3803 has always been that deponents deny unborn babies feel pain at all, as if somehow the ability to feel pain magically develops instantaneously as a child passes through the birth canal. This level of deliberate ignorance might have found excuse in earlier eras of human history, but the evidence today is extensive and irrefutable. Unborn children have the capacity to experience pain by at least 20 weeks and very likely substantially earlier.

We have entered into the committee hearing record a 29-page summary of the dozens of studies worldwide confirming that unborn children feel pain by at least 20 weeks post-fertilization. This information is available at www.DoctorsonFetalPain.org. And I would sincerely recommend that all committee members, their staff, and the members of the press review this site to get the most current evidence on unborn pain rather than to have their understanding cemented in some earlier time when scientists still believed in spontaneous generation and that the Earth was flat.

□ 1750

Mr. Speaker, late-term abortions are gruesome and painful. Babies are dismembered, or they're chemically burned alive by a hypertonic salt solution. Some late-term abortionists stab the small pain-capable baby through the chest to inject drugs that will kill the child prior to being removed.

Most Americans think that late-term abortions are rare, but in fact there are approximately 120,000 late-term abortions annually, or more than 325 late-term abortions every day in America.

Here in the District of Columbia, the designated seat of freedom in America, abortion is completely legal for any reason up until the moment of birth. Under the Constitution, the Congress and the President are the ones clearly responsible for this unthinkable abortion-until-birth policy.

This landmark vote we are about to take would be the first time in history that the United States House of Representatives has ever voted on this question of whether to endorse legal abortion for any reason up until birth, and, ladies and gentlemen, we will be held accountable.

Mr. Speaker, under the Humane Slaughter Act, farm animals in America have protection from completely unnecessary cruelty, yet unborn children in America have no such protection from the same kind of agonizing pain. In fact, there is no legal standard to provide that late-term unborn babies—clearly known to be capable of feeling pain—are afforded even the most basic human decency of receiving anesthesia before they are torturously killed.

Mr. Speaker, if we cannot find the will or the courage to protect human babies from being tortured, then what claim on human compassion remains to us?

What we are doing to babies is real, Mr. Speaker. It is barbaric in the purest sense of the word. It is the greatest human rights violation occurring on U.S. soil, and it has already victimized potentially millions of pain-capable babies since the Supreme Court gave us all abortion on demand that tragic day in 1973.

Mr. Speaker, I would plead with my colleagues to vote for this bill to at least begin to end this heartbreak of painful late-term abortion in the land of the free and the home of the brave.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself as much time as I may consume.

I will begin this discussion by asking the gentleman from Arizona, Mr. TRENT FRANKS, this question: Why is this measure limited only to women in the District of Columbia? And I yield to him for a response if he chooses to make one.

Then I will now go on with my statement.

The majority of this House, conservatives, can think of nothing better to do than to continue to wage a war against women and take up our time with these divisive issues. Here, we face the worst of economic crisis since the 1930s. So this is another attempt,

yet another attempt, to undermine women's basic reproductive rights with appeals to ideology rather than to sound science.

Every pregnancy is unique and different, and, unfortunately, some women face difficult and emotionally devastating decisions in the course of their pregnancy that would require them to consider abortion as a health option. So we gather here this afternoon to recognize that this legislation is not needed, is opposed by the Nation's leading civil rights organizations, including: the Physicians for Reproductive Choice and Health, the Center for Reproductive Rights, NARAL Pro-Choice America, the National Abortion Federation, the American Civil Liberties Union, and Catholics for Choice.

With that opening, Mr. Speaker, I reserve the balance of my time.

Mr. FRANKS of Arizona. I now yield 1 minute to the gentlelady from Ohio (Mrs. SCHMIDT), chair of the Agriculture Nutrition Subcommittee.

Mrs. SCHMIDT. Mr. Speaker, first in response to the good gentleman from the other side, article I, section 8, clause 17, called the District Clause, gives us authority for this bill.

But I really want to point out why this bill is so important. One of the things that upsets a great deal of Americans—in fact, over 60 percent of all Americans, 70 percent of women—is when a baby experiences pain. And when you ask Americans about abortions and a baby feeling pain with an abortion, well over 60 percent say they do not want that abortion.

The kind of abortions that are occurring are occurring up until the point of where a child can actually come out normally, after 9 months' gestation. And it's called a D&E, or a dilation and extraction. It is a painful procedure that requires dismemberment of the unborn child and the crushing of its head.

We know that as early as 20 weeks—maybe even as early as 8 weeks—an unborn child feels pain. We know it is at 20 weeks. Now, there is a question of 8 weeks. And yet at 9 months, this very normal child inside of a body is feeling pain. This is why we are going to ask Congress to stop this horrific act.

Mr. CONYERS. Mr. Speaker, I would remind the gentlelady that we have jurisdiction over the District of Columbia, but we do not have the prerogative to produce unconstitutional programs for them like H.R. 3803.

I now yield such time as he may consume to the gentleman from New York, JERROLD NADLER, the former chairman of the Constitution Committee of the Judiciary.

Mr. NADLER. I thank the gentleman.

Mr. Speaker, I rise in opposition to the D.C. Abortion Ban Act.

This legislation is a flagrantly unconstitutional attack on the right of women to make the most fundamental decisions about their lives and their health. It is based on radical ideology rather than on long-established Supreme Court precedent or on sound science, and it is yet another attack on the right to self-government of the Americans who live, work, and pay taxes in our Nation's Capital. It is, in short, yet another example of the Republican war on women and of their fundamental hostility to democracy when the voters have the audacity to disagree with Republican orthodox.

And why are we here today, playing abortion politics with a bill everyone knows will not pass the Senate, when millions of Americans are out of a job and the Republican majority can't find a moment to consider a single one of the President's jobs bills?

The constitutional rule is clear: The government may not tell a woman whether or not she may have an abortion before fetal viability. This bill prohibits abortions much earlier. This bill does not even have an exception to protect women's health, another constitutional violation.

We don't have to guess how this kind of extreme legislation plays out. We know from States which have enacted similar laws. Take the case of Danielle Deaver, a Nebraska woman who was 22 weeks pregnant when her water broke. Doctors informed her that her fetus would likely be born with undeveloped lungs and not be able to survive outside the womb because all the amniotic fluid had drained, the tiny growing fetus slowly would be crushed by the uterus walls.

During her pregnancy, Nebraska enacted a law similar to this bill. As a result, Ms. Deaver could not obtain an abortion. Thus, despite serious complications and enduring infections, Danielle had to continue her pregnancy. On December 8, 2010, Danielle delivered a 1 pound, 10 ounce child who survived only 15 minutes outside the womb.

The question of fetal pain is a difficult one, but Members need to understand that the argument being made by the proponents of this bill, that a 20-week fetus can feel pain, is a fringe one denied by the bulk of the scientific community. Scientists will continue to debate and study, but we should not write marginal views into the criminal code.

We also need to remember that this bill targets only the District of Columbia, which some on the other side of the aisle like to treat like a colony. It is outrageous that we would be considering a bill that Members are clearly not willing to apply to their own constituents.

Mr. Speaker, it is time that the Republican leadership stop diverting the attention of this House from the business of putting people back to work by bringing up one divisive, unconstitutional bill after another.

I urge my colleagues to reject this cynical, dangerous, misogynist, and unconstitutional legislation.

□ 1800

Mr. FRANKS of Arizona. Mr. Speaker, I now yield 2 minutes to the gentleman from Maryland (Mr. HARRIS), a member of the Science Committee and an obstetric anesthesiologist.

Mr. HARRIS. Mr. Speaker, I thank the gentleman for yielding the time to me.

I will tell you the argument that this is unconstitutional just isn't true. I urge the Members on the other side of the aisle who oppose the measure to read Judge Teilborg's opinion, just having been released, where he goes very carefully and says this doesn't prohibit abortions after 20 weeks, it limits them, clearly within the purview of Roe v. Wade and the subsequent case law, where the Gonzalez case says, for instance:

> Government uses its voice and regulatory authority to show its profound respect for the life within the woman.

Now, the Flat Earth Society on the other side would have you believe that no medical advances have been made in pain and the perception of pain since Roe v. Wade has been issued. But, in fact, they have. About 15 years ago, a huge discussion about whether preterm infants at 23 to 25, 26 weeks, being cared for by the thousands in our neonatal intensive care units, perceive pain to the point where pain medicine would be required to be administered to those patients. Pain medicine, that if it weren't required would be dangerous, but the decision—this has been decided. These infants are being treated for pain.

The opposition would hold up a report in the Journal of the American Medical Association from 2005, written by pro-abortion proponents, which suggested that until 30 weeks, there was no perception of pain. Mr. Speaker, that's been settled in hospitals around the country where 23- to 25-week fetuses are being treated. This bill sets that 20-week limit for two reasons. One is, as the judge says in his findings, everyone concedes that pain receptors are present at 20 weeks throughout the fetus. Mr. Speaker, God didn't put those there if they weren't there for a reason, and it is to perceive pain. Secondly, the risk to the mother increases exponentially as you get out of the first week of gestation, the risk of abortion to the mother. That's clear. That's demonstrated. That's epidemiology. That's not ideology; that's science. That's science clearly understood.

Mr. Speaker, this bill is founded on very basic scientific principles that the fetus has pain receptors throughout their body at 20 weeks and that the risk to the mother increases after 20 weeks.

Mr. CONYERS. Mr. Speaker, may I remind the previous speaker that women's doctors know a lot more about this subject matter than Members of Congress.

And now with great pleasure I yield 1 minute to the Honorable TED DEUTCH from Florida, a member of the House Judiciary Committee.

Mr. DEUTCH. Mr. Speaker, even for a Republican House with a record of attacking women's rights, bringing up this bill under suspension that disregards the United States Constitution, is beyond brazen. It is time that my colleagues come clean with the American people and admit these arbitrary limitations on a woman's constitutional right to choose are part of a broader effort. Tonight, it's the District of Columbia. Tonight, 20 weeks is the threshold for turning a constitutional right into a crime. What is tomorrow—10 weeks, 10 days? Where does it end?

Mr. Speaker, when they talk about competing rights, they are intent on granting, even to a newly fertilized egg, the constitutional rights of American women. They want to put the rights of a zygote ahead of the rights of a woman exercising autonomy over her own body.

My colleagues say this bill is limited in scope; but their intentions, Mr. Speaker, are not limited in scope. Right now in this Congress and across the country, the rights of women are under attack.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CONYERS. I yield the gentleman an additional 30 seconds.

Mr. DEUTCH. Mr. Speaker, right now in this Congress and across the country, the rights of American women are under attack. It is sad that we must fight to defend these rights. But fight, Mr. Speaker, we will.

Mr. FRANKS of Arizona. Mr. Speaker, may I inquire as to the remaining time.

The SPEAKER pro tempore. The gentleman from Arizona has 12½ minutes. The gentleman from Michigan has 12½ minutes.

Mr. FRANKS of Arizona. Mr. Speaker, I yield 1½ minutes to the gentlelady from Florida (Mrs. ADAMS), a member of the Judiciary Committee.

Mrs. ADAMS. Mr. Speaker, I rise today in strong support of H.R. 3803, authored by my friend, Representative TRENT FRANKS, which prohibits abortions in the District of Columbia on pain-capable unborn children. Recently, a poll conducted revealed that 63 percent of respondents favored banning abortion after the point where the unborn child can feel pain.

Because abortions may be performed in the Nation's Capital for any reason during all 9 months of pregnancy, the need for this bill is very clear. Mr. Speaker, when we debated this bill in the Judiciary Committee a few weeks ago, I was shocked that some of my colleagues on the other side of the aisle referred to this child as a fetus. I'm sure my female colleagues who have been blessed to experience the joy of motherhood will agree with me when I say during the time I was carrying my daughter, I always thought of her as my baby, never a fetus, and I am very concerned that the discussion is being centered around everything but the most important thing, and that is what the baby feels and is capable of feeling at this time.

We all have the opportunity to do the right thing. So let's stop playing word games and pass this legislation.

Mr. CONYERS. Mr. Speaker, I'm pleased now to yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY), a senior Member of the Congress.

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for his leadership on this issue and so many others.

I rise in opposition to the D.C. abortion act and thank my colleague from New York, JERRY NADLER, and ELEANOR HOLMES NORTON for their very strong leadership in opposition to this bill.

The callous indifference that is shown to the lives, the health, the well-being, and constitutional rights of women in this bill simply beggar description. For instance, the bill has no provision whatsoever for women who have been the victims of rape or incest, and there is no exception for a woman's health.

This bill would use the awesome power of the State to compel the victim of a violent assault to bear the child of her attacker, and it would compel a minor child who has been the victim of incest to bear her sibling.

How can you even begin to justify the intrusion of Federal power into such deeply painful and personal matters. This bill is an assault on decency and common sense. And it adds to the battery of weapons being used by our Republican colleagues in their war against women.

A vote for this bill is a vote to show contempt for women's health, women's rights, a doctor's role in health care decisions, and the Constitution all in one fell swoop. Vote ''no'' and stay out of the doctor's office and the private lives of American women. The health and safety of women in D.C. is too important, and this is a recurring bad dream. This happens to be the ninth anti-choice vote brought to the floor during this Congress. It is another example of the Republicans' war against women. I urge a strong ''no'' vote.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are advised and reminded not to traffic the well when another Member is under recognition.

Mr. FRANKS of Arizona. Mr. Speaker, I yield 1 minute to the gentlelady from North Carolina (Ms. FOXX), a member of the Rules Committee.

Ms. FOXX. Mr. Speaker, I rise today in support of H.R. 3803, the D.C. Pain-Capable Unborn Child Protection Act.

I fear for the conscience of our Nation because the termination of unborn children, for any reason, is tolerated in some parts of our country throughout pregnancy—even though scientific conclusions show infants feel pain by at least 20 weeks gestation.

That literally means a baby at the halfway point of a pregnancy will experience pain during the violence of a dismemberment abortion, the most common second-trimester abortion, wherein a steel tool severs limbs from the infant and its skull is crushed.

□ 1810

Mr. Speaker, such procedures are horrific, and in terms of pain, like torture to their infant subjects. As a country, we should leave this practice behind. That is why I'm a cosponsor of this legislation to prohibit elective abortions in D.C. past 20 weeks.

I urge my colleagues to stand with me for the most vulnerable among us and vote in favor of H.R. 3803.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 2 minutes to the former chair of the Congressional Black Caucus, BARBARA LEE of Oakland, California.

Ms. LEE of California. Mr. Speaker, let me thank the gentleman for yielding and for your tremendous leadership on this and so many issues so important to the health of women and to the health of our country.

I'd like to also take a moment to commend Congresswoman NORTON, the duly elected representative for the residents of the District of Columbia, for her relentless advocacy on behalf of her constituents and her leadership in fighting back the onslaught of attacks against the women of the District of Columbia.

Tea Party Republicans continue to make D.C. their launching ground for attacks against women's health as part of the ongoing war on women.

H.R. 3803, the so-called—and this is very sinister—District of Columbia Pain-Capable Unborn Child Protection Act, is nothing more than a direct challenge to Roe v. Wade and a vehicle for yet another ideological attack against women's reproductive rights. It's a direct threat to the health of every woman living in the District of Columbia. It contains no exceptions for health, for rape or incest, and it demonstrates a very callous disregard for the real-life experiences of women and their families.

It is tragic—tragic—that the Tea Party Republicans refuse to bring up any bill that would create jobs but would rather wage war against the women of the District of Columbia. It is offensive, it is wrong, and it is unconstitutional. Government and politicians should stay out of the health care decisions of women, and they should stay out of the private lives of women.

Women's decisions, as it relates to their health care, should be made by themselves. These decisions should be made with their medical professionals and their clergy or whomever they choose. Women should be able to make their decisions, not Members of Congress, not politicians, and not government officials.

This is a direct threat. It is callous. Again, it is unconstitutional, and it's wrong.

Mr. FRANKS of Arizona. Mr. Speaker, I now yield 1½ minutes to the gentleman from Iowa (Mr. KING), vice

chairman of the Immigration Subcommittee of the House Judiciary Committee.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Arizona for yielding.

I would point out here we seem to talk in abstract terms about what is really going on. This is a demonstration of dilation, dismemberment, and evacuation that's taking place in the District of Columbia and across this country. Mr. Speaker, here is what takes place.

There's a dilation of the cervix. We had testimony of Dr. Levatino who showed his tools. He reaches in and pulls a leg off of this little baby and pulls it out and puts it on a plate. He reaches in and pulls another leg off and does the same thing. He reminded us that this isn't an easy process. It's difficult to do so. You've got to pull hard, then reach in and grab another piece of the torso and pull that out until you count up all the pieces on the plate and you get down to this little baby's head. For the head, there's a special tool to squeeze that little baby's head, crush that head and then pull it out.

Who of us could watch such a procedure? Who of us could conduct such a procedure? Who of us? Dr. Levatino did, hundreds of times in his testimony. But his little girl died, and he took 2 weeks off and came back to work again thinking he was going to commit other abortions. He got halfway through, and he said, I looked at that pile of goo on the plate, and I realized that's somebody's daughter. This is somebody's daughter. This is somebody's son. This is a little baby. This is a little miracle of life. This is God's image being torn apart and dismembered and placed on a plate. And I'm hearing it's a constitutional right to do such an abhorrent thing. It's ghastly, and it's ghoulish, and it's the worst thing that I think one could put their hand to. If you can't watch it, you sure can't do it.

Mr. CONYERS. Mr. Speaker, I am proud now to recognize the delegate from Washington, D.C., an excellent Member of this body, ELEANOR HOLMES NORTON, for as much time as she may consume.

Ms. NORTON. I thank the chairman and the chairman of the subcommittee for the hearings that they held that exposed this bill for what it does to reproductive choice in our country unconstitutionally on two scores, because it targets also the District of Columbia and therefore separates us out, we who live in the District of Columbia, in violation of the 14th Amendment for treatment differently from women who live just across the river in one part of our country, or in any part of our country.

Mr. Speaker, this is the first time in our history that a standalone bill has come to the floor to deny the residents of the Nation's Capital the same constitutional rights as other Americans. We won't stand for it. Yet the folks behind this bill care nothing about the District of Columbia. They have picked on the District to get a phony Federal imprimatur on a bill that targets Roe v. Wade. In the process, they have picked a fight they do not want and cannot win with pro-choice America.

Bills based on pain or principle would not target only one city that has no vote on a bill that involves only the residents of that city. Women have blown the cover from a bill with a D.C. label because they know an attack on their reproductive health when they see it.

Republicans have taken the gloves off. No one can any longer doubt that the war on women is on, even when it is by proxy as with this bill, infiltrating the Susan G. Komen for the Cure to stop Planned Parenthood from funding breast cancer screening, defunding Planned Parenthood, and taking away contraceptives in insurance policies. All of these battles have failed.

Their final battle on the rights to the reproductive health of American women, abusing their congressional authority and using the women and physicians of the District of Columbia, that final battle must fail as well.

Mr. FRANKS of Arizona. Mr. Speaker, I now yield 2 minutes to the gentlelady from Alabama (Mrs. ROBY), a member of the Education Committee.

Mrs. ROBY. I thank the gentleman.

Mr. Speaker, I rise today in support of H.R. 3803, the District of Columbia Pain-Capable Unborn Child Protection Act, of which I'm a proud cosponsor.

In sitting here listening to debate, I want to get a few things straight. First of all, I am a woman, and I have not declared war on myself. Second of all, this is not a direct challenge to Roe v. Wade. This is a direct challenge to cruelty to unborn children. Currently, the policy in D.C. legally allows abortion for any reason until the moment of birth.

Mr. Speaker, Erin and Blake Hamby, a couple from my home State of Alabama, were pregnant with their second daughter when Erin had complications at 22 weeks. And at only 25 weeks and 2 days, their little baby, Faith, was born on January 8, weighing only 1 pound, 14 ounces, but every bit the same baby as my own children, Margaret and George, who were born full term.

Faith spent 2½ months in the NICU, and both she and her parents struggled daily, but that tiny baby—that tiny baby—is now 6½ months old and thriving.

In the District of Columbia, Faith could have been aborted not only at the point at which she was born, but also any day up to the day of her birth. H.R. 3803 prohibits abortions in D.C. after 20 weeks' gestation, a time frame based on scientific evidence that the unborn child can experience pain by at least at this stage of development.

□ 1820

In June of 2011, Alabama became the fifth State to pass a similar measure by banning physicians from performing abortions after 20 weeks.

I applaud my home State of Alabama in its admirable fight to protect human life, such as Faith's when she arrived earlier than expected into this world. I am proud to vote in support of H.R. 3803 tonight, and I encourage my colleagues to join me.

Mr. CONYERS. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from Michigan has 5½ minutes remaining, and the gentleman from Arizona has 7 minutes remaining.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

May I inform my colleagues that the Planned Parenthood organization will score today's vote, as will NARAL Pro-Choice America score today's vote.

Now, Members, let no one be fooled, no matter what title you want to give the measure that's before us, it is a direct assault against the Supreme Court ruling in Roe v. Wade and represents another line of attack against women's reproductive rights. That's why there are so many women's organizations that are opposed to it and have been.

The measure imposes an outright ban on abortions before viability, even where a woman's health may be at risk. Do we really want to support that kind of legislation? In cases where a woman's life is endangered, it still requires a doctor to focus on the health of the fetus.

Furthermore, this measure will jeopardize a women's health, her ability to have children in the future, and in the case of rape and incest would force her to bear her abuser's child. Amazingly, the bill even fails to include an exception for young girls who are survivors of rape and incest.

When the American people expect us to focus on putting people back to work, as former Chairman NADLER remarked, this committee again plays politics with women's health. Don't support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANKS of Arizona. Mr. Speaker, I now yield 1 minute to the gentleman from Ohio (Mr. CHABOT), a senior member of the Judiciary Committee.

Mr. CHABOT. I thank the gentleman for yielding and for his leadership in this area.

Mr. Speaker, last week I became a grandfather for the first time. Seeing that defenseless little child for the first time reminded me just how precious life is and why we're morally obligated to protect it. H.R. 3803 would do just that, putting an end to a cruel practice taking place here in our Nation's capital.

The infamous 1973 Supreme Court decision in Roe v. Wade relied upon medical knowledge that is now obsolete. Recent medical research and testing shows that an unborn child may have the capacity to experience pain starting as early as 20 weeks in the womb.

In fact, in the 2004 case of Carhart v. Ashcroft, Dr. Sunny Anand was asked whether a fetus would feel pain in a common abortion procedure, dilation and extraction, also known as ''dismemberment abortion.'' He testified: ''If the fetus is beyond 20 weeks of gestation, I would assume that there will be pain caused to the fetus, and I believe that it will be severe and excruciating pain.'' We must stop that, and that's what this legislation would do.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, this legislation is obnoxious for three reasons:

Number one, it picks on the District of Columbia because we can, because they are defenseless. We wouldn't do this to any State.

Number two, it is a direct contradiction of Roe v. Wade, which says you cannot ban an abortion before viability. And one ignorant judge in Arizona, one far-right judge in Arizona who says that a ban is not a ban, it's only a limitation as long as there's an exemption for the risk of life to the mother, doesn't change the meaning of the English language nor the meaning of the Supreme Court.

And three, it's obnoxious because it says to a woman whose health, whose future fertility, whose health is threatened, we judge that your health is less important than that pregnancy. It's not your decision; it's our decision because we're a bunch of arrogant politicians and you're only a woman who's pregnant, and to heck with you. That's why it's obnoxious.

Mr. FRANKS of Arizona. Mr. Speaker, I now yield 1 minute to the gentleman from Kansas (Mr. HUELSKAMP), a member of the Budget Committee.

Mr. HUELSKAMP. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this legislation.

As we know, to much of the world, America stands for liberty, for freedom. The Capitol and the White House are recognizable symbols of how Americans have fought and died for the truth: That governments exist to protect our inalienable rights to life and liberty. But just blocks from here, steps away from the White House, abortionists infringe on the rights of society's most vulnerable—the unborn.

While of course we would like to see an end to all abortions, to an end of the taking of all unborn life, today's legislation focuses on protecting the unborn at a time when it is a scientific fact that they are able to feel pain—excruciating pain.

It is cruel, inhumane, and contradictory to this Nation's leadership as the defender and protector of individual liberties to inflict pain knowingly on anyone, let alone a defenseless, unborn child. I ask my colleagues to recognize this fact by supporting this legislation.

Mr. CONYERS. Mr. Speaker, how much time is left?

The SPEAKER pro tempore. The gentleman from Michigan has 2½ minutes remaining, and the gentleman from Arizona has 5 minutes remaining.

Mr. CONYERS. I yield myself 1 minute.

Ladies and gentlemen of the House, when the American people expect us to focus on putting people back to work, we find ourselves again playing politics with women's health, pandering to the most radical interest groups, and wasting time on divisive social issues, which to some may be good politics, but I would caution my colleagues to remember why we've been sent here.

This war against women cannot continue. The middle class is fighting for its life, workers struggling, and yet we're again putting on this show for the extreme conservatives with an unconstitutional bill that has no chance of becoming law. In fact, for those who are keeping count, this is the second time the majority has brought up a bill restricting access to abortion under a special procedure requiring a two-thirds vote.

Mr. FRANKS of Arizona. Mr. Speaker, I now yield 3 minutes to the gentleman from New Jersey (Mr. SMITH), chairman of the Africa, Global Health, and Human Rights Subcommittee on the Foreign Affairs Committee.

Mr. SMITH of New Jersey. I thank my friend for yielding.

Mr. Speaker, pain—we all dread it, avoid it, even fear it, and go to extraordinary lengths to mitigate its severity and duration. By now, many Americans know that abortion methods are violent and include dismemberment of a child's fragile body, chemical poisoning, and hypodermic needles to the baby's heart. There is nothing humane, benign, or compassionate about abortion. It is violence against children, and it hurts women.

But the relatively new scientific understanding that unborn children are forced to endure excruciating pain in the performance of later-term abortions—and perhaps even earlier—should shock us. Children not only die from abortion; they suffer. This is a wake-up call to all Americans: unborn children feel pain. This highly disturbing fact should further inspire us all to seek to protect these weak and vulnerable children.

Tragically, for the defenseless child in the womb, the D.C. Council voted in 2004 to eviscerate every legal protection afforded unborn children, making abortion on demand legal in D.C. right up until the moment of birth.

The D.C. Pain-Capable Unborn Child Protection Act, authored by my distinguished colleague, TRENT FRANKS, seeks to safeguard at least some of these kids—from 20 weeks onward—from both pain and death.

Of note, today's vote comes on the heels of yesterday's Federal district court decision upholding a similar law in Arizona.

□ 1830

In that decision, the judge said, ''by 20 weeks, sensory receptors develop all over the child's body'' and ''when provided by painful stimuli, such as a needle, the child reacts, as measured by increases in the child's stress hormones, heart rate, and blood pressure.''

Mr. Speaker, the poster to my left depicts a D&E abortion, the most commonly procured method of abortion in later term, a dismemberment abortion. It involves using a long steel tool to grasp and tear off, by brute force, the arms and the legs of the developing child, after which the skull is crushed.

Testifying at the full committee hearing in May, Dr. Anthony Levatino, a former abortionist who has performed many of these D&E abortions said: ''Once you have grasped something inside, squeeze on the clamp, set the jaws and pull hard.''

Then he talks about how arms and legs and intestines are all pulled out. Then he said, ''Many times a little face may come out and stare back at you. Congratulations! You have just successfully performed a second-trimester abortion.''

This legislation seeks to protect these kids from this horrible cruelty.

Mr. CONYERS. Mr. Speaker, I reserve the balance of my time.

Mr. FRANKS of Arizona. Mr. Speaker, I yield 30 seconds to the gentlewoman from Ohio (Mrs. SCHMIDT).

Mrs. SCHMIDT. You know, I have heard a lot of debate back and forth, but my friends, this is not about ending abortion. Oh, how I wish it was.

This is about ending late-term abortions in the District of Columbia because of the cruel way that those babies are terminated. The dismemberment, the pain that is caused by those little innocent babies, is contrary to what the Founders of our Constitution wanted for our Nation. That's what this act is about.

We have the right and the authority, because of the Constitution, to do this, to end this very barbaric procedure, and that's why we need to pass this legislation.

Mr. CONYERS. Mr. Speaker, I yield our remaining time to the distinguished delegate from Washington, D.C., ELEANOR HOLMES NORTON.

The SPEAKER pro tempore. The gentlewoman from the District of Columbia is recognized for 1½ minutes.

Ms. NORTON. Mr. Speaker, almost all abortions in the District of Columbia are performed between six and 10 weeks.

Mr. Speaker, I was denied my request, my request was denied even to testify on this bill, even though this bill affects only residents of my city. I was told that, and I did not insist, that the Democrats had a witness. They had to hear from that witness.

Christy Zink had an abortion at 22 weeks, only after her physician told her that she was carrying a fetus with half a brain and that if it were born alive, it would have constant seizures throughout its life. This bill would not have allowed Christy Zink to have an abortion, and she would have had to carry that fetus to term.

She has now had a healthy baby. She still grieves for the baby she could not have, but she would never have deserved the punishment that this bill would have inflicted on her.

I ask Members of this House to respect the laws and the women and the residents of the District of Columbia. Let us do what you insist all over the United States be done in your districts.

We differ. Respect our differences, even as I respect yours.

[From the Washington Post, July 27, 2012]

THE KIND OF WOMAN WHO NEEDS A LATE-TERM ABORTION

(By Christy Zink)

Introduce me to the woman who has an abortion after 20 weeks because she is cruel and heartless. Introduce me to the lazy gal who gets knocked up and ignores her condition until, more than halfway through her pregnancy, she ends it because it has become too darn inconvenient for her selfish lifestyle.

If such a woman exists, I have never met her. Sadly, however, she appears to have influenced the thinking of even savvy, politically informed people in this country. Otherwise, how could they argue that carrying to term is always the right decision late in pregnancy? In fact, the myth of such callous women has been compelling enough to push along a bill that would ban abortion in the District after 20 weeks of pregnancy; the bill was approved this month by the House Judiciary Committee, moving it forward for consideration by the full House, perhaps as soon as Tuesday.

Believing this fabrication of the radical right depends on one's ability to conjure at once a perfectly unfeeling woman and a perfectly healthy child, a stand-in for the much more tragic and complex reality. Meet, instead, a real live, breathing woman who terminated a much-wanted pregnancy at almost 22 weeks, when her baby was found to have severe fetal anomalies of the brain.

My son's condition could not have been detected earlier in the pregnancy. Far from lazy, I was conscientious about prenatal care. I received excellent medical attention from my obstetrician, one of the District's best. Only at our 20-week sonogram were there warning signs, and only with a high-powered MRI did we discover the devastating truth of our son's condition. He was missing the corpus callosum, the central connecting structure of the brain, and essentially one side of his brain.

If he survived the pregnancy and birth, the doctors told us, he would have been born into a life of continuous seizures and near-constant pain. He might never have left the hospital. To help control the seizures, he would have needed surgery to remove more of what little brain matter he had. That was the reality for me and for my family.

Meet, too, the many real women I know who belong to one of the saddest groups in the world: those carrying babies for whom there was no real hope and who made the heartbreaking decision to end their pregnancies for medical reasons. Meet the women among this group who had gotten, they thought, safely to the middle of pregnancy, who had been planning nurseries and filling baby registries, only to find they would need to plan a memorial service and to build, somehow, a life in aftermath.

We are not reckless, ruthless creatures. Our hearts hurt each day for our losses. We mourn. We speak the names and nicknames of each other's babies to one another; we hold each other up on the anniversaries of our losses, and we celebrate new babies and new accomplishments, all bittersweet because they arrive in the wake of grief. We extend our arms to the women who must join our community, and we lament that our numbers rise every day.

Medical research from the Guttmacher Institute shows that post-21-week terminations make up less than 2 percent of all abortions in this country. Women like me can seem an exception. You also rarely hear stories like mine, because they involve intensely private sorrow and because there is no small amount of shame still associated with terminating a pregnancy, no matter how medically necessary.

The consequences of the House bill, if it becomes law, will be inhumane. If the restrictions in this bill had been the law of the land when my husband and I received our diagnosis, I would have had to carry to term and give birth to a baby who the doctors concurred had no chance of a real life and who would have faced severe, continual pain. The decision my husband and I made to terminate the pregnancy was made out of love—to spare my son pain and suffering.

The ugly politics in this Congress and the sheer number of Republicans mean that this bill will likely pass in the House. I understand any citizen's hesitancy when the issue of the right to middle-term to late-term abortion arises. But I also know from my own experience that this bill would have calamitous ramifications for real women and real families, and that the women it would most affect could never imagine they would need their right to abortion protected in this way.

Women and their families must be able to trust their doctors and retain their access to medical care when they most need it. To make sure that happens, members of the Senate and ordinary people across this country must see through the stereotype of the late-term aborter and see, instead, the true face of a woman who has been in this situation. I extend my hand; it is an honor to make your acquaintance.

Mr. FRANKS of Arizona. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, there was a time in this country and even across the world when protecting little babies from torture was a noble thing.

Mr. Speaker, I've heard my colleagues today call this effort to protect little babies from tortuous pain extremist ideology. And I would just suggest to you, sir, if they are right, then, I, for one, will envy no one that they might call mainstream, because, Mr. Speaker, this bill simply says that we intend, in the seat of freedom in America, where Congress has the ultimate and clear responsibility constitutionally to legislate, that we're going to protect unborn children that have reached the age where they can feel pain.

Mr. Speaker, today, in Washington, D.C., a child can be aborted in labor, and that is not who America is.

Mr. Speaker, I would suggest that if we, in this body, cannot find the courage and the will to protect these little babies from this kind of torture, then I'm not sure that we will ever find the will or the courage to protect any kind of liberty for anyone in this place.

Mr. Speaker, I would suggest to you that there is the will and the courage to do that in this body. I would predict that this body will pass overwhelmingly, by a majority vote, even though we won't maybe meet the suspension rules, but we will pass by an overwhelming number of votes this bill today. I believe it'll be 240, 250 votes, and it will at least demonstrate to the world that there's still a conscience in this place, that we still stand for the commitment to protect little babies that have no other people to protect them.

This is our job here, to protect the rights of the innocent, and by the grace of God we're going to do that.

I yield back the balance of my time.

Mr. CANTOR. Mr. Speaker, I rise today in strong support of the DC Pain-Capable Unborn Child Protection Act. It is simply unfathomable that, other than by the methods banned by federal law, the District of Columbia allows abortion for any reason, by any method up until the moment right before birth. While people may differ on the issue of abortion, Americans overwhelmingly support the notion that abortions should be restricted at the point at which an unborn child can feel pain. And with good reason, the ability to experience pain is one of the traits that makes us human. And the commitment to protect the defenseless from physical acts of violence is one of the hallmarks of humanity.

Science demonstrates that by at least 20 weeks after fertilization, an unborn child can feel pain. In response to this scientific evidence, to date nine states have enacted laws to restrict late-term abortions. Just this week, a judge upheld an Arizona law that does the same thing we're attempting here today, citing the brutal methods used to abort a baby late in a pregnancy and the scientific fact that unborn children have developed pain sensors all over their bodies by at least 20 weeks. It is time to add the District of Columbia to the list of jurisdictions that put an end to the practice of late-term abortions.

Mr. AKIN. Mr. Speaker, I rise today in full support for H.R. 3803, the District of Columbia Pain-Capable Unborn Child Protection Act. This legislation affects the District of Columbia, which, operating under authority delegated by Congress, repealed all limitations on abortion at any stage of pregnancy, effective April 29, 2004.

H.R. 3803 would outlaw abortion in the District of Columbia on an unborn child 20 weeks or more after fertilization, except "if, in reasonable medical judgment, the abortion is necessary to save the life of a pregnant woman whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself," but not including psychological disorders or threats of self-injury.

An unborn child can react to touch merely 8 weeks after fertilization, and after 20 weeks, the child can feel pain. At this 20-week mark, a child will recoil from painful stimuli and show significant increases in stress hormones, and fetal anesthesia is routinely administered to children who undergo surgery while still in the womb. There is significant medical evidence supporting the child's ability to experience pain at 20 weeks, if not earlier, and the unlimited abortion currently allowed in the District of Columbia is simply inhumane.

I am proud to be an original co-sponsor of H.R. 3803, which is a morally necessary and

common-sense piece of legislation, and I support it fully. Additionally, I firmly believe that our nation must protect human life at all stages, and unborn children are no exception. During my time in Congress, I have stood against abortion and supported numerous pieces of pro-life legislation. I am also a member of the Congressional Pro-Life Caucus, and I will continue to fight to protect the lives of the unborn in any way I can.

Mr. HOLT. Mr. Speaker, I rise today in strong opposition to H.R. 3803, which would make abortions performed at 20 weeks gestation or later unlawful in the District of Columbia.

Our first priorities in the House of Representatives must be helping to foster job creation and supporting middle class families.

Instead, the Republicans once again have chosen to take up divisive social issues and continue their war on women with a radical assault on women's health care. This time, we are discussing a bill that would be a dangerous intrusion into the lives of women as well as the governance of the District of Columbia.

Once again, the Majority is asking Congress to play doctor. This bill is an attempt to ban safe, legal, and often medically-necessary abortion services for women in the District of Columbia without the consent of the city's residents or representatives. It seems to me to be even unconstitutional.

Even when the Republicans could have received input from District of Columbia representatives, they refused. Delegate ELEANOR HOLMES NORTON was denied the opportunity to testify during a congressional hearing on this bill that would affect the health and safety of the women in the District of Columbia.

Besides being misguided and offensive, H.R. 3803 is dangerous. This bill has only a narrow exception for the life of the woman. This bill has no exception at all for cases of rape or incest.

It is clear that this legislation is part of a broader strategy to ban abortion everywhere not just in the District of Columbia.

I oppose this anti-choice, anti-woman, and anti-District of Columbia bill and urge my colleagues to vote no on this dangerous piece of legislation.

Ms. HIRONO. Mr. Speaker, I strongly oppose H.R. 3803, yet another assault on women's personal decision making.

In Hawaii, people tell me we should be talking about jobs and working together to get the economy moving. Instead, the House Republican Majority continues its assault on women. Debating divisive social issues isn't going to help our economy or create one single job.

A woman's right to choose is a fundamental freedom—there is no place for politicians in individuals' private medical decisions.

H.R. 3803 restricts access to abortions in the District of Columbia after 20 weeks, regardless of who pays for the procedure. The bill wouldn't even allow for abortion in the case of rape or incest, makes no exception for a woman's health, and would require a woman to carry a nonviable fetus to term.

A woman shouldn't need to ask a politician for permission to make private medical decisions. H.R. 3803 would let politicians tell women what to do.

I urge my colleagues to oppose this bill and get to work on the real issues people in Hawaii are most concerned about right now, creating jobs and moving our economy forward.

Mr. MACK. Mr. Speaker, today the House of Representatives is taking action to protect the most vulnerable children in our nation's capital. H.R. 3803, the "District of Columbia Pain-Capable Unborn Child Protection Act," would limit the District's extreme policy of allowing abortion for any reason, at any time, up until the moment of birth. Based on substantial research showing that a child has the capacity to feel pain starting at 20 weeks of development, we cannot in good conscience allow the District's policy of permitting late-term abortions to stand. Although Congress has repeatedly prohibited the use of taxpayer money for abortions in the capital, the District currently has one of the most far-reaching abortion policies in the nation, permitting abortion on demand throughout all nine months of pregnancy.

H.R. 3803 would ban abortions of pain-capable unborn children except to save the life of the mother. Under the Constitution, Congress and the President have ultimate responsibility for the governance of the capital, as Article I, Section 8, states that "Congress shall . . . exercise exclusive legislation in all cases whatsoever, over such District." As a member of Congress who believes in the sanctity of human life, I am a strong supporter and cosponsor of this important legislation. I deeply regret that I must miss the vote on final passage, and would have proudly voted yes.

Mr. MARCHANT. Mr. Speaker, I rise today in support of H.R. 3803, the District of Columbia Pain-Capable Unborn Child Protection Act, authored by my colleague, Congressman TRENT FRANKS. I am an original cosponsor of this bill that would prohibit abortions in Washington, DC, after 20 weeks of pregnancy, except when the mother's life is at risk. I am proud that a majority of the U.S. House of Representatives has joined me and cosponsored this bill.

Ample scientific evidence shows that at 20 weeks, fetuses can feel pain. Think about that for a moment. They feel it.

This is especially upsetting because most late-term abortions involve procedures that are particularly heinous. Yet the Washington, DC, government allows abortions at any time for any reason, up until the moment of birth. This is unconscionable. The vast majority of Americans do not support a policy of "abortion on demand" after the point at which fetuses can feel pain. I urge my colleagues to join me in supporting H.R. 3803, the District of Columbia Pain-Capable Unborn Child Protection Act.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. FRANKS) that the House suspend the rules and pass the bill, H.R. 3803, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FRANKS of Arizona. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

S. 679, by the yeas and nays;

H.R. 828, by the yeas and nays;

H.R. 3803, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PRESIDENTIAL APPOINTMENT EFFICIENCY AND STREAMLINING ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 679) to reduce the number of executive positions subject to Senate confirmation, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 261, nays 116, not voting 54, as follows:

[Roll No. 537]

YEAS—261

Ackerman	Cuellar	Holt
Altmire	Cummings	Honda
Amodei	Davis (CA)	Hoyer
Andrews	Davis (IL)	Hultgren
Baca	Davis (KY)	Hunter
Bachus	DeFazio	Hurt
Barber	DeLauro	Israel
Barrow	Dent	Issa
Bass (CA)	Deutch	Johnson, E. B.
Bass (NH)	Diaz-Balart	Johnson, Sam
Becerra	Dingell	Keating
Berman	Dold	Kildee
Biggert	Donnelly (IN)	Kind
Bilbray	Doyle	King (NY)
Bishop (NY)	Dreier	Kingston
Blumenauer	Edwards	Kinzinger (IL)
Bonamici	Ellison	Kissell
Bonner	Ellmers	Langevin
Bono Mack	Engel	Larsen (WA)
Boren	Eshoo	Larson (CT)
Boswell	Farr	Latham
Brady (PA)	Fattah	LaTourette
Brady (TX)	Fincher	Lee (CA)
Braley (IA)	Flake	Levin
Brown (FL)	Frank (MA)	Lewis (CA)
Butterfield	Franks (AZ)	Lipinski
Calvert	Frelinghuysen	LoBiondo
Camp	Fudge	Loebsack
Cantor	Gallegly	Lofgren, Zoe
Capito	Garamendi	Long
Capps	Gonzalez	Lowey
Capuano	Goodlatte	Luján
Carney	Granger	Lungren, Daniel E.
Carson (IN)	Graves (MO)	Lynch
Carter	Green, Al	Maloney
Castor (FL)	Green, Gene	Markey
Chaffetz	Griffith (VA)	Matheson
Chandler	Grijalva	Matsui
Chu	Grimm	McCarthy (CA)
Cicilline	Guinta	McCarthy (NY)
Clarke (MI)	Guthrie	McCollum
Clarke (NY)	Gutierrez	McDermott
Clay	Hahn	McGovern
Cleaver	Hanabusa	McHenry
Clyburn	Harper	McIntyre
Cohen	Hastings (FL)	McKeon
Connolly (VA)	Hastings (WA)	McMorris Rodgers
Conyers	Heck	McNerney
Cooper	Hensarling	Meehan
Costa	Herger	Meeks
Costello	Himes	Michaud
Courtney	Hinchey	Miller (MI)
Cravaack	Hinojosa	Miller (NC)
Critz	Hochul	
Crowley	Holden	

Miller, George
Moran
Murphy (CT)
Myrick
Nadler
Napolitano
Neal
Nunes
Olver
Owens
Pallone
Pascrell
Pelosi
Perlmutter
Peters
Petri
Pingree (ME)
Platts
Polis
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Reed
Reichert
Reyes
Richardson
Rivera
Roby
Rogers (AL)
Rogers (MI)
Rokita
Ros-Lehtinen
Roskam
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (SC)
Scott (VA)
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stark
Stivers
Sullivan
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Tsongas
Turner (NY)
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Whitfield
Wilson (FL)
Woolsey
Yarmuth
Young (AK)

NAYS—116

Adams
Aderholt
Amash
Austria
Bachmann
Barletta
Bartlett
Barton (TX)
Berg
Bilirakis
Bishop (UT)
Black
Blackburn
Boustany
Brooks
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Canseco
Chabot
Coble
Coffman (CO)
Cole
Conaway
Crawford
Culberson
Denham
Duncan (SC)
Duncan (TN)
Emerson
Farenthold
Fitzpatrick
Fleischmann
Flores
Forbes
Fortenberry
Foxx
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gohmert
Gosar
Graves (GA)
Griffin (AR)
Hall
Harris
Hartzler
Herrera Beutler
Huelskamp
Jenkins
Johnson (OH)
Jones
Kelly
King (IA)
Kline
Lamborn
Lance
Landry
Lankford
Latta
Lucas
Luetkemeyer
Lummis
Manzullo
Marchant
Marino
McClintock
McKinley
Mica
Miller (FL)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Nugent
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Peterson
Pitts
Poe (TX)
Pompeo
Posey
Quayle
Rehberg
Ribble
Rigell
Roe (TN)
Rooney
Ross (FL)
Royce
Scalise
Schilling
Schmidt
Schweikert
Southerland
Stearns
Stutzman
Terry
Turner (OH)
Walsh (IL)
Webster
West
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)

NOT VOTING—54

Akin
Alexander
Baldwin
Benishek
Berkley
Bishop (GA)
Broun (GA)
Campbell
Cardoza
Carnahan
Cassidy
Crenshaw
DeGette
DesJarlais
Dicks
Doggett
Duffy
Filner
Fleming
Gingrey (GA)
Gowdy
Hanna
Hayworth
Heinrich
Higgins
Hirono
Huizenga (MI)
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Jordan
Kaptur
Kucinich
Labrador
Lewis (GA)
Mack
McCaul
Moore
Noem
Pastor (AZ)
Paul
Pence
Renacci
Richmond
Rogers (KY)
Rohrabacher
Rush
Scott, Austin
Sutton
Towns
Walberg
Westmoreland
Young (IN)

□ 1906

Mrs. EMERSON, Messrs. LANCE, HALL, Ms. HERRERA BEUTLER, Messrs. ROYCE, NUGENT, GERLACH, SOUTHERLAND, OLSON, and CULBERSON changed their vote from ''yea'' to ''nay.''

Messrs. GUTHRIE, FINCHER, BRADY of Texas, SMITH of New Jersey, Mrs. MILLER of Michigan, Messrs. FRELINGHUYSEN, WHITFIELD, Ms. SPEIER, Messrs. LoBIONDO, HURT, GOODLATTE, Mrs. ROBY, Messrs. GRIFFITH of Virginia, HULTGREN, BACHUS, KINZINGER of Illinois, FRANKS of Arizona, SENSENBRENNER, BASS of New Hampshire, HUNTER, REED, GRIMM, Mrs. ELLMERS, Messrs. WALDEN, HASTINGS of Washington, KINGSTON, GUINTA, ROKITA, GRAVES of Missouri, DANIEL E. LUNGREN of California, SCOTT of South Carolina, LONG, STIVERS, HERGER, WELCH, and MEEHAN changed their vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 537, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted ''yea.''

FEDERAL EMPLOYEE TAX ACCOUNTABILITY ACT OF 2012

The SPEAKER pro tempore (Mr. SCHOCK). The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 828) to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 263, nays 114, not voting 54, as follows:

[Roll No. 538]

YEAS—263

Adams
Aderholt
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Berg
Berman
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Capps
Carney
Carter
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Costello
Cravaack
Crawford
Critz
Cuellar
Culberson
Davis (CA)
Davis (KY)
DeFazio
Denham
Dent
Diaz-Balart
Dingell
Dold
Donnelly (IN)
Dreier
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Eshoo
Farenthold
Farr
Fincher
Fitzpatrick
Flake
Fleischmann
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gohmert
Gonzalez
Goodlatte
Gosar
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Himes
Hochul
Huelskamp
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Kelly
Kind
King (IA)
Kingston
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Landry
Lankford
Latham
Latta
Lewis (CA)
Lipinski
Loebsack
Lofgren, Zoe
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Maloney
Manzullo
Marchant
Marino
Matheson
Matsui
McCarthy (CA)
McClintock
McCollum
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Neugebauer
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Quigley
Rahall
Reed
Rehberg
Reichert
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Royce
Runyan
Ryan (OH)
Ryan (WI)
Sanchez, Loretta
Scalise
Schiff
Schilling
Schmidt
Schock
Schwartz
Schweikert
Scott (SC)
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Speier
Stark
Stearns
Stutzman
Sullivan
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tsongas
Turner (NY)
Turner (OH)
Upton
Visclosky
Walden
Walsh (IL)
Webster
West
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoder
Young (FL)

NAYS—114

Ackerman
Altmire
Andrews
Baca
Barber
Bass (CA)
Becerra
Bishop (NY)
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capuano
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Courtney
Crowley
Cummings
Davis (IL)
DeLauro
Deutch
Doyle
Edwards
Ellison
Engel
Fattah
Frank (MA)
Fudge
Grijalva
Grimm
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Hinchey
Hinojosa
Holden
Holt
Honda
Hoyer
Israel
Johnson, E. B.
Keating
Kildee
King (NY)
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
LoBiondo
Lowey
Luján
Lynch
Markey
McCarthy (NY)
McDermott
McGovern
Meeks

Michaud
Moran
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pelosi
Perlmutter
Pingree (ME)
Price (NC)
Rangel
Reyes
Richardson
Roybal-Allard
Ruppersberger
Sánchez, Linda T.
Sarbanes
Schakowsky
Schrader
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (NJ)
Smith (WA)
Thompson (MS)
Tonko
Van Hollen
Velázquez
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Woolsey
Young (AK)

NOT VOTING—54

Akin
Alexander
Baldwin
Benishek
Berkley
Bishop (GA)
Broun (GA)
Campbell
Cardoza
Carnahan
Cassidy
Crenshaw
DeGette
DesJarlais
Dicks
Doggett
Duffy
Filner
Fleming
Gingrey (GA)
Gowdy
Hanna
Heinrich
Higgins
Hirono
Huizenga (MI)
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Jordan
Kaptur
Kucinich
Labrador
Lewis (GA)
Mack
McCaul
Moore
Noem
Pastor (AZ)
Paul
Pence
Renacci
Richmond
Rogers (KY)
Rohrabacher
Rush
Scott, Austin
Stivers
Sutton
Towns
Walberg
Westmoreland
Young (IN)

□ 1913

Ms. WATERS and Mr. PALLONE changed their vote from ''yea'' to ''nay.''

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 538, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted ''nay.''

DISTRICT OF COLUMBIA PAIN-CAPABLE UNBORN CHILD PROTECTION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3803) to amend title 18, United States Code, to protect pain-capable unborn children in the District of Columbia, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. FRANKS) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 220, nays 154, answered ''present'' 2, not voting 55, as follows:

[Roll No. 539]

YEAS—220

Adams
Aderholt
Altmire
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Berg
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Boren
Boustany
Brady (TX)
Brooks
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Carter
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costello
Cravaack
Crawford
Critz
Cuellar
Culberson
Davis (KY)
Denham
Diaz-Balart
Donnelly (IN)
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Granger
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Heck
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Kelly
Kildee
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Landry
Langevin
Lankford
Latham
Latta
Lewis (CA)
Lipinski
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walden
Walsh (IL)
Webster
West
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)

NAYS—154

Ackerman
Andrews
Baca
Barber
Barrow
Bass (CA)
Bass (NH)
Becerra
Berman
Biggert
Bishop (NY)
Blumenauer
Bonamici
Bono Mack
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeLauro
Dent
Deutch
Dingell
Dold
Doyle
Dreier
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Himes
Hinchey
Hinojosa
Hochul
Holt
Honda
Hoyer
Israel
Johnson, E. B.
Keating
Kind
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

ANSWERED ''PRESENT''—2

Hayworth
LaTourette

NOT VOTING—55

Akin
Alexander
Baldwin
Benishek
Berkley
Bishop (GA)
Broun (GA)
Campbell
Cardoza
Carnahan
Cassidy
Crenshaw
DeGette
DesJarlais
Dicks
Doggett
Duffy
Filner
Frank (MA)
Gingrey (GA)
Gowdy
Graves (GA)
Hanna
Heinrich
Higgins
Hirono
Huizenga (MI)
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Jordan
Kaptur
Kucinich
Labrador
Lewis (GA)
Luján
Mack
McCaul
Moore
Noem
Pastor (AZ)
Paul
Pence
Renacci
Richmond
Rogers (KY)
Rohrabacher
Rush
Scott, Austin
Sutton
Towns
Walberg
Westmoreland
Young (IN)

□ 1920

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 539, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted ''nay.''

PERSONAL EXPLANATION

Mr. DESJARLAIS. Mr. Speaker, due to impending weather affecting flight schedules, my arrival into Washington was delayed this evening. I was unable to cast a vote on rollcall votes No. 537 (S. 679), No. 538 (H.R. 828), and No. 539 (H.R. 3803). Had I been present, I would have voted ''nay'' on the first vote and ''aye'' on the following two votes.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3009

Mr. ROSS of Florida. Mr. Speaker, I ask unanimous consent to remove my name as cosponsor of H.R. 3009.

The SPEAKER pro tempore (Mr. HUELSKAMP). Is there objection to the request of the gentleman from Florida?

There was no objection.

ADAM WALSH REAUTHORIZATION ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3796) to reauthorize certain programs established by the Adam Walsh Child Protection and Safety Act of 2006, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3796

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 ''Adam Walsh Reauthorization Act of 2012''.

SEC. 2. SEX OFFENDER MANAGEMENT ASSISTANCE (SOMA) PROGRAM REAUTHORIZATION.

Section 126(d) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16926(d)) is amended to read as follows:

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General $20,000,000 for each of the fiscal years 2013 through 2017, to be available only for—

''(1) the SOMA program; and

''(2) the Jessica Lunsford Address Verification Grant Program established under section 631.''.

SEC. 3. REAUTHORIZATION OF FEDERAL ASSISTANCE WITH RESPECT TO VIOLATIONS OF REGISTRATION REQUIREMENTS.

Section 142(b) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16941(b)) is amended by striking ''such sums as may be necessary for fiscal years 2007 through 2009'' and inserting ''$46,200,000 for each of the fiscal years 2013 through 2017''.

SEC. 4. DURATION OF SEX OFFENDER REGISTRATION REQUIREMENTS FOR CERTAIN JUVENILES.

Subparagraph (B) of section 115(b)(2) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16915(b)(2)) is amended by striking ''25 years'' and inserting ''15 years''.

SEC. 5. PUBLIC ACCESS TO JUVENILE SEX OFFENDER INFORMATION.

Section 118(c) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16918(c)) is amended—

(1) by striking ''and'' after the semicolon in paragraph (3);

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

''(4) any information about a sex offender for whom the offense giving rise to the duty to register was an offense for which the offender was adjudicated delinquent (or otherwise convicted) as a juvenile; and''.

SEC. 6. PROTECTION OF LOCAL GOVERNMENTS FROM STATE NONCOMPLIANCE PENALTY UNDER SORNA.

Section 125(a) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16925(a)) is amended by striking ''shall not receive'' and all that follows and inserting ''shall return to the Attorney General (for reallocation in accordance with subsection (c)), from the funds allocated to the jurisdiction for that fiscal year under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), 10 percent of the amount the jurisdiction may retain under paragraph (1) of section 505(c) of such Act (42 U.S.C. 3755(c)).''.

SEC. 7. COMPREHENSIVE EXAMINATION OF SEX OFFENDER ISSUES.

Section 634(c) of the Adam Walsh Child Protection and Safety Act of 2006 is amended by adding at the end the following new paragraph:

''(3) ADDITIONAL REPORT.—Not later than one year after the date of enactment of the Adam Walsh Reauthorization Act of 2012, the National Institute of Justice shall submit to Congress a report on the public safety impact, recidivism, and collateral consequences of long-term registration of juvenile sex offenders, based on the information collected for the study under subsection (a) and any other information the National Institute of Justice determines necessary for such report.''.

SEC. 8. JUVENILE SEX OFFENDER TREATMENT GRANTS REAUTHORIZATION.

Section 3012(c) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797ee-1(c)) is amended by striking ''$10,000,000 for each of fiscal years 2007 through 2009 to carry out this part'' and inserting ''$2,979,000 for each of the fiscal years 2013 through 2017 to carry out this section''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 3796, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Adam Walsh Child Protection and Safety Act was enacted in 2006 to honor the victims of several violent crimes against children, including Adam Walsh, a 7-year-old boy who was abducted from a store where his mother was shopping in July 1981 and found murdered just 2 weeks later.

This important legislation is primarily known for its efforts to create a national sex offender registry.

The Sex Offender Registration and Notification Act, or SORNA, created a more uniform system of sex offender registries throughout the country by providing minimum standards that each State must meet.

In addition to SORNA, the Adam Walsh Act made the U.S. Marshals Service responsible for the apprehension of both Federal and State fugitive sex offenders, as well as for the investigation of sex offender registry violations. The Marshals Service apprehended over 11,000 fugitive sex offenders in 2010 alone.

H.R. 3796, the Adam Walsh Reauthorization Act of 2012, introduced by Crime Subcommittee Chairman JIM SENSENBRENNER, reauthorizes the two key programs created by the Adam Walsh Act. It provides funding for the U.S. Marshals' sex offender apprehension activities and gives grants to States and other jurisdictions to implement the national sex offender registry requirements. These two programs are reauthorized for 5 years at amounts that reflect the fiscal year 2012 appropriation levels.

The original Adam Walsh Act contained over 20 different programs and was scored at approximately $1.5 billion over 5 years. By contrast, H.R. 3796 is targeted, fiscally responsible legislation that only reauthorizes the act's most primary programs at an estimated cost of less than $300 million over the same period.

I thank Mr. SENSENBRENNER for his leadership on this bill, and I urge my colleagues to join me in support of H.R. 3796.

I reserve the balance of my time.

Mr SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in regard to H.R. 3796, the Adam Walsh Reauthorization Act of 2012. H.R. 3796 authorizes various grant programs originally established pursuant to the Adam Walsh Child Protection and Safety Act of 2006.

While I support reauthorizing these programs, I am concerned about what is missing from H.R. 3796. Unfortunately, the bill fails to address the many problems that the States and Indian tribes have encountered in implementing the Sex Offender Registration and Notification Act, known as SORNA, which is one of the provisions of the original Adam Walsh Act. So far, only 15 States have been found by the Attorney General to be in compliance.

Years before SORNA became law, many States had developed their own sex offender registries and dedicated substantial resources and research to develop effective sex offender management systems. To ignore these efforts in favor of SORNA'S prescriptive ''one size fits all'' system is not only wasteful, but it could adversely affect public safety. I offered 10 amendments in the full committee markup of the bill seeking to provide States and tribes with more flexibility to cost effectively manage sex offenders and to more fully comply with SORNA. Despite the committee's failure to adopt all of these proposed improvements, there are several positive aspects of H.R. 3796 that make changes to the underlying bill which will assist States in this regard.

For example, the bill, as amended, ensures that provisions of the Byrne JAG grant funding, intended for distribution to local governments and entities, are not penalized by the States' noncompliance with SORNA.

In the absence of this provision, States that have been unable to comply with SORNA would soon suffer up to a 10 percent reduction in their Byrne JAG grant awards, which is a particularly harsh penalty in these difficult economic times. H.R. 3796 at least ensures that the localities that have no control over whether or not a State complies with SORNA are not penalized.

Three other positive aspects of the bill, as amended, are the following: the bill gives flexibility to put juveniles on a law enforcement agency registry only, not on the public registry, that is, juveniles can be only in the law enforcement-only registry, but not publicized. We had heard testimony that putting juveniles on a public registry

would actually be counterproductive, and this bill protects that.

□ 1930

The bill reauthorizes funding under the Adam Walsh Act for treatment of juvenile sex offenders. And the bill requires the public safety impact of long-term or lifetime registration on juvenile registrants to be studied.

Finally, H.R. 3796 lowers the age after which certain juveniles adjudicated delinquent with a clean record can apply for removal from the sex offender registry from 25 years down to 15 years. This is an improvement to current law, given the research documenting that sex offender treatment reduces recidivism by more than 90 percent for juveniles and that long-term public registry adversely impacts the rehabilitation of teenage offenders, though for the same reasons it would have been best to eliminate the requirement to put juveniles on the registry in the first place.

I am pleased, therefore, that H.R. 3796, in reauthorizing the Adam Walsh Act, has improved at least in these aspects. I regret that it didn't improve some of the things that weren't addressed in the bill. But I think it's important that we pass the bill, and I urge my colleagues to vote in favor of this bill.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. SENSENBRENNER), former chairman of the Judiciary Committee and the sponsor of this legislation.

Mr. SENSENBRENNER. Mr. Speaker, the Adam Walsh Child Protection and Safety Act, enacted in 2006, is landmark legislation intended to keep our communities—and most importantly our children—safe from sex offenders and other dangerous predators.

This bipartisan bill strengthened sex offender registry requirements and enforcement, extended Federal registry requirements to Indian tribes, and authorized funding for several programs intended to address and deter child exploitation.

The centerpiece of the Adam Walsh Act is the national Sex Offender Registration and Notification Act, or SORNA. SORNA's goal is to create a seamless national sex offender registry to assist law enforcement efforts to detect and track offenders. SORNA provides minimum standards for State sex offender registries and created the Dru Sjodin National Sex Offender Public Website, which allows law enforcement officials and the general public to search for sex offenders nationwide from just one Web site.

H.R. 3796, the Adam Walsh Reauthorization Act of 2012, reauthorizes two key programs from the original Adam Walsh Act—grants to the States and other jurisdictions to implement the Adam Walsh Act sex offender registry requirements, and funding for U.S. Marshals to locate and apprehend sex offenders who violate registration requirements. These programs are crucial to efforts to complete and enforce the national network of sex offender registries, particularly in light of the already-passed July 2011 deadline for the States to come into compliance with SORNA. H.R. 3796 reauthorizes both these programs at levels commensurate with their fiscal year 2012 appropriations.

The bill also makes changes to the SORNA sex offender registry requirements in response to feedback from the States. The bill changes the period of time after which juveniles adjudicated delinquent can petition to be removed from the sex offender registry for a clean record from 25 years to 15 years, and provides that juveniles do not need to be included on a publicly viewed sex offender registry. Instead, it is sufficient for juveniles to be included on registries that are only viewed by law enforcement entities. The bill, as amended by the Judiciary Committee, also reauthorizes grants for the treatment of juvenile sex offenders. I believe these provisions strike an appropriate balance between being tough on juveniles who commit serious sex crimes but understanding that there can be differences between adult and juvenile offenders.

The Adam Walsh Act has already been a public safety success. To date, the Justice Department has deemed 50 jurisdictions substantially compliant with the SORNA requirements, with two Indian tribes meeting this goal in just the 2 weeks since the Judiciary Committee considered H.R. 3796 at markup.

I urge my colleagues to support this bill.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3796, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

RECODIFICATION OF EXISTING LAWS RELATED TO NATIONAL PARK SERVICE

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1950) to enact title 54, United States Code, ''National Park System'', as positive law, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1950

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

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 2. PURPOSE; CONFORMITY WITH ORIGINAL INTENT.

(a) PURPOSE.—The purpose of this Act is to codify certain existing laws relating to the National Park System as title 54, United States Code, ''National Park Service and Related Programs''.

(b) CONFORMITY WITH ORIGINAL INTENT.—In the codification of laws by this Act, the intent is to conform to the understood policy, intent, and purpose of Congress in the original enactments, with such amendments and corrections as will remove ambiguities, contradictions, and other imperfections, in accordance with section 205(c)(1) of House Resolution No. 988, 93d Congress, as enacted into law by Public Law 93–554 (2 U.S.C. 285b(1)).

SEC. 3. ENACTMENT OF TITLE 54, UNITED STATES CODE.

Title 54, United States Code, ''National Park Service and Related Programs'', is enacted as follows:

TITLE 54—NATIONAL PARK SERVICE AND RELATED PROGRAMS

Subtitle I—National Park System

Division A—Establishment and General Administration

Chapter 1001—General Provisions

§ 100101. Promotion and regulation

(a) IN GENERAL.—The Secretary, acting through the Director of the National Park Service, shall promote and regulate the use of the National Park System by means and measures that conform to the fundamental purpose of the System units, which purpose is to conserve the scenery, natural and historic objects, and wild life in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

(b) DECLARATIONS.—

(1) 1970 DECLARATIONS.—Congress declares that—

(A) the National Park System, which began with establishment of Yellowstone National Park in 1872, has since grown to include superlative natural, historic, and recreation areas in every major region of the United States and its territories and possessions;

(B) these areas, though distinct in character, are united through their interrelated purposes and resources into one National Park System as cumulative expressions of a single national heritage;

(C) individually and collectively, these areas derive increased national dignity and recognition of their superb environmental quality through their inclusion jointly with each other in one System preserved and managed for the benefit and inspiration of all the people of the United States; and

(D) it is the purpose of this division to include all these areas in the System and to clarify the authorities applicable to the System.

(2) 1978 REAFFIRMATION.—Congress reaffirms, declares, and directs that the promotion and regulation of the various System units shall be consistent with and founded in the purpose established by subsection (a), to the common benefit of all the people of the United States. The authorization of activities shall be construed and the protection, management, and administration of the System units shall be conducted in light of the high public value and integrity of the System and shall not be exercised in derogation of the values and purposes for which the System units have been established, except as directly and specifically provided by Congress.

§ 100102. Definitions

In this title:

(1) DIRECTOR.—The term ''Director'' means the Director of the National Park Service.

(2) NATIONAL PARK SYSTEM.—The term ''National Park System'' means the areas of land and water described in section 100501 of this title.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) SERVICE.—The term ''Service'' means the National Park Service.

(5) SYSTEM.—The term ''System'' means the National Park System.

(6) SYSTEM UNIT.—The term ''System unit'' means one of the areas described in section 100501 of this title.

Chapter 1003—Establishment, Directors, and Other Employees

§ 100301. Establishment

There is in the Department of the Interior a service called the National Park Service.

§ 100302. Directors and other employees

(a) DIRECTOR.—

(1) APPOINTMENT.—The Service shall be under the charge of a director who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) QUALIFICATIONS.—The Director shall have substantial experience and demonstrated competence in land management and natural or cultural resource conservation.

(3) AUTHORITY.—Under the direction of the Secretary, the Director shall have the supervision, management, and control of System units. In the supervision, management, and control of System units contiguous to national forests the Secretary of Agriculture may cooperate with the Service to such extent as may be requested by the Secretary.

(b) DEPUTY DIRECTORS.—The Director shall select 2 Deputy Directors. One Deputy Director shall have responsibility for Service operations, and the other Deputy Director shall have responsibility for other programs assigned to the Service.

(c) OTHER EMPLOYEES.—The Service shall have such subordinate officers and employees as may be appropriated for by Congress.

§ 100303. Effect on other laws

This chapter and sections 100101(a), 100751(a), 100752, 100753, and 102101 of this title do not affect or modify section 100902(a) of this title.

Chapter 1005—Areas of National Park System

§ 100501. Areas included in System

The System shall include any area of land and water administered by the Secretary, acting through the Director, for park, monument, historic, parkway, recreational, or other purposes.

§ 100502. General management plans

General management plans for the preservation and use of each System unit, including areas within the national capital area, shall be prepared and revised in a timely manner by the Director. On January 1 of each year, the Secretary shall submit to Congress a list indicating the current status of completion or revision of general management plans for each System unit. General management plans for each System unit shall include—

(1) measures for the preservation of the area's resources;

(2) indications of types and general intensities of development (including visitor circulation and transportation patterns, systems, and modes) associated with public enjoyment and use of the area, including general locations, timing of implementation, and anticipated costs;

(3) identification of and implementation commitments for visitor carrying capacities for all areas of the System unit; and

(4) indications of potential modifications to the external boundaries of the System unit, and the reasons for the modifications.

§ 100503. Five-year strategic plans

(a) STRATEGIC AND PERFORMANCE PLANS.—Each System unit shall prepare and make available to the public a 5-year strategic plan and an annual performance plan. The plans shall reflect the Service policies, goals, and outcomes represented in the Service-wide strategic plan prepared pursuant to section 306 of title 5.

(b) ANNUAL BUDGET.—

(1) IN GENERAL.—As a part of the annual performance plan for a System unit prepared pursuant to subsection (a), following receipt of the appropriation for the unit from the Operations of the National Park System account (but not later than January 1 of each year), the superintendent of the System unit shall develop and make available to the public the budget for the current fiscal year for that System unit.

(2) CONTENTS.—The budget shall include—

(A) funding allocations for resource preservation (including resource management), visitor services (including maintenance, interpretation, law enforcement, and search and rescue), and administration; and

(B) allocations into each of the categories in subparagraph (A) of all funds retained from fees collected for that year, including special use permits, concession franchise fees, and recreation use and entrance fees.

§ 100504. Study and planning of park, parkway, and recreational-area facilities

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection, the term ''State'' means a State, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

(2) STUDY.—The Secretary shall cause the Service to make a comprehensive study, other than on land under the jurisdiction of the Secretary of Agriculture, of the public park, parkway, and recreational area programs of the United States, States, and political subdivisions of States and of areas of land throughout the United States that are or may be chiefly valuable as public park, parkway, or recreational areas. A study shall not be made in any State without the consent and approval of the State officials, boards, or departments having jurisdiction over the land. The study shall be such as, in the judgment of the Secretary, will provide data helpful in developing a plan for coordinated and adequate public park, parkway, and recreational-area facilities for the people of the United States.

(3) COOPERATION AND AGREEMENTS WITH OTHER ENTITIES.—In making the study and to accomplish the purposes of this section, the Secretary, acting through the Director—

(A) shall seek and accept the cooperation and assistance of Federal departments or agencies having jurisdiction of land belonging to the United States; and

(B) may cooperate and make agreements with and seek and accept the assistance of—

(i) other Federal agencies and instrumentalities; and

(ii) States, political subdivisions of States, and agencies and instrumentalities of either of them.

(4) STATE PLANNING.—For the purpose of developing coordinated and adequate public park, parkway, and recreational-area facilities for the people of the United States, the Secretary may aid States and political subdivisions of States in planning public park, parkway, and recreational areas and in cooperating with one another to accomplish these ends. Aid shall be made available through the Service acting in cooperation with such State agencies or agencies of political subdivisions of States as the Secretary considers best.

(b) CONSENT OF CONGRESS TO AGREEMENTS BETWEEN STATES.—The consent of Congress is given to any 2 or more States to negotiate and enter into compacts or agreements with one another with reference to planning, establishing, developing, improving, and maintaining any park, parkway, or recreational area. No compact or agreement shall be effective until approved by the legislatures of the States that are parties to the compact or agreement and by Congress.

§ 100505. Periodic review of System

(a) AUTHORITY OF SECRETARY TO CONDUCT REVIEW.—The Secretary shall conduct a systematic and comprehensive review of certain aspects of the System and on a periodic basis (but not less often than every 3 years) submit to the Committee on Natural Resources and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate a report on the findings of the review, together with recommendations as the Secretary determines to be necessary.

(b) CONSULTATION.—In conducting and preparing the report, the Secretary shall consult with appropriate officials of affected Federal, State, and local agencies and national, regional, and local organizations. The consultation shall include holding public hearings that the Secretary determines to be appropriate to provide a full opportunity for public comment.

(c) CONTENTS OF REPORT.—The report shall contain the following:

(1) A comprehensive listing of all authorized but unacquired parcels of land within the exterior boundaries of each System unit as of November 28, 1990.

(2) A priority listing of all those unacquired parcels by System unit and for the System as a whole. The list shall describe the acreage and ownership of each parcel, the estimated cost of acquisition for each parcel (subject to any statutory acquisition limitations for the land), and the basis for the estimate.

(3) An analysis and evaluation of the current and future needs of each System unit for resource management, interpretation, construction, operation and maintenance, personnel, and housing, together with an estimate of the costs.

§ 100506. Boundary changes to System units

(a) CRITERIA FOR EVALUATION.—The Secretary shall maintain criteria to evaluate any proposed changes to the boundaries of System units, including—

(1) analysis of whether or not an existing boundary provides for the adequate protection and preservation of the natural, historic, cultural, scenic and recreational resources integral to the System unit;

(2) an evaluation of each parcel proposed for addition or deletion to a System unit based on the analysis under paragraph (1); and

(3) an assessment of the impact of potential boundary adjustments taking into consideration the factors in section 100505(c)(3) of this title and the effect of the adjustments on the local communities and surrounding area.

(b) PROPOSAL OF SECRETARY.—In proposing a boundary change to a System unit, the Secretary shall—

(1) consult with affected agencies of State and local governments, surrounding communities, affected landowners, and private national, regional, and local organizations;

(2) apply the criteria developed pursuant to subsection (a) and accompany the proposal with a statement reflecting the results of the application of the criteria; and

(3) include with the proposal an estimate of the cost for acquiring any parcels proposed for acquisition, the basis for the estimate, and a statement on the relative priority for the acquisition of each parcel within the priorities for acquisition of other parcels for the System unit and for the System.

(c) MINOR BOUNDARY CHANGES.—

(1) IN GENERAL.—When the Secretary determines that to do so will contribute to, and is necessary for, the proper preservation, protection, interpretation, or management of a System unit, the Secretary may, following timely notice in writing to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate of the Secretary's intention to do so, and by publication of a revised boundary map or other description in the Federal Register—

(A) make minor changes to the boundary of the System unit, and amounts appropriated from the Fund shall be available for acquisition of any land, water, and interests in land or water added to the System unit by the boundary change subject to such statutory limitations, if any, on methods of acquisition and appropriations thereof as may be specifically applicable to the System unit; and

(B) acquire by donation, purchase with donated funds, transfer from any other Federal agency, or exchange, land, water, or interests in land or water adjacent to the System unit, except that in exercising the Secretary's authority under this subparagraph the Secretary—

(i) shall not alienate property administered as part of the System to acquire land by exchange;

(ii) shall not acquire property without the consent of the owner; and

(iii) may acquire property owned by a State or political subdivision of a State only by donation.

(2) CONSULTATION.—Prior to making a determination under this subsection, the Secretary shall consult with the governing body of the county, city, town, or other jurisdiction or jurisdictions having primary taxing authority over the land or interest to be acquired as to the impacts of the proposed action.

(3) ACTION TO ADVANCE LOCAL PUBLIC AWARENESS.—The Secretary shall take such steps as the Secretary considers appropriate to advance local public awareness of the proposed action.

(4) ADMINISTRATION OF ACQUISITIONS.—Land, water, and interests in land or water acquired in accordance with this subsection shall be administered as part of the System unit to which they are added, subject to the laws and regulations applicable to the System unit.

(5) WHEN AUTHORITY APPLIES.—For the purposes of paragraph (1)(A), in all cases except the case of technical boundary changes (resulting from such causes as survey error or changed road alignments), the authority of the Secretary under paragraph (1)(A) shall apply only if each of the following conditions is met:

(A) The sum of the total acreage of the land, water, and interests in land or water to be added to the System unit and the total acreage of the land, water, and interests in land or water to be deleted from the System unit is not more than 5 percent of the total Federal acreage authorized to be included in the System unit and is less than 200 acres.

(B) The acquisition, if any, is not a major Federal action significantly affecting the quality of the human environment, as determined by the Secretary.

(C) The sum of the total appraised value of the land, water, and interests in land or water to be added to the System unit and the total appraised value of the land, water, and interests in land or water to be deleted from the System unit does not exceed $750,000.

(D) The proposed boundary change is not an element of a more comprehensive boundary change proposal.

(E) The proposed boundary has been subject to a public review and comment period.

(F) The Director obtains written consent for the boundary change from all property owners whose land, water, or interests in land or water, or a portion of whose land, water, or interests in land or water, will be added to or deleted from the System unit by the boundary change.

(G) The land abuts other Federal land administered by the Director.

(6) ACT OF CONGRESS REQUIRED.—Minor boundary changes involving only deletions of acreage owned by the Federal Government and administered by the Service may be made only by Act of Congress.

§ 100507. Additional areas for System

(a) MONITORING AREAS FOR INCLUSION IN SYSTEM.—The Secretary shall investigate, study, and continually monitor the welfare of areas whose resources exhibit qualities of national significance and that may have potential for inclusion in the System.

(b) SUBMISSION OF LIST OF AREAS RECOMMENDED FOR STUDY FOR POTENTIAL INCLUSION.—

(1) WHEN LIST IS TO BE SUBMITTED.—At the beginning of each calendar year, with the annual budget submission, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a list of areas recommended for study for potential inclusion in the System.

(2) FACTORS TO BE CONSIDERED.—In developing the list to be submitted under this subsection, the Secretary shall consider—

(A) the areas that have the greatest potential to meet the established criteria of national significance, suitability, and feasibility;

(B) themes, sites, and resources not already adequately represented in the System; and

(C) public petitions and Congressional resolutions.

(3) ACCOMPANYING SYNOPSIS.—Accompanying the annual listing of areas shall be a synopsis, for each report previously submitted, of the current and changed condition of the resource integrity of the area and other relevant factors, compiled as a result of continual periodic monitoring and embracing the period since the previous submission or initial report submission one year earlier.

(4) CONGRESSIONAL AUTHORIZATION REQUIRED.—No study of the potential of an area for inclusion in the System may be initiated except as provided by specific authorization of an Act of Congress.

(5) AUTHORITY TO CONDUCT CERTAIN ACTIVITIES NOT LIMITED.—This section and sections 100901(b), 101702(b) and (c), and 102102 of this title do not limit the authority of the Service to conduct preliminary resource assessments, gather data on potential study areas, provide technical and planning assistance, prepare or process nominations for administrative designations, update previous studies, or complete reconnaissance surveys of individual areas requiring a total expenditure of less than $25,000.

(6) STUDY OF RIVERS OR TRAILS NOT AFFECTED.—This section does not apply to or affect or alter the study of—

(A) any river segment for potential addition to the national wild and scenic rivers system; or

(B) any trail for potential addition to the national trails system.

(c) STUDY OF AREAS FOR POTENTIAL INCLUSION.—

(1) STUDY TO BE COMPLETED WITHIN 3 YEARS.—The Secretary shall complete the study for each area for potential inclusion in the System within 3 complete fiscal years following the date on which funds are first made available for that purpose.

(2) OPPORTUNITY FOR PUBLIC INVOLVEMENT REQUIRED.—Each study under this section shall be prepared with appropriate opportunity for public involvement, including at least one public meeting in the vicinity of the area under study, and after reasonable efforts to notify potentially affected landowners and State and local governments.

(3) CONSIDERATIONS.—In conducting the study, the Secretary shall consider whether the area under study—

(A) possesses nationally significant natural or cultural resources and represents one of the most important examples of a particular resource type in the country; and

(B) is a suitable and feasible addition to the System.

(4) SCOPE OF STUDY.—Each study—

(A) with regard to the area being studied, shall consider—

(i) the rarity and integrity of the resources;

(ii) the threats to those resources;

(iii) whether similar resources are already protected in the System or in other public or private ownership;

(iv) the public use potential;

(v) the interpretive and educational potential;

(vi) costs associated with acquisition, development, and operation;

(vii) the socioeconomic impacts of any designation;

(viii) the level of local and general public support; and

(ix) whether the area is of appropriate configuration to ensure long-term resource protection and visitor use;

(B) shall consider whether direct Service management or alternative protection by other public agencies or the private sector is appropriate for the area;

(C) shall identify what alternative or combination of alternatives would in the professional judgment of the Director be most effective and efficient in protecting significant resources and providing for public enjoyment; and

(D) may include any other information that the Secretary considers to be relevant.

(5) COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—Each study shall be completed in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(6) RECOMMENDATION OF PREFERRED MANAGEMENT OPTION.—The letter transmitting each completed study to Congress shall contain a recommendation regarding the Secretary's preferred management option for the area.

(d) LIST OF AREAS PREVIOUSLY STUDIED.—

(1) SUBMISSION OF LIST.—At the beginning of each calendar year, with the annual budget submission, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, in numerical order of priority for addition to the System—

(A) a list of areas that have been previously studied that contain primarily historical resources; and

(B) a list of areas that have been previously studied that contain primarily natural resources.

(2) CONSIDERATIONS.—In developing the lists, the Secretary should consider threats to resource values, cost escalation factors, and other factors listed in subsection (c).

(3) AREAS ELIGIBLE FOR INCLUSION.—The Secretary should include on the lists only areas for which the supporting data are current and accurate.

(e) LIST OF AREAS THAT EXHIBIT DANGER OR THREATS TO THE INTEGRITY OF THEIR RESOURCES.—At the beginning of each fiscal year, the Secretary shall submit to the Speaker of the House of Representatives and the President of the Senate a complete and current list of all areas listed on the Registry of Natural Landmarks, and areas of national significance listed on the National Register of Historic places, that exhibit known or anticipated damage or threats to the integrity of their resources, with notations as to the nature and severity of the damage or threats.

(f) REPORTS AND LISTINGS PRINTED AS HOUSE DOCUMENTS.—Each report and annual listing described in this section shall be printed as a House document. If adequate supplies of previously printed identical reports remain available, newly submitted identical reports shall be omitted from printing on receipt by the Speaker of the House of Representatives of a joint letter from the chairman of the Committee on Natural Resources of the House of Representatives and the chairman of the Committee on Energy and Natural Resources of Senate indicating that to be the case.

(g) DESIGNATION OF OFFICE.—The Secretary shall designate a single office to prepare all new area studies and to implement other functions under this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) STUDIES OF POTENTIAL NEW SYSTEM UNITS AND MONITORING THE WELFARE OF SYSTEM UNIT RESOURCES.—To carry out studies for potential new System units and for monitoring the welfare of historical and natural resources referred to in subparagraphs (A) and (B) of subsection (d)(1), there is authorized to be appropriated not more than $1,000,000 for each fiscal year.

(2) MONITORING WELFARE AND INTEGRITY OF NATIONAL LANDMARKS.—To monitor the welfare and integrity of the national landmarks, there is authorized to be appropriated not more than $1,500,000 for each fiscal year.

(3) CARRYING OUT SUBSECTIONS (b), (c), and (g).—To carry out subsections (b), (c), and (g), there is authorized to be appropriated $2,000,000 for each fiscal year.

Chapter 1007—Resource Management

Subchapter I—System Resource Inventory and Management

§ 100701. Protection, interpretation, and research in System

Recognizing the ever increasing societal pressures being placed upon America's unique natural and cultural resources contained in the System, the Secretary shall continually improve the ability of the Service to provide state-of-the-art management, protection, and interpretation of, and research on, the resources of the System.

§ 100702. Research mandate

The Secretary shall ensure that management of System units is enhanced by the availability and utilization of a broad program of the highest quality science and information.

§ 100703. Cooperative study units

The Secretary shall enter into cooperative agreements with colleges and universities, including land grant schools, in partnership with other Federal and State agencies, to establish cooperative study units to conduct multi-disciplinary research and develop integrated information products on the resources of the System, or the larger region of which System units are a part.

§ 100704. Inventory and monitoring program

The Secretary shall undertake a program of inventory and monitoring of System resources to establish baseline information and to provide information on the long-term trends in the condition of System resources. The monitoring program shall be developed in cooperation with other Federal monitoring and information collection efforts to ensure a cost-effective approach.

§ 100705. Availability of System units for scientific study

(a) IN GENERAL.—The Secretary may solicit, receive, and consider requests from Federal or non-Federal public or private agencies, organizations, individuals, or other entities for the use of any System unit for purposes of scientific study.

(b) CRITERIA.—A request for use of a System unit under subsection (a) may be approved only if the Secretary determines that the proposed study—

(1) is consistent with applicable laws and Service management policies; and

(2) will be conducted in a manner that poses no threat to the System unit resources or public enjoyment derived from System unit resources.

(c) FEE WAIVER.—The Secretary may waive any System unit admission or recreational use fee in order to facilitate the conduct of scientific study under this section.

(d) BENEFIT-SHARING ARRANGEMENTS.—The Secretary may negotiate for and enter into equitable, efficient benefit-sharing arrangements with the research community and private industry.

§ 100706. Integration of study results into management decisions

The Secretary shall take such measures as are necessary to ensure the full and proper utilization of the results of scientific study for System unit management decisions. In each case in which an action undertaken by the Service may cause a significant adverse effect on a System unit resource, the administrative record shall reflect the manner in which System unit resource studies have been considered. The trend in the condition of resources of the System shall be a significant factor in the annual performance evaluation of each superintendent of a System unit.

§ 100707. Confidentiality of information

Information concerning the nature and specific location of a System resource that is endangered, threatened, rare, or commercially valuable, of mineral or paleontological objects within System units, or of objects of cultural patrimony within System units, may be withheld from the public in response to a request under section 552 of title 5 unless the Secretary determines that—

(1) disclosure of the information would further the purposes of the System unit in which the resource or object is located and would not create an unreasonable risk of harm, theft, or destruction of the resource or object, including individual organic or inorganic specimens; and

(2) disclosure is consistent with other laws protecting the resource or object.

Subchapter II—System Unit Resource Protection

§ 100721. Definitions

In this subchapter:

(1) DAMAGES.—The term ''damages'' includes—

(A) compensation for—

(i)(I) the cost of replacing, restoring, or acquiring the equivalent of a System unit resource; and

(II) the value of any significant loss of use of a System unit resource pending its restoration or replacement or the acquisition of an equivalent resource; or

(ii) the value of the System unit resource if the System unit resource cannot be replaced or restored; and

(B) the cost of a damage assessment under section 100723(b) of this title.

(2) RESPONSE COSTS.—The term ''response costs'' means the costs of actions taken by the Secretary to—

(A) prevent or minimize destruction or loss of or injury to a System unit resource;

(B) abate or minimize the imminent risk of the destruction, loss, or injury; or

(C) monitor ongoing effects of incidents causing the destruction, loss, or injury.

(3) SYSTEM UNIT RESOURCE.—

(A) IN GENERAL.—The term ''System unit resource'' means any living or non-living resource that is located within the boundaries of a System unit.

(B) EXCLUSION.—The term ''System unit resource'' does not include a resource owned by a non-Federal entity.

§ 100722. Liability

(a) IN GENERAL.—Subject to subsection (c), any person that destroys, causes the loss of, or injures any System unit resource is liable to the United States for response costs and damages resulting from the destruction, loss, or injury.

(b) LIABILITY IN REM.—Any instrumentality, including a vessel, vehicle, aircraft, or other equipment, that destroys, causes the loss of, or injures any System unit resource shall be liable in rem to the United States for response costs and damages resulting from the destruction, loss, or injury to the same extent as a person is liable under subsection (a).

(c) DEFENSES.—A person is not liable under this section if the person establishes that—

(1) the destruction, loss of, or injury to the System unit resource was caused solely by an act of God or an act of war;

(2) the person acted with due care, and the destruction, loss of, or injury to the System unit resource was caused solely by an act or omission of a 3d party, other than an employee or agent of the person; or

(3) the destruction, loss, or injury to the System unit resource was caused by an activity authorized by Federal or State law.

(d) SCOPE.—Liability under this section is in addition to any other liability that may arise under Federal or State law.

§ 100723. Actions

(a) CIVIL ACTION FOR RESPONSE COSTS AND DAMAGES.—The Attorney General, on request of the Secretary after a finding by the Secretary of destruction, loss, or injury to a System unit resource or a finding that absent the undertaking of a response action, destruction, loss, or injury to a System unit resource would have occurred, may bring a civil action in United States district court against any person or instrumentality that may be liable under section 100722 of this title for response costs and damages. The Secretary shall submit a request for the civil action to the Attorney General whenever a person may be liable or an instrumentality may be liable in rem for those costs and damages under section 100722 of this title.

(b) RESPONSE ACTIONS AND ASSESSMENT OF DESTRUCTION, LOSS, OR INJURY.—

(1) ACTIONS TO PREVENT OR MINIMIZE DESTRUCTION, LOSS, OR INJURY.—The Secretary shall undertake all necessary actions to—

(A) prevent or minimize the destruction, loss of, or injury to System unit resources; or

(B) minimize the imminent risk of destruction, loss, or injury to System unit resources.

(2) ASSESSMENT AND MONITORING.—The Secretary shall assess and monitor destruction, loss, or injury to System unit resources.

§ 100724. Use of recovered amounts

(a) LIMITATION ON USE.—Response costs and damages recovered by the Secretary under this subchapter or amounts recovered by the Federal Government under any Federal, State, or local law or regulation or otherwise as a result of destruction, loss of, or injury to any System unit resource shall be available to the Secretary and without further Congressional action may be used only as follows:

(1) REIMBURSEMENT.—To reimburse response costs and damage assessments by the Secretary or other Federal agencies as the Secretary considers appropriate.

(2) RESTORATION AND REPLACEMENT.—To restore, replace, or acquire the equivalent of System unit resources that were the subject of the action and to monitor and study those System unit resources. The funds may not be used to acquire any land or water, interest in land or water, or right to land or water unless the acquisition is specifically approved in advance in appropriations Acts. The acquisition shall be subject to any limitations contained in the legislation establishing the System unit.

(b) EXCESS AMOUNTS.—Any amounts remaining after expenditures pursuant to paragraphs (1) and (2) of subsection (a) shall be deposited in the Treasury.

§ 100725. Donations

The Secretary may accept donations of money or services for expenditure or employment to meet expected, immediate, or ongoing response costs. The donations may be expended or employed at any time after their acceptance, without further Congressional action.

Subchapter III—Mining Activity Within System Units

§ 100731. Findings and declaration

Congress finds and declares that—

(1) the level of technology of mineral exploration and development has changed radically, and continued application of the mining laws of the United States to System units to which the mining laws apply conflicts with the purposes for which the System units were established; and

(2) all mining operations in System units should be conducted so as to prevent or minimize damage to the environment and other resource values.

§ 100732. Preservation and management of System units by Secretary; promulgation of regulations

To preserve for the benefit of present and future generations the pristine beauty of System units, and to further the purposes of section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of this title and the individual organic Acts for the System units, all activities resulting from the exercise of mineral rights on patented or unpatented mining claims within any System unit shall be subject to such regulations prescribed by the Secretary as the Secretary considers necessary or desirable for the preservation and management of the System units.

§ 100733. Recordation of mining claims; publication of notice

All mining claims under the Mining Law of 1872 (30 U.S.C. chapter 2, sections 161 and 162, and chapters 12A and 16) that lie within the boundaries of System units in existence on September 28, 1976, that were not recorded with the Secretary within one year after September 28, 1976, shall be conclusively presumed to be abandoned and shall be void. The recordation does not render valid any claim that was not valid on September 28, 1976, or that becomes invalid after that date.

§ 100734. Report on finding or notification of potential damage to natural and historical landmarks

When the Secretary finds on the Secretary's own motion or on being notified in writing by an appropriate scientific, historical, or archeological authority that a district, site, building, structure, or object that has been found to be nationally significant in illustrating natural history or the history of the United States and that has been designated as a natural or historic landmark may be irreparably lost or destroyed in whole or in part by any surface mining activity, including exploration for or removal or production of minerals or materials, the Secretary shall notify the person conducting the activity and submit a report on the findings or notification, including the basis for the Secretary's finding that the activity may cause irreparable loss or destruction of a national landmark, to the Advisory Council on Historic Preservation, with a request for advice of the Council as to alternative measures that may be taken by the United States to mitigate or abate the activity.

§ 100735. Civil actions for just compensation by mining claim holders

The holder of any patented or unpatented mining claim subject to this subchapter that believes the holder has suffered a loss by operation of this subchapter, or by orders or regulations issued pursuant to this subchapter, may bring a civil action in United States district court to recover just compensation, which shall be awarded if the court finds that the loss constitutes a taking of property compensable under the Constitution.

§ 100736. Acquisition of land by Secretary

Nothing in this subchapter shall be construed to limit the authority of the Secretary to acquire land and interests in land within the boundary of any System unit. The Secretary shall give prompt and careful consideration to any offer made by the owner of any valid right or other property in Glacier Bay National Monument, Death Valley National Monument, Organ Pipe Cactus National Monument, or Mount McKinley National Park to sell the right or other property if the owner notifies the Secretary that the continued ownership of the right or property is causing, or would result in, undue hardship.

§ 100737. Financial disclosure by officer or employee of Secretary

(a) WRITTEN STATEMENTS.—Each officer or employee of the Secretary who—

(1) performs any function or duty under this subchapter, or any Act amended by the Mining in the Parks Act (Public Law 94–429, 90 Stat. 1342) concerning the regulation of mining in the System; and

(2) has any known financial interest—

(A) in any person subject to this subchapter or any Act amended by the Mining in the Parks Act (Public Law 94–429, 90 Stat. 1342); or

(B) in any person who holds a mining claim within the boundary of any System unit;
shall annually file with the Secretary a written statement concerning all such interests held by the officer or employee during the preceding calendar year. The statement shall be available to the public.

(b) MONITORING AND ENFORCEMENT PROCEDURES.—The Secretary shall—

(1) define the term ''known financial interest'' for purposes of subsection (a);

(2) establish the methods by which the requirement to file written statements specified in subsection (a) will be monitored and enforced, including appropriate provisions for the filing by the officers and employees of the statements and the review by the Secretary of the statements; and

(3) submit to Congress on June 1 of each year a report with respect to the disclosures and the actions taken in regard to the disclosures during the preceding calendar year.

(c) EXEMPTIONS.—In the rules prescribed under subsection (b), the Secretary may identify specific positions within the Department of the Interior that are of a nonregulatory or nonpolicymaking nature and provide that officers or employees occupying those positions shall be exempt from the requirements of this section.

(d) CRIMINAL PENALTIES.—Criminal penalties for a violation of this section are provided by section 1865 of title 18.

Subchapter IV—Administration

§ 100751. Regulations

(a) IN GENERAL.—The Secretary shall prescribe such regulations as the Secretary considers necessary or proper for the use and management of System units.

(b) BOATING AND OTHER ACTIVITIES ON OR RELATING TO WATER.—The Secretary, under such terms and conditions as the Secretary considers advisable, may prescribe regulations under subsection (a) concerning boating and other activities on or relating to water located within System units, including water subject to the jurisdiction of the United States. Any regulation under this subsection shall be complementary to, and not in derogation of, the authority of the Coast Guard to regulate the use of water subject to the jurisdiction of the United States.

(c) CRIMINAL PENALTIES.—Criminal penalties for a violation of a regulation prescribed under this section are provided by section 1865 of title 18.

§ 100752. Destruction of animals and plant life

The Secretary may provide for the destruction of such animals and plant life as may be detrimental to the use of any System unit.

§ 100753. Disposal of timber

The Secretary, on terms and conditions to be fixed by the Secretary, may sell or dispose of timber in cases where, in the judgment of the Secretary, the cutting of timber is required to control attacks of insects or diseases or otherwise conserve the scenery or the natural or historic objects in any System unit.

§ 100754. Relinquishment of legislative jurisdiction

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may relinquish to a State or a territory (including a possession) of the United States part of the legislative jurisdiction of the United States over System land or interests in land in that State or territory. Relinquishment may be accomplished—

(1) by filing with the chief executive official of the State or territory a notice of relinquishment to take effect on acceptance; or

(2) as the laws of the State or territory may otherwise provide.

(b) SUBMISSION OF AGREEMENT TO CONGRESS.—Prior to consummating a relinquishment under subsection (a), the Secretary shall submit the proposed agreement to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives. The Secretary shall not finalize the agreement until 60 calendar days after the submission has elapsed.

(c) CONCURRENT LEGISLATIVE JURISDICTION.—The Secretary shall diligently pursue the consummation of arrangements with each State or territory within which a System unit is located so that insofar as practicable the United States shall exercise concurrent legislative jurisdiction within System units.

§ 100755. Applicability of other laws

(a) IN GENERAL.—This section and sections 100501, 100901(d) to (h), 101302(b)(2), 101901(c), and 102711 of this title, and the various authorities relating to the administration and protection of System units, including the provisions of law listed in subsection (b), shall, to the extent that those provisions are not in conflict with any such specific provision, be applicable to System units, and any reference in any of these provisions to a System unit does not limit those provisions to that System unit.

(b) APPLICABLE PROVISIONS.—The provisions of law referred to in subsection (a) are—

(1) section 100101(a), chapter 1003, sections 100751(a), 100752, 100753, 101101, 101102, 101511, 102101, 102712, 102901, 104905, and 104906, and chapter 2003 of this title;

(2) the Act of March 4, 1911 (43 U.S.C. 961); and

(3) chapter 3201 of this title.

Chapter 1009—Administration

§ 100901. Authority of Secretary to carry out certain activities

(a) IN GENERAL.—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary may consider advisable, may carry out the activities described in this section.

(b) SERVICES, RESOURCES, OR WATER CONTRACTS.—The Secretary may enter into contracts that provide for the sale or lease to persons, States, or political subdivisions of States, of services, resources, or water available within a System unit, as long as the activity does not jeopardize or unduly interfere with the primary natural or historic resource of the System unit, if the person, State, or political subdivision—

(1) provides public accommodations or services within the immediate vicinity of the System unit to individuals visiting the System unit; and

(2) demonstrates to the Secretary that there are no reasonable alternatives by which to acquire or perform the necessary services, resources, or water.

(c) VEHICULAR AIR CONDITIONING.—The Secretary may acquire, and have installed, air conditioning units for any Government-owned passenger motor vehicles used by the Service, where assigned duties necessitate long periods in automobiles or in regions of the United States where high temperatures and humidity are common and prolonged.

(d) UTILITY FACILITIES.—The Secretary may erect and maintain fire protection facilities, water lines, telephone lines, electric lines, and other utility facilities adjacent to any System unit, where necessary, to provide service in the System unit.

(e) SUPPLIES AND RENTAL OF EQUIPMENT.—The Secretary may furnish, on a reimbursement of appropriation basis, supplies, and rent equipment, to persons and agencies that, in cooperation with and subject to the approval of the Secretary, render services or perform functions that facilitate or supplement the activities of the Department of the Interior in the administration of the System. The reimbursements may be credited to the appropriation current at the time reimbursements are received.

(f) CONTRACTS FOR UTILITY FACILITIES.—The Secretary may contract, under terms and conditions that the Secretary considers to be in the interest of the Federal Government, for the sale, operation, maintenance, repair, or relocation of Government-owned electric and telephone lines and other utility facilities used for the administration and protection of the System, regardless of whether the lines and facilities are located within or outside the System.

(g) RIGHTS OF WAY NECESSARY TO CONSTRUCT, IMPROVE, AND MAINTAIN ROADS.—The Secretary may acquire—

(1) rights of way necessary to construct, improve, and maintain roads within the authorized boundaries of any System unit; and

(2) land and interests in land adjacent to the rights of way, when—

(A) considered necessary by the Secretary—

(i) to provide adequate protection of natural features; or

(ii) to avoid traffic and other hazards resulting from private road access connections; or

(B) the acquisition of adjacent residual tracts, which otherwise would remain after acquiring the rights of way, would be in the public interest.

(h) OPERATION AND MAINTENANCE OF MOTOR AND OTHER EQUIPMENT.—

(1) IN GENERAL.—The Secretary may operate, repair, maintain, and replace motor and other equipment on a reimbursable basis when the equipment is used on Federal projects of the System, chargeable to other appropriations, or on work of other Federal agencies, when requested by the agencies.

(2) REIMBURSEMENT.—Reimbursement shall be—

(A) made from appropriations applicable to the work on which the equipment is used at rental rates established by the Secretary, based on actual or estimated cost of operation, repair, maintenance, depreciation, and equipment management control; and

(B) credited to appropriations currently available at the time adjustment is effected.

(3) RENTAL OF EQUIPMENT FOR FIRE CONTROL PURPOSES.—The Secretary may rent equipment for fire control purposes to State, county, private, or other non-Federal agencies that cooperate with the Secretary in the administration of the System and other areas in fire control. The rental shall be under the terms of written cooperative agreements. The amount collected for the rentals shall be credited to appropriations currently available at the time payment is received.

§ 100902. Rights of way for public utilities and power and communication facilities

(a) PUBLIC UTILITIES.—

(1) IN GENERAL.—Under regulations the Secretary prescribes, the Secretary may grant a right of way through a System unit to a citizen, association, or corporation of the United States that intends to use the right of way for—

(A) electrical plants, poles, and lines for the generation and distribution of electrical power;

(B) telephone and telegraph purposes; and

(C) canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits and water plants, dams, and reservoirs used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses.

(2) EXTENT OF RIGHT OF WAY.—A right of way under this subsection shall be for—

(A) the ground occupied by the canals, ditches, flumes, tunnels, reservoirs, or other water conduits or water plants, or electrical or other works permitted under paragraph (1); and

(B) not more than 50 feet—

(i) on each side of the marginal limits of the ground; or

(ii) on each side of the center line of the pipes and pipe lines, electrical, telegraph, and telephone lines and poles.

(3) APPROVAL.—A right of way under this subsection shall be allowed within or through a System unit only on the approval of the Secretary and on a finding that the right of way is not incompatible with the public interest.

(4) REVOCATION.—The Secretary may revoke a right of way under this subsection.

(5) RIGHT, EASEMENT, OR INTEREST NOT CONFERRED.—A right of way under this subsection does not confer any right, easement, or interest in, to, or over a System unit.

(b) POWER AND COMMUNICATION FACILITIES.—

(1) IN GENERAL.—Under regulations the Secretary prescribes, the Secretary may grant a right of way over, across, and on through a System unit to a citizen, association, or corporation of the United States that intends to use the right of way for—

(A) electrical poles and lines for the transmission and distribution of electrical power;

(B) poles and lines for communication purposes; and

(C) radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities.

(2) EXTENT OF RIGHT OF WAY.—A right of way under this subsection—

(A) shall be for not more than 50 years from the date the right of way is granted; and

(B) for—

(i) lines and poles shall be for 200 feet on each side of the center line of the lines and poles; and

(ii) radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities shall be for not more than 400 feet by 400 feet.

(3) APPROVAL.—A right of way under this subsection shall be allowed within or through a System unit only on the approval of the Secretary and on a finding that the right of way is not incompatible with the public interest.

(4) FORFEITURE AND ANNULMENT.—The Secretary may forfeit and annul any part of a right of way under this subsection for—

(A) nonuse for a period of 2 years; or

(B) abandonment.

§ 100903. Solid waste disposal operations

(a) IN GENERAL—To protect the air, land, water, and natural and cultural values of the System and the property of the United States in the System, no solid waste disposal site (including any site for the disposal of domestic or industrial solid waste) may be operated within the boundary of any System unit, other than—

(1) a site that was operating as of September 1, 1984; or

(2) a site used only for disposal of waste generated within that System unit so long as the site will not degrade any of the natural or cultural resources of the System unit.

(b) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section, including reasonable regulations to mitigate the adverse effects of solid waste disposal sites in operation as of September 1, 1984, on property of the United States.

§ 100904. Admission and special recreation use fees

(a) SYSTEM UNITS AT WHICH ENTRANCE FEES OR ADMISSIONS FEES CANNOT BE COLLECTED.—

(1) WITHHOLDING OF AMOUNTS.—Notwithstanding section 107 of the Department of the Interior and Related Agencies Appropriations Act, 1998 (Public Law 105–83, 111 Stat. 1561), the Secretary shall withhold from the special account under section 807(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6806(a)) 100 percent of the fees and charges collected in connection with any System unit at which entrance fees or admission fees cannot be collected by reason of deed restrictions.

(2) USE OF AMOUNTS.—Amounts withheld under paragraph (1) shall be retained by the Secretary and shall be available, without further appropriation, for expenditure by the Secretary for the System unit with respect to which the amounts were collected for the purposes of enhancing the quality of the visitor experience, protection of resources, repair and maintenance, interpretation, signage, habitat or facility enhancement, resource preservation, annual operation (including fee collection), maintenance, and law enforcement.

(b) ALLOCATION OF FUNDS TO SYSTEM UNITS.—

(1) ALLOCATION OF FUNDS ON BASIS OF NEED.—Ten percent of the funds made available to the Director under subsection (a) in each fiscal year shall be allocated among System units on the basis of need in a manner to be determined by the Director.

(2) ALLOCATION OF FUNDS BASED ON EXPENSES AND BASED ON FEES COLLECTED.—

(A) IN GENERAL.—Forty percent of the funds made available to the Director under subsection (a) in each fiscal year shall be allocated among System units in accordance with subparagraph (B) of this subsection and 50 percent shall be allocated in accordance with subparagraph (C).

(B) ALLOCATION BASED ON EXPENSES.–The amount allocated to each System unit under this paragraph for each fiscal year based on expenses shall be a fraction of the total allocation to all System units under this paragraph. The fraction for each System unit shall be determined by dividing the operating expenses at that System unit during the prior fiscal year by the total operating expenses at all System units during the prior fiscal year.

(C) ALLOCATION BASED ON FEES COLLECTED.—The amount allocated to each System unit under this paragraph for each fiscal year based on fees collected shall be a fraction of the total allocation to all System units under this paragraph. The fraction for each System unit shall be determined by dividing the user fees and admission fees collected under this section at that System unit during the prior fiscal year by the total of user fees and admission fees collected under this section at all System units during the prior fiscal year.

(3) AVAILABILITY OF AMOUNTS.—Amounts allocated under this subsection to any System unit for any fiscal year and not expended in that fiscal year shall remain available for expenditure at that System unit until expended.

(c) SELLING OF PERMITS.—

(1) AUTHORITY TO SELL PERMITS.—When authorized by the Secretary, volunteers at System units may sell permits and collect fees authorized or established pursuant to this section. The Secretary shall ensure that the volunteers have adequate training regarding—

(A) the sale of permits and the collection of fees;

(B) the purposes and resources of the System units in which they are assigned; and

(C) the provision of assistance and information to visitors to the System unit.

(2) SURETY BOND REQUIRED.—The Secretary shall require a surety bond for any such volunteer performing services under this subsection. Funds available to the Service may be used to cover the cost of the surety bond. The Secretary may enter into arrangements with qualified public or private entities pursuant to which the entities may sell (without cost to the United States) annual admission permits (including Golden Eagle Passports) at any appropriate location. The arrangements shall require each such entity to reimburse the United States for the full amount to be received from the sale of the permits at or before the Secretary delivers the permits to the entity for sale.

(d) CHARGE FOR TRANSPORTATION PROVIDED BY SERVICE FOR VIEWING SYSTEM UNITS.—

(1) CHARGE WHEN TRANSPORTATION PROVIDED.—Where the Service provides transportation to view all or a portion of any System unit, the Director may impose a charge for the service in lieu of an admission fee under this section.

(2) RETENTION OF CHARGE AND USE OF RETAINED AMOUNT.—Notwithstanding any other provision of law, half of the charges imposed under paragraph (1) shall be retained by the System unit at which the service was provided. The remainder shall be deposited in the same manner as receipts from fees collected pursuant to this section. Fifty percent of the amount retained shall be expended only for maintenance of transportation systems at the System unit where the charge was imposed. The remaining 50 percent of the retained amount shall be expended only for activities related to resource protection at those System units.

(e) ADMISSION FEES.–Where the primary public access to a System unit is provided by a concessioner, the Secretary may charge an admission fee at the System unit only to the extent that the total of the fee charged by the concessioner for access to the System unit and the admission fee does not exceed the maximum amount of the admission fee thate could otherwise be imposed.

(f) COMMERCIAL TOUR USE FEES.—

(1) ESTABLISHMENT.—In the case of each System unit for which an admission fee is charged under this section, the Secretary shall establish a commercial tour use fee to be imposed on each vehicle entering the System unit for the purpose of providing commercial tour services within the System unit.

(2) AMOUNT.—The Secretary shall establish the amount of fee per entry as follows:

(A) Twenty-five dollars per vehicle with a passenger capacity of 25 individuals or less.

(B) Fifty dollars per vehicle with a passenger capacity of more than 25 individuals.

(3) ADJUSTMENTS.—The Secretary may periodically make reasonable adjustments to the commercial tour use fee imposed under this subsection.

(4) NONAPPLICABILITY.—The commercial tour use fee imposed under this subsection shall not apply to the following:

(A) Any vehicle transporting organized school groups or outings conducted for educational purposes by schools or other bona fide educational institutions.

(B) Any vehicle entering a System unit pursuant to a contract issued under subchapter II of chapter 1019 of this title.

(5) APPLICABILITY.—This subsection shall apply to aircraft entering the airspace of—

(A) Haleakalā Crater, Crater Cabins, the Scientific Research Reserve, Halemauu Trail, Kaupo Gap Trail, or any designated tourist viewpoint in Haleakalā National Park or of Grand Canyon National Park; or

(B) any other System unit for the specific purpose of providing commercial tour services if the Secretary determines that the level of the services is equal to or greater than the level at the System units specified in subparagraph (A).

§ 100905. Commercial filming

(a) COMMERCIAL FILMING FEE.—

(1) IN GENERAL.—The Secretary shall require a permit and shall establish a reasonable fee for commercial filming activities or similar projects in a System unit. The fee shall provide a fair return to the United States and shall be based on the following criteria:

(A) The number of days the filming activity or similar project takes place in the System unit.

(B) The size of the film crew present in the System unit.

(C) The amount and type of equipment present in the System unit.

(2) OTHER FACTORS.—The Secretary may include other factors in determining an appropriate fee as the Secretary considers necessary.

(b) RECOVERY OF COSTS.—The Secretary shall collect any costs incurred as a result of filming activities or similar projects, including administrative and personnel costs. All costs recovered shall be in addition to the fee assessed in subsection (a).

(c) STILL PHOTOGRAPHY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall not require a permit or assess a fee for still photography in a System unit if the photography takes place where members of the public are generally allowed. The Secretary may require a permit, assess a fee, or both, if the photography takes place at other locations where members of the public are generally not allowed, or where additional administrative costs are likely.

(2) EXCEPTION.—The Secretary shall require and shall establish a reasonable fee for still photography that uses models or props that are not a part of the site's natural or cultural resources or administrative facilities.

(d) PROTECTION OF RESOURCES.—The Secretary shall not permit any filming, still photography or other related activity if the Secretary determines that—

(1) there is a likelihood of resource damage;

(2) there would be an unreasonable disruption of the public's use and enjoyment of the site; or

(3) the activity poses health or safety risks to the public.

(e) USE OF PROCEEDS.—

(1) FEES.—All fees collected under this section shall be available for expenditure by the Secretary, without further appropriation and shall remain available until expended.

(2) COSTS.—All costs recovered under this section shall be available for expenditure by the Secretary, without further appropriation, at the site where the costs are collected and shall remain available until expended.

(f) PROCESSING OF PERMIT APPLICATIONS.—The Secretary shall establish a process to ensure that the Secretary responds in a timely manner to permit applicants for commercial filming, still photography, or other activity.

§ 100906. Advisory committees

(a) ESTABLISHMENT.—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary may consider advisable, may appoint and establish advisory committees in regard to the functions of the Service as the Secretary considers advisable.

(b) CHARTER EXCEPTION ON RENEWAL.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) is waived with respect to any advisory commission or advisory committee established by law in connection with any System unit during the period for which the commission or committee is authorized by law.

(c) SERVICE OF MEMBERS.—Any member of any advisory commission or advisory committee established in connection with any System unit may serve after the expiration of the member's term until a successor is appointed.

(d) COMPENSATION AND TRAVEL EXPENSES.—Members of an advisory committee established under subsection (a) shall receive no compensation for their services as such but shall be allowed necessary travel expenses as authorized by section 5703 of title 5.

Chapter 1011—Donations

Subchapter I—Authority of Secretary

§ 101101. Authority to accept land, rights-of-way, buildings, other property, and money

The Secretary in the administration of the Service may accept—

(1) patented land, rights-of-way over patented land or other land, buildings, or other property within a System unit; and

(2) money that may be donated for the purposes of the System.

§ 101102. Authority to accept and use funds to consolidate Federal land ownership

(a) IN GENERAL.—The Secretary may—

(1) accept and use funds that may be donated in order to consolidate Federal land ownership within the existing boundaries of any System unit; and

(2) encourage the donation of funds for that purpose, subject to the condition that donated funds are to be expended for purposes of this section only if Federal funds in an amount equal to the amount of the donated funds are appropriated for the purposes of this section.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year not more than $500,000 to match funds that are donated for those purposes.

Subchapter II—National Park Foundation

§ 101111. Purpose and establishment of Foundation

To encourage private gifts of real and personal property, or any income from, or other interest in, the property, for the benefit of, or in connection with, the Service, its activities, or its services, and thereby to further the conservation of natural, scenic, historic, scientific, educational, inspirational, or recreational resources for future generations of Americans, there is established a charitable and nonprofit corporation to be known as the National Park Foundation to accept and administer those gifts.

§ 101112. Board

(a) MEMBERSHIP.—The National Park Foundation shall consist of a Board having as members the Secretary, the Director, and no fewer than 6 private citizens of the United States appointed by the Secretary.

(b) TERM OF OFFICE AND VACANCIES.—The term of the private citizen members of the Board is 6 years. If a successor is chosen to fill a vacancy occurring prior to the expiration of a term, the successor shall be chosen only for the remainder of that term.

(c) CHAIRMAN AND SECRETARY.—The Secretary shall be the Chairman of the Board and the Director shall be the Secretary of the Board.

(d) BOARD MEMBERSHIP NOT AN OFFICE.—Membership on the Board shall not be an office within the meaning of the statutes of the United States.

(e) QUORUM.—A majority of the members of the Board serving at any time shall constitute a quorum for the transaction of business.

(f) SEAL.—The National Park Foundation shall have an official seal, which shall be judicially noticed.

(g) MEETINGS.—The Board shall meet at the call of the Chairman and there shall be at least one meeting each year.

(h) COMPENSATION AND REIMBURSEMENT.—No compensation shall be paid to the members of the Board for their services as members, but they shall be reimbursed for actual and necessary traveling and subsistence expenses incurred by them in the performance of their duties as members out of National Park Foundation funds available to the Board for those purposes.

§ 101113. Gifts, devises, or bequests

(a) AUTHORITY TO ACCEPT GIFTS, DEVISES, OR BEQUESTS.—

(1) IN GENERAL.—The National Park Foundation may accept, receive, solicit, hold, administer, and use any gifts, devises, or bequests, either absolutely or in trust of real or personal property, or any income from, or other interest in, the gift, devise, or bequest, for the benefit of, or in connection with, the Service, its activities, or its services.

(2) GIFT, DEVISE, OR BEQUEST THAT IS ENCUMBERED, RESTRICTED, OR SUBJECT TO BENEFICIAL INTERESTS.—A gift, devise, or bequest may be accepted by the National Park Foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest in the gift, devise, or bequest is for the benefit of the Service, its activities, or its services.

(b) WHEN GIFT, DEVISE, OR BEQUEST MAY NOT BE ACCEPTED.—The National Park Foundation may not accept any gift, devise, or bequest that entails any expenditure other than from the resources of the Foundation.

(c) INTEREST IN REAL PROPERTY.—For purposes of this section, an interest in real property includes easements or other rights for preservation, conservation, protection, or enhancement by and for the public of natural, scenic, historic, scientific, educational, inspirational, or recreational resources.

§ 101114. Disposition of property or income

(a) AUTHORITY TO DISPOSE OR DEAL WITH PROPERTY OR INCOME.—Except as otherwise required by the instrument of transfer, the National Park Foundation may sell, lease, invest, reinvest, retain, or otherwise dispose of or deal with any property or income from the property as the Board may determine.

(b) RESTRICTION.—The National Park Foundation shall not engage in any business or make any investment that may not lawfully be made by a trust company in the District of Columbia, except that the Foundation may make any investment authorized by the instrument of transfer, and may retain any property accepted by the Foundation.

(c) USE OF SERVICES AND FACILITIES OF THE DEPARTMENTS OF THE INTERIOR AND JUSTICE.—The National Park Foundation may utilize the services and facilities of the Department of the Interior and the Department of Justice, and the services and facilities may be made available on request to the extent practicable with or without reimbursement. Amounts reimbursed to either Department shall be returned by the Department to the account from which the funds for which the reimbursement is made were drawn and may, without further appropriation, be expended for any purpose for which the account is authorized.

§ 101115. Corporate succession and powers and duties acting as trustee; personal liability for malfeasance

(a) PERPETUAL SUCCESSION.—The National Park Foundation shall have perpetual succession.

(b) POWERS AND DUTIES OF TRUSTEE.—The National Park Foundation shall have all the usual powers and obligations of a corporation acting as a trustee, including the power to sue and to be sued in its own name.

(c) PERSONAL LIABILITY OF BOARD MEMBERS.—The members of the Board shall not be personally liable, except for malfeasance.

§ 101116. Corporate powers

The National Park Foundation shall have the power to enter into contracts, to execute instruments, and generally to do any and all lawful acts necessary or appropriate to its purposes.

§ 101117. Authority of Board

In carrying out this chapter, the Board may—

(1) adopt bylaws and regulations necessary for the administration of its functions; and

(2) contract for any necessary services.

§ 101118. Tax exemptions; contributions toward costs of local government; contributions, gifts, or transfers to or for use of United States

(a) TAX EXEMPTION.—The National Park Foundation and any income or property received or owned by it, and all transactions relating to that income or property, shall be exempt from all Federal, State, and local taxation.

(b) CONTRIBUTIONS IN LIEU OF TAXES.—The National Park Foundation may—

(1) contribute toward the costs of local government in amounts not in excess of those which it would be obligated to pay that government if it were not exempt from taxation by virtue of subsection (a) or by virtue of its being a charitable and nonprofit corporation; and

(2) agree to contribute with respect to property transferred to it and the income derived from the property if the agreement is a condition of the transfer.

(c) TRANSFERS DEEMED TO BE TO OR FOR THE USE OF UNITED STATES.—Contributions, gifts, and other transfers made to or for the use of the Foundation shall be deemed to be contributions, gifts, or transfers to or for the use of the United States.

§ 101119. Liability of United States

The United States shall not be liable for any debts, defaults, acts, or omissions of the National Park Foundation.

§ 101120. Promotion of local fundraising support

(a) PROGRAM.—The National Park Foundation shall design and implement a comprehensive program to assist and promote philanthropic programs of support at the individual System unit level.

(b) IMPLEMENTATION.—The program under subsection (a) shall be implemented to—

(1) assist in the creation of local nonprofit support organizations; and

(2) provide support, national consistency, and management-improving suggestions for local nonprofit support organizations.

(c) PROGRAM.—The program under subsection (a)—

(1) shall include the greatest number of System units as is practicable; and

(2) at a minimum shall include—

(A) a standard adaptable organizational design format to establish and sustain responsible management of a local nonprofit support organization for support of a System unit;

(B) standard and legally tenable bylaws and recommended money-handling procedures that can easily be adapted as applied to individual System units; and

(C) a standard training curriculum to orient and expand the operating expertise of personnel employed by local nonprofit support organizations.

(d) ANNUAL REPORT.—The National Park Foundation shall report the progress of the program under subsection (a) in the annual report of the Foundation.

(e) AFFILIATIONS.—

(1) CHARTER OR CORPORATE BYLAWS.—Nothing in this section requires—

(A) a nonprofit support organization or friends group to modify current practices or to affiliate with the National Park Foundation; or

(B) a local nonprofit support organization, established as a result of this section, to be bound through its charter or corporate bylaws to be permanently affiliated with the National Park Foundation.

(2) ESTABLISHMENT.—An affiliation with the National Park Foundation shall be established only at the discretion of the governing board of a nonprofit organization.

Chapter 1013—Employees

Subchapter I—General Provisions

§ 101301. Maintenance management system

The Service shall implement a maintenance management system in the maintenance and operations programs of the System. The system shall include the following elements:

(1) A workload inventory of assets including detailed information that quantifies for all assets (including buildings, roads, utility systems, and grounds that must be maintained) the characteristics affecting the type of maintenance work performed.

(2) A set of maintenance tasks that describe the maintenance work in each System unit.

(3) A description of work standards including—

(A) frequency of maintenance;

(B) measurable quality standard to which assets should be maintained;

(C) methods for accomplishing work;

(D) required labor, equipment, and material resources; and

(E) expected worker production for each maintenance task.

(4) A work program and performance budget that develops an annual work plan identifying maintenance needs and financial resources to be devoted to each maintenance task.

(5) A work schedule that identifies and prioritizes tasks to be done in a specific time period and specifies required labor resources.

(6) Work orders specifying job authorizations and a record of work accomplished that can be used to record actual labor and material costs.

(7) Reports and special analyses that compare planned versus actual accomplishments and costs and that can be used to evaluate maintenance operations.

§ 101302. Authority of Secretary to carry out certain activities

(a) IN GENERAL.—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary may consider advisable, may carry out the activities described in this section.

(b) TRANSPORTATION.—The Secretary may provide transportation of employees located at an isolated area of the System and to members of their families, if—

(1) the area is not adequately served by commercial transportation; and

(2) the transportation is incidental to official transportation services.

(c) RECREATION FACILITIES, EQUIPMENT, AND SERVICES.—The Secretary may provide recreation facilities, equipment, and services for use by employees and their families located at an isolated area of the System.

(d) FIELD AND SPECIAL PURPOSE EQUIPMENT.—The Secretary may purchase field and special purpose equipment required by employees for the performance of assigned functions. The purchased equipment shall be regarded and listed as System equipment.

(e) MEALS AND LODGING.—The Secretary may provide meals and lodging, as the Secretary considers appropriate, for members of the United States Park Police and other employees of the Service, as the Secretary may designate, serving temporarily on extended special duty in System units. For this purpose the Secretary may use funds appropriated for the expenses of the Department of the Interior.

§ 101303. Medical attention for employees

(a) IN GENERAL.—In the administration of the Service, the Secretary may contract for medical attention and service for employees and to make necessary payroll deductions agreed to by the employees for that medical attention and service.

(b) EMPLOYEES LOCATED AT ISOLATED SITUATIONS.—The Secretary may provide, out of amounts appropriated for the general expense of the System units, medical attention for employees of the Service located at isolated situations, including—

(1) moving the employees to hospitals or other places where medical assistance is available; and

(2) in case of death, to remove the bodies of deceased employees to the nearest place where they can be prepared for shipment or for burial.

§ 101304. Personal equipment and property

(a) PURCHASE OF PERSONAL EQUIPMENT AND SUPPLIES.—The Secretary may purchase personal equipment and supplies for employees of the Service and make deductions for the equipment and supplies from amounts appropriated for salary payments or otherwise due the employees.

(b) LOST, DAMAGED, OR DESTROYED PROPERTY.—The Secretary, in the administration of the Service, may reimburse employees and other owners of horses, vehicles, and other equipment lost, damaged, or destroyed while in the custody of the employee or the Department of the Interior, under authorization, contract, or loan, for necessary firefighting, trail, or other official business. Reimbursement shall be made from any available funds in the appropriation to which the hire of the equipment would be properly chargeable.

(c) EQUIPMENT REQUIRED TO BE FURNISHED BY FIELD EMPLOYEES.—The Secretary may—

(1) require field employees of the Service to furnish horses, motor and other vehicles, and miscellaneous equipment necessary for the performance of their official work; and

(2) provide, at Federal Government expense, forage, care, and housing for animals, and housing or storage and fuel for vehicles and other equipment required to be furnished.

(d) HIRE, RENTAL, AND PURCHASE OF PROPERTY.—The Secretary, under regulations the Secretary may prescribe, may authorize the hire, rental, or purchase of property from employees of the Service whenever it would promote the public interest to do so.

§ 101305. Travel expenses of System employees and dependents of deceased employees

In the administration of the System, the Secretary may, under regulations the Secretary may prescribe, pay the travel expenses (including the costs of packing, crating, and transporting (including draying) personal property) of—

(1) employees, on permanent change of station of the employees; and

(2) dependents of deceased employees—

(A) to the nearest housing reasonably available that is of a standard not less than that which is vacated, including compensation for not to exceed 60 days rental cost, in the case of an employee who occupied Federal Government housing and whose death requires the housing to be promptly vacated; and

(B) to the nearest port of entry in the conterminous 48 States in the case of an employee whose last permanent station was outside the conterminous 48 States.

Subchapter II—Service Career Development, Training, and Management

§ 101321. Service employee training

The Secretary shall develop a comprehensive training program for employees in all professional careers in the workforce of the Service for the purpose of ensuring that the workforce has available the best up-to-date knowledge, skills, and abilities with which to manage, interpret, and protect the resources of the System.

§ 101322. Management development and training

The Secretary shall maintain a clear plan for management training and development under which career professional Service employees from any appropriate academic field may obtain sufficient training, experience, and advancement opportunity to enable those qualified to move into System unit management positions, including the position of superintendent of a System unit.

Subchapter III—Housing Improvement

§ 101331. Definitions

In this subchapter:

(1) FIELD EMPLOYEE.—The term ''field employee'' means—

(A) an employee of the Service who is exclusively assigned by the Service to perform duties at a field unit, and the members of the employee's family; and

(B) any other individual who is authorized to occupy Federal Government quarters under section 5911 of title 5, and for whom there is no feasible alternative to the provision of Federal Government housing, and the members of the individual's family.

(2) PRIMARY RESOURCE VALUES.—The term ''primary resource values'' means resources that are specifically mentioned in the enabling legislation for that field unit or other resource value recognized under Federal statute.

(3) QUARTERS.—The term ''quarters'' means quarters owned or leased by the Federal Government.

(4) SEASONAL QUARTERS.—The term ''seasonal quarters'' means quarters typically occupied by field employees who are hired on assignments of 6 months or less.

§ 101332. General authority of Secretary

(a) RENTAL HOUSING.—To enhance the ability of the Secretary, acting through the Director, to effectively manage System units, the Secretary may where necessary and justified—

(1) make available employee housing, on or off land under the administrative jurisdiction of the Service; and

(2) rent that housing to field employees at rates based on the reasonable value of the housing in accordance with requirements applicable under section 5911 of title 5.

(b) JOINT DEVELOPMENT AUTHORITY.—The Secretary may use authorities granted by statute in combination with one another in the furtherance of providing where necessary and justified affordable field employee housing.

(c) CONSTRUCTION LIMITATIONS ON FEDERAL LAND.—The Secretary may not utilize any land for the purposes of providing field employee housing under this subchapter that will affect a primary resource value of the area or adversely affect the mission of the Service.

(d) RENTAL RATES.—To the extent practicable, the Secretary shall establish rental rates for all quarters occupied by field employees of the Service that are based on the reasonable value of the quarters in accordance with requirements applicable under section 5911 of title 5.

§ 101333. Criteria for providing housing

The Secretary shall maintain criteria under which housing is provided to employees of the Service. The Secretary shall examine the criteria with respect to the circumstances under which the Service requires an employee to occupy Federal Government quarters, so as to provide necessary services or protect Federal Government property or because of a lack of availability of non-Federal housing in a geographic area.

§ 101334. Authorization for housing agreements

The Secretary may, pursuant to the authorities contained in this subchapter and subject to the appropriation of necessary funds in advance, enter into housing agreements with housing entities under which the housing entities may develop, construct, rehabilitate, or manage housing, located on or off public land, for rent to Service employees who meet the housing eligibility criteria developed by the Secretary pursuant to this subchapter.

§ 101335. Housing programs

(a) JOINT PUBLIC-PRIVATE SECTOR HOUSING PROGRAM.—

(1) LEASE-TO-BUILD PROGRAM.—Subject to the appropriation of necessary funds in advance, the Secretary may lease—

(A) Federal land and interests in land to qualified persons for the construction of field employee quarters for any period not to exceed 50 years; and

(B) developed and undeveloped non-Federal land for providing field employee quarters.

(2) COMPETITIVE LEASING.—Each lease under paragraph (1)(A) shall be awarded through the use of publicly advertised, competitively bid, or competitively negotiated contracting procedures.

(3) TERMS AND CONDITIONS.—Each lease under paragraph (1)(A)—

(A) shall stipulate whether operation and maintenance of field employee quarters is to be provided by the lessee, field employees, or the Federal Government;

(B) shall require that the construction and rehabilitation of field employee quarters be done in accordance with the requirements of the Service and local applicable building codes and industry standards;

(C) shall contain additional terms and conditions as may be appropriate to protect the Federal interest, including limits on rents that the lessee may charge field employees for the occupancy of quarters, conditions on maintenance and repairs, and agreements on the provision of charges for utilities and other infrastructure; and

(D) may be granted at less than fair market value if the Secretary determines that the lease will improve the quality and availability of field employee quarters.

(4) CONTRIBUTIONS BY FEDERAL GOVERNMENT.—The Secretary may make payments, subject to appropriations, or contributions in kind, in advance or on a continuing basis, to reduce the costs of planning, construction, or rehabilitation of quarters on or off Federal land under a lease under this subsection.

(b) RENTAL GUARANTEE PROGRAM.—

(1) GENERAL AUTHORITY.—Subject to the appropriation of necessary funds in advance, the Secretary may enter into a lease-to-build arrangement as set forth in subsection (a) with further agreement to guarantee the occupancy of field employee quarters constructed or rehabilitated under the lease. A guarantee made under this paragraph shall be in writing.

(2) LIMITATIONS ON GUARANTEES.—

(A) SPECIFIC GUARANTEES.—The Secretary may not guarantee—

(i) the occupancy of more than 75 percent of the units constructed or rehabilitated under the lease; and

(ii) at a rental rate that exceeds the rate based on the reasonable value of the housing in accordance with requirements applicable under section 5911 of title 5.

(B) TOTAL OF OUTSTANDING GUARANTEES.—Outstanding guarantees shall not be in excess of $3,000,000.

(3) AGREEMENT TO RENT TO FEDERAL GOVERNMENT EMPLOYEES.—A guarantee may be made under this subsection only if the lessee agrees to permit the Secretary to utilize for housing purposes any units for which the guarantee is made.

(4) OPERATION AND MAINTENANCE.—A lease shall be void if the lessee fails to maintain a satisfactory level of operation and maintenance.

§ 101336. Contracts for the management of field employee quarters

Subject to the appropriation of necessary funds in advance, the Secretary may enter into contracts of any duration for the management, repair, and maintenance of field employee quarters. The contract shall contain terms and conditions that the Secretary considers necessary or appropriate to protect the interests of the United States and ensure that necessary quarters are available to field employees.

§ 101337. Leasing of seasonal employee quarters

(a) GENERAL AUTHORITY.—The Secretary may lease quarters at or near a System unit for use as seasonal quarters for field employees if the Secretary finds that there is a shortage of adequate and affordable seasonal quarters at or near the System unit and that—

(1) the requirement for the seasonal field employee quarters is temporary; or

(2) leasing would be more cost-effective than construction of new seasonal field employee quarters.

(b) RENT.—The rent charged to field employees under the lease shall be a rate based on the reasonable value of the quarters in accordance with requirements applicable under section 5911 of title 5.

(c) UNRECOVERED COSTS.—The Secretary may pay the unrecovered costs of leasing seasonal quarters under this section from annual appropriations for the year in which the lease is made.

§ 101338. General leasing provisions

(a) EXEMPTION FROM LEASING REQUIREMENTS.—Section 102901 of this title and section 1302 of title 40 shall not apply to leases issued by the Secretary under this section.

(b) PROCEEDS FROM LEASES.—The proceeds from any lease under section 101335(a)(1) of this title and any lease under section 101337 of this title shall be retained by the Service and deposited in the special fund established for maintenance and operation of quarters.

§ 101339. Assessment and priority listing

The Secretary shall—

(1) complete a condition assessment for all field employee housing, including the physical condition of the housing and the necessity and suitability of the housing for carrying out the mission of the Service, using existing information; and

(2) develop a Service-wide priority listing, by structure, identifying the units in greatest need for repair, rehabilitation, replacement, or initial construction.

§ 101340. Use of funds

(a) EXPENDITURE SHALL FOLLOW PRIORITY LISTING.—Expenditure of any funds authorized and appropriated for new construction, repair, or rehabilitation of housing under this chapter shall follow the housing priority listing established by the Secretary under section 101339 of this title, in sequential order, to the maximum extent practicable.

(b) NONCONSTRUCTION FUNDS IN ANNUAL BUDGET SUBMITTAL.—Each fiscal year the President's proposed budget to Congress shall include identification of nonconstruction funds to be spent for Service housing maintenance and operations that are in addition to rental receipts collected.

Chapter 1015—Transportation

Subchapter I—Airports

§ 101501. Airports in or near System units

(a) DEFINITIONS.—In this section, the terms ''airport'', ''project'', ''project costs'', ''public agency'', and ''sponsor'' have the meanings given the terms in section 47102 of title 49.

(b) ACQUISITION, OPERATION, AND MAINTENANCE OF AIRPORTS.—

(1) AUTHORIZATION.—The Secretary may plan, acquire, establish, construct, enlarge, improve, maintain, equip, operate, regulate, and protect airports in the continental United States in, or in close proximity to, System units, when the Secretary determines that the airports are necessary to the proper performance of the functions of the Department of the Interior.

(2) INCLUSION IN NATIONAL PLAN.—The Secretary shall not acquire, establish, or construct an airport under this section unless the airport is included in the national plan of integrated airport systems formulated by the Secretary of Transportation pursuant to section 47103 of title 49.

(3) OPERATION AND MAINTENANCE MUST ACCORD WITH STANDARDS AND REGULATIONS OF SECRETARY OF TRANSPORTATION.—The operation and maintenance of airports under this section shall be in accordance with the standards and regulations prescribed by the Secretary of Transportation.

(c) AUTHORITY OF SECRETARY.—

(1) IN GENERAL.—To carry out this section, the Secretary may—

(A) acquire necessary land and interests in or over land;

(B) contract for the construction, improvement, operation, and maintenance of airports and incidental facilities;

(C) enter into agreements with other public agencies providing for the construction, operation, or maintenance of airports by those agencies or jointly by the Secretary and those agencies on mutually satisfactory terms; and

(D) enter into other agreements and take other action with respect to the airports as may be necessary to carry out this section.

(2) CONSENT REQUIRED.—This section does not authorize the Secretary to acquire any land, or interest in or over land, by purchase, condemnation, grant, or lease, without first obtaining the consent of the Governor of the State, and the consent of the chief executive official of the State political subdivision, in which the land is located.

(d) AUTHORIZATION TO SPONSOR AIRPORT PROJECTS.—To carry out this section, the Secretary may—

(1) sponsor projects under subchapter I of chapter 471 of title 49 independently or jointly with other public agencies; and

(2) use, for payment of the sponsor's share of the project costs of those projects, any funds that may be—

(A) contributed or otherwise made available to the Secretary for those purposes; or

(B) appropriated or otherwise specifically authorized for that purpose.

(e) JURISDICTION OVER AIRPORTS.—All airports under the jurisdiction of the Secretary, unless otherwise specifically provided by law, shall be operated as public airports, available for public use on fair and reasonable terms and without unjust discrimination.

Subchapter II—Roads and Trails

§ 101511. Authority of Secretary

(a) ROADS AND TRAILS IN SYSTEM UNITS.—The Secretary may construct, reconstruct, and improve roads and trails, including bridges, in System units.

(b) APPROACH ROADS.—

(1) IN GENERAL.—

(A) DESIGNATION.—When the Secretary determines it to be in the public interest, the Secretary may designate, as System unit approach roads, roads whose primary value is to carry System unit travel and that lead across land at least 90 percent owned by the Federal Government and that will connect the highways within a System unit with a convenient point on or leading to the National Highway System.

(B) LIMIT ON LENGTH OF APPROACH ROADS.—

(i) IN GENERAL.—A designated approach road shall not exceed—

(I) 60 miles in length between a System unit gateway and a point on or leading to the nearest convenient National Highway System road; or

(II) 30 miles in length if the approach road is on the National Highway System.

(ii) COUNTY LIMIT.—Not to exceed 40 miles of any one approach road shall be designated in any one county.

(C) SUPPLEMENTARY PART OF SYSTEM UNIT HIGHWAY SYSTEM.—An approach road designated for a System unit shall be treated as a supplementary part of the highway system of the System unit.

(2) CONSTRUCTION, RECONSTRUCTION, AND IMPROVEMENT.—

(A) IN GENERAL.—The Secretary may construct, reconstruct, and improve approach roads designated under paragraph (1) (including bridges) and enter into agreements for the maintenance of the approach roads by State or county authorities or to maintain the approach roads when otherwise necessary.

(B) ANNUAL ALLOCATION.—Not more than $1,500,000 shall be allocated annually for the construction, reconstruction, and improvement of System unit approach roads.

(3) APPROVAL OF SECRETARY OF AGRICULTURE REQUIRED.—When an approach road is proposed under this section across or within any national forest, the Secretary shall secure the approval of the Secretary of Agriculture before construction begins.

(c) AGREEMENT WITH SECRETARY OF TRANSPORTATION.—Under agreement with the Secretary, the Secretary of Transportation may carry out any provision of this section.

§ 101512. Conveyance to States of roads leading to certain historical areas

(a) DEFINITION.—In this section, the term ''State'' means a State, Puerto Rico, Guam, and the Virgin Islands.

(b) AUTHORITY OF SECRETARY.—The Secretary may, subject to conditions as seem proper to the Secretary, convey by proper quitclaim deed to any State, county, municipality, or agency of a State, county, or municipality in which the road is located, all right, title, and interest of the United States in and to any Federal Government owned or controlled road leading to any national cemetery, national military park, national historical park, national battlefield park, or national historic site administered by the Service.

(c) NOTIFICATION BY STATE, AGENCY, OR MUNICIPALITY.—Prior to the delivery of any conveyance of a road under this section, the State, county, or municipality to which the conveyance is to be made shall notify the Secretary in writing of its willingness to accept and maintain the road.

(d) TRANSFER OF JURISDICTION.—On the execution and delivery of the conveyance of a road under this section, any jurisdiction previously ceded to the United States by a State over the road is retroceded and shall vest in the State in which the road is located.

Subchapter III—Public Transportation Programs for System Units

§ 101521. Transportation service and facility programs

(a) FORMULATION OF PLANS AND IMPLEMENTATION OF PROJECTS.—The Secretary may formulate transportation plans and implement transportation projects where feasible pursuant to those plans for System units.

(b) CONTRACTS, OPERATIONS, AND ACQUISITIONS FOR IMPROVEMENT OF ACCESS TO SYSTEM UNITS.—

(1) AUTHORITY OF SECRETARY.—To carry out subsection (a), the Secretary may—

(A) contract with public or private agencies or carriers to provide transportation services, capital equipment, or facilities to improve access to System units;

(B) operate those services directly in the absence of suitable and adequate agencies or carriers;

(C) acquire, by purchase, lease, or agreement, capital equipment for those services; and

(D) where necessary to carry out this subchapter, acquire, by lease, purchase, donation, exchange, or transfer, land, water, or an interest in land or water that is situated outside the boundary of a System unit.

(2) SPECIFIC PROVISIONS RELATED TO PROPERTY ACQUISITION.—

(A) ADMINISTRATION.—The acquired property shall be administered as part of the System unit.

(B) ACQUISTION OF LAND OR INTERESTS IN LAND OWNED BY STATE OR POLITICAL SUBDIVISION.—Any land or interests in land owned by a State or any of its political subdivisions may be acquired only by donation.

(C) ACQUISITION SUBJECT TO STATUTORY LIMITATIONS.—Any land acquisition shall be subject to any statutory limitations on methods of acquisition and appropriations as may be specifically applicable to the area.

(c) ESTABLISHMENT OF INFORMATION PROGRAMS.—The Secretary shall establish information programs to inform the public of available System unit access opportunities and to promote the use of transportation modes other than personal motor vehicles for access to and travel within the System units.

(d) UNDERTAKING TRANSPORTATION FACILITIES AND SERVICES.—Transportation facilities and services provided pursuant to this subchapter may be undertaken by the Secretary directly or by contract without regard to any requirement of Federal, State, or local law respecting determinations of public convenience and necessity or other similar matters. The Secretary or contractor shall consult with the appropriate State or local public service commission or other body having authority to issue certificates of convenience and necessity. A contractor shall be subject to applicable requirements of that body unless the Secretary determines that the requirements would not be consistent with the purposes and provisions of this subchapter.

(e) CONSTRUCTION OF GRANT OF AUTHORITY RESPECTING OPERATION OF MOTOR VEHICLES EXCEPTED FROM STATUTORY COVERAGE.—No grant of authority in this subchapter shall be deemed to expand the exemption of section 13506(a)(9) of title 49.

§ 101522. Transportation projects

(a) ASSISTANCE OF HEADS OF OTHER FEDERAL DEPARTMENTS AND AGENCIES IN FORMULATION AND IMPLEMENTATION.—To carry out this subchapter, the Secretary of Transportation, the Secretary of Housing and Urban Development, the Secretary of Health and Human Services, the Secretary of Commerce, and the heads of other Federal departments or agencies that the Secretary considers necessary shall assist the Secretary in the formulation and implementation of transportation projects.

(b) COMPILATION OF STATUTES AND PROGRAMS.—The Secretary shall maintain a compilation of Federal statutes and programs providing authority for the planning, funding, or operation of transportation projects that might be utilized by the Secretary to carry out this subchapter.

§ 101523. Procedures applicable to transportation plans and projects

(a) DURING FORMULATION OF PLAN.—The Secretary shall, during the formulation of any

transportation plan authorized pursuant to section 101521 of this title—

(1) give public notice of intention to formulate the plan by publication in the Federal Register and in a newspaper or periodical having general circulation in the vicinity of the affected System unit; and

(2) following the notice, hold a public meeting at a location convenient to the affected System unit.

(b) PRIOR TO IMPLEMENTATION OF PROJECT.—Prior to the implementation of any project developed pursuant to the transportation plan formulated pursuant to subsection (a), the Secretary shall—

(1) establish procedures, including public meetings, to give State and local governments and the public adequate notice and an opportunity to comment on the proposed transportation project; and

(2) when the proposed project would involve an expenditure in excess of $100,000 in any fiscal year, submit a detailed report to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

(c) WAITING PERIOD.—When a report on a project is required under subsection (b)(2), the Secretary may proceed with the implementation of the project only after 60 days (not counting days on which the Senate or House of Representatives has adjourned for more than 3 consecutive days) have elapsed following submission of the report.

§ 101524. Special rule for service contract to provide transportation services

Notwithstanding any other provision of law, a service contract entered into by the Secretary for the provision solely of transportation services in a System unit shall be not more than 10 years in length, including a base period of 5 years and annual extensions for up to an additional 5 years based on satisfactory performance and approval by the Secretary.

Subchapter IV—Fees

§ 101531. Fee for use of transportation services

Notwithstanding any other provision of law, where the Service or an entity under a service contract, cooperative agreement, or other contractual agreement with the Service provides transportation to all or a portion of any System unit, the Secretary may impose a reasonable and appropriate charge to the public for the use of the transportation services in addition to any admission fee required to be paid. Collection of the transportation and admission fees may occur at the transportation staging area or any other reasonably convenient location determined by the Secretary. The Secretary may enter into agreements, with public or private entities that qualify to the Secretary's satisfaction, to collect the transportation and admission fee. Transportation fees collected pursuant to this section shall be retained by the System unit at which the transportation fee was collected, and the amount retained shall be expended only for costs associated with the transportation systems at the System unit where the charge was imposed.

Chapter 1017—Financial Agreements

§ 101701. Challenge cost-share agreement authority

(a) DEFINITIONS.—In this section:

(1) CHALLENGE COST-SHARE AGREEMENT.—The term ''challenge cost-share agreement'' means any agreement entered into between the Secretary and any cooperator for the purpose of sharing costs or services in carrying out authorized functions and responsibilities of the Secretary with respect to any System unit or System program, any affiliated area, or any designated national scenic trail or national historic trail.

(2) COOPERATOR.—The term ''cooperator'' means any State or local government, public or private agency, organization, institution, corporation, individual, or other entity.

(b) AUTHORITY TO ENTER INTO CHALLENGE COST-SHARE AGREEMENTS.—The Secretary may negotiate and enter into challenge cost-share agreements with cooperators.

(c) SOURCE OF FEDERAL SHARE.—In carrying out challenge cost-share agreements, the Secretary may provide the Federal funding share from any funds available to the Service.

§ 101702. Cooperative agreements

(a) TRANSFER OF SERVICE APPROPRIATED FUNDS.—A cooperative agreement entered into by the Secretary that involves the transfer of Service appropriated funds to a State, local, or tribal government or other public entity, an educational institution, or a private nonprofit organization to carry out public purposes of a Service program is a cooperative agreement properly entered into under section 6305 of title 31.

(b) COOPERATIVE RESEARCH AND TRAINING PROGRAMS.—

(1) IN GENERAL.—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary may consider advisable, may—

(A) enter into cooperative agreements with public or private educational institutions, States, and political subdivisions of States to develop adequate, coordinated, cooperative research and training programs concerning the resources of the System; and

(B) pursuant to an agreement, accept from and make available to the cooperator technical and support staff, financial assistance for mutually agreed upon research projects, supplies and equipment, facilities, and administrative services relating to cooperative research units that the Secretary considers appropriate.

(2) EFFECT OF SUBSECTION.—This subsection does not waive any requirements for research projects that are subject to Federal procurement regulations.

(c) SALE OF PRODUCTS AND SERVICES PRODUCED IN THE CONDUCT OF LIVING EXHIBITS AND INTERPRETIVE DEMONSTRATIONS.—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary considers advisable, may—

(1) sell at fair market value, without regard to the requirements of chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41, products and services produced in the conduct of living exhibits and interpretive demonstrations in System units;

(2) enter into contracts, including cooperative arrangements, with respect to living exhibits and interpretive demonstrations in System units; and

(3) credit the proceeds from those sales and contracts to the appropriation bearing the cost of the exhibits and demonstrations.

(d) COOPERATIVE AGREEMENTS FOR SYSTEM UNIT NATURAL RESOURCE PROTECTION.—

(1) IN GENERAL.—The Secretary may enter into cooperative agreements with State, local, or tribal governments, other Federal agencies, other public entities, educational institutions, private nonprofit organizations, or participating private landowners for the purpose of protecting natural resources of System units through collaborative efforts on land inside and outside the System units.

(2) TERMS AND CONDITIONS.—A cooperative agreement entered into under paragraph (1) shall provide clear and direct benefits to System unit natural resources and—

(A) provide for—

(i) the preservation, conservation, and restoration of coastal and riparian systems, watersheds, and wetlands;

(ii) preventing, controlling, or eradicating invasive exotic species that are within a System unit or adjacent to a System unit; or

(iii) restoration of natural resources, including native wildlife habitat or ecosystems;

(B) include a statement of purpose demonstrating how the agreement will—

(i) enhance science-based natural resource stewardship at the System unit; and

(ii) benefit the parties to the agreement;

(C) specify any staff required and technical assistance to be provided by the Secretary or other parties to the agreement in support of activities inside and outside the System unit that will—

(i) protect natural resources of the System unit; and

(ii) benefit the parties to the agreement;

(D) identify any materials, supplies, or equipment and any other resources that will be contributed by the parties to the agreement or by other Federal agencies;

(E) describe any financial assistance to be provided by the Secretary or the partners to implement the agreement;

(F) ensure that any expenditure by the Secretary pursuant to the agreement is determined by the Secretary to support the purposes of natural resource stewardship at a System unit; and

(G) include such other terms and conditions as are agreed to by the Secretary and the other parties to the agreement.

(3) LIMITATIONS.—The Secretary shall not use any funds associated with an agreement entered into under paragraph (1) for the purposes of land acquisition, regulatory activity, or the development, maintenance, or operation of infrastructure, except for ancillary support facilities that the Secretary determines to be necessary for the completion of projects or activities identified in the agreement.

§ 101703. Cooperative management agreements

(a) IN GENERAL.—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary considers advisable, may enter into an agreement with a State or local government agency to provide for the cooperative management of the Federal and State or local park areas where a System unit is located adjacent to or near a State or local park area, and cooperative management between the Service and a State or local government agency of a portion of either the System unit or State or local park will allow for more effective and efficient management of the System unit and State or local park. The Secretary may not transfer administration responsibilities for any System unit under this paragraph.

(b) PROVISION OF GOODS AND SERVICES.—Under a cooperative management agreement, the Secretary may acquire from and provide to a State or local government agency goods and services to be used by the Secretary and the State or local governmental agency in the cooperative management of land.

(c) ASSIGNMENT OF EMPLOYEE.—An assignment arranged by the Secretary under section 3372 of title 5 of a Federal, State, or local employee for work on any Federal, State, or local land or an extension of the assignment may be for any period of time determined by the Secretary and the State or local agency to be mutually beneficial.

§ 101704. Reimbursable agreements

(a) IN GENERAL.—In carrying out work under reimbursable agreements with any State, local, or tribal government, the Secretary, without regard to any provision of law or a regulation—

(1) may record obligations against accounts receivable from those governments; and

(2) shall credit amounts received from those governments to the appropriate account.

(b) WHEN AMOUNTS SHALL BE CREDITED.—Amounts shall be credited within 90 days of the date of the original request by the Service for payment.

Chapter 1019—Concessions and Commercial Use Authorizations

Subchapter I—Authority of Secretary

§ 101901. Utility services.

To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary considers advisable, may furnish, on a reimbursement of appropriation basis, all types of utility services to concessioners, contractors, permittees, or other users of the services, within the System. The reimbursements for cost of the services may be credited to the appropriation current at the time reimbursements are received.

Subchapter II—Commercial Visitor Services

§ 101911. Definitions

In this subchapter:

(1) ADVISORY BOARD.—The term ''Advisory Board'' means the National Park Service Concessions Management Advisory Board established under section 101919 of this title.

(2) PREFERENTIAL RIGHT OF RENEWAL.—The term ''preferential right of renewal'' means the right of a concessioner, subject to a determination by the Secretary that the facilities or services authorized by a prior contract continue to be necessary and appropriate within the meaning of section 101912 of this title, to match the terms and conditions of any competing proposal that the Secretary determines to be the best proposal for a proposed new concession contract that authorizes the continuation of the facilities and services provided by the concessioner under its prior contract.

§ 101912. Findings and declaration of policy

(a) FINDINGS.—In furtherance of section 100101(a), Congress finds that the preservation and conservation of System unit resources and values requires that public accommodations, facilities, and services that have to be provided within those System units should be provided only under carefully controlled safeguards against unregulated and indiscriminate use, so that—

(1) visitation will not unduly impair those resources and values; and

(2) development of public accommodations, facilities, and services within System units can best be limited to locations that are consistent to the highest practicable degree with the preservation and conservation of the resources and values of the System units.

(b) DECLARATION OF POLICY.—It is the policy of Congress that the development of public accommodations, facilities, and services in System units shall be limited to accommodations, facilities, and services that—

(1) are necessary and appropriate for public use and enjoyment of the System unit in which they are located; and

(2) are consistent to the highest practicable degree with the preservation and conservation of the resources and values of the System unit.

§ 101913. Award of concession contracts

In furtherance of the findings and policy stated in section 101912 of this title, and except as provided by this subchapter or otherwise authorized by law, the Secretary shall utilize concession contracts to authorize a person, corporation, or other entity to provide accommodations, facilities, and services to visitors to System units. Concession contracts shall be awarded as follows:

(1) COMPETITIVE SELECTION PROCESS.—Except as otherwise provided in this section, all proposed concession contracts shall be awarded by the Secretary to the person, corporation, or other entity submitting the best proposal, as determined by the Secretary through a competitive selection process. The competitive process shall include simplified procedures for small, individually-owned entities seeking award of a concession contract.

(2) SOLICITATION OF PROPOSALS.—Except as otherwise provided in this section, prior to awarding a new concession contract (including renewals or extensions of existing concession contracts) the Secretary—

(A) shall publicly solicit proposals for the concession contract; and

(B) in connection with the solicitation, shall—

(i) prepare a prospectus and publish notice of its availability at least once in local or national newspapers or trade publications, by electronic means, or both, as appropriate; and

(ii) make the prospectus available on request to all interested persons.

(3) INFORMATION TO BE INCLUDED IN PROSPECTUS.—The prospectus shall include the following information:

(A) The minimum requirements for the contract as set forth in paragraph (4).

(B) The terms and conditions of any existing concession contract relating to the services and facilities to be provided, including all fees and other forms of compensation provided to the United States by the concessioner.

(C) Other authorized facilities or services that may be provided in a proposal.

(D) Facilities and services to be provided by the Secretary to the concessioner, including public access, utilities, and buildings.

(E) An estimate of the amount of compensation due an existing concessioner from a new concessioner under the terms of a prior concession contract.

(F) A statement as to the weight to be given to each selection factor identified in the prospectus and the relative importance of those factors in the selection process.

(G) Other information related to the proposed concession operation that is provided to the Secretary pursuant to a concession contract or is otherwise available to the Secretary, as the Secretary determines is necessary to allow for the submission of competitive proposals.

(H) Where applicable, a description of a preferential right to the renewal of the proposed concession contract held by an existing concessioner as set forth in paragraph (7).

(4) CONSIDERATION OF PROPOSALS.—

(A) MINIMUM REQUIREMENTS.—No proposal shall be considered that fails to meet the minimum requirements as determined by the Secretary. The minimum requirements shall include the following:

(i) The minimum acceptable franchise fee or other forms of consideration to the Federal Government.

(ii) Any facilities, services, or capital investment required to be provided by the concessioner.

(iii) Measures necessary to ensure the protection, conservation, and preservation of resources of the System unit.

(B) REJECTION OF PROPOSAL.—The Secretary shall reject any proposal, regardless of the franchise fee offered, if the Secretary determines that—

(i) the person, corporation, or entity is not qualified or is not likely to provide satisfactory service; or

(ii) the proposal is not responsive to the objectives of protecting and preserving resources of the System unit and of providing necessary and appropriate facilities and services to the public at reasonable rates.

(C) ALL PROPOSALS FAIL TO MEET MIMIMUM REQUIREMENTS OR ARE REJECTED.—If all proposals submitted to the Secretary fail to meet the minimum requirements or are rejected by the Secretary, the Secretary shall establish new minimum contract requirements and re-initiate the competitive selection process pursuant to this section.

(D) TERMS AND CONDITIONS MATERIALLY AMENDED OR NOT INCORPORATED IN CONTRACT.—The Secretary may not execute a concession contract that materially amends or does not incorporate the proposed terms and conditions of the concession contract as set forth in the applicable prospectus. If proposed material amendments or changes are considered appropriate by the Secretary, the Secretary shall resolicit offers for the concession contract incorporating the material amendments or changes.

(5) SELECTION OF THE BEST PROPOSAL.—

(A) FACTORS IN SELECTION.—In selecting the best proposal, the Secretary shall consider the following principal factors:

(i) The responsiveness of the proposal to the objectives of protecting, conserving, and preserving resources of the System unit and of providing necessary and appropriate facilities and services to the public at reasonable rates.

(ii) The experience and related background of the person, corporation, or entity submitting the proposal, including the past performance and expertise of the person, corporation or entity in providing the same or similar facilities or services.

(iii) The financial capability of the person, corporation, or entity submitting the proposal.

(iv) The proposed franchise fee, except that consideration of revenue to the United States shall be subordinate to the objectives of protecting, conserving, and preserving resources of the System unit and of providing necessary and appropriate facilities to the public at reasonable rates.

(B) SECONDARY FACTORS.—The Secretary may also consider such secondary factors as the Secretary considers appropriate.

(C) DEVELOPMENT OF REGULATIONS.—In developing regulations to implement this subchapter, the Secretary shall consider the extent to which plans for employment of Indians (including Native Alaskans) and involvement of businesses owned by Indians, Indian tribes, or Native Alaskans in the operation of a concession contract should be identified as a factor in the selection of a best proposal under this section.

(6) CONGRESSIONAL NOTIFICATION.—

(A) IN GENERAL.—The Secretary shall submit any proposed concession contract with anticipated annual gross receipts in excess of $5,000,000 or a duration of more than 10 years to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(B) WAITING PERIOD.—The Secretary shall not award any proposed concession contract to which subparagraph (A) applies until at least 60 days subsequent to the notification of both Committees.

(7) PREFERENTIAL RIGHT OF RENEWAL.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall not grant a concessioner a preferential right to renew a concession contract, or any other form of preference to a concession contract.

(B) EXCEPTION.—The Secretary shall grant a preferential right of renewal to an existing concessioner with respect to proposed renewals of the categories of concession contracts described

by paragraph (8), subject to the requirements of that paragraph.

(C) ENTITLEMENT TO AWARD OF NEW CONTRACT.—A concessioner that successfully exercises a preferential right of renewal in accordance with the requirements of this subchapter shall be entitled to award of the proposed new concession contract to which the preference applies.

(8) OUTFITTER AND GUIDE SERVICES AND SMALL CONTRACTS.—

(A) APPLICATION.—Paragraph (7) shall apply only to the following:

(i) Subject to subparagraph (B), concession contracts that solely authorize the provision of specialized backcountry outdoor recreation guide services that require the employment of specially trained and experienced guides to accompany System unit visitors in the backcountry so as to provide a safe and enjoyable experience for visitors who otherwise may not have the skills and equipment to engage in that activity.

(ii) Subject to subparagraph (C), concession contracts with anticipated annual gross receipts under $500,000.

(B) OUTFITTING AND GUIDE CONCESSIONERS.—

(i) DESCRIPTION.—Outfitting and guide concessioners, where otherwise qualified, include concessioners that provide guided river running, hunting, fishing, horseback, camping, and mountaineering experiences.

(ii) WHEN ENTITLED TO PREFERENTIAL RIGHT.—An outfitting and guide concessioner is entitled to a preferential right of renewal under this subchapter only if—

(I) the contract with the outfitting and guide concessioner does not grant the concessioner any interest, including any leasehold surrender interest or possessory interest, in capital improvements on land owned by the United States within a System unit, other than a capital improvement constructed by a concessioner pursuant to the terms of a concession contract prior to November 13, 1998, or constructed or owned by a concessioner or the concessioner's predecessor before the subject land was incorporated into the System;

(II) the Secretary determines that the concessioner has operated satisfactorily during the term of the contract (including any extension); and

(III) the concessioner has submitted a responsive proposal for a proposed new concession contract that satisfies the minimum requirements established by the Secretary pursuant to paragraph (4).

(C) CONTRACT WITH ESTIMATED GROSS RECEIPTS OF LESS THAN $500,000.—A concessioner that holds a concession contract that the Secretary estimates will result in gross annual receipts of less than $500,000 if renewed shall be entitled to a preferential right of renewal under this subchapter if—

(i) the Secretary has determined that the concessioner has operated satisfactorily during the term of the contract (including any extension); and

(ii) the concessioner has submitted a responsive proposal for a proposed new concession contract that satisfies the minimum requirements established by the Secretary pursuant to paragraph (4).

(9) NEW OR ADDITIONAL SERVICES.—The Secretary shall not grant a preferential right to a concessioner to provide new or additional services in a System unit.

(10) AUTHORITY OF SECRETARY NOT LIMITED.—Nothing in this subchapter shall be construed as limiting the authority of the Secretary to determine whether to issue a concession contract or to establish its terms and conditions in furtherance of the policies expressed in this subchapter.

(11) EXCEPTIONS.—Notwithstanding this section, the Secretary may award, without public solicitation, the following:

(A) TEMPORARY CONTRACT.—To avoid interruption of services to the public at a System unit, the Secretary may award a temporary concession contract or an extension of an existing concessions contract for a term not to exceed 3 years, except that prior to making the award, the Secretary shall take all reasonable and appropriate steps to consider alternatives to avoid the interruption.

(B) CONTRACT IN EXTRAORDINARY CIRCUMSTANCES.—The Secretary may award a concession contract in extraordinary circumstances where compelling and equitable considerations require the award of a concession contract to a particular party in the public interest. Award of a concession contract under this subparagraph shall not be made by the Secretary until at least 30 days after—

(i) publication in the Federal Register of notice of the Secretary's intention to award the contract and the reasons for the action; and

(ii) submission of notice to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

§ 101914. Term of concession contracts

A concession contract entered into pursuant to this subchapter shall generally be awarded for a term of 10 years or less. The Secretary may award a contract for a term of up to 20 years if the Secretary determines that the contract terms and conditions, including the required construction of capital improvements, warrant a longer term.

§ 101915. Protection of concessioner investment

(a) DEFINITIONS.—In this section:

(1) CAPITAL IMPROVEMENT.—The term ''capital improvement'' means a structure, a fixture, or nonremovable equipment provided by a concessioner pursuant to the terms of a concession contract and located on land of the United States within a System unit.

(2) CONSUMER PRICE INDEX.—The term ''Consumer Price Index'' means—

(A) the ''Consumer Price Index—All Urban Consumers'' published by the Bureau of Labor Statistics of the Department of Labor; or

(B) if the Index is not published, another regularly published cost-of-living index approximating the Consumer Price Index.

(b) LEASEHOLD SURRENDER INTEREST IN CAPITAL IMPROVEMENTS.—A concessioner that constructs a capital improvement on land owned by the United States within a System unit pursuant to a concession contract shall have a leasehold surrender interest in the capital improvement subject to the following terms and conditions:

(1) IN GENERAL.—A concessioner shall have a leasehold surrender interest in each capital improvement constructed by a concessioner under a concession contract, consisting solely of a right to compensation for the capital improvement to the extent of the value of the concessioner's leasehold surrender interest in the capital improvement.

(2) PLEDGE AS SECURITY.—A leasehold surrender interest may be pledged as security for financing of a capital improvement or the acquisition of a concession contract when approved by the Secretary pursuant to this subchapter.

(3) TRANSFER AND RELINQUISHMENT OR WAIVER OF INTEREST.—A leasehold surrender interest shall be transferred by the concessioner in connection with any transfer of the concession contract and may be relinquished or waived by the concessioner.

(4) LIMIT ON EXTINGUISHING OR TAKING INTEREST.—A leasehold surrender interest shall not be extinguished by the expiration or other termination of a concession contract and may not be taken for public use except on payment of just compensation.

(5) VALUE OF INTEREST.—The value of a leasehold surrender interest in a capital improvement shall be an amount equal to the initial value (construction cost of the capital improvement), increased (or decreased) by the same percentage increase (or decrease) as the percentage increase (or decrease) in the Consumer Price Index, from the date of making the investment in the capital improvement by the concessioner to the date of payment of the value of the leasehold surrender interest, less depreciation of the capital improvement as evidenced by the condition and prospective serviceability in comparison with a new unit of like kind.

(6) VALUE OF INTEREST IN CERTAIN NEW CONCESSION CONTRACTS.—

(A) HOW VALUE IS DETERMINED.—The Secretary may provide, in any new concession contract that the Secretary estimates will have a leasehold surrender interest of more than $10,000,000, that the value of any leasehold surrender interest in a capital improvement shall be based on—

(i) a reduction on an annual basis, in equal portions, over the same number of years as the time period associated with the straight line depreciation of the initial value (construction cost of the capital improvement), as provided by applicable Federal income tax laws and regulations in effect on November 12, 1998; or

(ii) an alternative formula that is consistent with the objectives of this subchapter.

(B) WHEN ALTERNATIVE FORMULA MAY BE USED.—The Secretary may use an alternative formula under subparagraph (A)(ii) only if the Secretary determines, after scrutiny of the financial and other circumstances involved in the particular concession contract (including providing notice in the Federal Register and opportunity for comment), that the alternative formula is, compared to the standard method of determining value provided for in paragraph (5), necessary to provide a fair return to the Federal Government and to foster competition for the new contract by providing a reasonable opportunity to make a profit under the new contract. If no responsive offers are received in response to a solicitation that includes the alternative formula, the concession opportunity shall be resolicited with the leasehold surrender interest value as described in paragraph (5).

(7) INCREASE IN VALUE OF INTEREST.—Where a concessioner, pursuant to the terms of a concession contract, makes a capital improvement to an existing capital improvement in which the concessioner has a leasehold surrender interest, the cost of the additional capital improvement shall be added to the then-current value of the concessioner's leasehold surrender interest.

(c) SPECIAL RULE FOR POSSESSORY INTEREST EXISTING BEFORE NOVEMBER 13, 1998.—

(1) IN GENERAL.—A concessioner that has obtained a possessory interest (as defined pursuant to the Act of October 9, 1965 (known as the National Park Service Concessions Policy Act; Public Law 89–249, 79 Stat. 969), as in effect on November 12, 1998) under the terms of a concession contract entered into before November 13, 1998, shall, on the expiration or termination of the concession contract, be entitled to receive compensation for the possessory interest improvements in the amount and manner as described by the concession contract. Where that possessory interest is not described in the existing concession contract, compensation of possessory interest shall be determined in accordance with the laws in effect on November 12, 1998.

(2) EXISTING CONCESSIONER AWARDED A NEW CONTRACT.—A concessioner awarded a new concession contract to replace an existing concession contract after November 13, 1998, instead of directly receiving the possessory interest compensation, shall have a leasehold surrender interest in its existing possessory interest improvements under the terms of the new concession contract and shall carry over as the initial value of the leasehold surrender interest (instead of construction cost) an amount equal to the value of the existing possessory interest as of the termination date of the previous concession contract. In the event of a dispute between the concessioner and the Secretary as to the value

of the possessory interest, the matter shall be resolved through binding arbitration.

(3) NEW CONCESSIONER AWARDED A CONTRACT.—A new concessioner awarded a concession contract and required to pay a prior concessioner for possessory interest in prior improvements shall have a leasehold surrender interest in the prior improvements. The initial value in the leasehold surrender interest (instead of construction cost) shall be an amount equal to the value of the existing possessory interest as of the termination date of the previous concession contract.

(4) DE NOVO REVIEW OF VALUE DETERMINATION.—If the Secretary, or either party to a value determination proceeding conducted under a Service concession contract issued before November 13, 1998, considers that the value determination decision issued pursuant to the proceeding misinterprets or misapplies relevant contractual requirements or their underlying legal authority, the Secretary or either party may seek, within 180 days after the date of the decision, de novo review of the value determination decision by the United States Court of Federal Claims. The Court of Federal Claims may make an order affirming, vacating, modifying or correcting the determination decision.

(d) TRANSITION TO SUCCESSOR CONCESSIONER.—On expiration or termination of a concession contract entered into after November 13, 1998, a concessioner shall be entitled under the terms of the concession contract to receive from the United States or a successor concessioner the value of any leasehold surrender interest in a capital improvement as of the date of the expiration or termination. A successor concessioner shall have a leasehold surrender interest in the capital improvement under the terms of a new concession contract and the initial value of the leasehold surrender interest in the capital improvement (instead of construction cost) shall be the amount of money the new concessioner is required to pay the prior concessioner for its leasehold surrender interest under the terms of the prior concession contract.

(e) TITLE TO IMPROVEMENTS.—Title to any capital improvement constructed by a concessioner on land owned by the United States in a System unit shall be vested in the United States.

§ 101916. Reasonableness of rates and charges

(a) IN GENERAL.—A concession contract shall permit the concessioner to set reasonable and appropriate rates and charges for facilities, goods, and services provided to the public, subject to approval under subsection (b).

(b) APPROVAL BY SECRETARY REQUIRED.—

(1) FACTORS TO CONSIDER.—A concessioner's rates and charges to the public shall be subject to approval by the Secretary. The approval process utilized by the Secretary shall be as prompt and as unburdensome to the concessioner as possible and shall rely on market forces to establish reasonableness of rates and charges to the maximum extent practicable. The Secretary shall approve rates and charges that the Secretary determines to be reasonable and appropriate. Unless otherwise provided in the concession contract, the reasonableness and appropriateness of rates and charges shall be determined primarily by comparison with those rates and charges for facilities, goods, and services of comparable character under similar conditions, with due consideration to the following factors and other factors deemed relevant by the Secretary:

(A) Length of season.

(B) Peakloads.

(C) Average percentage of occupancy.

(D) Accessibility.

(E) Availability and costs of labor and materials.

(F) Type of patronage.

(2) RATES AND CHARGES NOT TO EXCEED MARKET RATES AND CHARGES.—Rates and charges may not exceed the market rates and charges for comparable facilities, goods, and services, after taking into account the factors referred to in paragraph (1).

(c) IMPLEMENTATION OF RECOMMENDATIONS.—Not later than 6 months after receiving recommendations from the Advisory Board regarding concessioner rates and charges to the public, the Secretary shall implement the recommendations or report to Congress the reasons for not implementing the recommendations.

§ 101917. Franchise fees

(a) IN GENERAL.—A concession contract shall provide for payment to the Federal Government of a franchise fee or other monetary consideration as determined by the Secretary, on consideration of the probable value to the concessioner of the privileges granted by the particular contract involved. Probable value shall be based on a reasonable opportunity for net profit in relation to capital invested and the obligations of the concession contract. Consideration of revenue to the United States shall be subordinate to the objectives of protecting and preserving System units and of providing necessary and appropriate services for visitors at reasonable rates.

(b) PROVISIONS TO BE SPECIFIED IN CONTRACT.—The amount of the franchise fee or other monetary consideration paid to the United States for the term of the concession contract shall be specified in the concession contract and may be modified only to reflect extraordinary unanticipated changes from the conditions anticipated as of the effective date of the concession contract. The Secretary shall include in concession contracts with a term of more than 5 years a provision that allows reconsideration of the franchise fee at the request of the Secretary or the concessioner in the event of extraordinary unanticipated changes. The provision shall provide for binding arbitration in the event that the Secretary and the concessioner are unable to agree on an adjustment to the franchise fee in those circumstances.

(c) SPECIAL ACCOUNT IN TREASURY.—

(1) DEPOSIT AND AVAILABILITY.—All franchise fees (and other monetary consideration) paid to the United States pursuant to concession contracts shall be deposited in a special account established in the Treasury. Twenty percent of the funds deposited in the special account shall be available for expenditure by the Secretary, without further appropriation, to support activities throughout the System regardless of the System unit in which the funds were collected. The funds deposited in the special account shall remain available until expended.

(2) SUBACCOUNT FOR EACH SYSTEM UNIT.—There shall be established within the special account a subaccount for each System unit. Each subaccount shall be credited with 80 percent of the franchise fees (and other monetary consideration) collected at a single System unit under concession contracts. The funds credited to the subaccount for a System unit shall be available for expenditure by the Secretary, without further appropriation, for use at the System unit for visitor services and for purposes of funding high-priority and urgently necessary resource management programs and operations. The funds credited to a subaccount shall remain available until expended.

§ 101918. Transfer or conveyance of concession contracts or leasehold surrender interests

(a) APPROVAL OF SECRETARY.—No concession contract or leasehold surrender interest may be transferred, assigned, sold, or otherwise conveyed or pledged by a concessioner without prior written notification to, and approval by, the Secretary.

(b) CONDITIONS.—The Secretary shall approve a transfer or conveyance described in subsection (a) unless the Secretary finds that—

(1) the individual, corporation, or other entity seeking to acquire a concession contract is not qualified or able to satisfy the terms and conditions of the concession contract;

(2) the transfer or conveyance would have an adverse impact on—

(A) the protection, conservation, or preservation of the resources of the System unit; or

(B) the provision of necessary and appropriate facilities and services to visitors at reasonable rates and charges; and

(3) the terms of the transfer or conveyance are likely, directly or indirectly, to—

(A) reduce the concessioner's opportunity for a reasonable profit over the remaining term of the concession contract;

(B) adversely affect the quality of facilities and services provided by the concessioner; or

(C) result in a need for increased rates and charges to the public to maintain the quality of the facilities and services.

(c) MODIFICATION OR RENEGOTIATION OF TERMS.—The terms and conditions of any concession contract under this section shall not be subject to modification or open to renegotiation by the Secretary because of a transfer or conveyance described in subsection (a) unless the transfer or conveyance would have an adverse impact as described in subsection (b)(2).

§ 101919. National Park Service Concessions Management Advisory Board

(a) ESTABLISHMENT AND PURPOSE.—There is a National Park Service Concessions Management Advisory Board whose purpose shall be to advise the Secretary and Service on matters relating to management of concessions in the System.

(b) DUTIES.—

(1) ADVICE.—The Advisory Board shall advise on each of the following:

(A) Policies and procedures intended to ensure that services and facilities provided by concessioners—

(i) are necessary and appropriate;

(ii) meet acceptable standards at reasonable rates with a minimum of impact on System unit resources and values; and

(iii) provide the concessioners with a reasonable opportunity to make a profit.

(B) Ways to make Service concession programs and procedures more cost effective, more process efficient, less burdensome, and timelier.

(2) RECOMMENDATIONS.—The Advisory Board shall make recommendations to the Secretary regarding each of the following:

(A) The Service contracting with the private sector to conduct appropriate elements of concession management.

(B) Ways to make the review or approval of concessioner rates and charges to the public more efficient, less burdensome, and timelier.

(C) The nature and scope of products that qualify as Indian, Alaska Native, and Native Hawaiian handicrafts within the meaning of this subchapter.

(D) The allocation of concession fees.

(3) ANNUAL REPORT.—The Advisory Board shall provide an annual report on its activities to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(c) ADVISORY BOARD MEMBERSHIP.—Members of the Advisory Board shall be appointed on a staggered basis by the Secretary for a term not to exceed 4 years and shall serve at the pleasure of the Secretary. The Advisory Board shall be comprised of not more than 7 individuals appointed from among citizens of the United States not in the employment of the Federal Government and not in the employment of or having an interest in a Service concession. Of the 7 members of the Advisory Board—

(1) one member shall be privately employed in the hospitality industry and have both broad knowledge of hotel or food service management and experience in the parks and recreation concession business;

(2) one member shall be privately employed in the tourism industry;

(3) one member shall be privately employed in the accounting industry;

(4) one member shall be privately employed in the outfitting and guide industry;

(5) one member shall be a State government employee with expertise in park concession management;

(6) one member shall be active in promotion of traditional arts and crafts; and

(7) one member shall be active in a nonprofit conservation organization involved in parks and recreation programs.

(d) SERVICE ON ADVISORY BOARD.—Service of an individual as a member of the Advisory Board shall not be deemed to be service or employment bringing the individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of individuals, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Advisory Board shall not be deemed service in an appointive or elective position in the Federal Government for purposes of section 8344 of title 5 or other comparable provisions of Federal law.

(e) TERMINATION.—The Advisory Board shall continue to exist until December 31, 2009. In all other respects, it shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

§ 101920. Contracting for services

(a) CONTRACTING AUTHORIZED.—

(1) MANAGEMENT ELEMENTS FOR WHICH CONTRACT REQUIRED TO MAXIMUM EXTENT PRACTICABLE.—To the maximum extent practicable, the Secretary shall contract with private entities to conduct or assist in elements of the management of the Service concession program considered by the Secretary to be suitable for non-Federal performance. Those management elements shall include each of the following:

(A) Health and safety inspections.

(B) Quality control of concession operations and facilities.

(C) Strategic capital planning for concession facilities.

(D) Analysis of rates and charges to the public.

(2) MANAGEMENT ELEMENTS FOR WHICH CONTRACT ALLOWED.—The Secretary may also contract with private entities to assist the Secretary with each of the following:

(A) Preparation of the financial aspects of prospectuses for Service concession contracts.

(B) Development of guidelines for a System capital improvement and maintenance program for all concession occupied facilities.

(C) Making recommendations to the Director regarding the conduct of annual audits of concession fee expenditures.

(b) OTHER MANAGEMENT ELEMENTS.—The Secretary shall consider, taking into account the recommendations of the Advisory Board, contracting out other elements of the concessions management program, as appropriate.

(c) AUTHORITY OF SECRETARY NOT DIMINISHED.—Nothing in this section shall diminish the governmental responsibilities and authority of the Secretary to administer concession contracts and activities pursuant to this subchapter and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of this title. The Secretary reserves the right to make the final decision or contract approval on contracting services dealing with the management of the Service concessions program under this section.

§ 101921. Multiple contracts within a System unit

If multiple concession contracts are awarded to authorize concessioners to provide the same or similar outfitting, guiding, river running, or other similar services at the same approximate location or resource within a System unit, the Secretary shall establish a comparable franchise fee structure for those contracts or similar contracts, except that the terms and conditions of any existing concession contract shall not be subject to modification or open to renegotiation by the Secretary because of an award of a new contract at the same approximate location or resource.

§ 101922. Use of nonmonetary consideration in concession contracts

Section 1302 of title 40 shall not apply to concession contracts awarded by the Secretary pursuant to this subchapter.

§ 101923. Recordkeeping requirements

(a) IN GENERAL.—A concessioner and any subconcessioner shall keep such records as the Secretary may prescribe to enable the Secretary to determine that all terms of a concession contract have been and are being faithfully performed. The Secretary and any authorized representative of the Secretary shall, for the purpose of audit and examination, have access to those records and to other records of the concessioner or subconcessioner pertinent to the concession contract and all terms and conditions of the concession contract.

(b) ACCESS TO RECORDS BY COMPTROLLER GENERAL.—The Comptroller General and any authorized representative of the Comptroller General shall, until the expiration of 5 calendar years after the close of the business year of each concessioner or subconcessioner, have access to and the right to examine any pertinent records described in subsection (a) of the concessioner or subconcessioner related to the contract involved.

§ 101924. Promotion of sale of Indian, Alaska Native, Native Samoan, and Native Hawaiian handicrafts

(a) IN GENERAL.—Promoting the sale of authentic United States Indian, Alaskan Native, Native Samoan, and Native Hawaiian handicrafts relating to the cultural, historical, and geographic characteristics of System units is encouraged, and the Secretary shall ensure that there is a continuing effort to enhance the handicraft trade where it exists and establish the trade in appropriate areas where the trade does not exist.

(b) EXEMPTION FROM FRANCHISE FEE.—In furtherance of the purposes of subsection (a), the revenue derived from the sale of United States Indian, Alaska Native, Native Samoan, and Native Hawaiian handicrafts shall be exempt from any franchise fee payments under this subchapter.

§ 101925. Commercial use authorizations

(a) IN GENERAL.—To the extent specified in this section, the Secretary, on request, may authorize a private person, corporation, or other entity to provide services to visitors to System units through a commercial use authorization. A commercial use authorization shall not be considered to be a concession contract under this subchapter and no other section of this subchapter shall be applicable to a commercial use authorization except where expressly stated.

(b) CRITERIA FOR ISSUANCE OF COMMERCIAL USE AUTHORIZATIONS.—

(1) REQUIRED DETERMINATIONS.—The authority of this section may be used only to authorize provision of services that the Secretary determines—

(A) will have minimal impact on resources and values of a System unit; and

(B) are consistent with the purpose for which the System unit was established and with all applicable management plans and Service policies and regulations.

(2) ELEMENTS OF COMMERCIAL USE AUTHORIZATION.—The Secretary shall—

(A) require payment of a reasonable fee for issuance of a commercial use authorization, the fees to remain available without further appropriation to be used, at a minimum, to recover associated management and administrative costs;

(B) require that the provision of services under a commercial use authorization be accomplished in a manner consistent to the highest practicable degree with the preservation and conservation of System unit resources and values;

(C) take appropriate steps to limit the liability of the United States arising from the provision of services under a commercial use authorization;

(D) have no authority under this section to issue more commercial use authorizations than are consistent with the preservation and proper management of System unit resources and values; and

(E) shall establish other conditions for issuance of a commercial use authorization that the Secretary determines to be appropriate for the protection of visitors, provision of adequate and appropriate visitor services, and protection and proper management of System unit resources and values.

(c) LIMITATIONS.—Any commercial use authorization shall be limited to—

(1) commercial operations with annual gross receipts of not more than $25,000 resulting from services originating and provided solely within a System unit pursuant to the commercial use authorization;

(2) the incidental use of resources of the System unit by commercial operations that provide services originating and terminating outside the boundaries of the System unit; or

(3)(A) uses by organized children's camps, outdoor clubs, and nonprofit institutions (including back country use); and

(B) other uses, as the Secretary determines to be appropriate.

(d) NONPROFIT INSTITUTIONS.—Nonprofit institutions are not required to obtain commercial use authorizations unless taxable income is derived by the institution from the authorized use.

(e) PROHIBITION ON CONSTRUCTION.—A commercial use authorization shall not provide for the construction of any structure, fixture, or improvement on federally-owned land within the boundaries of a System unit.

(f) DURATION.—The term of any commercial use authorization shall not exceed 2 years. No preferential right of renewal or similar provisions for renewal shall be granted by the Secretary.

(g) OTHER CONTRACTS.—A person, corporation, or other entity seeking or obtaining a commercial use authorization shall not be precluded from submitting a proposal for concession contracts.

§ 101926. Regulations

(a) IN GENERAL.—The Secretary shall prescribe regulations appropriate for the implementation of this subchapter.

(b) CONTENTS.—The regulations—

(1) shall include appropriate provisions to ensure that concession services and facilities to be provided in a System unit are not segmented or otherwise split into separate concession contracts for the purposes of seeking to reduce anticipated annual gross receipts of a concession contract below $500,000; and

(2) shall further define the term ''United States Indian, Alaskan Native, and Native Hawaiian handicrafts'' for the purposes of this subchapter.

Chapter 1021—Privileges and Leases

§ 102101. General provisions

(a) LIMITATION.—

(1) NO LEASE OR GRANT OF A PRIVILEGE THAT INTERFERES WITH FREE ACCESS.—No natural curiosity, wonder, or object of interest shall be leased or granted to anyone on such terms as to interfere with free access by the public to any System unit.

(2) EXCEPTION FOR GRAZING LIVESTOCK.—The Secretary, under such regulations and on such terms as the Secretary may prescribe, may grant the privilege to graze livestock within a System unit when, in the Secretary's judgment, the use

is not detrimental to the primary purpose for which the System unit was created. This paragraph does not apply to Yellowstone National Park.

(b) ADVERTISING AND COMPETITIVE BIDS NOT REQUIRED.—The Secretary may grant privileges and enter into leases described in subsection (a), and enter into related contracts with responsible persons, firms, or corporations, without advertising and without securing competitive bids.

(c) ASSIGNMENT OR TRANSFER.— No contract, lease, or privilege described in subsection (a) or (b) that is entered into or granted shall be assigned or transferred by the grantee, lessee, or licensee without the prior written approval of the Secretary.

§ 102102. Authority of Secretary to enter into lease for buildings and associated property

(a) IN GENERAL.—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary may consider advisable, and except as provided in subsection (b) and subject to subsection (c), may enter into a lease with any person or government entity for the use of buildings and associated property administered by the Secretary as part of the System.

(b) PROHIBITED ACTIVITIES.—The Secretary may not use a lease under subsection (a) to authorize the lessee to engage in activities that are subject to authorization by the Secretary through a concession contract, commercial use authorization, or similar instrument.

(c) USE.—Buildings and associated property leased under subsection (a)—

(1) shall be used for an activity that is consistent with the purposes established by law for the System unit in which the building is located;

(2) shall not result in degradation of the purposes and values of the System unit; and

(3) shall be compatible with Service programs.

(d) RENTAL AMOUNTS.—

(1) IN GENERAL.—With respect to a lease under subsection (a)—

(A) payment of fair market value rental shall be required; and

(B) section 1302 of title 40 shall not apply.

(2) ADJUSTMENT.—The Secretary may adjust the rental amount as appropriate to take into account any amounts to be expended by the lessee for preservation, maintenance, restoration, improvement, or repair and related expenses.

(e) SPECIAL ACCOUNT.—

(1) DEPOSITS.—Rental payments under a lease under subsection (a) shall be deposited in a special account in the Treasury.

(2) AVAILABILITY.—Amounts in the special account shall be available until expended, without further appropriation, for infrastructure needs at System units, including—

(A) facility refurbishment;

(B) repair and replacement;

(C) infrastructure projects associated with System unit resource protection; and

(D) direct maintenance of the leased buildings and associated property.

(3) ACCOUNTABILITY AND RESULTS.—The Secretary shall develop procedures for the use of the special account that ensure accountability and demonstrated results consistent with this section and sections 100101(b), 100502, 100507, 100751(b), 100754, 100901(b) and (c), 100906(a) and (d), 101302(b)(1) and (c) to (e), 101306, 101702(b) and (c), 101901, 102701, and 102702 of this title.

(f) REGULATIONS.—The Secretary shall prescribe regulations implementing this section that include provisions to encourage and facilitate competition in the leasing process and provide for timely and adequate public comment.

Chapter 1023—Programs and Organizations

Sec.

§ 102301. Volunteers in parks program

(a) ESTABLISHMENT.—The Secretary may recruit, train, and accept, without regard to chapter 51 and subchapter III of chapter 53 of title 5 or regulations prescribed under that chapter or subchapter, the services of individuals without compensation as volunteers for or in aid of interpretive functions or other visitor services or activities in and related to System units and related areas. In accepting those services, the Secretary shall not permit the use of volunteers in hazardous duty or law enforcement work or in policymaking processes, or to displace any employee. The services of individuals whom the Secretary determines are skilled in performing hazardous activities may be accepted.

(b) INCIDENTAL EXPENSES.—The Secretary may provide for incidental expenses of volunteers, such as transportation, uniforms, lodging, and subsistence.

(c) FEDERAL EMPLOYEE STATUS FOR VOLUNTEERS.—

(1) EMPLOYMENT STATUS OF VOLUNTEERS.—Except as otherwise provided in this section, a volunteer shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(2) TORT CLAIMS.—For the purpose of sections 1346(b) and 2401(b) and chapter 171 of title 28, a volunteer under this chapter shall be deemed a Federal employee.

(3) VOLUNTEERS DEEMED CIVIL EMPLOYEES.—For the purposes of subchapter I of chapter 81 of title 5, volunteers under this chapter shall be deemed civil employees of the United States within the meaning of the term ''employee'' as defined in section 8101 of title 5, and subchapter I of chapter 81 of title 5 shall apply.

(4) COMPENSATION FOR LOSSES AND DAMAGES.—For the purpose of claims relating to damage to, or loss of, personal property of a volunteer incident to volunteer service, a volunteer under this chapter shall be deemed a Federal employee, and section 3721 of title 31 shall apply.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section not more than $3,500,000 for each fiscal year.

§ 102302. National Capital region arts and cultural affairs

(a) ESTABLISHMENT.—There is under the direction of the Service a program to support and enhance artistic and cultural activities in the National Capital region.

(b) GRANT ELIGIBILITY.—

(1) ELIGIBLE ORGANIZATIONS.—Eligibility for grants shall be limited to organizations—

(A) that are of demonstrated national significance; and

(B) that meet at least 2 of the criteria stated in paragraph (2).

(2) CRITERIA.—The criteria referred to in paragraph (1) are the following:

(A) The organization has an annual operating budget in excess of $1,000,000.

(B) The organization has an annual audience or visitation of at least 200,000 people.

(C) The organization has a paid staff of at least 100 individuals.

(D) The organization is eligible under section 320102(f) of this title.

(3) ORGANIZATIONS NOT ELIGIBLE.—Public or private colleges and universities are not eligible for grants under the program under this section.

(c) USE OF GRANTS.—Grants awarded under this section may be used to support general operations and maintenance, security, or special projects. No organization may receive a grant in excess of $500,000 in a single year.

(d) RESPONSBILITIES OF DIRECTOR.—The Director shall—

(1) establish an application process;

(2) appoint a review panel of 5 qualified individuals, at least a majority of whom reside in the National Capital region; and

(3) develop other program guidelines and definitions as required.

(e) FORD'S THEATER AND WOLF TRAP NATIONAL PARK FOR THE PERFORMING ARTS.—The contractual amounts required for the support of Ford's Theater and Wolf Trap National Park for the Performing Arts shall be available within the amount provided in this section without regard to any other provision of this section.

§ 102303. National Park System Advisory Board

(a) DEFINITION.—In this section, the term ''Board'' means the National Park System Advisory Board established under subsection (b).

(b) ESTABLISHMENT AND PURPOSE.—There is established a National Park System Advisory Board, whose purpose is to advise the Director on matters relating to the Service, the System, and programs administered by the Service. The Board shall advise the Director on matters submitted to the Board by the Director as well as any other issues identified by the Board.

(c) MEMBERSHIP.—

(1) APPOINTMENT AND TERM OF OFFICE.—Members of the Board shall be appointed on a staggered term basis by the Secretary for a term not to exceed 4 years and shall serve at the pleasure of the Secretary.

(2) COMPOSITION.—The Board shall be composed of no more than 12 persons, appointed from among citizens of the United States having a demonstrated commitment to the mission of the Service. Board members shall be selected to represent various geographic regions, including each of the administrative regions of the Service. At least 6 of the members shall have outstanding expertise in one or more of the following fields: history, archeology, anthropology, historical or landscape architecture, biology, ecology, geology, marine science, or social science. At least 4 of the members shall have outstanding expertise and prior experience in the management of national or State parks or protected areas, or natural or cultural resources management. The remaining members shall have outstanding expertise in one or more of the areas described above or in another professional or scientific discipline, such as financial management, recreation use management, land use planning, or business management, important to the mission of the Service. At least one individual shall be a locally elected official from an area adjacent to a park.

(3) FIRST MEETING.—The Board shall hold its 1st meeting no later than 60 days after the date on which all members of the Board who are to be appointed have been appointed.

(4) VACANCY.—Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(5) COMPENSATION.—All members of the Board shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Board while away from home or their regular place of business, in accordance with subchapter I of chapter 57 of title 5. With the exception of travel and per diem, a member of the Board who otherwise is an officer or employee of the United States Government shall serve on the Board without additional compensation.

(d) DUTIES AND POWERS OF BOARD.—

(1) ADOPT RULES.—The Board may adopt such rules as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

(2) ADVICE AND RECOMMENDATIONS.—The Board shall advise the Secretary on matters relating to the System, to other related areas, and to the administration of chapter 3201 of this title, including matters submitted to it for consideration by the Secretary, but it shall not be required to provide recommendations as to the suitability or desirability of surplus real and related personal property for use as a historic monument. The Board shall also provide recommendations on the designation of national

historic landmarks and national natural landmarks. The Board is strongly encouraged to consult with the major scholarly and professional organizations in the appropriate disciplines in making the recommendations.

(3) ACTIONS ON REQUEST OF DIRECTOR.—On request of the Director, the Board is authorized to—

(A) hold such hearings and sit and act at such times;

(B) take such testimony;

(C) have such printing and binding done;

(D) enter into such contracts and other arrangements;

(E) make such expenditures; and

(F) take such other actions

as the Board may consider advisable.

(4) OATHS OR AFFIRMATIONS.—Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.

(5) COMMITTEES AND SUBCOMMITTEES.—The Board may establish committees or subcommittees. The subcommittees or committees shall be chaired by a voting member of the Board.

(6) USE OF MAILS.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies in the United States.

(e) STAFF.—The Secretary may hire 2 full-time staffers to meet the needs of the Board.

(f) FEDERAL LAW NOT APPLICABLE TO SERVICE.—Service as a member of the Board shall not be deemed service or employment bringing the individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties relating to the employment of individuals, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member or an employee of the Board shall not be deemed service in an appointive or elective position in the Federal Government for purposes of section 8344 of title 5 or comparable provisions of Federal law.

(g) COOPERATION OF FEDERAL AGENCIES.—

(1) INFORMATION.—The Board may secure directly from any office, department, agency, establishment, or instrumentality of the Federal Government such information as the Board may require for the purpose of this section, and each office, department, agency, establishment, or instrumentality shall furnish, to the extent permitted by law, the information, suggestions, estimates, and statistics directly to the Board, on request made by a member of the Board.

(2) FACILITIES AND SERVICES.—On request of the Board, the head of any Federal department, agency, or instrumentality may make any of the facilities and services of the department, agency, or instrumentality available to the Board, on a nonreimbursable basis, to assist the Board in carrying out its duties under this section.

(h) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.), with the exception of section 14(b), applies to the Board.

(i) TERMINATION.—The Board continues to exist until January 1, 2010.

§ 102304. National Park Service Advisory Council

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term ''Board'' means the National Park System Advisory Board established under section 102303 of this title.

(2) COUNCIL.—The term ''Council'' means the National Park Service Advisory Council established under subsection (b).

(b) ESTABLISHMENT AND PURPOSE.—There is established a National Park Service Advisory Council that shall provide advice and counsel to the Board.

(c) MEMBERSHIP.—

(1) ELIGIBILITY.—Membership on the Council shall be limited to individuals whose term on the Board has expired. Those individuals may serve as long as they remain active except that not more than 12 members may serve on the Council at any one time.

(2) COMPENSATION.—Members of the Council shall receive no salary but may be paid expenses incidental to travel when engaged in discharging their duties as members.

(d) VOTING RESTRICTION.—Members of the Council shall not have a vote on the Board.

Chapter 1025—Museums

§ 102501. Purpose

The purpose of this chapter is to increase the public benefits from museums established within System units as a means of informing the public concerning the areas and preserving valuable objects and relics relating to the areas.

§ 102502. Definition of museum object

In this chapter:

(1) IN GENERAL.—The term ''museum object'' means an object that—

(A) typically is movable; and

(B) is eligible to be, or is made part of, a museum, library, or archive collection through a formal procedure, such as accessioning.

(2) INCLUSIONS.—The term ''museum object'' includes a prehistoric or historic artifact, work of art, book, document, photograph, or natural history specimen.

§ 102503. Authority of Secretary

(a) IN GENERAL.—Notwithstanding other provisions or limitations of law, the Secretary may perform the functions described in this section in the manner that the Secretary considers to be in the public interest.

(b) DONATIONS AND BEQUESTS.—The Secretary may accept donations and bequests of money or other personal property, and hold, use, expend, and administer the money or other personal property for purposes of this chapter.

(c) PURCHASES.—The Secretary may purchase museum objects and other personal property at prices that the Secretary considers to be reasonable.

(d) EXCHANGES.—The Secretary may make exchanges by accepting museum objects and other personal property and by granting in exchange for the museum objects or other personal property museum property under the administrative jurisdiction of the Secretary that no longer is needed or that may be held in duplicate among the museum properties administered by the Secretary. Exchanges shall be consummated on a basis that the Secretary considers to be equitable and in the public interest.

(e) ACCEPTANCE OF LOANS OF PROPERTY.—The Secretary may accept the loan of museum objects and other personal property and pay transportation costs incidental to the museum objects or other personal property. Loans shall be accepted on terms and conditions that the Secretary considers necessary.

(f) LOANS OF PROPERTY.—The Secretary may loan to responsible public or private organizations, institutions, or agencies, without cost to the United States, such museum objects and other personal property as the Secretary shall consider advisable. Loans shall be made on terms and conditions that the Secretary considers necessary to protect the public interest in those properties.

(g) TRANSFER OF MUSEUM OBJECTS.—The Secretary may transfer museum objects that the Secretary determines are no longer needed for museum purposes to qualified Federal agencies, including the Smithsonian Institution, that have programs to preserve and interpret cultural or natural heritage, and accept the transfer of museum objects for the purposes of this chapter from any other Federal agency, without reimbursement. The head of any other Federal agency may transfer, without reimbursement, museum objects directly to the administrative jurisdiction of the Secretary for the purpose of this chapter.

(h) CONVEYANCE OF MUSEUM OBJECTS.—The Secretary may convey museum objects that the Secretary determines are no longer needed for museum purposes, without monetary consideration but subject to such terms and conditions as the Secretary considers necessary, to private institutions exempt from Federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and to non-Federal governmental entities if the Secretary determines that the recipient is dedicated to the preservation and interpretation of natural or cultural heritage and is qualified to manage the property, prior to any conveyance under this subsection and subsection (g).

(i) DESTRUCTION OF MUSEUM OBJECTS.—The Secretary may destroy or cause to be destroyed museum objects that the Secretary determines to have no scientific, cultural, historic, educational, esthetic, or monetary value.

§ 102504. Review and approval

The Secretary shall ensure that museum objects are treated in a careful and deliberate manner that protects the public interest. Prior to taking any action under subsection (g), (h), or (i) of section 102503 of this title, the Secretary shall establish a systematic review and approval process, including consultation with appropriate experts, that meets the highest standards of the museum profession for all actions taken under those subsections.

Chapter 1027—Law Enforcement and Emergency Assistance

Subchapter I—Law Enforcement

§ 102701. Law enforcement personnel within System

(a) OFFICERS AND EMPLOYEES OF THE DEPARTMENT OF THE INTERIOR.—

(1) DESIGNATION AUTHORITY OF SECRETARY.—The Secretary, pursuant to standards prescribed in regulations by the Secretary, may designate certain officers or employees of the Department of the Interior who shall maintain law and order and protect individuals and property within System units.

(2) POWERS AND DUTIES OF DESIGNEES.—In the performance of the duties described in paragraph (1), the designated officers or employees may—

(A) carry firearms;

(B) make arrests without warrant for any offense against the United States committed in the presence of the officer or employee, or for any felony cognizable under the laws of the United States if the officer or employee has reasonable grounds to believe that the individual to be arrested has committed or is committing the felony, provided the arrests occur within the System or the individual to be arrested is fleeing from the System to avoid arrest;

(C) execute any warrant or other process issued by a court or officer of competent jurisdiction for the enforcement of the provisions of any Federal law or regulation issued pursuant to law arising out of an offense committed in the System or, where the individual subject to the warrant or process is in the System, in connection with any Federal offense; and

(D) conduct investigations of offenses against the United States committed in the System in

the absence of investigation of the offenses by any other Federal law enforcement agency having investigative jurisdiction over the offense committed or with the concurrence of the other agency.

(b) SPECIAL POLICE OFFICERS.—

(1) IN GENERAL.—The Secretary may designate officers and employees of any other Federal agency, or law enforcement personnel of a State or political subdivision of a State, when determined to be economical and in the public interest and with the concurrence of that agency, State, or subdivision, to—

(A) act as special police officers in System units when supplemental law enforcement personnel may be needed; and

(B) exercise the powers and authority provided by subparagraphs (A) to (D) of subsection (a)(2).

(2) COOPERATION WITH STATES AND POLITICAL SUBDIVISIONS.—The Secretary may—

(A) cooperate, within the System, with any State or political subdivision of a State in the enforcement of supervision of the laws or ordinances of that State or subdivision;

(B) mutually waive, in any agreement pursuant to subparagraph (A) and paragraph (1) or pursuant to subparagraphs (A) and (B) of subsection (a)(2) with any State or political subdivision of a State where State law requires the waiver and indemnification, all civil claims against all the other parties to the agreement and, subject to available appropriations, indemnify and save harmless the other parties to the agreement from all claims by third parties for property damage or personal injury, that may arise out of the parties' activities outside their respective jurisdictions under the agreement; and

(C) provide limited reimbursement, to a State or political subdivisions of a State, in accordance with such regulations as the Secretary may prescribe, where the State has ceded concurrent legislative jurisdiction over the affected area of the System, for expenditures incurred in connection with its activities within the System that were rendered pursuant to paragraph (1).

(3) SUPPLEMENTAL AUTHORITY; DELEGATION OF SERVICE LAW ENFORCEMENT RESPONSIBILITIES NOT AUTHORIZED.—Paragraphs (1) and (2) supplement the law enforcement responsibilities of the Service and do not authorize the delegation of law enforcement responsibilities of the Service to State or local governments.

(4) SPECIAL POLICE OFFICERS NOT DEEMED FEDERAL EMPLOYEES.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, a law enforcement officer of a State or political subdivision of a State designated to act as a special police officer under paragraph (1) shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal benefits.

(B) EXCEPTIONS.—A law enforcement officer of a State or political subdivision of a State, when acting as a special police officer under paragraph (1), is deemed to be—

(i) a Federal employee for purposes of sections 1346(b) and 2401(b) and chapter 171 of title 28; and

(ii) a civil service employee of the United States within the meaning of the term ''employee'' as defined in section 8101 of title 5, for purposes of subchapter I of chapter 81 of title 5, relating to compensation to Federal employees for work injuries, and the provisions of subchapter I of chapter 81 of title 5 shall apply.

(c) FEDERAL INVESTIGATIVE JURISDICTION AND STATE CIVIL AND CRIMINAL JURISDICTION NOT PREEMPTED.—This section and sections 100101(b), 100502, 100507, 100751(b), 100754, 100901(b) and (c), 100906(a) and (d), 101302(b)(1) and (c) to (e), 101306, 101702(b) and (c), 101901, 102102, and 102702 of this title shall not be construed or applied to limit or restrict the investigative jurisdiction of any Federal law enforcement agency other than the Service, and nothing shall be construed or applied to affect any right of a State or political subdivision of a State to exercise civil and criminal jurisdiction within the System.

§ 102702. Crime prevention assistance

(a) RECOMMENDATIONS FOR IMPROVEMENT.—The Secretary shall direct the chief official responsible for law enforcement within the Service to—

(1) compile a list of System units with the highest rates of violent crime;

(2) make recommendations concerning capital improvements, and other measures, needed within the System to reduce the rates of violent crime, including the rate of sexual assault; and

(3) publish the information required by paragraphs (1) and (2) in the Federal Register.

(b) DISTRIBUTION OF FUNDS.—Based on the recommendations and list issued pursuant to subsection (a), the Secretary shall distribute the funds authorized by subsection (d) throughout the System. Priority shall be given to areas with the highest rates of sexual assault.

(c) USE OF FUNDS.—Funds provided under this section may be used—

(1) to increase lighting within or adjacent to System units;

(2) to provide emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to System units;

(3) to increase security or law enforcement personnel within or adjacent to System units; or

(4) for any other project intended to increase the security and safety of System units.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Violent Crime Reduction Trust Fund not more than $10,000,000 for the Secretary to take all necessary actions to seek to reduce the incidence of violent crime in the System.

Subchapter II—Emergency Assistance

§ 102711. Authority of Secretary to use applicable appropriations for the System to render assistance to nearby law enforcement and fire prevention agencies and for related activities outside the System

To facilitate the administration of the System, the Secretary may use applicable appropriations for the System to render emergency rescue, firefighting, and cooperative assistance to nearby law enforcement and fire prevention agencies and for related purposes outside the System.

§ 102712. Aid to visitors, grantees, permittees, or licensees in emergencies

(a) VISITORS.—The Secretary may aid visitors within a System unit in an emergency, when no other source is available for the procurement of food or supplies, by the sale, at cost, of food or supplies in quantities sufficient to enable the visitors to reach safely a point where food or supplies can be purchased. Receipts from the sales shall be deposited as a refund to the appropriation current at the date of the deposit and shall be available for the purchase of similar food or supplies.

(b) GRANTEES, PERMITTEES, AND LICENSEES.—The Secretary may in an emergency, when no other source is available for the immediate procurement of supplies, materials, or special services, aid grantees, permittees, or licensees conducting operations for the benefit of the public in a System unit by the sale, at cost, including transportation and handling, of supplies, materials, or special services as may be necessary to relieve the emergency and ensure uninterrupted service to the public. Receipts from the sales shall be deposited as a refund to the appropriation current at the date of the deposit and shall be available for expenditure for System unit purposes.

Chapter 1029—Land Transfers

§ 102901. Conveyance of property and interests in property in System units or related areas

(a) FREEHOLD AND LEASEHOLD INTERESTS.—With respect to any property acquired by the Secretary within a System unit or related area, except property within national parks or within national monuments of scientific significance, the Secretary may convey a freehold or leasehold interest in the property, subject to such terms and conditions as will ensure the use of the property in a manner that is, in the judgment of the Secretary, consistent with the purpose for which the System unit or related area was authorized by Congress. The Secretary shall convey the interest to the highest bidder, in accordance with such regulations as the Secretary may prescribe. The conveyance shall be at not less than the fair market value of the interest, as determined by the Secretary, except that if the conveyance is proposed within 2 years after the property to be conveyed is acquired by the Secretary, the Secretary shall allow the last owner of record of the property 30 days following the date on which the owner is notified by the Secretary in writing that the property is to be conveyed within which to notify the Secretary that the owner wishes to acquire the interest. On receiving the timely request, the Secretary shall convey the interest to the person, in accordance with such regulations as the Secretary may prescribe, on payment or agreement to pay an amount equal to the highest bid price.

(b) EXCHANGE OF LAND.—

(1) IN GENERAL.—The Secretary may accept title to any non-Federal property or interest in property within a System unit or related area under the Secretary's administration in exchange for any Federally-owned property or interest under the Secretary's jurisdiction that the Secretary determines is suitable for exchange or other disposal and that is located in the same State as the non-Federal property to be acquired.

(2) EXCEPTION.—Timberland subject to harvest under a sustained yield program shall not be exchanged under paragraph (1).

(3) PUBLIC HEARING.—On request of a State or a political subdivision thereof, or of a party in interest, prior to an exchange under this subsection the Secretary shall hold a public hearing in the area where the properties to be exchanged are located.

(4) VALUES OF PROPERTIES EXCHANGED.—The values of the properties exchanged—

(A) shall be approximately equal; or

(B) if they are not approximately equal, shall be equalized by the payment of cash to the grantor from funds appropriated for the acquisition of land for the area, or to the Secretary, as the circumstances require.

(c) PROCEEDS CREDITED TO LAND AND WATER CONSERVATION FUND.—The proceeds received from any conveyance under this section shall be credited to the Land and Water Conservation Fund.

Chapter 1031—Appropriations and Accounting

§ 103101. Availability and use of appropriations

(a) CREDITS OF RECEIPTS FOR MEALS AND QUARTERS FURNISHED FEDERAL GOVERNMENT EMPLOYEES IN THE FIELD.—Cash collections and payroll deductions made for meals and quarters furnished by the Service to employees of the Federal Government in the field and to cooperating agencies may be credited as a reimbursement to the current appropriation for the administration of the System unit in which the accommodations are furnished.

(b) AVAILABILITY FOR EXPENSE OF RECORDING DONATED LAND.—Appropriations made for the Service shall be available for any expenses incident to the preparation and recording of title evidence covering land to be donated to the United States for administration by the Service.

(c) USE OF FUNDS FOR LAW ENFORCEMENT AND EMERGENCIES.—

(1) IN GENERAL.—Funds, not to exceed $250,000 per incident, available to the Service may be used, with the approval of the Secretary, to—

(A) maintain law and order in emergency and other unforeseen law enforcement situations; and

(B) conduct emergency search and rescue operations in the System.

(2) REPLENISHMENT OF FUNDS.—If the Secretary expends funds under paragraph (1), the funds shall be replenished by a supplemental appropriation for which the Secretary shall make a request as promptly as possible.

(d) CONTRIBUTION FOR ANNUITY BENEFITS.—

(1) IN GENERAL.—Necessary amounts are appropriated for reimbursement, pursuant to the Policemen and Firemen's Retirement and Disability Act amendments of 1957 (Public Law 85–157, 71 Stat. 391), to the District of Columbia on a monthly basis for benefit payments by the District of Columbia to United States Park Police annuitants under section 12 of the Policemen and Firemen's Retirement and Disability Act (ch. 433, 39 Stat. 718), to the extent that those payments exceed contributions made by active Park Police members covered under the Policemen and Firemen's Retirement and Disability Act.

(2) NONAVAILABILITY OF APPROPRIATIONS TO THE SERVICE.—Appropriations made to the Service are not available for the purpose of making reimbursements under paragraph (1).

(e) WATERPROOF FOOTWEAR.—Appropriations for the Service that are available for the purchase of equipment may be used for purchase of waterproof footwear, which shall be regarded and listed as System equipment.

§ 103102. Appropriations authorized and available for certain purposes

Appropriations for the Service are authorized and are available for—

(1) administration, protection, improvement, and maintenance of areas, under the jurisdiction of other Federal agencies, that are devoted to recreational use pursuant to cooperative agreements;

(2) necessary local transportation and subsistence in kind of individuals selected for employment or as cooperators, serving without other compensation, while attending fire protection training camps;

(3) administration, protection, maintenance, and improvement of the Chesapeake and Ohio Canal;

(4) educational lectures in or in the vicinity of and with respect to System units, and services of field employees in cooperation with such nonprofit scientific and historical societies engaged in educational work in System units as the Secretary may designate;

(5) travel expenses of employees attending—

(A) Federal Government camps for training in forest fire prevention and suppression;

(B) the Federal Bureau of Investigation National Police Academy; and

(C) Federal, State, or municipal schools for training in building fire prevention and suppression;

(6) investigation and establishment of water rights in accordance with local custom, laws, and decisions of courts, including the acquisition of water rights or of land or interests in land or rights-of-way for use and protection of water rights necessary or beneficial in the administration and public use of System units;

(7) official telephone service in the field in the case of official telephones installed in private houses when authorized under regulations established by the Secretary; and

(8) provision of transportation for children in nearby communities to and from any System unit used in connection with organized recreation and interpretive programs of the Service.

§ 103103. Amounts provided by private entities for utility services

Notwithstanding any other provision of law, amounts provided to the Service by private entities for utility services shall be credited to the appropriate account and remain available until expended.

§ 103104. Recovery of costs associated with special use permits

Notwithstanding any other provision of law, the Service may recover all costs of providing necessary services associated with special use permits. The reimbursements shall be credited to the appropriation current at that time.

Chapter 1033—National Military Parks

§ 103301. Military maneuvers

To obtain practical benefits of great value to the country from the establishment of national military parks, the parks and their approaches are declared to be national fields for military maneuvers for the Regular Army or Regular Air Force and the National Guard or militia of the States. National military parks shall be opened for those purposes only in the discretion of the Secretary, and under such regulations as the Secretary may prescribe.

§ 103302. Camps for military instruction

(a) ASSEMBLING OF FORCES AND DETAILING OF INSTRUCTORS.—The Secretary of the Army or Secretary of the Air Force, within the limits of appropriations that may be available for that purpose, may assemble in camp at such season of the year and for such period as the Secretary of the Army or Secretary of the Air Force may designate, at the field of military maneuvers, such portions of the military forces of the United States as the Secretary of the Army or Secretary of the Air Force may think best, to receive military instruction there. The Secretary of the Army of Secretary of the Air Force may detail instructors from the Regular Army or Regular Air Force, respectively, for those forces during their exercises.

(b) REGULATIONS.—The Secretary of the Army or Secretary of the Air Force may prescribe regulations governing the assembling of the National Guard or militia of the States on the maneuvering grounds.

§ 103303. Performance of duties of commissions

The duties of commissions in charge of national military parks shall be performed under the direction of the Secretary.

§ 103304. Recovery of land withheld

(a) CIVIL ACTION.—The United States may bring a civil action in the courts of the United States against a person to whom land lying within a national military park has been leased that refuses to give up possession of the land to the United States after the termination of the lease, and after possession has been demanded for the United States by the park superintendent, or against a person retaining possession of land lying within the boundary of a national military park that the person has sold to the United States for park purposes and received payment therefor, after possession of the land has been demanded for the United States by the park superintendent, to recover possession of the land withheld. The civil action shall be brought according to the statutes of the State in which the national military park is situated.

(b) TRESPASS.—A person described in subsection (a) shall be guilty of trespass.

§ 103305. Travel expenses incident to study of battlefields

Mileage of officers of the Army and actual expenses of civilian employees traveling on duty in connection with the studies, surveys, and field investigations of battlefields shall be paid from the appropriations made to meet expenses for those purposes.

§ 103306. Studies

(a) STUDY OF BATTLEFIELDS FOR COMMEMORATIVE PURPOSES.—The Secretary of the Army may make studies and investigations and, where necessary, surveys of all battlefields within the continental limits of the United States on which troops of the United States or of the original 13 colonies have been engaged against a common enemy, with a view to preparing a general plan and such detailed projects as may be required for properly commemorating such battlefields or other adjacent points of historic and military interest.

(b) INCLUSION OF ESTIMATE OF COST OF PROJECTED SURVEYS IN APPROPRIATION ESTIMATES.—The Secretary of the Army shall include annually in the Department of the Interior appropriation estimates a list of the battlefields for which surveys or other field investigations are planned for the fiscal year in question, with the estimated cost of making each survey or other field investigation.

(c) PURCHASE OF REAL ESTATE FOR NATIONAL MILITARY PARK PURPOSES.—No real estate shall be purchased for national military park purposes by the Federal Government unless a report on the real estate has been made by the Secretary of the Army through the President to Congress under subsection (d).

(d) REPORT TO CONGRESS.—The Secretary of the Army, through the President, shall annually submit to Congress a detailed report of progress made under this subchapter, with recommendations for further operations.

Chapters 1035 through 1047—Reserved

Chapter 1049—Miscellaneous

§ 104901. Central warehouses at System units

(a) AUTHORITY OF SECRETARY.—The Secretary, in the administration of the System, may maintain central warehouses at System units.

(b) APPROPRIATIONS.—

(1) AVAILABILITY.—Appropriations made for the administration, protection, maintenance, and improvement of System units shall be available for the purchase of supplies and materials to be kept in central warehouses for distribution at cost, including transportation and handling, to projects under specific appropriations.

(2) TRANSFERS BETWEEN APPROPRIATIONS.—

(A) AUTHORIZATION.—Transfers between the various appropriations made for System units are authorized for the purpose of charging the cost of supplies and materials, including transportation and handling, drawn from central warehouses maintained under this authority to the particular appropriation benefited.

(B) AVAILABILITY OF SUPPLIES AND MATERIALS AND TRANSFERS IN SUBSEQUENT YEARS.—Supplies and materials that remain at the end of any fiscal year shall be continuously available for

issuance during subsequent fiscal years and shall be charged for by transfers of funds between appropriations made for the administration, protection, maintenance, and improvement of System units for the fiscal year then current without decreasing the appropriations made for that fiscal year.

(c) LIMITATION ON PURCHASE OF SUPPLIES AND MATERIALS.—Supplies and materials shall not be purchased solely for the purpose of increasing the value of storehouse stock beyond reasonable requirements for any current fiscal year.

§ 104902. Services or other accommodations for public

The Secretary may contract for services or other accommodations provided in System units for the public under contract with the Department of the Interior, as may be required in the administration of the Service, at rates approved by the Secretary for the furnishing of those services or accommodations to the Federal Government and without compliance with section 6101 of title 41.

§ 104903. Care, removal, and burial of indigents

The Secretary may provide, out of amounts appropriated for the general expenses of System units, for the temporary care and removal from a System unit of indigents, and in case of death to provide for their burial in System units not under local jurisdiction for these purposes. This section does not authorize transportation of indigents or deceased for a distance of more than 50 miles from the System unit.

§ 104904. Hire of work animals, vehicles, and equipment with or without personal services

The Secretary may hire, with or without personal services, work animals and animal-drawn and motor-propelled vehicles and equipment at rates to be approved by the Secretary and without compliance with section 6101 of title 41.

§ 104905. Preparation of mats for reproduction of photographs

The Secretary shall prepare mats that may be used for the reproduction in magazines and newspapers of photographs of scenery in a System unit that, in the opinion of the Secretary, would be of interest to the people of the United States and foreign nations. The mats may be furnished, without charge and under regulations the Secretary may prescribe, to the publishers of magazines, newspapers, and any other publications that may carry photographic reproductions.

§ 104906. Protection of right of individuals to bear arms

(a) FINDINGS.—Congress finds the following:

(1) The 2d amendment to the Constitution provides that ''the right of the people to keep and bear Arms, shall not be infringed''.

(2) Section 2.4(a)(1) of title 36, Code of Federal Regulations, provides that ''except as otherwise provided in this section and parts 7 (special regulations) and 13 (Alaska regulations), the following are prohibited: (i) Possessing a weapon, trap or net (ii) Carrying a weapon, trap or net (iii) Using a weapon, trap or net''.

(3) The regulations described in paragraph (2) prevent individuals complying with Federal and State laws from exercising the 2d amendment rights of the individuals while at System units.

(4) The existence of different laws relating to the transportation and possession of firearms at different System units entrapped law-abiding gun owners while at System units.

(5) Although the Bush administration issued new regulations relating to the 2d amendment rights of law-abiding citizens in System units that went into effect on January 9, 2009—

(A) on March 19, 2009, the United States District Court for the District of Columbia granted a preliminary injunction with respect to the implementation and enforcement of the new regulations; and

(B) the new regulations—

(i) are under review by the Obama administration; and

(ii) may be altered.

(6) Congress needs to weigh in on the new regulations to ensure that unelected bureaucrats and judges cannot again override the 2d amendment rights of law-abiding citizens on 83,600,000 acres of System land.

(7) Federal laws should make it clear that the 2d amendment rights of an individual at a System unit should not be infringed.

(b) PROTECTION OF RIGHT OF INDIVIDUALS TO BEAR ARMS IN SYSTEM UNITS.—The Secretary shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm, including an assembled or functional firearm, in any System unit if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the System unit is located.

§ 104907. Limitation on extension or establishment of national parks in Wyoming

No extension or establishment of national parks in Wyoming may be undertaken except by express authorization of Congress.

Division B—System Units and Related Areas—Reserved

Subtitle II—Outdoor Recreation Programs

Chapter 2001—Coordination of Programs

Sec.

§ 200101. Findings and declaration of policy

Congress finds and declares it is desirable—

(1) that all American people of present and future generations be assured adequate outdoor recreation resources; and

(2) for all levels of government and private interests to take prompt and coordinated action to the extent practicable without diminishing or affecting their respective powers and functions to conserve, develop, and utilize those resources for the benefit and enjoyment of the American people.

§ 200102. Definitions

As used in this chapter:

(1) STATE.—The term ''State'', to the extent practicable, as determined by the Secretary, includes Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

(2) UNITED STATES.—The term ''United States''—

(A) includes the District of Columbia; and

(B) to the extent practicable, as determined by the Secretary, includes Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

§ 200103. Authority of Secretary to carry out certain functions and activities

(a) IN GENERAL.—To carry out this chapter, the Secretary may perform the functions and activities described in this section.

(b) INVENTORY AND EVALUATION.—The Secretary may prepare and maintain a continuing inventory and evaluation of outdoor recreation needs and resources of the United States.

(c) CLASSIFICATION SYSTEM.—The Secretary may prepare a system for classification of outdoor recreation resources to assist in the effective and beneficial use and management of such resources.

(d) RECREATION PLAN.—The Secretary may formulate and maintain a comprehensive nationwide outdoor recreation plan, taking into consideration the plans of the various Federal agencies, States, and their political subdivisions. The plan shall set forth the needs and demands of the public for outdoor recreation and the current and foreseeable availability in the future of outdoor recreation resources to meet those needs. The plan shall identify critical outdoor recreation problems, recommend solutions, and recommend desirable actions to be taken at each level of government and by private interests. The Secretary shall submit the plan to the President for transmittal to Congress. Revisions of the plan shall be similarly transmitted at succeeding 5-year intervals. When a plan or revision is transmitted to the Congress, the Secretary shall transmit copies to the chief executive officials of the States.

(e) TECHNICAL ASSISTANCE AND ADVICE.—The Secretary may provide technical assistance and advice to and cooperate with States, political subdivisions, and private interests, including nonprofit organizations, with respect to outdoor recreation.

(f) INTERSTATE AND REGIONAL COOPERATION.—The Secretary may encourage interstate and regional cooperation in the planning, acquisition, and development of outdoor recreation resources.

(g) RESEARCH, INFORMATION, AND EDUCATION PROGRAMS AND ACTIVITIES.—The Secretary may—

(1) sponsor, engage in, and assist in research relating to outdoor recreation, directly or by contract or cooperative agreements, and make payments for such purposes without regard to the limitations of section 3324(a) and (b) of title 31 concerning advances of funds when the Secretary considers such action to be in the public interest;

(2) undertake studies and assemble information concerning outdoor recreation, directly or by contract or cooperative agreement, and disseminate the information without regard to section 3204 of title 39; and

(3) cooperate with educational institutions and others to assist in establishing education programs and activities and to encourage public use and benefits from outdoor recreation.

(h) COOPERATION AND COORDINATION WITH FEDERAL AGENCIES.—

(1) IN GENERAL.—The Secretary may—

(A) cooperate with and provide technical assistance to Federal agencies and obtain from them information, data, reports, advice, and assistance that are needed and can reasonably be furnished in carrying out the purposes of this chapter; and

(B) promote coordination of Federal plans and activities generally relating to outdoor recreation.

(2) FUNDING.—An agency furnishing advice or assistance under this paragraph may expend its own funds for those purposes, with or without reimbursement, as may be agreed to by that agency.

(i) DONATIONS.—The Secretary may accept and use donations of money, property, personal services, or facilities for the purposes of this chapter.

§ 200104. Consultations of Secretary with administrative officers; execution of administrative responsibilities in conformity with nationwide plan

To carry out the policy declared in section 200101 of this title, the heads of Federal agencies having administrative responsibility over activities or resources the conduct or use of which is pertinent to fulfillment of that policy shall, individually or as a group—

(1) consult with and be consulted by the Secretary from time to time both with respect to their conduct of those activities and their use of those resources and with respect to the activities that the Secretary carries on under authority of this chapter that are pertinent to their work; and

(2) carry out that responsibility in general conformance with the nationwide plan authorized under section 200103(d) of this title.

Chapter 2003—Land and Water Conservation Fund

§ 200301. Definitions

In this chapter:

(1) FUND.—The term ''Fund'' means the Land and Water Conservation Fund established under section 200302 of this title.

(2) STATE.—The term ''State'' means a State, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

§ 200302. Establishment of Land and Water Conservation Fund

(a) ESTABLISHMENT.—There is established in the Treasury the Land and Water Conservation Fund.

(b) DEPOSITS.—During the period ending September 30, 2015, there shall be deposited in the Fund the following revenues and collections:

(1) All proceeds (except so much thereof as may be otherwise obligated, credited, or paid under authority of the provisions of law set forth in section 572(a) or 574(a) to (c) of title 40 or under authority of any appropriation Act that appropriates an amount, to be derived from proceeds from the transfer of excess property and the disposal of surplus property, for necessary expenses, not otherwise provided for, incident to the utilization and disposal of excess and surplus property) received from any disposal of surplus real property and related personal property under chapter 5 of title 40, notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Nothing in this chapter shall affect existing laws or regulations concerning disposal of real or personal surplus property to schools, hospitals, and States and their political subdivisions.

(2) The amounts provided for in section 200310 of this title.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to the sum of the revenues and collections estimated by the Secretary to be deposited in the Fund pursuant to this section, there are authorized to be appropriated annually to the Fund out of any money in the Treasury not otherwise appropriated such amounts as are necessary to make the income of the Fund not less than $900,000,000 for each fiscal year through September 30, 2015.

(2) RECEIPTS UNDER OUTER CONTINENTAL SHELF LANDS ACT.—To the extent that amounts appropriated under paragraph (1) are not sufficient to make the total annual income of the Fund equivalent to the amounts provided in paragraph (1), an amount sufficient to cover the remainder shall be credited to the Fund from revenues due and payable to the United States for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(3) AVAILABILITY OF DEPOSITS.—Notwithstanding section 200303 of this title, money deposited in the Fund under this subsection shall remain in the Fund until appropriated by Congress to carry out this chapter.

§ 200303. Appropriations for expenditure of Fund amounts

Amounts deposited in the Fund shall be available for expenditure for the purposes of this chapter only when appropriated for those purposes. The appropriations may be made without fiscal-year limitation. Amounts made available for obligation or expenditure from the Fund may be obligated or expended only as provided in this chapter.

§ 200304. Statement of estimated requirements

There shall be submitted with the annual budget of the United States a comprehensive statement of estimated requirements during the ensuing fiscal year for appropriations from the Fund. Not less than 40 percent of such appropriations shall be available for Federal purposes.

§ 200305. Financial assistance to States

(a) AUTHORITY OF SECRETARY TO MAKE PAYMENTS.—The Secretary may provide financial assistance to the States from amounts available for State purposes. Payments may be made to the States by the Secretary as provided in this section, subject to such terms and conditions as the Secretary considers appropriate and in the public interest to carry out the purposes of this chapter, for outdoor recreation:

(1) Planning.

(2) Acquisition of land, water, or interests in land or water.

(3) Development.

(b) APPORTIONMENT AMONG STATES.—Amounts appropriated and available for State purposes for each fiscal year shall be apportioned among the States by the Secretary, whose determination shall be final, in accordance with the following formula:

(1) Forty percent of the 1st $225,000,000; 30 percent of the next $275,000,000; and 20 percent of all additional appropriations shall be apportioned equally among the States.

(2) At any time, the remaining appropriation shall be apportioned on the basis of need to individual States by the Secretary in such amounts as in the Secretary's judgment will best accomplish the purposes of this chapter. The determination of need shall include consideration of—

(A) the proportion that the population of each State bears to the total population of the United States;

(B) the use of outdoor recreation resources of each State by persons from outside the State; and

(C) the Federal resources and programs in each State.

(3) The total allocation to a State under paragraphs (1) and (2) shall not exceed 10 percent of the total amount allocated to all of the States in any one year.

(4) The Secretary shall notify each State of its apportionments. The amounts shall be available for payment to the State for planning, acquisition, or development projects as prescribed. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which the notification is given and for 2 fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph (2) without regard to the 10 percent limitation to an individual State specified in this subsection.

(5) For the purposes of paragraph (1), the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands shall be deemed to be one State, and shall receive shares of the apportionment in proportion to their populations.

(c) MATCHING REQUIREMENTS.—Payments to any State shall cover not more than 50 percent of the cost of planning, acquisition, or development projects that are undertaken by the State. The remaining share of the cost shall be borne by the State in a manner and with funds or services as shall be satisfactory to the Secretary.

(d) COMPREHENSIVE STATE PLAN.—

(1) REQUIRED FOR CONSIDERATION OF FINANCIAL ASSISTANCE.—A comprehensive statewide outdoor recreation plan shall be required prior to the consideration by the Secretary of financial assistance for acquisition or development projects. The plan shall be adequate if, in the judgment of the Secretary, it encompasses and will promote the purposes of this chapter. No plan shall be approved unless the chief executive official of the State certifies that ample opportunity for public participation in plan development and revision has been accorded. The Secretary shall develop, in consultation with others, criteria for public participation, which criteria shall constitute the basis for the certification by the chief executive official. The plan shall contain—

(A) the name of the State agency that will have authority to represent and act for the State in dealing with the Secretary for purposes of this chapter;

(B) an evaluation of the demand for and supply of outdoor recreation resources and facilities in the State;

(C) a program for the implementation of the plan; and

(D) other necessary information, as determined by the Secretary.

(2) FACTORS TO BE CONSIDERED.—The plan shall take into account relevant Federal resources and programs and shall be correlated so far as practicable with other State, regional, and local plans. Where there exists or is in preparation for any particular State a comprehensive plan financed in part with funds supplied by the Secretary of Housing and Urban Development, any statewide outdoor recreation plan prepared for purposes of this part shall be based on the same population, growth, and other pertinent factors as are used in formulating plans financed by the Secretary of Housing and Urban Development.

(3) PROVISION OF ASSISTANCE WHEN PLAN NOT OTHERWISE AVAILABLE OR TO MAINTAIN PLAN.—The Secretary may provide financial assistance to any State for projects for the preparation of a comprehensive statewide outdoor recreation plan when the plan is not otherwise available or for the maintenance of the plan.

(4) WETLANDS.—A comprehensive statewide outdoor recreation plan shall specifically address wetlands within the State as an important outdoor recreation resource as a prerequisite to approval, except that a revised comprehensive statewide outdoor recreation plan shall not be required by the Secretary, if a State submits, and the Secretary, acting through the Director, approves, as a part of and as an addendum to the existing comprehensive statewide outdoor recreation plan, a wetlands priority plan developed in consultation with the State agency with responsibility for fish and wildlife resources and consistent with the national wetlands priority conservation plan developed under section 301 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3921) or, if the national plan has not been completed, consistent with the provisions of that section.

(e) PROJECTS FOR LAND AND WATER ACQUISITION AND DEVELOPMENT OF BASIC OUTDOOR RECREATION FACILITIES.—

(1) IN GENERAL.—In addition to assistance for planning projects, the Secretary may provide financial assistance to any State for the types of projects described in paragraphs (2) and (3), or combinations of those projects, if the projects are in accordance with the State comprehensive plan.

(2) ACQUISITION OF LAND OR WATER.—

(A) IN GENERAL.—Under paragraph (1), the Secretary may provide financial assistance for a project for the acquisition of land, water, or an interest in land or water, or a wetland area or an interest in a wetland area, as identified in the wetlands provisions of the comprehensive plan (other than land, water, or an interest in land or water acquired from the United States for less than fair market value), but not including incidental costs relating to acquisition.

(B) RETENTION OF RIGHT OF USE AND OCCUPANCY.—When a State provides that the owner of a single-family residence may, at the owner's

option, elect to retain a right of use and occupancy for not less than 6 months after the date of acquisition of the residence and the owner elects to retain such a right—

(i) the owner shall be deemed to have waived any benefits under sections 203 to 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4623 to 4626); and

(ii) for the purposes of those sections the owner shall not be deemed to be a displaced person as defined in section 101 of that Act (42 U.S.C. 4601).

(3) DEVELOPMENT OF BASIC OUTDOOR RECREATION FACILITIES.—Under paragraph (1), the Secretary may provide financial assistance for a project for development of basic outdoor recreation facilities to serve the general public, including the development of Federal land under lease to States for terms of 25 years or more. No assistance shall be available under this chapter to enclose or shelter a facility normally used for an outdoor recreation activity, but the Secretary may permit local funding, not to exceed 10 percent of the total amount allocated to a State in any one year, to be used for construction of a sheltered facility for a swimming pool or ice skating rink in an area where the Secretary determines that the construction is justified by the severity of climatic conditions and the increased public use made possible by the construction.

(f) PAYMENTS.—

(1) CRITERIA FOR MAKING PAYMENTS.—The Secretary may make a payment to a State only for a planning, acquisition, or development project that is approved by the Secretary. The Secretary shall not make a payment for or on account of any project with respect to which financial assistance has been given or promised under any other Federal program or activity, and no financial assistance shall be given under any other Federal program or activity for or on account of any project with respect to which the assistance has been given or promised under this chapter. The Secretary may make payments from time to time in keeping with the rate of progress toward the satisfactory completion of a project. The approval of all projects and all payments, or any commitments relating thereto, shall be withheld until the Secretary receives appropriate written assurance from the State that the State has the ability and intention to finance its share of the cost of all of the projects, and to operate and maintain by acceptable standards, at State expense, the properties or facilities acquired or developed for public outdoor recreation use.

(2) PAYMENT RECIPIENTS.—Payments for all projects shall be made by the Secretary to the chief executive official of the State or to a State official or agency designated by the chief executive official or by State law having authority and responsibility to accept and to administer funds paid under this section for approved projects. If consistent with an approved project, funds may be transferred by the State to a political subdivision or other appropriate public agency.

(3) CONVERSION TO OTHER THAN PUBLIC OUTDOOR RECREATION USE.—No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation use. The Secretary shall approve a conversion only if the Secretary finds it to be in accordance with the then-existing comprehensive statewide outdoor recreation plan and only on such conditions as the Secretary considers necessary to ensure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location. Wetland areas and interests therein as identified in the wetlands provisions of the comprehensive plan and proposed to be acquired as suitable replacement property within the same State that is otherwise acceptable to the Secretary, acting through the Director, shall be deemed to be of reasonably equivalent usefulness with the property proposed for conversion.

(4) REPORTS AND ACCOUNTING PROCEDURES.—No payment shall be made to any State until the State has agreed to—

(A) provide such reports to the Secretary in such form and containing such information as may be reasonably necessary to enable the Secretary to perform the Secretary's duties under this chapter; and

(B) provide such fiscal control and fund accounting procedures as may be necessary to ensure proper disbursement and accounting for Federal funds paid to the State under this chapter.

(g) RECORDS.—A recipient of assistance under this chapter shall keep such records as the Secretary shall prescribe, including records that fully disclose—

(1) the amount and the disposition by the recipient of the proceeds of the assistance;

(2) the total cost of the project or undertaking in connection with which the assistance is given or used; and

(3) the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(h) ACCESS TO RECORDS.—The Secretary, and the Comptroller General, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any records of the recipient that are pertinent to assistance received under this chapter.

(i) PROHIBITION OF DISCRIMINATION.—With respect to property acquired or developed with assistance from the Fund, discrimination on the basis of residence, including preferential reservation or membership systems, is prohibited except to the extent that reasonable differences in admission and other fees may be maintained on the basis of residence.

(j) COORDINATION WITH FEDERAL AGENCIES.—To ensure consistency in policies and actions under this chapter with other related Federal programs and activities and to ensure coordination of the planning, acquisition, and development assistance to States under this section with other related Federal programs and activities—

(1) the President may issue such regulations with respect thereto as the President considers desirable; and

(2) the assistance may be provided only in accordance with the regulations.

(k) CAPITAL IMPROVEMENT AND OTHER PROJECTS TO REDUCE CRIME.—

(1) AVAILABILITY AND PURPOSE OF FUNDS.—In addition to assistance for planning projects, and in addition to the projects identified in subsection (e), and from amounts appropriated out of the Violent Crime Reduction Trust Fund, the Secretary may provide financial assistance to the States, not to exceed $15,000,000, for projects or combinations thereof for the purpose of making capital improvements and other measures to increase safety in urban parks and recreation areas, including funds to—

(A) increase lighting within or adjacent to public parks and recreation areas;

(B) provide emergency telephone lines to contact law enforcement or security personnel in areas within or adjacent to public parks and recreation areas;

(C) increase security personnel within or adjacent to public parks and recreation areas; and

(D) fund any other project intended to increase the security and safety of public parks and recreation areas.

(2) ELIGIBILITY.—In addition to the requirements for project approval imposed by this section, eligibility for assistance under this subsection shall depend on a showing of need. In providing funds under this subsection, the Secretary shall give priority to projects proposed for urban parks and recreation areas with the highest rates of crime and, in particular, to urban parks and recreation areas with the highest rates of sexual assault.

(3) FEDERAL SHARE.—Notwithstanding subsection (c), the Secretary may provide 70 percent improvement grants for projects undertaken by a State for the purposes described in this subsection.

§ 200306. Allocation of Fund amounts for Federal purposes

(a) ALLOWABLE PURPOSES AND SUBPURPOSES.—

(1) IN GENERAL.—Amounts appropriated from the Fund for Federal purposes shall, unless otherwise allotted in the appropriation Act making them available, be allotted by the President for the purposes and subpurposes stated in this subsection.

(2) ACQUISITION OF LAND, WATER, OR AN INTEREST IN LAND OR WATER.—

(A) SYSTEM UNITS AND RECREATION AREAS ADMINISTERED FOR RECREATION PURPOSES.—Amounts shall be allotted for the acquisition of land, water, or an interest in land or water within the exterior boundary of—

(i) a System unit authorized or established; and

(ii) an area authorized to be administered by the Secretary for outdoor recreation purposes.

(B) NATIONAL FOREST SYSTEM.—

(i) IN GENERAL.—Amounts shall be allotted for the acquisition of land, water, or an interest in land or water within inholdings within—

(I) wilderness areas of the National Forest System; and

(II) other areas of national forests as the boundaries of those forests existed on January 1, 1965, or purchase units approved by the National Forest Reservation Commission subsequent to January 1, 1965, all of which other areas are primarily of value for outdoor recreation purposes.

(ii) ADJACENT LAND.—Land outside but adjacent to an existing national forest boundary, not to exceed 3,000 acres in the case of any one forest, that would comprise an integral part of a forest recreational management area may also be acquired with amounts appropriated from the Fund.

(iii) LIMITATION.—Except for areas specifically authorized by Act of Congress, not more than 15 percent of the acreage added to the National Forest System pursuant to this section shall be west of the 100th meridian.

(C) ENDANGERED SPECIES AND THREATENED SPECIES; FISH AND WILDLIFE REFUGE AREAS; NATIONAL WILDLIFE REFUGE SYSTEM.—Amounts shall be allotted for the acquisition of land, water, or an interest in land or water for—

(i) endangered species and threatened species authorized under section 5(a) of the Endangered Species Act of 1973 (16 U.S.C. 1534(a));

(ii) areas authorized by section 2 of the Refuge Recreation Act (16 U.S.C. 460k–1);

(iii) national wildlife refuge areas under section 7(a)(4) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(a)(4)) and wetlands acquired under section 304 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3922); and

(iv) any area authorized for the National Wildlife Refuge System by specific Acts.

(3) PAYMENT AS OFFSET OF CAPITAL COSTS.—Amounts shall be allotted for payment into miscellaneous receipts of the Treasury as a partial offset for capital costs, if any, of Federal water development projects authorized to be constructed by or pursuant to an Act of Congress that are allocated to public recreation and the enhancement of fish and wildlife values and financed through appropriations to water resource agencies.

(4) AVAILABILITY OF APPROPRIATIONS.—Appropriations allotted for the acquisition of land, water, or an interest in land or water as set forth under subparagraphs (A) and (B) of paragraph (2) shall be available for those acquisitions notwithstanding any statutory ceiling on the appropriations contained in any other provision of law enacted prior to January 4, 1977, or, in the case of national recreation areas,

prior to January 15, 1979, except that for any such area expenditures shall not exceed a statutory ceiling during any one fiscal year by 10 percent of the ceiling or $1,000,000, whichever is greater.

(b) ACQUISITION RESTRICTIONS.—Appropriations from the Fund pursuant to this section shall not be used for acquisition unless the acquisition is otherwise authorized by law. Appropriations from the Fund may be used for preacquisition work where authorization is imminent and where substantial monetary savings could be realized.

§ 200307. Availability of Fund amounts for publicity purposes

(a) IN GENERAL.—Amounts derived from the sources listed in section 200302 of this title shall not be available for publicity purposes.

(b) EXCEPTION FOR TEMPORARY SIGNING.—In a case where significant acquisition or development is initiated, appropriate standardized temporary signing shall be located on or near the affected site, to the extent feasible, so as to indicate the action taken is a product of funding made available through the Fund. The signing may indicate the percentage amounts and dollar amounts financed by Federal and non-Federal funds, and that the source of the funding includes amounts derived from Outer Continental Shelf receipts. The Secretary shall prescribe standards and guidelines for the usage of the signing to ensure consistency of design and application.

§ 200308. Contracts for acquisition of land and water

Not more than $30,000,000 of the amount authorized to be appropriated from the Fund by section 200303 of this title may be obligated by contract during each fiscal year for the acquisition of land, water, or interest in land or water within areas specified in section 200306(a)(2) of this title. The contract may be executed by the head of the department concerned, within limitations prescribed by the Secretary. The contract shall be a contractual obligation of the United States and shall be liquidated with money appropriated from the Fund specifically for liquidation of that contract obligation. No contract may be entered into for the acquisition of property pursuant to this section unless the acquisition is otherwise authorized by Federal law.

§ 200309. Contracts for options to acquire land and water in System

The Secretary may enter into contracts for options to acquire land, water, or interests in land or water within the exterior boundaries of any area the acquisition of which is authorized by law for inclusion in the System. The minimum period of any such option shall be 2 years, and any sums expended for the purchase of an option shall be credited to the purchase price of the area. Not more than $500,000 of the sum authorized to be appropriated from the Fund by section 200303 of this title may be expended by the Secretary in any one fiscal year for the options.

§ 200310. Transfers to and from Fund

(a) MOTORBOAT FUEL TAXES.—There shall be set aside in the Fund the amounts specified in section 9503(c)(3)(B) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(3)(B)).

(b) REFUNDS OF TAXES.—There shall be paid from time to time from the Fund into the general fund of the Treasury amounts estimated by the Secretary of the Treasury as equivalent to—

(1) the amounts paid before April 1, 2013, under section 6421 of the Internal Revenue Code of 1986 (26 U.S.C. 6421) with respect to gasoline used after December 31, 1964, in motorboats, on the basis of claims filed for periods ending before April 1, 2012; and

(2) 80 percent of the floor stocks refunds made before April 1, 2013, under section 6412(a)(1) of the Internal Revenue Code of 1986 (26 U.S.C. 6412(a)(1)) with respect to gasoline to be used in motorboats.

Chapter 2005—Urban Park and Recreation Recovery Program

§ 200501. Definitions

In this chapter:

(1) AT-RISK YOUTH RECREATION GRANT.—

(A) IN GENERAL.—The term ''at-risk youth recreation grant'' means a grant in a neighborhood or community with a high prevalence of crime, particularly violent crime or crime committed by youthful offenders.

(B) INCLUSIONS.—The term ''at-risk youth recreation grant'' includes—

(i) a rehabilitation grant;

(ii) an innovation grant; and

(iii) a matching grant for continuing program support for a program of demonstrated value or success in providing constructive alternatives to youth at risk for engaging in criminal behavior, including a grant for operating, or coordinating, a recreation program or service.

(C) ADDITIONAL USES OF REHABILITATION GRANT.—In addition to the purposes specified in paragraph (8), a rehabilitation grant that serves as an at-risk youth recreation grant may be used for the provision of lighting, emergency phones, or any other capital improvement that will improve the security of an urban park.

(2) GENERAL PURPOSE LOCAL GOVERNMENT.—The term ''general purpose local government'' means—

(A) a city, county, town, township, village, or other general purpose political subdivision of a State; and

(B) the District of Columbia.

(3) INNOVATION GRANT.—The term ''innovation grant'' means a matching grant to a local government to cover costs of personnel, facilities, equipment, supplies, or services designed to demonstrate innovative and cost-effective ways to augment park and recreation opportunities at the neighborhood level and to address common problems related to facility operations and improved delivery of recreation service, not including routine operation and maintenance activities.

(4) MAINTENANCE.—The term ''maintenance'' means all commonly accepted practices necessary to keep recreation areas and facilities operating in a state of good repair and to protect them from deterioration resulting from normal wear and tear.

(5) PRIVATE, NONPROFIT AGENCY.—The term ''private, nonprofit agency'' means a community-based, nonprofit organization, corporation, or association organized for purposes of providing recreational, conservation, and educational services directly to urban residents on a neighborhood or communitywide basis through voluntary donations, voluntary labor, or public or private grants.

(6) RECOVERY ACTION PROGRAM GRANT.—

(A) IN GENERAL.—The term ''recovery action program grant'' means a matching grant to a local government for development of local park and recreation recovery action programs to meet the requirements of this chapter.

(B) USE.—A recovery action program grant shall be used for resource and needs assessment, coordination, citizen involvement and planning, and program development activities to—

(i) encourage public definition of goals; and

(ii) develop priorities and strategies for overall recreation system recovery.

(7) RECREATION AREA OR FACILITY.—The term ''recreation area or facility'' means an indoor or outdoor park, building, site, or other facility that is dedicated to recreation purposes and administered by a public or private nonprofit agency to serve the recreation needs of community residents. Emphasis shall be on public facilities readily accessible to residential neighborhoods, including multiple-use community centers that have recreation as one of their primary purposes, but excluding major sports arenas, exhibition areas, and conference halls used primarily for commercial sports, spectator, or display activities.

(8) REHABILITATION GRANT.—The term ''rehabilitation grant'' means a matching capital grant to a local government for rebuilding, remodeling, expanding, or developing an existing outdoor or indoor recreation area or facility, including improvements in park landscapes, buildings, and support facilities, but excluding routine maintenance and upkeep activities.

(9) SPECIAL PURPOSE LOCAL GOVERNMENT.—

(A) IN GENERAL.—The term ''special purpose local government'' means a local or regional special district, public-purpose corporation, or other limited political subdivision of a State.

(B) INCLUSIONS.—The term ''special purpose local government'' includes—

(i) a park authority;

(ii) a park, conservation, water, or sanitary district; and

(iii) a school district.

(10) STATE.—The term ''State'' means a State, an instrumentality of a State approved by the Governor of the State, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

§ 200502. Federal assistance

(a) ELIGIBILITY DETERMINED BY SECRETARY.—Eligibility of general purpose local governments for assistance under this chapter shall be based on need as determined by the Secretary. The Secretary shall publish in the Federal Register a list of local governments eligible to participate in this program, to be accompanied by a discussion of criteria used in determining eligibility. Criteria shall be based on factors that the Secretary determines are related to deteriorated recreational facilities or systems and physical and economic distress.

(b) ADDITIONAL ELIGIBLE GENERAL PURPOSE LOCAL GOVERNMENTS.—In addition to eligible local governments established in accordance with subsection (a), the Secretary may establish eligibility, in accord with the findings and purpose of the Urban Park and Recreation Recovery Act of 1978 (Public Law 95–625, 92 Stat. 3538), of other general purpose local governments in metropolitan statistical areas as defined by the Director of the Office of Management and Budget.

(c) PRIORITY CRITERIA FOR PROJECT SELECTION AND APPROVAL.—

(1) IN GENERAL.—The Secretary shall establish priority criteria for project selection and approval that consider such factors as—

(A) population;

(B) condition of existing recreation areas and facilities;

(C) demonstrated deficiencies in access to neighborhood recreation opportunities, particularly for minority and low- and moderate-income residents;

(D) public participation in determining rehabilitation or development needs;

(E) the extent to which a project supports or complements target activities undertaken as part of a local government's overall community development and urban revitalization program;

(F) the extent to which a proposed project would provide—

(i) employment opportunities for minorities, youth, and low- and moderate-income residents in the project neighborhood;

(ii) for participation of neighborhood, nonprofit, or tenant organizations in the proposed rehabilitation activity or in subsequent maintenance, staffing, or supervision of recreation areas and facilities; or

(iii) both; and

(G) the amount of State and private support for a project as evidenced by commitments of non-Federal resources to project construction or operation.

(2) AT-RISK YOUTH RECREATION GRANTS.—For at-risk youth recreation grants, the Secretary shall give a priority to each of the following criteria:

(A) Programs that are targeted to youth who are at the greatest risk of becoming involved in violence and crime.

(B) Programs that teach important values and life skills, including teamwork, respect, leadership, and self-esteem.

(C) Programs that offer tutoring, remedial education, mentoring, and counseling in addition to recreation opportunities.

(D) Programs that offer services during late night or other nonschool hours.

(E) Programs that demonstrate collaboration between local park and recreation, juvenile justice, law enforcement, and youth social service agencies and nongovernmental entities, including the private sector and community and nonprofit organizations.

(F) Programs that leverage public or private recreation investments in the form of services, materials, or cash.

(G) Programs that show the greatest potential of being continued with non-Federal funds or that can serve as models for other communities.

(d) LIMITATION OF FUNDS.—Grants to discretionary applicants under subsection (b) may not be more than 15 percent of the total amount of funds appropriated under this chapter for rehabilitation grants, innovation grants, and recovery action program grants.

§ 200503. Rehabilitation grants and innovation grants

(a) MATCHING GRANTS.—The Secretary may provide 70 percent matching rehabilitation grants and innovation grants directly to eligible general purpose local governments on the Secretary's approval of applications for the grants by the chief executive officials of those governments.

(b) SPECIAL CONSIDERATIONS.—An innovation grant should be closely tied to goals, priorities, and implementation strategies expressed in local park and recreation recovery action programs, with particular regard to the special considerations listed in section 200504(c)(2) of this title.

(c) TRANSFER.—If consistent with an approved application, a grant recipient may transfer a rehabilitation grant or innovation grant in whole or in part to an independent special purpose local government, private nonprofit agency, or county or regional park authority if the assisted recreation area or facility owned or managed by the transferee offers recreation opportunities to the general population within the jurisdictional boundaries of the grant recipient.

(d) PAYMENTS.—Payments may be made only for a rehabilitation project or innovation project that has been approved by the Secretary. Payments may be made from time to time in keeping with the rate of progress toward the satisfactory completion of the project, except that the Secretary, when appropriate, may make advance payments on an approved rehabilitation project or innovation project in an amount not to exceed 20 percent of the total project cost.

(e) MODIFICATION OF PROJECT.—The Secretary may authorize modification of an approved project only when a grant recipient adequately demonstrates that the modification is necessary because of circumstances not foreseeable at the time at which the project was proposed.

§ 200504. Recovery action programs

(a) EVIDENCE OF LOCAL COMMITMENT TO ONGOING PROGRAMS.—As a requirement for project approval, local governments applying for assistance under this chapter shall submit to the Secretary evidence of their commitments to ongoing planning, rehabilitation, service, operation, and maintenance programs for their park and recreation systems. These commitments will be expressed in local park and recreation recovery action programs that maximize coordination of all community resources, including other federally supported urban development and recreation programs. During an initial interim period to be established by regulations under this chapter, this requirement may be satisfied by local government submissions of preliminary action programs that briefly define objectives, priorities, and implementation strategies for overall system recovery and maintenance and commit the applicant to a scheduled program development process. Following this interim period, all local applicants shall submit to the Secretary, as a condition of eligibility, a 5-year action program for park and recreation recovery that satisfactorily demonstrates—

(1) systematic identification of recovery objectives, priorities, and implementation strategies;

(2) adequate planning for rehabilitation of specific recreation areas and facilities, including projections of the cost of proposed projects;

(3) the capacity and commitment to ensure that facilities provided or improved under this chapter shall continue to be adequately maintained, protected, staffed, and supervised;

(4) the intention to maintain total local public outlays for park and recreation purposes at levels at least equal to those in the year preceding that in which grant assistance is sought except in any case where a reduction in park and recreation outlays is proportionate to a reduction in overall spending by the applicant; and

(5) the relationship of the park and recreation recovery program to overall community development and urban revitalization efforts.

(b) CONTINUING PLANNING PROCESS.—Where appropriate, the Secretary may encourage local governments to meet action program requirements through a continuing planning process that includes periodic improvements and updates in action program submissions to eliminate identified gaps in program information and policy development.

(c) SPECIAL CONSIDERATIONS.—Action programs shall address, but are not limited to—

(1) rehabilitation of existing recreational areas and facilities, including—

(A) general systemwide renovation;

(B) special rehabilitation requirements for recreational areas and facilities in areas of high population concentration and economic distress; and

(C) restoration of outstanding or unique structures, landscaping, or similar features in parks of historical or architectural significance; and

(2) local commitments to innovative and cost-effective programs and projects at the neighborhood level to augment recovery of park and recreation systems, including—

(A) recycling of abandoned schools and other public buildings for recreational purposes;

(B) multiple use of operating educational and other public buildings, purchase of recreation services on a contractual basis;

(C) use of mobile facilities and recreational, cultural, and educational programs or other innovative approaches to improving access for neighborhood residents;

(D) integration of recovery program with federally assisted projects to maximize recreational opportunities through conversion of abandoned railroad and highway rights of way, waterfront, and other redevelopment efforts and such other federally assisted projects as may be appropriate;

(E) conversion of recreation use of street space, derelict land, and other public land not now designated for neighborhood recreational use; and

(F) use of various forms of compensated and uncompensated land regulation, tax inducements, or other means to encourage the private sector to provide neighborhood park and recreation facilities and programs.

(d) PUBLICATION IN FEDERAL REGISTER.—The Secretary shall establish and publish in the Federal Register requirements for preparation, submission, and updating of local park and recreation recovery action programs.

(e) ELIGIBILITY FOR AT-RISK YOUTH RECREATION GRANTS.—To be eligible to receive at-risk youth recreation grants a local government shall amend its 5-year action program to incorporate the goal of reducing crime and juvenile delinquency and to provide a description of the implementation strategies to achieve this goal. The plan shall also address how the local government is coordinating its recreation programs with crime prevention efforts of law enforcement, juvenile corrections, and youth social service agencies.

(f) MATCHING RECOVERY ACTION PROGRAM GRANTS.—The Secretary may provide up to 50 percent matching recovery action program grants to eligible local governments for program development and planning specifically to meet the objectives of this chapter.

§ 200505. State action

(a) ADDITIONAL MATCH.—The Secretary may increase rehabilitation grants or innovation grants authorized in section 200503 of this title by providing an additional match equal to the total match provided by a State of up to 15 percent of total project costs. The Federal matching amount shall not exceed 85 percent of total project cost.

(b) ADEQUATE IMPLEMENTATION OF LOCAL RECOVERY PLANS.—The Secretary shall encourage States to assist the Secretary in ensuring—

(1) that local recovery plans and programs are adequately implemented by cooperating with the Secretary in monitoring local park and recreation recovery plans and programs; and

(2) consistency of the plans and programs, where appropriate, with State recreation policies as set forth in statewide comprehensive outdoor recreation plans.

§ 200506. Non-Federal share of project costs

(a) SOURCES.—

(1) ALLOWABLE SOURCES.—The non-Federal share of project costs assisted under this chapter may be derived from general or special purpose State or local revenues, State categorical grants, special appropriations by State legislatures, donations of land, buildings, or building materials, and in-kind construction, technical, and planning services. Reasonable local costs of recovery action program development to meet the requirements of section 200504(a) of this title may be used as part of the local match only when the local government has not received a recovery action program grant.

(2) NON-ALLOWABLE SOURCES.—No amount from the Land and Water Conservation Fund or from any other Federal grant program other than the community development block grant programs shall be used to match Federal grants under this program.

(b) ENCOURAGEMENT OF STATES AND PRIVATE INTERESTS.—The Secretary shall encourage States and private interests to contribute, to the maximum extent possible, to the non-Federal share of project costs.

§ 200507. Conversion of recreation property

No property improved or developed with assistance under this chapter shall, without the approval of the Secretary, be converted to other than public recreation uses. The Secretary shall approve such a conversion only if the Secretary finds it to be in accord with the then-current local park and recreation recovery action program and only on such conditions as the Secretary considers necessary to ensure the provision of adequate recreation properties and opportunities of reasonably equivalent location and usefulness.

§ 200508. Coordination of program

The Secretary shall—

(1) coordinate the urban park and recreation recovery program with the total urban recovery effort and cooperate to the fullest extent possible with other Federal agencies and with State

agencies that administer programs and policies affecting urban areas, including programs in housing, urban development, natural resources management, employment, transportation, community services, and voluntary action;

(2) encourage maximum coordination of the program between State agencies and local applicants; and

(3) require that local applicants include provisions for participation of community and neighborhood residents and for public-private coordination in recovery planning and project selection.

§ 200509. Recordkeeping

(a) IN GENERAL.—A recipient of assistance under this chapter shall keep such records as the Secretary shall prescribe, including—

(1) records that disclose—

(A) the amount and disposition of project undertakings in connection with which assistance under this chapter is given or used; and

(B) the amount and nature of the portion of the cost of the project or undertaking that is supplied by other sources; and

(2) such other records as will facilitate an effective audit.

(b) ACCESS.—The Secretary and the Comptroller General shall have access for the purpose of audit and examination to any records of the recipient that are pertinent to assistance received under this chapter.

§ 200510. Inapplicability of matching provisions

Amounts authorized for Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands are not subject to the matching provisions of this chapter, and may be subject only to such conditions, reports, plans, and agreements, if any, as the Secretary may determine.

§ 200511. Funding limitations

(a) LIMITATION OF FUNDS.—The amount of grants made under this chapter for projects in any one State for any fiscal year shall not be more than 15 percent of the amount made available for grants to all of the States for that fiscal year.

(b) RECOVERY ACTION PROGRAM GRANTS.—Not more than 3 percent of the amount made available for grants under this chapter for a fiscal year shall be used for recovery action program grants.

(c) INNOVATION GRANTS.—Not more than 10 percent of the amount made available for grants under this chapter for a fiscal year shall be used for innovation grants.

(d) PROGRAM SUPPORT.—Not more than 25 percent of the amount made available under this chapter to any local government shall be used for program support.

(e) NO LAND ACQUISITION.—No funds made available under this chapter shall be used for the acquisition of land or an interest in land.

Subtitle III—National Preservation Programs

Division A—Historic Preservation

Subdivision 1—General Provisions

Chapter 3001—Policy

§ 300101. Policy

It is the policy of the Federal Government, in cooperation with other nations and in partnership with States, local governments, Indian tribes, Native Hawaiian organizations, and private organizations and individuals, to—

(1) use measures, including financial and technical assistance, to foster conditions under which our modern society and our historic property can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations;

(2) provide leadership in the preservation of the historic property of the United States and of the international community of nations and in the administration of the national preservation program;

(3) administer federally owned, administered, or controlled historic property in a spirit of stewardship for the inspiration and benefit of present and future generations;

(4) contribute to the preservation of nonfederally owned historic property and give maximum encouragement to organizations and individuals undertaking preservation by private means;

(5) encourage the public and private preservation and utilization of all usable elements of the Nation's historic built environment; and

(6) assist State and local governments, Indian tribes and Native Hawaiian organizations, and the National Trust to expand and accelerate their historic preservation programs and activities.

Chapter 3003—Definitions

§ 300301. Agency

In this division, the term ''agency'' has the meaning given the term in section 551 of title 5.

§ 300302. Certified local government

In this division, the term ''certified local government'' means a local government whose local historic preservation program is certified pursuant to chapter 3025 of this title.

§ 300303. Council

In this division, the term ''Council'' means the Advisory Council on Historic Preservation established by section 304101 of this title.

§ 300304. Cultural park

In this division, the term ''cultural park'' means a definable area that—

(A) is distinguished by historic property, prehistoric property, and land related to that property; and

(B) constitutes an interpretive, educational, and recreational resource for the public at large.

§ 300305. Historic conservation district

In this division, the term ''historic conservation district'' means an area that contains—

(1) historic property;

(2) buildings having similar or related architectural characteristics;

(3) cultural cohesiveness; or

(4) any combination of features described in paragraphs (1) to (3).

§ 300306. Historic Preservation Fund

In this division, the term ''Historic Preservation Fund'' means the Historic Preservation Fund established under section 303101 of this title.

§ 300307. Historic preservation review commission

In this division, the term ''historic preservation review commission'' means a board, council, commission, or other similar collegial body—

(1) that is established by State or local legislation as provided in section 302503(a)(2) of this title; and

(2) the members of which are appointed by the chief elected official of a jurisdiction (unless State or local law provides for appointment by another official) from among—

(A) professionals in the disciplines of architecture, history, architectural history, planning, prehistoric and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture, or related disciplines, to the extent that those professionals are available in the community; and

(B) other individuals who have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines and will provide for an adequate and qualified commission.

§ 300308. Historic property

In this division, the term ''historic property'' means any prehistoric or historic dustruct, site, building, structure, or object included on, or eligible for inclusion on, the National Register, including artifacts, records, and material remains relating to the district, site, building, structure, or object.

§ 300309. Indian tribe

In this division, the term ''Indian tribe'' means an Indian tribe, band, nation, or other organized group or community, including a Native village, Regional Corporation or Village Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

§ 300310. Local government

In this division, the term ''local government'' means a city, county, township, municipality, or borough, or any other general purpose political subdivision of any State.

§ 300311. National Register

In this division, the term ''National Register'' means the National Register of Historic Places maintained under chapter 3021 of this title.

§ 300312. National Trust

In this division, the term ''National Trust'' means the National Trust for Historic Preservation in the United States established under section 312102 of this title.

§ 300313. Native Hawaiian

In this division, the term ''Native Hawaiian'' means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes Hawaii.

§ 300314. Native Hawaiian organization

(a) IN GENERAL.—In this division, the term ''Native Hawaiian organization'' means any organization that—

(1) serves and represents the interests of Native Hawaiians;

(2) has as a primary and stated purpose the provision of services to Native Hawaiians; and

(3) has demonstrated expertise in aspects of historic preservation that are culturally significant to Native Hawaiians.

(b) INCLUSIONS.—In this division, the term ''Native Hawaiian organization'' includes the Office of Hawaiian Affairs of Hawaii and Hui Malama I Na Kupuna O Hawai'i Nei, an organization incorporated under the laws of the State of Hawaii.

§ 300315. Preservation or historic preservation

In this division, the term ''preservation'' or ''historic preservation'' includes—

(1) identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, research, interpretation, and conservation;

(2) education and training regarding the foregoing activities; or

(3) any combination of the foregoing activities.

§ 300316. Secretary

In this division, the term ''Secretary'' means the Secretary acting through the Director.

§ 300317. State

In this division, the term ''State'' means—

(1) a State, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands; and

(2) the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

§ 300318. State historic preservation review board

In this division, the term ''State historic preservation review board'' means a board, council, commission, or other similar collegial body established as provided in section 302301(2) of this title—

(1) the members of which are appointed by the State Historic Preservation Officer (unless otherwise provided for by State law);

(2) a majority of the members of which are professionals qualified in history, prehistoric and historic archeology, architectural history, architecture, folklore, cultural anthropology, curation, conservation, landscape architecture, and related disciplines; and

(3) that has the authority to—

(A) review National Register nominations and appeals from nominations;

(B) review appropriate documentation submitted in conjunction with the Historic Preservation Fund;

(C) provide general advice and guidance to the State Historic Preservation Officer; and

(D) perform such other duties as may be appropriate.

§ 300319. Tribal land

In this division, the term ''tribal land'' means—

(1) all land within the exterior boundaries of any Indian reservation; and

(2) all dependent Indian communities.

§ 300320. Undertaking

In this division, the term ''undertaking'' means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including—

(1) those carried out by or on behalf of the Federal agency;

(2) those carried out with Federal financial assistance;

(3) those requiring a Federal permit, license, or approval; and

(4) those subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency.

§ 300321. World Heritage Convention

In this division, the term ''World Heritage Convention'' means the Convention concerning the Protection of the World Cultural and Natural Heritage, done at Paris November 23, 1972 (27 UST 37).

Subdivision 2—Historic Preservation Program

Chapter 3021—National Register of Historic Places

§ 302101. Maintenance by Secretary

The Secretary may expand and maintain a National Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture.

§ 302102. Inclusion of properties on National Register

(a) IN GENERAL.—A property that meets the criteria for National Historic Landmarks established pursuant to section 302103 of this title shall be designated as a National Historic Landmark and included on the National Register, subject to the requirements of section 302107 of this title.

(b) HISTORIC PROPERTY ON NATIONAL REGISTER ON DECEMBER 12, 1980.—All historic property included on the National Register on December 12, 1980, shall be deemed to be included on the National Register as of their initial listing for purposes of this division.

(c) HISTORIC PROPERTY LISTED IN FEDERAL REGISTER OF FEBRUARY 6, 1979, OR PRIOR TO DECEMBER 12, 1980, AS NATIONAL HISTORIC LANDMARKS.—All historic property listed in the Federal Register of February 6, 1979, or prior to December 12, 1980, as National Historic Landmarks are declared by Congress to be National Historic Landmarks of national historic significance as of their initial listing in the Federal Register for purposes of this division and chapter 3201 of this title, except that in the case of a National Historic Landmark district for which no boundaries had been established as of December 12, 1980, boundaries shall first be published in the Federal Register.

§ 302103. Criteria and regulations relating to National Register, National Historic Landmarks, and World Heritage List

The Secretary, in consultation with national historical and archeological associations, shall—

(1) establish criteria for properties to be included on the National Register and criteria for National Historic Landmarks; and

(2) promulgate regulations for—

(A) nominating properties for inclusion on, and removal from, the National Register and the recommendation of properties by certified local governments;

(B) designating properties as National Historic Landmarks and removing that designation;

(C) considering appeals from recommendations, nominations, removals, and designations (or any failure or refusal by a nominating authority to nominate or designate);

(D) nominating historic property for inclusion in the World Heritage List in accordance with the World Heritage Convention;

(E) making determinations of eligibility of properties for inclusion on the National Register; and

(F) notifying the owner of a property, any appropriate local governments, and the general public, when the property is being considered for inclusion on the National Register, for designation as a National Historic Landmark, or for nomination to the World Heritage List.

§ 302104. Nominations for inclusion on National Register

(a) NOMINATION BY STATE.—Subject to the requirements of section 302107 of this title, any State that is carrying out a program approved under chapter 3023 shall nominate to the Secretary property that meets the criteria promulgated under section 302103 of this title for inclusion on the National Register. Subject to section 302107 of this title, any property nominated under this subsection or under section 306102 of this title shall be included on the National Register on the date that is 45 days after receipt by the Secretary of the nomination and the necessary documentation, unless the Secretary disapproves the nomination within the 45-day period or unless an appeal is filed under subsection (c).

(b) NOMINATION BY PERSON OR LOCAL GOVERNMENT.—Subject to the requirements of section 302107 of this title, the Secretary may accept a nomination directly from any person or local government for inclusion of a property on the National Register only if the property is located in a State where there is no program approved under chapter 3023 of this title. The Secretary may include on the National Register any property for which such a nomination is made if the Secretary determines that the property is eligible in accordance with the regulations promulgated under section 302103 of this title. The determination shall be made within 90 days from the date of the nomination unless the nomination is appealed under subsection (c).

(c) APPEAL.—Any person or local government may appeal to the Secretary—

(1) a nomination of any property for inclusion on the National Register; and

(2) the failure of a nominating authority to nominate a property in accordance with this chapter.

§ 302105. Owner participation in nomination process

(a) REGULATIONS.—The Secretary shall promulgate regulations requiring that before any property may be included on the National Register or designated as a National Historic Landmark, the owner of the property, or a majority of the owners of the individual properties within a district in the case of a historic district, shall be given the opportunity (including a reasonable period of time) to concur in, or object to, the nomination of the property for inclusion or designation. The regulations shall include provisions to carry out this section in the case of multiple ownership of a single property.

(b) WHEN PROPERTY SHALL NOT BE INCLUDED ON NATIONAL REGISTER OR DESIGNATED AS NATIONAL HISTORIC LANDMARK.—If the owner of any privately owned property, or a majority of the owners of privately owned properties within the district in the case of a historic district, object to inclusion or designation, the property shall not be included on the National Register or designated as a National Historic Landmark until the objection is withdrawn.

(c) REVIEW BY SECRETARY.—The Secretary shall review the nomination of the property when an objection has been made and shall determine whether or not the property is eligible for inclusion or designation. If the Secretary determines that the property is eligible for inclusion or designation, the Secretary shall inform the Advisory Council on Historic Preservation, the appropriate State Historic Preservation Officer, the appropriate chief elected local official, and the owner or owners of the property of the Secretary's determination.

§ 302106. Retention of name

Notwithstanding section 43(c) of the Act of July 5, 1946 (known as the Trademark Act of 1946) (15 U.S.C. 1125(c)), buildings and structures on or eligible for inclusion on the National Register (either individually or as part of a historic district), or designated as an individual landmark or as a contributing building in a historic district by a unit of State or local government, may retain the name historically associated with the building or structure.

§ 302107. Regulations

The Secretary shall promulgate regulations—

(1) ensuring that significant prehistoric and historic artifacts, and associated records, subject to subchapter I of chapter 3061, chapter 3125, or the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) are deposited in an institution with adequate long-term curatorial capabilities;

(2) establishing a uniform process and standards for documenting historic property by public agencies and private parties for purposes of incorporation into, or complementing, the national historical architectural and engineering records in the Library of Congress; and

(3) certifying local governments, in accordance with sections 302502 and 302503 of this title, and for the transfer of funds pursuant to section 302902(c)(4) of this title.

§ 302108. Review of threats to historic property

At least once every 4 years, the Secretary, in consultation with the Council and with State Historic Preservation Officers, shall review significant threats to historic property to—

(1) determine the kinds of historic property that may be threatened;

(2) ascertain the causes of the threats; and

(3) develop and submit to the President and Congress recommendations for appropriate action.

Chapter 3023—State Historic Preservation Programs

§ 302301. Regulations

The Secretary, in consultation with the National Conference of State Historic Preservation Officers and the National Trust, shall promulgate regulations for State Historic Preservation Programs. The regulations shall provide that a State program submitted to the Secretary under this chapter shall be approved by the Secretary if the Secretary determines that the program provides for—

(1) the designation and appointment by the chief elected official of the State of a State Historic Preservation Officer to administer the program in accordance with section 302303 of this title and for the employment or appointment by the officer of such professionally qualified staff as may be necessary for those purposes;

(2) an adequate and qualified State historic preservation review board designated by the State Historic Preservation Officer unless otherwise provided for by State law; and

(3) adequate public participation in the State Historic Preservation Program, including the process of recommending properties for nomination to the National Register.

§ 302302. Program evaluation

(a) WHEN EVALUATION SHOULD OCCCUR.—Periodically, but not less than every 4 years after the approval of any State program under section 302301 of this title, the Secretary, in consultation with the Council on the appropriate provisions of this division, and in cooperation with the State Historic Preservation Officer, shall evaluate the program to determine whether it is consistent with this division.

(b) DISAPPROVAL OF PROGRAM.—If, at any time, the Secretary determines that a major aspect of a State program is not consistent with this division, the Secretary shall disapprove the program and suspend in whole or in part any contracts or cooperative agreements with the State and the State Historic Preservation Officer under this division, until the program is consistent with this division, unless the Secretary determines that the program will be made consistent with this division within a reasonable period of time.

(c) OVERSIGHT.—The Secretary, in consultation with State Historic Preservation Officers, shall establish oversight methods to ensure State program consistency and quality without imposing undue review burdens on State Historic Preservation Officers.

(d) STATE FISCAL AUDIT AND MANAGEMENT SYSTEM.—

(1) SUBSTITUTION FOR COMPARABLE FEDERAL SYSTEMS.—At the discretion of the Secretary, a State system of fiscal audit and management may be substituted for comparable Federal systems so long as the State system—

(A) establishes and maintains substantially similar accountability standards; and

(B) provides for independent professional peer review.

(2) FISCAL AUDITS AND REVIEW BY SECRETARY.—The Secretary—

(A) may conduct periodic fiscal audits of State programs approved under this subdivision as needed; and

(B) shall ensure that the programs meet applicable accountability standards.

§ 302303. Responsibilities of State Historic Preservation Officer

(a) IN GENERAL.—It shall be the responsibility of the State Historic Preservation Officer to administer the State Historic Preservation Program.

(b) PARTICULAR RESPONSIBILITIES.—It shall be the responsibility of the State Historic Preservation Officer to—

(1) in cooperation with Federal and State agencies, local governments, and private organizations and individuals, direct and conduct a comprehensive statewide survey of historic property and maintain inventories of the property;

(2) identify and nominate eligible property to the National Register and otherwise administer applications for listing historic property on the National Register;

(3) prepare and implement a comprehensive statewide historic preservation plan;

(4) administer the State program of Federal assistance for historic preservation within the State;

(5) advise and assist, as appropriate, Federal and State agencies and local governments in carrying out their historic preservation responsibilities;

(6) cooperate with the Secretary, the Council, other Federal and State agencies, local governments, and private organizations and individuals to ensure that historic property is taken into consideration at all levels of planning and development;

(7) provide public information, education, and training and technical assistance in historic preservation;

(8) cooperate with local governments in the development of local historic preservation programs and assist local governments in becoming certified pursuant to chapter 3025;

(9) consult with appropriate Federal agencies in accordance with this division on—

(A) Federal undertakings that may affect historic property; and

(B) the content and sufficiency of any plans developed to protect, manage, or reduce or mitigate harm to that property; and

(10) advise and assist in the evaluation of proposals for rehabilitation projects that may qualify for Federal assistance.

§ 302304. Contracts and cooperative agreements

(a) STATE.—A State may carry out all or any part of its responsibilities under this chapter by contract or cooperative agreement with a qualified nonprofit organization or educational institution.

(b) SECRETARY.—

(1) IN GENERAL.—

(A) AUTHORITY TO ASSIST SECRETARY.—Subject to paragraphs (3) and (4), the Secretary may enter into contracts or cooperative agreements with a State Historic Preservation Officer for any State authorizing the Officer to assist the Secretary in carrying out one or more of the following responsibilities within that State:

(i) Identification and preservation of historic property.

(ii) Determination of the eligibility of property for listing on the National Register.

(iii) Preparation of nominations for inclusion on the National Register.

(iv) Maintenance of historical and archeological data bases.

(v) Evaluation of eligibility for Federal preservation incentives.

(B) AUTHORITY TO MAINTAIN NATIONAL REGISTER.—Nothing in subparagraph (A) shall be construed to provide that any State Historic Preservation Officer or any other person other than the Secretary shall have the authority to maintain the National Register for properties in any State.

(2) REQUIREMENTS.—The Secretary may enter into a contract or cooperative agreement under paragraph (1) only if—

(A) the State Historic Preservation Officer has requested the additional responsibility;

(B) the Secretary has approved the State historic preservation program pursuant to sections 302301 and 302302 of this title;

(C) the State Historic Preservation Officer agrees to carry out the additional responsibility in a timely and efficient manner acceptable to the Secretary and the Secretary determines that the Officer is fully capable of carrying out the responsibility in that manner;

(D) the State Historic Preservation Officer agrees to permit the Secretary to review and revise, as appropriate in the discretion of the Secretary, decisions made by the Officer pursuant to the contract or cooperative agreement; and

(E) the Secretary and the State Historic Preservation Officer agree on the terms of additional financial assistance to the State, if there is to be any, for the costs of carrying out that responsibility.

(3) ESTABLISH CONDITIONS AND CRITERIA.—For each significant program area under the Secretary's authority, the Secretary shall establish specific conditions and criteria essential for the assumption by a State Historic Preservation Officer of the Secretary's duties in each of those programs.

(4) PRESERVATION PROGRAMS AND ACTIVITIES NOT DIMINISHED.—Nothing in this chapter shall have the effect of diminishing the preservation programs and activities of the Service.

Chapter 3025—Certification of Local Governments

§ 302501. Definitions

In this chapter:

(1) DESIGNATION.—The term ''designation'' means the identification and registration of property for protection that meets criteria established by a State or locality for significant historic property within the jurisdiction of a local government.

(2) PROTECTION.—The term ''protection'' means protection by means of a local review process under State or local law for proposed demolition of, changes to, or other action that may affect historic property designated pursuant to this chapter.

§ 302502. Certification as part of State program

Any State program approved under this subdivision shall provide a mechanism for the certification by the State Historic Preservation Officer of local governments to carry out the purposes of this division and provide for the transfer, in accordance with section 302902(c)(4) of this title, of a portion of the grants received by the States under this division, to those local governments.

§ 302503. Requirements for certification

(a) APPROVED STATE PROGRAM.—Any local government shall be certified to participate under this section if the applicable State Historic Preservation Officer, and the Secretary, certify that the local government—

(1) enforces appropriate State or local legislation for the designation and protection of historic property;

(2) has established an adequate and qualified historic preservation review commission by State or local legislation;

(3) maintains a system for the survey and inventory of historic property that furthers the purposes of chapter 3023;

(4) provides for adequate public participation in the local historic preservation program, including the process of recommending properties for nomination to the National Register; and

(5) satisfactorily performs the responsibilities delegated to it under this division.

(b) NO APPROVED STATE PROGRAM.—Where there is no State program approved under sections 302301 and 302302 of this title, a local government may be certified by the Secretary if the Secretary determines that the local government meets the requirements of subsection (a). The Secretary may make grants to the local government certified under this subsection for purposes of this subdivision.

§ 302504. Participation of certified local governments in National Register nominations

(a) NOTICE.—Before a property within the jurisdiction of a certified local government may be considered by a State to be nominated to the Secretary for inclusion on the National Register, the State Historic Preservation Officer shall notify the owner, the applicable chief local elected official, and the local historic preservation commission.

(b) REPORT.—The local historic preservation commission, after reasonable opportunity for public comment, shall prepare a report as to whether the property, in the Commission's opinion, meets the criteria of the National Register. Within 60 days of notice from the State Historic Preservation Officer, the chief local elected official shall transmit the report of the commission and the recommendation of the local official to the State Historic Preservation Officer.

(c) RECOMMENDATION.—

(1) PROPERTY NOMINATED TO NATIONAL REGISTER.—Except as provided in paragraph (2), after receipt of the report and recommendation, or if no report and recommendation are received within 60 days, the State shall make the nomination pursuant to section 302104 of this title. The State may expedite the process with the concurrence of the certified local government.

(2) PROPERTY NOT NOMINATED TO NATIONAL REGISTER.—If both the commission and the chief local elected official recommend that a property not be nominated to the National Register, the State Historic Preservation Officer shall take no further action, unless, within 30 days of the receipt of the recommendation by the State Historic Preservation Officer, an appeal is filed with the State. If an appeal is filed, the State shall follow the procedures for making a nomination pursuant to section 302104 of this title. Any report and recommendations made under this section shall be included with any nomination submitted by the State to the Secretary.

§ 302505. Eligibility and responsibility of certified local government

Any local government—

(1) that is certified under this chapter shall be eligible for funds under section 302902(c)(4) of this title; and

(2) that is certified, or making efforts to become certified, under this chapter shall carry out any responsibilities delegated to it in accordance with such terms and conditions as the Secretary considers necessary or advisable.

Chapter 3027—Historic Preservation Programs and Authorities for Indian Tribes and Native Hawaiian Organizations

§ 302701. Program to assist Indian tribes in preserving historic property

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program and promulgate regulations to assist Indian tribes in preserving their historic property.

(b) COMMUNICATION AND COOPERATION.—The Secretary shall foster communication and cooperation between Indian tribes and State Historic Preservation Officers in the administration of the national historic preservation program to—

(1) ensure that all types of historic property and all public interests in historic property are given due consideration; and

(2) encourage coordination among Indian tribes, State Historic Preservation Officers, and Federal agencies in historic preservation planning and in the identification, evaluation, protection, and interpretation of historic property.

(c) TRIBAL VALUES.—The program under subsection (a) shall be developed in a manner to ensure that tribal values are taken into account to the extent feasible. The Secretary may waive or modify requirements of this subdivision to conform to the cultural setting of tribal heritage preservation goals and objectives.

(d) SCOPE OF TRIBAL PROGRAMS.—The tribal programs implemented by specific tribal organizations may vary in scope, as determined by each Indian tribe's chief governing authority.

(e) CONSULTATION.—The Secretary shall consult with Indian tribes, other Federal agencies, State Historic Preservations Officers, and other interested parties concerning the program under subsection (a).

§ 302702. Indian tribe to assume functions of State Historic Preservation Officer

An Indian tribe may assume all or any part of the functions of a State Historic Preservation Officer in accordance with sections 302302 and 302303 of this title, with respect to tribal land, as those responsibilities may be modified for tribal programs through regulations issued by the Secretary, if—

(1) the Indian tribe's chief governing authority so requests;

(2) the Indian tribe designates a tribal preservation official to administer the tribal historic preservation program, through appointment by the Indian tribe's chief governing authority or as a tribal ordinance may otherwise provide;

(3) the tribal preservation official provides the Secretary with a plan describing how the functions the tribal preservation official proposes to assume will be carried out;

(4) the Secretary determines, after consulting with the Indian tribe, the appropriate State Historic Preservation Officer, the Council (if the Indian tribe proposes to assume the functions of the State Historic Preservation Officer with respect to review of undertakings under section 306108 of this title), and other Indian tribes, if any, whose tribal or aboriginal land may be affected by conduct of the tribal preservation program, that—

(A) the tribal preservation program is fully capable of carrying out the functions specified in the plan provided under paragraph (3);

(B) the plan defines the remaining responsibilities of the Secretary and the State Historic Preservation Officer; and

(C) the plan provides, with respect to properties neither owned by a member of the Indian tribe nor held in trust by the Secretary for the benefit of the Indian tribe, at the request of the owner of the properties, that the State Historic Preservation Officer, in addition to the tribal preservation official, may exercise the historic preservation responsibilities in accordance with sections 302302 and 302303 of this title; and

(5) based on satisfaction of the conditions stated in paragraphs (1), (2), (3), and (4), the Secretary approves the plan.

§ 302703. Apportionment of grant funds

In consultation with interested Indian tribes, other Native American organizations, and affected State Historic Preservation Officers, the Secretary shall establish and implement procedures for carrying out section 302902(c)(1)(A) of this title with respect to tribal programs that assume responsibilities under section 302702 of this title.

§ 302704. Contracts and cooperative agreements

At the request of an Indian tribe whose preservation program has been approved to assume functions and responsibilities pursuant to section 302702 of this title, the Secretary shall enter into a contract or cooperative agreement with the Indian tribe permitting the assumption by the Indian tribe of any part of the responsibilities described in section 302304(b) of this title on tribal land, if—

(1) the Secretary and the Indian tribe agree on additional financial assistance, if any, to the Indian tribe for the costs of carrying out those authorities;

(2) the Secretary finds that the tribal historic preservation program has been demonstrated to be sufficient to carry out the contract or cooperative agreement and this division; and

(3) the contract or cooperative agreement specifies the continuing responsibilities of the Secretary or of the appropriate State Historic Preservation Officers and provides for appropriate participation by—

(A) the Indian tribe's traditional cultural authorities;

(B) representatives of other Indian tribes whose traditional land is under the jurisdiction of the Indian tribe assuming responsibilities; and

(C) the interested public.

§ 302705. Agreement for review under tribal historic preservation regulations

The Council may enter into an agreement with an Indian tribe to permit undertakings on tribal land to be reviewed under tribal historic preservation regulations in place of review under regulations promulgated by the Council to govern compliance with section 306108 of this title, if the Council, after consultation with the Indian tribe and appropriate State Historic Preservation Officers, determines that the tribal preservation regulations will afford historic property consideration equivalent to that afforded by the Council's regulations.

§ 302706. Eligibility for inclusion on National Register

(a) IN GENERAL.—Property of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization may be determined to be eligible for inclusion on the National Register.

(b) CONSULTATION.—In carrying out its responsibilities under section 306108 of this title, a Federal agency shall consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to property described in subsection (a).

(c) HAWAII.—In carrying out responsibilities under section 302303 of this title, the State Historic Preservation Officer for Hawaii shall—

(1) consult with Native Hawaiian organizations in assessing the cultural significance of any property in determining whether to nominate the property to the National Register;

(2) consult with Native Hawaiian organizations in developing the cultural component of a preservation program or plan for the property; and

(3) enter into a memorandum of understanding or agreement with Native Hawaiian organizations for the assessment of the cultural significance of a property in determining whether to nominate the property to the National Register and to carry out the cultural component of the preservation program or plan.

Chapter 3029—Grants

§ 302901. Awarding of grants and availability of grant funds

(a) IN GENERAL.—No grant may be made under this division unless application for the grant is submitted to the Secretary in accordance with regulations and procedures prescribed by the Secretary.

(b) GRANT NOT TREATED AS TAXABLE INCOME.—No grant made pursuant to this division shall be treated as taxable income for purposes of the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq).

(c) AVAILABILITY.—The Secretary shall make funding available to individual States and the National Trust as soon as practicable after execution of a grant agreement. For purposes of administration, grants to individual States and the National Trust each shall be deemed to be one grant and shall be administered by the Service as one grant.

§ 302902. Grants to States

(a) IN GENERAL.—The Secretary shall administer a program of matching grants to the States for the purposes of carrying out this division.

(b) CONDITIONS.—

(1) In general.—No grant may be made under this division—

(A) unless the application is in accordance with the comprehensive statewide historic preservation plan that has been approved by the Secretary after considering its relationship to the comprehensive statewide outdoor recreation plan prepared pursuant to chapter 2003 of this title;

(B) unless the grantee has agreed to make reports, in such form and containing such information, as the Secretary may from time to time require;

(C) unless the grantee has agreed to assume, after completion of the project, the total cost of the continued maintenance, repair, and administration of the property in a manner satisfactory to the Secretary; or

(D) until the grantee has complied with such further terms and conditions as the Secretary may consider necessary or advisable.

(2) WAIVER.—The Secretary may waive the requirements of subparagraphs (A) and (C) of paragraph (1) for any grant under this division to the National Trust.

(3) AMOUNT LIMITATION.—

(A) IN GENERAL.—No grant may be made under this division for more than 60 percent of the aggregate costs of carrying out projects and programs under the administrative control of the State Historic Preservation Officer as specified in section 302303 of this title in any one fiscal year.

(B) SOURCE OF STATE SHARE OF COSTS.—Except as permitted by other law, the State share of the costs referred to in subparagraph (A) shall be contributed by non-Federal sources.

(4) RESTRICTION ON USE OF REAL PROPERTY TO MEET NON-FEDERAL SHARE OF COST OF PROJECT.—No State shall be permitted to utilize the value of real property obtained before October 15, 1966, in meeting the non-Federal share of the cost of a project for which a grant is made under this division.

(c) APPORTIONMENT OF GRANT AMOUNTS

(1) BASES FOR APPORTIONMENT.—The amounts appropriated and made available for grants to the States—

(A) for the purposes of this division shall be apportioned among the States by the Secretary on the basis of needs as determined by the Secretary; and

(B) for projects and programs under this division for each fiscal year shall be apportioned among the States as the Secretary determines to be appropriate.

(2) NOTIFICATION.—The Secretary shall notify each State of its apportionment under paragraph (1)(B) within 30 days after the date of enactment of legislation appropriating funds under this division.

(3) REAPPORTIONMENT.—Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which the notification is given or during the 2 fiscal years after that fiscal year shall be reapportioned by the Secretary in accordance with paragraph (1)(B). The Secretary shall analyze and revise as necessary the method of apportionment. The method and any revision shall be published by the Secretary in the Federal Register.

(4) TRANSFER OF FUNDS TO CERTIFIED LOCAL GOVERNMENTS.—Not less than 10 percent of the annual apportionment distributed by the Secretary to each State for the purposes of carrying out this division shall be transferred by the State, pursuant to the requirements of this division, to certified local governments for historic preservation projects or programs of the certified local governments. In any year in which the total annual apportionment to the States exceeds $65,000,000, 50 percent of the excess shall also be transferred by the States to certified local governments.

(5) GUIDELINES FOR USE AND DISTRIBUTION OF FUNDS TO CERTIFIED LOCAL GOVERNMENTS.—The Secretary shall establish guidelines for the use and distribution of funds under paragraph (4) to ensure that no certified local government receives a disproportionate share of the funds available, and may include a maximum or minimum limitation on the amount of funds distributed to any single certified local government. The guidelines shall not limit the ability of any State to distribute more than 10 percent of its annual apportionment under paragraph (4), nor shall the Secretary require any State to exceed the 10 percent minimum distribution to certified local governments.

(d) ADMINISTRATIVE COSTS.—The total direct and indirect administrative costs charged for carrying out State projects and programs shall not exceed 25 percent of the aggregate costs (except in the case of a grant to the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau).

§ 302903. Grants to National Trust

(a) SECRETARY OF THE INTERIOR.—The Secretary may administer grants to the National Trust consistent with the purposes of its charter and this division.

(b) SECRETARY OF HOUSING AND URBAN DEVELOPMENT.—The Secretary of Housing and Urban Development may make grants to the National Trust, on terms and conditions and in amounts (not exceeding $90,000 with respect to any one structure) as the Secretary of Housing and Urban Development considers appropriate, to cover the costs incurred by the National Trust in renovating or restoring structures that the National Trust considers to be of historic or architectural value and that the National Trust has accepted and will maintain (after the renovation or restoration) for historic purposes.

§ 302904. Direct grants for the preservation of properties included on National Register

(a) ADMINISTRATION OF PROGRAM.—The Secretary shall administer a program of direct grants for the preservation of properties included on the National Register.

(b) AVAILABLE AMOUNT.—Funds to support the program annually shall not exceed 10 percent of the amount appropriated annually for the Historic Preservation Fund.

(c) USES OF GRANTS.—

(1) IN GENERAL.—Grants under this section may be made by the Secretary, in consultation with the appropriate State Historic Preservation Officer—

(A) for the preservation of—

(i) National Historic Landmarks that are threatened with demolition or impairment; and

(ii) historic property of World Heritage significance;

(B) for demonstration projects that will provide information concerning professional methods and techniques having application to historic property;

(C) for the training and development of skilled labor in trades and crafts, and in analysis and curation, relating to historic preservation; and

(D) to assist individuals or small businesses within any historic district included on the National Register to remain within the district.

(2) LIMIT ON CERTAIN GRANTS.—A grant may be made under subparagraph (A) or (D) of paragraph (1) only to the extent that the project cannot be carried out in as effective a manner through the use of an insured loan under section 303901 of this title.

§ 302905. Religious property

(a) IN GENERAL.—Grants may be made under this chapter for the preservation, stabilization, restoration, or rehabilitation of religious property listed on the National Register if the purpose of the grant—

(1) is secular;

(2) does not promote religion; and

(3) seeks to protect qualities that are historically significant.

(b) EFFECT OF SECTION.—Nothing in this section shall be construed to authorize the use of any funds made available under this subdivision for the acquisition of any religious property listed on the National Register.

§ 302906. Grants and loans to Indian tribes and nonprofit organizations representing ethnic or minority groups

The Secretary may, in consultation with the appropriate State Historic Preservation Officer, make grants or loans or both under this subdivision to Indian tribes and to nonprofit organizations representing ethnic or minority groups for the preservation of their cultural heritage.

§ 302907. Grants to Indian tribes and Native Hawaiian organizations

The Secretary shall administer a program of direct grants to Indian tribes and Native Hawaiian organizations for the purpose of carrying out this division as it pertains to Indian tribes and Native Hawaiian organizations. Matching fund requirements may be modified. Federal funds available to an Indian tribe or Native Hawaiian organization may be used as matching funds for the purposes of the Indian tribe's or Native Hawaiian organization's conducting its responsibilities pursuant to this subdivision.

§ 302908. Grants to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau

(a) IN GENERAL.—As part of the program of matching grant assistance from the Historic Preservation Fund to States, the Secretary shall administer a program of direct grants to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau in furtherance of the Compact of Free Association between the United States and the Federated States of Micronesia and the Marshall Islands, approved by the Compact of Free Association Act of 1985 (48 U.S.C. 1901 et seq., 2001 et seq.), and the Compact of Free Association between the United States and Palau, approved by the Joint Resolution entitled ''Joint Resolution to approve the 'Compact of Free Association' between the United States and Government of Palau, and for other purposes'' (48 U.S.C. 1931 et seq.) or any successor enactment.

(b) GOAL OF PROGRAM.—The goal of the program shall be to establish historic and cultural preservation programs that meet the unique needs of each of those nations so that at the termination of the compacts the programs shall be firmly established.

(c) BASIS OF ALLOCATING AMOUNTS.—The amounts to be made available under this subsection shall be allocated by the Secretary on the basis of needs as determined by the Secretary.

(d) WAIVERS AND MODIFICATIONS.—The Secretary may waive or modify the requirements of this subdivision to conform to the cultural setting of those nations. Matching funds may be waived or modified.

§ 302909. Prohibited use of grant amounts

No part of any grant made under this subdivision shall be used to compensate any person intervening in any proceeding under this division.

§ 302910. Recordkeeping

A recipient of assistance under this division shall keep—

(1) such records as the Secretary shall prescribe, including records that fully disclose—

(A) the disposition by the recipient of the proceeds of the assistance;

(B) the total cost of the project or undertaking in connection with which the assistance is given or used; and

(C) the amount and nature of that portion of the cost of the project or undertaking supplied by other sources; and

(2) such other records as will facilitate an effective audit.

Chapter 3031—Historic Preservation Fund

§ 303101. Establishment

To carry out this division (except chapter 3041) and chapter 3121, there is established in the Treasury the Historic Preservation Fund.

§ 303102. Contents

For each of fiscal years 2012 to 2015, $150,000,000 shall be deposited in the Historic Preservation Fund from revenues due and payable to the United States under section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), section 7433(b) of title 10, or both, notwithstanding any provision of law that those proceeds shall be credited to miscellaneous receipts of the Treasury.

§ 303103. Use and availability

Amounts in the Historic Preservation Fund shall be used only to carry out this division and shall be available for expenditure only when appropriated by Congress. Any amount not appropriated shall remain available in the Historic Preservation Fund until appropriated for those purposes. Appropriations made pursuant to this section may be made without fiscal year limitation.

Chapters 3033 Through 3037—Reserved

Chapter 3039—Miscellaneous

§ 303901. Loan insurance program for preservation of property included on National Register

(a) ESTABLISHMENT.—The Secretary shall establish and maintain a program by which the Secretary may, on application of a private lender, insure loans (including loans made in accordance with a mortgage) made by the lender to finance any project for the preservation of a property included on the National Register.

(b) LOAN QUALIFICATIONS.—A loan may be insured under this section if—

(1) the loan is made by a private lender approved by the Secretary as financially sound and able to service the loan properly;

(2) the amount of the loan, and interest rate charged with respect to the loan, do not exceed the amount and rate established by the Secretary by regulation;

(3) the Secretary has consulted the appropriate State Historic Preservation Officer concerning the preservation of the historic property;

(4) the Secretary has determined that the loan is adequately secured and there is reasonable assurance of repayment;

(5) the repayment period of the loan does not exceed the lesser of 40 years or the expected life of the asset financed;

(6) the amount insured with respect to the loan does not exceed 90 percent of the loss sustained by the lender with respect to the loan; and

(7) the loan, the borrower, and the historic property to be preserved meet such other terms and conditions as may be prescribed by the Secretary by regulation, especially terms and conditions relating to the nature and quality of the preservation work.

(c) CONSULTATION.—The Secretary shall consult with the Secretary of the Treasury regarding the interest rate of loans insured under this section.

(d) LIMITATION ON AMOUNT OF UNPAID PRINCIPAL BALANCE OF LOANS.—The aggregate unpaid principal balance of loans insured under this section may not exceed the amount that has been deposited in the Historic Preservation Fund but which has not been appropriated for any purpose.

(e) INSURANCE CONTRACTS.—Any contract of insurance executed by the Secretary under this section may be assignable, shall be an obligation supported by the full faith and credit of the United States, and shall be incontestable except for fraud or misrepresentation of which the holder had actual knowledge at the time it became a holder.

(f) CONDITIONS AND METHODS OF PAYMENT AS RESULT OF LOSS.—The Secretary shall specify, by regulation and in each contract entered into under this section, the conditions and method of payment to a private lender as a result of losses incurred by the lender on any loan insured under this section.

(g) PROTECTION OF FINANCIAL INTERESTS OF FEDERAL GOVERNMENT.—In entering into any contract to insure a loan under this section, the Secretary shall take steps to ensure adequate protection of the financial interests of the Federal Government. The Secretary may—

(1) in connection with any foreclosure proceeding, obtain, on behalf of the Federal Government, the historic property securing a loan insured under this section; and

(2) operate or lease the historic property for such period as may be necessary to protect the interest of the Federal Government and to carry out subsection (h).

(h) CONVEYANCE TO GOVERNMENTAL OR NONGOVERNMENTAL ENTITY OF PROPERTY ACQUIRED BY FORECLOSURE.—

(1) ATTEMPT TO CONVEY TO ENSURE PROPERTY'S PRESERVATION AND USE.—In any case in which historic property is obtained pursuant to subsection (g), the Secretary shall attempt to convey the property to any governmental or nongovernmental entity under conditions that will ensure the property's continued preservation and use. If, after a reasonable time, the Secretary, in consultation with the Council, determines that there is no feasible and prudent means to convey the property and to ensure its continued preservation and use, the Secretary may convey the property at the fair market value of its interest in the property to any entity without restriction.

(2) DISPOSITION OF FUNDS.—Any funds obtained by the Secretary in connection with the conveyance of any historic property pursuant to paragraph (1) shall be deposited in the Historic Preservation Fund and shall remain available in the Historic Preservation Fund until appropriated by Congress to carry out this division.

(i) ASSESSMENT OF FEES IN CONNECTION WITH INSURING LOANS.—The Secretary may assess appropriate and reasonable fees in connection with insuring loans under this section. The fees shall be deposited in the Historic Preservation Fund and shall remain available in the Historic Preservation Fund until appropriated by Congress to carry out this division.

(j) TREATMENT OF LOANS AS NON-FEDERAL FUNDS.—Notwithstanding any other provision of law, any loan insured under this section shall be treated as non-Federal funds for the purposes of satisfying any requirement of any other provision of law under which Federal funds to be used for any project or activity are conditioned on the use of non-Federal funds by the recipient for payment of any portion of the costs of the project or activity.

(k) INELIGIBILITY OF DEBT OBLIGATION FOR PURCHASE OR COMMITMENT TO PURCHASE BY, OR SALE OR ISSUANCE TO, FEDERAL FINANCING BANK.—No debt obligation that is made or committed to be made, or that is insured or committed to be insured, by the Secretary under this section shall be eligible for purchase by, or commitment to purchase by, or sale or issuance to, the Federal Financing Bank.

§ 303902. Training in, and dissemination of information concerning, professional methods and techniques for preservation of historic property

The Secretary shall develop and make available to Federal agencies, State and local governments, private organizations and individuals, and other nations and international organizations pursuant to the World Heritage Convention, training in, and information concerning, professional methods and techniques for the preservation of historic property and for the administration of the historic preservation program at the Federal, State, and local level. The Secretary shall also develop mechanisms to provide information concerning historic preservation to the general public including students.

§ 303903. Preservation education and training program

The Secretary, in consultation with the Council and other appropriate Federal, tribal, Native Hawaiian, and non-Federal organizations, shall develop and implement a comprehensive preservation education and training program. The program shall include—

(1) standards and increased preservation training opportunities for Federal workers involved in preservation-related functions;

(2) preservation training opportunities for other Federal, State, tribal and local government workers, and students;

(3) technical or financial assistance, or both, to historically black colleges and universities, to tribal colleges, and to colleges with a high enrollment of Native Americans or Native Hawaiians, to establish preservation training and degree programs; and

(4) where appropriate, coordination with the National Center for Preservation Technology and Training of—

(A) distribution of information on preservation technologies;

(B) provision of training and skill development in trades, crafts, and disciplines related to historic preservation in Federal training and development programs; and

(C) support for research, analysis, conservation, curation, interpretation, and display related to preservation.

Subdivision 3—Advisory Council on Historic Preservation

Chapter 3041—Advisory Council on Historic Preservation

§ 304101. Establishment; vacancies

(a) ESTABLISHMENT.—There is established as an independent agency of the United States Government an Advisory Council on Historic Preservation, which shall be composed of the following members:

(1) A Chairman appointed by the President selected from the general public.

(2) The Secretary.

(3) The Architect of the Capitol.

(4) The Secretary of Agriculture and the heads of 7 other agencies of the United States (other than the Department of the Interior), the activities of which affect historic preservation, designated by the President.

(5) One Governor appointed by the President.

(6) One mayor appointed by the President.

(7) The President of the National Conference of State Historic Preservation Officers.

(8) The Chairman of the National Trust.

(9) Four experts in the field of historic preservation appointed by the President from architecture, history, archeology, and other appropriate disciplines.

(10) Three members from the general public, appointed by the President.

(11) One member of an Indian tribe or Native Hawaiian organization who represents the interests of the Indian tribe or Native Hawaiian organization of which he or she is a member, appointed by the President.

(b) DESIGNATION OF SUBSTITUTES.—Each member of the Council specified in paragraphs (2) to (5), (7), and (8) of subsection (a) may designate another officer of the department, agency, or organization to serve on the Council instead of the member, except that, in the case of paragraphs (2) and (4), no officer other than an Assistant Secretary or an officer having major department-wide or agency-wide responsibilities may be designated.

(c) TERM OF OFFICE.—Each member of the Council appointed under paragraphs (1) and (9) to (11) of subsection (a) shall serve for a term of 4 years from the expiration of the term of the member's predecessor. The members appointed under paragraphs (5) and (6) shall serve for the term of their elected office but not in excess of 4 years. An appointed member may not serve more than 2 terms. An appointed member whose term has expired shall serve until that member's successor has been appointed.

(d) VACANCIES.—A vacancy in the Council shall not affect its powers, but shall be filled, not later than 60 days after the vacancy commences, in the same manner as the original appointment (and for the balance of the unexpired term).

(e) DESIGNATION OF VICE CHAIRMAN.—The President shall designate a Vice Chairman from the members appointed under paragraph (5), (6), (9), or (10) of subsection (a). The Vice Chairman may act in place of the Chairman during the absence or disability of the Chairman or when the office is vacant.

(f) QUORUM.—Twelve members of the Council shall constitute a quorum.

§ 304102. Duties of Council

(a) DUTIES.—The Council shall—

(1) advise the President and Congress on matters relating to historic preservation, recommend measures to coordinate activities of Federal, State, and local agencies and private institutions and individuals relating to historic preservation, and advise on the dissemination of information pertaining to those activities;

(2) encourage, in cooperation with the National Trust and appropriate private agencies, public interest and participation in historic preservation;

(3) recommend the conduct of studies in such areas as—

(A) the adequacy of legislative and administrative statutes and regulations pertaining to historic preservation activities of State and local governments; and

(B) the effects of tax policies at all levels of government on historic preservation;

(4) advise as to guidelines for the assistance of State and local governments in drafting legislation relating to historic preservation;

(5) encourage, in cooperation with appropriate public and private agencies and institutions, training and education in the field of historic preservation;

(6) review the policies and programs of Federal agencies and recommend to Federal agencies methods to improve the effectiveness, coordination, and consistency of those policies and programs with the policies and programs carried out under this division; and

(7) inform and educate Federal agencies, State and local governments, Indian tribes, other nations and international organizations and private groups and individuals as to the Council's authorized activities.

(b) ANNUAL REPORT.—The Council annually shall submit to the President a comprehensive report of its activities and the results of its studies and shall from time to time submit additional and special reports as it deems advisable. Each report shall propose legislative enactments and other actions as, in the judgment of the Council, are necessary and appropriate to carry out its recommendations and shall provide the Council's assessment of current and emerging problems in the field of historic preservation and an evaluation of the effectiveness of the programs of Federal agencies, State and local governments, and the private sector in carrying out this division.

§ 304103. Cooperation between Council and instrumentalities of executive branch of Federal Government

The Council may secure directly from any Federal agency information, suggestions, estimates, and statistics for the purpose of this chapter. Each Federal agency may furnish information, suggestions, estimates, and statistics to the extent permitted by law and within available funds.

§ 304104. Compensation of members of Council

The members of the Council specified in paragraphs (2), (3), and (4) of section 304101(a) of this title shall serve without additional compensation. The other members of the Council shall receive $100 per diem when engaged in the performance of the duties of the Council. All members of the Council shall receive reimbursement for necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Council.

§ 304105. Administration

(a) EXECUTIVE DIRECTOR.—There shall be an Executive Director of the Council who shall be appointed by the Chairman with the concurrence of the Council in the competitive service at a rate within the General Schedule, in the competitive service at a rate that may exceed the rate prescribed for the highest rate established for grade 15 of the General Schedule under section 5332 of title 5, or in the Senior Executive Service under section 3393 of title 5. The Executive Director shall report directly to the Council and perform such functions and duties as the Council may prescribe.

(b) GENERAL COUNSEL AND APPOINTMENT OF OTHER ATTORNEYS.—

(1) GENERAL COUNSEL.—The Council shall have a General Counsel, who shall be appointed by the Executive Director. The General Counsel shall report directly to the Executive Director and serve as the Council's legal advisor.

(2) APPOINTMENT OF OTHER ATTORNEYS.—The Executive Director shall appoint other attorneys as may be necessary to—

(A) assist the General Counsel;

(B) represent the Council in court when appropriate, including enforcement of agreements with Federal agencies to which the Council is a party;

(C) assist the Department of Justice in handling litigation concerning the Council in court; and

(D) perform such other legal duties and functions as the Executive Director and the Council may direct.

(c) APPOINTMENT AND COMPENSATION OF OFFICERS AND EMPLOYEES.—The Executive Director of the Council may appoint and fix the compensation of officers and employees in the competitive service who are necessary to perform the functions of the Council at rates not to exceed that prescribed for the highest rate for grade 15 of the General Schedule under section 5332 of title 5. The Executive Director, with the concurrence of the Chairman, may appoint and fix the compensation of not to exceed 5 employees in the competitive service at rates that exceed that prescribed for the highest rate established for grade 15 of the General Schedule under section 5332 of title 5 or in the Senior Executive Service under section 3393 of title 5.

(d) APPOINTMENT AND COMPENSATION OF ADDITIONAL PERSONNEL.—The Executive Director may appoint and fix the compensation of such additional personnel as may be necessary to carry out the Council's duties, without regard to the civil service laws and chapter 51 and subchapter III of chapter 53 of title 5.

(e) EXPERT AND CONSULTANT SERVICES.—The Executive Director may procure expert and consultant services in accordance with section 3109 of title 5.

(f) FINANCIAL AND ADMINISTRATIVE SERVICES.—

(1) SERVICES TO BE PROVIDED BY SECRETARY, AGENCY, OR PRIVATE ENTITY.—Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Secretary or, at the discretion of the Council, another agency or private entity that reaches an agreement with the Council, for which payments shall be made in advance, or by reimbursement, from funds of the Council in such amounts as may be agreed on by the Chairman of the Council and the head of the agency or the authorized representative of the private entity that will provide the services.

(2) FEDERAL AGENCY REGULATIONS RELATING TO COLLECTION APPLY.—When a Federal agency affords those services, the regulations of that agency under section 5514(b) of title 5 for the collection of indebtedness of personnel resulting from erroneous payments shall apply to the collection of erroneous payments made to or on behalf of a Council employee, and regulations of that agency under sections 1513(d) and 1514 of title 31 for the administrative control of funds shall apply to appropriations of the Council. The Council shall not be required to prescribe those regulations.

(g) FUNDS, PERSONNEL, FACILITIES, AND SERVICES.—

(1) PROVIDED BY FEDERAL AGENCY.—Any Federal agency may provide the Council, with or without reimbursement as may be agreed on by the Chairman and the agency, with such funds, personnel, facilities, and services under its jurisdiction and control as may be needed by the Council to carry out its duties, to the extent

that the funds, personnel, facilities, and services are requested by the Council and are otherwise available for that purpose. Any funds provided to the Council pursuant to this subsection shall be obligated by the end of the fiscal year following the fiscal year in which the funds are received by the Council.

(2) OBTAINING ADDITIONAL PROPERTY, FACILITIES, AND SERVICES AND RECEIVING DONATIONS OF MONEY.—To the extent of available appropriations, the Council may obtain by purchase, rental, donation, or otherwise additional property, facilities, and services as may be needed to carry out its duties and may receive donations of money for that purpose. The Executive Director may accept, hold, use, expend, and administer the property, facilities, services, and money for the purposes of this division.

(h) RIGHTS, BENEFITS, AND PRIVILEGES OF TRANSFERRED EMPLOYEES.—Any employee in the competitive service of the United States transferred to the Council under section 207 of the National Historic Preservation Act (Public Law 89–665) retains all the rights, benefits, and privileges pertaining to the competitive service held prior to the transfer.

(i) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The Council is exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

(j) PROVISIONS THAT GOVERN OPERATIONS OF COUNCIL.—Subchapter II of chapter 5 and chapter 7 of title 5 shall govern the operations of the Council.

§ 304106. International Centre for the Study of the Preservation and Restoration of Cultural Property

(a) AUTHORIZATION OF PARTICIPATION.—The participation of the United States as a member in the International Centre for the Study of the Preservation and Restoration of Cultural Property is authorized.

(b) OFFICIAL DELEGATION.—The Council shall recommend to the Secretary of State, after consultation with the Smithsonian Institution and other public and private organizations concerned with the technical problems of preservation, the members of the official delegation that will participate in the activities of the International Centre for the Study of the Preservation and Restoration of Cultural Property on behalf of the United States. The Secretary of State shall appoint the members of the official delegation from the persons recommended to the Secretary of State by the Council.

§ 304107. Transmittal of legislative recommendations, testimony, or comments to any officer or agency of the United States prior to submission to Congress

No officer or agency of the United States shall have any authority to require the Council to submit its legislative recommendations, or testimony, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of the recommendations, testimony, or comments to Congress. When the Council voluntarily seeks to obtain the comments or review of any officer or agency of the United States, the Council shall include a description of the actions in its legislative recommendations, testimony, or comments on legislation that it transmits to Congress.

§ 304108. Regulations, procedures, and guidelines

(a) IN GENERAL.—The Council may promulgate regulations as it considers necessary to govern the implementation of section 306108 of this title in its entirety.

(b) PARTICIPATION BY LOCAL GOVERNMENTS.—The Council shall by regulation establish such procedures as may be necessary to provide for participation by local governments in proceedings and other actions taken by the Council with respect to undertakings referred to in section 306108 of this title that affect the local governments.

(c) EXEMPTION FOR FEDERAL PROGRAMS OR UNDERTAKINGS.—The Council, with the concurrence of the Secretary, shall promulgate regulations or guidelines, as appropriate, under which Federal programs or undertakings may be exempted from any or all of the requirements of this division when the exemption is determined to be consistent with the purposes of this division, taking into consideration the magnitude of the exempted undertaking or program and the likelihood of impairment of historic property.

§ 304109. Budget submission

(a) TIME AND MANNER OF SUBMISSION.—The Council shall submit its budget annually as a related agency of the Department of the Interior.

(b) TRANSMITTAL OF COPIES TO CONGRESSIONAL COMMITTEES.—Whenever the Council submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit copies of that estimate or request to the Committee on Natural Resources and Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources and Committee on Appropriations of the Senate.

§ 304110. Report by Secretary to Council

To assist the Council in discharging its responsibilities under this division, the Secretary at the request of the Chairman shall provide a report to the Council detailing the significance of any historic property, describing the effects of any proposed undertaking on the affected property, and recommending measures to avoid, minimize, or mitigate adverse effects.

§ 304111. Reimbursements from State and local agencies

Subject to applicable conflict of interest laws, the Council may receive reimbursements from State and local agencies and others pursuant to agreements executed in furtherance of this division.

§ 304112. Effectiveness of Federal grant and assistance programs

(a) COOPERATIVE AGREEMENTS.—The Council may enter into a cooperative agreement with any Federal agency that administers a grant or assistance program for the purpose of improving the effectiveness of the administration of the program in meeting the purposes and policies of this division. The cooperative agreement may include provisions that modify the selection criteria for a grant or assistance program to further the purposes of this division or that allow the Council to participate in the selection of recipients, if those provisions are not inconsistent with the grant or assistance program's statutory authorization and purpose.

(b) REVIEW OF GRANT AND ASSISTANCE PROGRAMS.—The Council may—

(1) review the operation of any Federal grant or assistance program to evaluate the effectiveness of the program in meeting the purposes and policies of this division;

(2) make recommendations to the head of any Federal agency that administers the program to further the consistency of the program with the purposes and policies of this division and to improve its effectiveness in carrying out those purposes and policies; and

(3) make recommendations to the President and Congress regarding the effectiveness of Federal grant and assistance programs in meeting the purposes and policies of this division, including recommendations with regard to appropriate funding levels.

Subdivision 4—Other Organizations and Programs

Chapter 3051—Historic Light Station Preservation

Sec.
305101. Definitions.
305102. Duties of Secretary in providing a national historic light station program.
305103. Selection of eligible entity and conveyance of historic light stations.
305104. Terms of conveyance.
305105. Description of property.
305106. Historic light station sales.

§ 305101. Definitions

In this chapter:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) any department or agency of the Federal Government; or

(B) any department or agency of the State in which a historic light station is located, the local government of the community in which a historic light station is located, a nonprofit corporation, an educational agency, or a community development organization that—

(i) has agreed to comply with the conditions set forth in section 305104 of this title and to have the conditions recorded with the deed of title to the historic light station; and

(ii) is financially able to maintain the historic light station in accordance with the conditions set forth in section 305104 of this title.

(3) FEDERAL AID TO NAVIGATION.—

(A) IN GENERAL.—The term ''Federal aid to navigation'' means any device, operated and maintained by the United States, external to a vessel or aircraft, intended to assist a navigator to determine position or safe course, or to warn of dangers or obstructions to navigation.

(B) INCLUSIONS.—The term ''Federal aid to navigation'' includes a light, lens, lantern, antenna, sound signal, camera, sensor, piece of electronic navigation equipment, power source, or other piece of equipment associated with a device described in subparagraph (A).

(4) HISTORIC LIGHT STATION.—The term ''historic light station'' includes the light tower, lighthouse, keeper's dwelling, garages, storage sheds, oil house, fog signal building, boat house, barn, pumphouse, tramhouse support structures, piers, walkways, underlying and appurtenant land and related real property and improvements associated with a historic light station that is a historic property.

§ 305102. Duties of Secretary in providing a national historic light station program

To provide a national historic light station program, the Secretary shall—

(1) collect and disseminate information concerning historic light stations;

(2) foster educational programs relating to the history, practice, and contribution to society of historic light stations;

(3) sponsor or conduct research and study into the history of light stations;

(4) maintain a listing of historic light stations; and

(5) assess the effectiveness of the program established by this chapter regarding the conveyance of historic light stations.

§ 305103. Selection of eligible entity and conveyance of historic light stations

(a) PROCESS AND POLICIES.—The Secretary and the Administrator shall maintain a process and policies for identifying, and selecting, an eligible entity to which a historic light station could be conveyed for education, park, recreation, cultural, or historic preservation purposes, and to monitor the use of the light station by the eligible entity.

(b) APPLICATION REVIEW.—

(1) IN GENERAL.—The Secretary shall—

(A) review all applications for the conveyance of a historic light station, when the agency with administrative jurisdiction over the historic light station has determined the property to be excess property (as that term is defined in section 102 of title 40); and

(B) forward to the Administrator a single approved application for the conveyance of the historic light station.

(2) CONSULTATION.—When selecting an eligible entity, the Secretary shall consult with the State Historic Preservation Officer of the State in which the historic light station is located.

(c) CONVEYANCE OR SALE OF HISTORIC LIGHT STATIONS.—

(1) CONVEYANCE BY ADMINISTRATOR.—Except as provided in paragraph (2), after the Secretary's selection of an eligible entity, the Administrator shall convey, by quitclaim deed, without consideration, all right, title, and interest of the United States in and to a historic light station, subject to the conditions set forth in section 305104 of this title. The conveyance of a historic light station under this chapter shall not be subject to the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.) or section 416(d) of the Coast Guard Authorization Act of 1998 (Public Law 105–383, 14 U.S.C. 93 note).

(2) HISTORIC LIGHT STATION LOCATED WITHIN A SYSTEM UNIT OR A REFUGE WITHIN NATIONAL WILDLIFE REFUGE SYSTEM.—

(A) APPROVAL OF SECRETARY REQUIRED.—A historic light station located within the exterior boundaries of a System unit or a refuge within the National Wildlife Refuge System shall be conveyed or sold only with the approval of the Secretary.

(B) CONDITIONS OF CONVEYANCE.—If the Secretary approves the conveyance of a historic light station described in subparagraph (A), the conveyance shall be subject to the conditions set forth in section 305104 of this title and any other terms or conditions that the Secretary considers necessary to protect the resources of the System unit or wildlife refuge.

(C) CONDITIONS OF SALE.—If the Secretary approves the sale of a historic light station described in subparagraph (A), the sale shall be subject to the conditions set forth in paragraphs (1) to (4) and (8) of subsection (a), and subsection (b), of section 305104 of this title and any other terms or conditions that the Secretary considers necessary to protect the resources of the System unit or wildlife refuge.

(D) COOPERATIVE AGREEMENTS.—The Secretary is encouraged to enter into cooperative agreements with appropriate eligible entities with respect to historic light stations described in subparagraph (A), as provided in this division, to the extent that the cooperative agreements are consistent with the Secretary's responsibilities to manage and administer the System unit or wildlife refuge.

§ 305104. Terms of conveyance

(a) IN GENERAL.—The conveyance of a historic light station shall be made subject to any conditions, including the reservation of easements and other rights on behalf of the United States, that the Administrator considers necessary to ensure that—

(1) the Federal aids to navigation located at the historic light station in operation on the date of conveyance remain the personal property of the United States and continue to be operated and maintained by the United States for as long as needed for navigational purposes;

(2) there is reserved to the United States the right to remove, replace, or install any Federal aid to navigation located at the historic light station as may be necessary for navigational purposes;

(3) the eligible entity to which the historic light station is conveyed shall not interfere or allow interference in any manner with any Federal aid to navigation or hinder activities required for the operation and maintenance of any Federal aid to navigation without the express written permission of the head of the agency responsible for maintaining the Federal aid to navigation;

(4)(A) the eligible entity to which the historic light station is conveyed shall, at its own cost and expense, use and maintain the historic light station in accordance with this division, the Secretary of the Interior's Standards for the Treatment of Historic Properties contained in part 68 of title 36, Code of Federal Regulations, and other applicable laws; and

(B) any proposed changes to the historic light station shall be reviewed and approved by the Secretary in consultation with the State Historic Preservation Officer of the State in which the historic light station is located, for consistency with section 800.5(a)(2)(vii) of title 36, Code of Federal Regulations and the Secretary's Standards for Rehabilitation contained in section 67.7 of title 36, Code of Federal Regulations;

(5) the eligible entity to which the historic light station is conveyed shall make the historic light station available for education, park, recreation, cultural, or historic preservation purposes for the general public at reasonable times and under reasonable conditions;

(6) the eligible entity to which the historic light station is conveyed shall not sell, convey, assign, exchange, or encumber the historic light station, any part of the historic light station, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including any lens or lantern, unless the sale, conveyance, assignment, exchange, or encumbrance is approved by the Secretary;

(7) the eligible entity to which the historic light station is conveyed shall not conduct any commercial activity at the historic light station, at any part of the historic light station, or in connection with any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, in any manner, unless the commercial activity is approved by the Secretary; and

(8) the United States shall have the right, at any time, to enter the historic light station without notice, for purposes of operating, maintaining, and inspecting any aid to navigation and for the purpose of ensuring compliance with this section, to the extent that it is not possible to provide advance notice.

(b) MAINTENANCE OF AID TO NAVIGATION.—Any eligible entity to which a historic light station is conveyed shall not be required to maintain any Federal aid to navigation associated with a historic light station, except any private aid to navigation permitted to the eligible entity under section 83 of title 14.

(c) REVERSION.—In addition to any term or condition established pursuant to this section, the conveyance of a historic light station shall include a condition that the historic light station, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including any lens or lantern, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if—

(1) the historic light station, any part of the historic light station, or any associated historic artifact ceases to be available for education, park, recreation, cultural, or historic preservation purposes for the general public at reasonable times and under reasonable conditions that shall be set forth in the eligible entity's application;

(2) the historic light station or any part of the historic light station ceases to be maintained in a manner that ensures its present or future use as a site for a Federal aid to navigation;

(3) the historic light station, any part of the historic light station, or any associated historic artifact ceases to be maintained in compliance with this division, the Secretary of the Interior's Standards for the Treatment of Historic Properties contained in part 68 of title 36, Code of Federal Regulations, and other applicable laws;

(4) the eligible entity to which the historic light station is conveyed sells, conveys, assigns, exchanges, or encumbers the historic light station, any part of the historic light fixture, or any associated historic artifact, without approval of the Secretary;

(5) the eligible entity to which the historic light station is conveyed conducts any commercial activity at the historic light station, at any part of the historic light station, or in conjunction with any associated historic artifact, without approval of the Secretary; or

(6) at least 30 days before the reversion, the Administrator provides written notice to the owner that the historic light station or any part of the historic light station is needed for national security purposes.

(d) LIGHT STATIONS ORIGINALLY CONVEYED UNDER OTHER AUTHORITY.—On receiving notice of an executed or intended conveyance by an owner that received from the Federal Government under authority other than this division a historic light station in which the United States retains a reversionary or other interest and that is conveying it to another person by sale, gift, or any other manner, the Secretary shall review the terms of the executed or proposed conveyance to ensure that any new owner is capable of or is complying with any and all conditions of the original conveyance. The Secretary may require the parties to the conveyance and relevant Federal agencies to provide information as is necessary to complete the review. If the Secretary determines that the new owner has not complied or is unable to comply with those conditions, the Secretary shall immediately advise the Administrator, who shall invoke any reversionary interest or take other action as may be necessary to protect the interests of the United States.

§ 305105. Description of property

(a) IN GENERAL.—The Administrator shall prepare the legal description of any historic light station conveyed under this chapter. The Administrator, in consultation with the Secretary of Homeland Security and the Secretary, may retain all right, title, and interest of the United States in and to any historical artifact, including any lens or lantern, that is associated with the historic light station and located at the historic light station at the time of conveyance. Wherever possible, the historical artifacts should be used in interpreting the historic light station. In cases where there is no method for preserving lenses and other artifacts and equipment in situ, priority should be given to preservation or museum entities most closely associated with the historic light station, if they meet loan requirements.

(b) ARTIFACTS.—Artifacts associated with, but not located at, a historic light station at the time of conveyance shall remain the property of the United States under the administrative control of the Secretary of Homeland Security.

(c) COVENANTS.—All conditions placed with the quitclaim deed of title to the historic light station shall be construed as covenants running with the land.

(d) SUBMERGED LAND.—No submerged land shall be conveyed under this chapter.

§ 305106. Historic light station sales

(a) IN GENERAL.—

(1) WHEN SALE MAY OCCUR.—If no applicant is approved for the conveyance of a historic light station pursuant to sections 305101 through 305105 of this title, the historic light station shall be offered for sale.

(2) TERMS OF SALE.—Terms of the sales—

(A) shall be developed by the Administrator; and

(B) shall be consistent with the requirements of paragraphs (1) to (4) and (8) of subsection (a), and subsection (b), of section 305104 of this title.

(3) COVENANTS TO BE INCLUDED IN CONVEYANCE DOCUMENTS.—Conveyance documents shall include all necessary covenants to protect the historical integrity of the historic light station and ensure that any Federal aid to navigation located at the historic light station is operated and maintained by the United States for as long as needed for that purpose.

(b) NET SALE PROCEEDS.—

(1) DISPOSITION AND USE OF FUNDS.—Net sale proceeds from the disposal of a historic light station—

(A) located on public domain land shall be transferred to the National Maritime Heritage Grants Program established under chapter 3087 in the Department of the Interior; and

(B) under the administrative control of the Secretary of Homeland Security—

(i) shall be credited to the Coast Guard's Operating Expenses appropriation account; and

(ii) shall be available for obligation and expenditure for the maintenance of light stations remaining under the administrative control of the Secretary of Homeland Security.

(2) AVAILABILITY OF FUNDS.—The funds referred to in paragraph (1)(B) shall remain available until expended and shall be available in addition to funds available in the Coast Guard's Operating Expense appropriation for that purpose.

Chapter 3053—National Center for Preservation Technology and Training

§ 305301. Definitions

In this chapter:

(1) BOARD.—The term ''Board'' means the Preservation Technology and Training Board established pursuant to section 305303 of this title.

(2) CENTER.—The term ''Center'' means the National Center for Preservation Technology and Training established pursuant to section 305302 of this title.

§ 305302. National Center for Preservation Technology and Training

(a) ESTABLISHMENT.—There is established within the Department of the Interior a National Center for Preservation Technology and Training. The Center shall be located at Northwestern State University of Louisiana in Natchitoches, Louisiana.

(b) PURPOSES.—The purposes of the Center shall be to—

(1) develop and distribute preservation and conservation skills and technologies for the identification, evaluation, conservation, and interpretation of historic property;

(2) develop and facilitate training for Federal, State, and local resource preservation professionals, cultural resource managers, maintenance personnel, and others working in the preservation field;

(3) take steps to apply preservation technology benefits from ongoing research by other agencies and institutions;

(4) facilitate the transfer of preservation technology among Federal agencies, State and local governments, universities, international organizations, and the private sector; and

(5) cooperate with related international organizations including the International Council on Monuments and Sites, the International Center for the Study of Preservation and Restoration of Cultural Property, and the International Council on Museums.

(c) PROGRAMS.—The purposes shall be carried out through research, professional training, technical assistance, and programs for public awareness, and through a program of grants established under section 305304 of this title.

(d) EXECUTIVE DIRECTOR.—The Center shall be headed by an Executive Director with demonstrated expertise in historic preservation appointed by the Secretary with advice of the Board.

(e) ASSISTANCE FROM SECRETARY.—The Secretary shall provide the Center assistance in obtaining such personnel, equipment, and facilities as may be needed by the Center to carry out its activities.

§ 305303. Preservation Technology and Training Board

(a) ESTABLISHMENT.—There is established a Preservation Technology and Training Board.

(b) DUTIES.—The Board shall—

(1) provide leadership, policy advice, and professional oversight to the Center;

(2) advise the Secretary on priorities and the allocation of grants among the activities of the Center; and

(3) submit an annual report to the President and Congress.

(c) MEMBERSHIP.—The Board shall be comprised of—

(1) the Secretary;

(2) 6 members appointed by the Secretary, who shall represent appropriate Federal, State, and local agencies, State and local historic preservation commissions, and other public and international organizations; and

(3) 6 members appointed by the Secretary on the basis of outstanding professional qualifications, who represent major organizations in the fields of archeology, architecture, conservation, curation, engineering, history, historic preservation, landscape architecture, planning, or preservation education.

§ 305304. Preservation grants

(a) IN GENERAL.—The Secretary, in consultation with the Board, shall provide preservation technology and training grants to eligible applicants with a demonstrated institutional capability and commitment to the purposes of the Center, in order to ensure an effective and efficient system of research, information distribution, and skills training in all the related historic preservation fields.

(b) GRANT REQUIREMENTS.—

(1) ALLOCATION.—Grants provided under this section shall be allocated in such a fashion as to reflect the diversity of the historic preservation fields and shall be geographically distributed.

(2) LIMIT ON AMOUNT A RECIPIENT MAY RECEIVE.—No grant recipient may receive more than 10 percent of the grants allocated under this section within any year.

(3) LIMIT ON ADMINISTRATIVE COSTS.—The total administrative costs, direct and indirect, charged for carrying out grants under this section may not exceed 25 percent of the aggregate costs.

(c) ELIGIBLE APPLICANTS.—Eligible applicants may include—

(1) Federal and non-Federal laboratories;

(2) accredited museums;

(3) universities;

(4) nonprofit organizations;

(5) System units and offices and Cooperative Park Study Units of the System;

(6) State Historic Preservation Offices;

(7) tribal preservation offices; and

(8) Native Hawaiian organizations.

(d) STANDARDS AND METHODS.—Grants shall be awarded in accordance with accepted professional standards and methods, including peer review of projects.

§ 305305. General provisions

(a) ACCEPTANCE OF GRANTS AND TRANSFERS.—The Center may accept—

(1) grants and donations from private individuals, groups, organizations, corporations, foundations, and other entities; and

(2) transfers of funds from other Federal agencies.

(b) CONTRACTS AND COOPERATIVE AGREEMENTS.—Subject to appropriations, the Center may enter into contracts and cooperative agreements with Federal, State, local, and tribal governments, Native Hawaiian organizations, educational institutions, and other public entities to carry out the Center's responsibilities under this chapter.

(c) ADDITIONAL FUNDS.—Funds appropriated for the Center shall be in addition to funds appropriated for Service programs, centers, and offices in existence on October 30, 1992.

§ 305306. Service preservation centers and offices

To improve the use of existing Service resources, the Secretary shall fully utilize and further develop the Service preservation (including conservation) centers and regional offices. The Secretary shall improve the coordination of the centers and offices within the Service, and shall, where appropriate, coordinate their activities with the Center and with other appropriate parties.

Chapter 3055—National Building Museum

§ 305501. Definitions

In this chapter:

(1) BUILDING ARTS.—The term ''building arts'' includes all practical and scholarly aspects of prehistoric, historic, and contemporary architecture, archeology, construction, building technology and skills, landscape architecture, preservation and conservation, building and construction, engineering, urban and community design and renewal, city and regional planning, and related professions, skills, trades, and crafts.

(2) COMMITTEE.—The term ''Committee'' means the Committee for a National Museum of the Building Arts, Incorporated, a nonprofit corporation organized and existing under the laws of the District of Columbia, or its successor.

§ 305502. Cooperative agreement to operate museum

To provide a national center to commemorate and encourage the building arts and to preserve and maintain a nationally significant building that exemplifies the great achievements of the building arts in the United States, the Secretary and the Administrator of General Services shall enter into a cooperative agreement with the Committee for the operation of a National Building Museum in the Federal building located in the block bounded by Fourth Street, Fifth Street, F Street, and G Street, Northwest in Washington, District of Columbia. The cooperative agreement shall include provisions that—

(1) make the site available to the Committee without charge;

(2) provide, subject to available appropriations, such maintenance, security, information, janitorial, and other services as may be necessary to ensure the preservation and operation of the site; and

(3) prescribe reasonable terms and conditions by which the Committee can fulfill its responsibilities under this division.

§ 305503. Activities and functions

The National Building Museum shall—

(1) collect and disseminate information concerning the building arts, including the establishment of a national reference center for current and historic documents, publications, and research relating to the building arts;

(2) foster educational programs relating to the history, practice, and contribution to society of the building arts, including promotion of imaginative educational approaches to enhance understanding and appreciation of all facets of the building arts;

(3) publicly display temporary and permanent exhibits illustrating, interpreting and demonstrating the building arts;

(4) sponsor or conduct research and study into the history of the building arts and their role in shaping our civilization; and

(5) encourage contributions to the building arts.

§ 305504. Matching grants to Committee

The Secretary shall provide matching grants to the Committee for its programs related to historic preservation. The Committee shall match the grants in such a manner and with such funds and services as shall be satisfactory to the Secretary, except that not more than $500,000 may be provided to the Committee in any one fiscal year.

§ 305505. Annual report

The Committee shall submit an annual report to the Secretary and the Administrator of General Services concerning its activities under this chapter and shall provide the Secretary and the Administrator of General Services with such other information as the Secretary may consider necessary or advisable.

Subdivision 5—Federal Agency Historic Preservation Responsibilities

Chapter 3061—Program Responsibilities and Authorities

Subchapter I—In General

§ 306101. Assumption of responsibility for preservation of historic property

(a) IN GENERAL.—

(1) AGENCY HEAD RESPONSIBILITY.—The head of each Federal agency shall assume responsibility for the preservation of historic property that is owned or controlled by the agency.

(2) USE OF AVAILABLE HISTORIC PROPERTY.—Prior to acquiring, constructing, or leasing a building for purposes of carrying out agency responsibilities, a Federal agency shall use, to the maximum extent feasible, historic property available to the agency, in accordance with Executive Order No. 13006 (40 U.S.C. 3306 note).

(3) NECESSARY PRESERVATION.—Each Federal agency shall undertake, consistent with the preservation of historic property, the mission of the agency, and the professional standards established pursuant to subsection (c), any preservation as may be necessary to carry out this chapter.

(b) GUIDELINES FOR FEDERAL AGENCY RESPONSIBILITY FOR AGENCY-OWNED HISTORIC PROPERTY.—In consultation with the Council, the Secretary shall promulgate guidelines for Federal agency responsibilities under this subchapter (except section 306108).

(c) PROFESSIONAL STANDARDS FOR PRESERVATION OF FEDERALLY OWNED OR CONTROLLED HISTORIC PROPERTY.—The Secretary shall establish, in consultation with the Secretary of Agriculture, the Secretary of Defense, the Smithsonian Institution, and the Administrator of General Services, professional standards for the preservation of historic property in Federal ownership or control.

§ 306102. Preservation program

(a) ESTABLISHMENT.—Each Federal agency shall establish (except for programs or undertakings exempted pursuant to section 304108(c) of this title), in consultation with the Secretary, a preservation program for the identification, evaluation, and nomination to the National Register, and protection, of historic property.

(b) REQUIREMENTS.—The program shall ensure that—

(1) historic property under the jurisdiction or control of the agency is identified, evaluated, and nominated to the National Register;

(2) historic property under the jurisdiction or control of the agency is managed and maintained in a way that considers the preservation of their historic, archeological, architectural, and cultural values in compliance with section 306108 of this title and gives special consideration to the preservation of those values in the case of property designated as having national significance;

(3) the preservation of property not under the jurisdiction or control of the agency but potentially affected by agency actions is given full consideration in planning;

(4) the agency's preservation-related activities are carried out in consultation with other Federal, State, and local agencies, Indian tribes, Native Hawaiian organizations carrying out historic preservation planning activities, and the private sector; and

(5) the agency's procedures for compliance with section 306108 of this title—

(A) are consistent with regulations promulgated by the Council pursuant to section 304108(a) and (b) of this title;

(B) provide a process for the identification and evaluation of historic property for listing on the National Register and the development and implementation of agreements, in consultation with State Historic Preservation Officers, local governments, Indian tribes, Native Hawaiian organizations, and the interested public, as appropriate, regarding the means by which adverse effects on historic property will be considered; and

(C) provide for the disposition of Native American cultural items from Federal or tribal land in a manner consistent with section 3(c) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3002(c)).

§ 306103. Recordation of historic property prior to alteration or demolition

Each Federal agency shall initiate measures to ensure that where, as a result of Federal action or assistance carried out by the agency, a historic property is to be substantially altered or demolished—

(1) timely steps are taken to make or have made appropriate records; and

(2) the records are deposited, in accordance with section 302107 of this title, in the Library of Congress or with such other appropriate agency as the Secretary may designate, for future use and reference.

§ 306104. Agency Preservation Officer

The head of each Federal agency (except an agency that is exempted under section 304108(c) of this title) shall designate a qualified official as the agency's Preservation Officer who shall be responsible for coordinating the agency's activities under this division. Each Preservation Officer may, to be considered qualified, satisfactorily complete an appropriate training program established by the Secretary under section 306101(c) of this title.

§ 306105. Agency programs and projects

Consistent with the agency's missions and mandates, each Federal agency shall carry out agency programs and projects (including those under which any Federal assistance is provided or any Federal license, permit, or other approval is required) in accordance with the purposes of this division and give consideration to programs and projects that will further the purposes of this division.

§ 306106. Review of plans of transferees of surplus federally owned historic property

The Secretary shall review and approve the plans of transferees of surplus federally owned historic property not later than 90 days after receipt of the plans to ensure that the prehistorical, historical, architectural, or culturally significant values will be preserved or enhanced.

§ 306107. Planning and actions to minimize harm to National Historic Landmarks

Prior to the approval of any Federal undertaking that may directly and adversely affect any National Historic Landmark, the head of the responsible Federal agency shall to the maximum extent possible undertake such planning and actions as may be necessary to minimize harm to the landmark. The head of the Federal agency shall afford the Council a reasonable opportunity to comment with regard to the undertaking.

§ 306108. Effect of undertaking on historic property

The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, shall take into account the effect of the undertaking on any historic property. The head of the Federal agency shall afford the Council a reasonable opportunity to comment with regard to the undertaking.

§ 306109. Costs of preservation as eligible project costs

A Federal agency may include the costs of preservation activities of the agency under this division as eligible project costs in all undertakings of the agency or assisted by the agency. The eligible project costs may include amounts paid by a Federal agency to a State to be used in carrying out the preservation responsibilities of the Federal agency under this division, and reasonable costs may be charged to Federal licensees and permittees as a condition to the issuance of the license or permit.

§ 306110. Annual preservation awards program

The Secretary shall establish an annual preservation awards program under which the Secretary may make monetary awards in amounts of not to exceed $1,000 and provide citations for special achievement to officers and employees of Federal, State, and certified local governments in recognition of their outstanding contributions to the preservation of historic property. The program may include the issuance of annual awards by the President to any citizen of the United States recommended for the award by the Secretary.

§ 306111. Environmental impact statement

Nothing in this division shall be construed to—

(1) require the preparation of an environmental impact statement where the statement would not otherwise be required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(2) provide any exemption from any requirement respecting the preparation of an environmental impact statement under that Act.

§ 306112. Waiver of provisions in event of natural disaster or imminent threat to national security

The Secretary shall promulgate regulations under which the requirements of this subchapter

(except section 306108) may be waived in whole or in part in the event of a major natural disaster or an imminent threat to national security.

§ 306113. Anticipatory demolition

Each Federal agency shall ensure that the agency will not grant a loan, loan guarantee, permit, license, or other assistance to an applicant that, with intent to avoid the requirements of section 306108 of this title, has intentionally significantly adversely affected a historic property to which the grant would relate, or having legal power to prevent it, has allowed the significant adverse effect to occur, unless the agency, after consultation with the Council, determines that circumstances justify granting the assistance despite the adverse effect created or permitted by the applicant.

§ 306114. Documentation of decisions respecting undertakings

With respect to any undertaking subject to section 306108 of this title that adversely affects any historic property for which a Federal agency has not entered into an agreement pursuant to regulations issued by the Council, the head of the agency shall document any decision made pursuant to section 306108 of this title. The head of the agency may not delegate the responsibility to document a decision pursuant to this section. Where an agreement pursuant to regulations issued by the Council has been executed with respect to an undertaking, the agreement shall govern the undertaking and all of its parts.

Subchapter II—Lease, Exchange, or Management of Historic Property

§ 306121. Lease or exchange

(a) AUTHORITY TO LEASE OR EXCHANGE.—Notwithstanding any other provision of law, each Federal agency, after consultation with the Council—

(1) shall, to the extent practicable, establish and implement alternatives (including adaptive use) for historic property that is not needed for current or projected agency purposes; and

(2) may lease historic property owned by the agency to any person or organization, or exchange any property owned by the agency with comparable historic property, if the agency head determines that the lease or exchange will adequately ensure the preservation of the historic property.

(b) PROCEEDS OF LEASE.—Notwithstanding any other provision of law, the proceeds of a lease under subsection (a) may be retained by the agency entering into the lease and used to defray the costs of administration, maintenance, repair, and related expenses incurred by the agency with respect to that property or other property that is on the National Register that is owned by, or are under the jurisdiction or control of, the agency. Any surplus proceeds from the leases shall be deposited in the Treasury at the end of the 2d fiscal year following the fiscal year in which the proceeds are received.

§ 306122. Contracts for management of historic property

The head of any Federal agency having responsibility for the management of any historic property may, after consultation with the Council, enter into a contract for the management of the property. The contract shall contain terms and conditions that the head of the agency considers necessary or appropriate to protect the interests of the United States and ensure adequate preservation of the historic property.

Subchapter III—Protection and Preservation of Resources

§ 306131. Standards and guidelines

(a) STANDARDS.—

(1) IN GENERAL.—Each Federal agency that is responsible for the protection of historic property (including archeological property) pursuant to this division or any other law shall ensure that—

(A) all actions taken by employees or contractors of the agency meet professional standards under regulations developed by the Secretary in consultation with the Council, other affected agencies, and the appropriate professional societies of archeology, architecture, conservation, history, landscape architecture, and planning;

(B) agency personnel or contractors responsible for historic property meet qualification standards established by the Office of Personnel Management in consultation with the Secretary and appropriate professional societies of archeology, architecture, conservation, curation, history, landscape architecture, and planning; and

(C) records and other data, including data produced by historical research and archeological surveys and excavations, are permanently maintained in appropriate databases and made available to potential users pursuant to such regulations as the Secretary shall promulgate.

(2) CONSIDERATIONS.—The standards referred to in paragraph (1)(B) shall consider the particular skills and expertise needed for the preservation of historic property and shall be equivalent requirements for the disciplines involved.

(3) REVISION.—The Office of Management and Budget shall revise qualification standards for the disciplines involved.

(b) GUIDELINES.—To promote the preservation of historic property eligible for listing on the National Register, the Secretary shall, in consultation with the Council, promulgate guidelines to ensure that Federal, State, and tribal historic preservation programs subject to this division include plans to—

(1) provide information to the owners of historic property (including architectural, curatorial, and archeological property) with demonstrated or likely research significance, about the need for protection of the historic property, and the available means of protection;

(2) encourage owners to preserve historic property intact and in place and offer the owners of historic property information on the tax and grant assistance available for the donation of the historic property or of a preservation easement of the historic property;

(3) encourage the protection of Native American cultural items (within the meaning of section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)) and of property of religious or cultural importance to Indian tribes, Native Hawaiian organizations, or other Native American groups; and

(4) encourage owners that are undertaking archeological excavations to—

(A) conduct excavations and analyses that meet standards for federally-sponsored excavations established by the Secretary;

(B) donate or lend artifacts of research significance to an appropriate research institution;

(C) allow access to artifacts for research purposes; and

(D) prior to excavating or disposing of a Native American cultural item in which an Indian tribe or Native Hawaiian organization may have an interest under subparagraph (B) or (C) of section 3(a)(2) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3002(a)(2)(B), (C)), give notice to and consult with the Indian tribe or Native Hawaiian organization.

Subdivision 6—Miscellaneous

Chapter 3071—Miscellaneous

§ 307101. World Heritage Convention

(a) AUTHORITY OF SECRETARY.—In carrying out this section, the Secretary of the Interior may act directly or through an appropriate officer in the Department of the Interior.

(b) PARTICIPATION BY UNITED STATES.—The Secretary shall direct and coordinate participation by the United States in the World Heritage Convention in cooperation with the Secretary of State, the Smithsonian Institution, and the Council. Whenever possible, expenditures incurred in carrying out activities in cooperation with other nations and international organizations shall be paid for in such excess currency of the country or area where the expense is incurred as may be available to the United States.

(c) NOMINATION OF PROPERTY TO WORLD HERITAGE COMMITTEE.—The Secretary shall periodically nominate property that the Secretary determines is of international significance to the World Heritage Committee on behalf of the United States. No property may be nominated unless it has previously been determined to be of national significance. Each nomination shall include evidence of such legal protections as may be necessary to ensure preservation of the property and its environment (including restrictive covenants, easements, or other forms of protection). Before making any nomination, the Secretary shall notify the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(d) NOMINATION OF NON-FEDERAL PROPERTY TO WORLD HERITAGE COMMITTEE REQUIRES WRITTEN CONCURRENCE OF OWNER.—No non-Federal property may be nominated by the Secretary to the World Heritage Committee for inclusion on the World Heritage List unless the owner of the property concurs in the nomination in writing.

(e) CONSIDERATION OF UNDERTAKING ON PROPERTY.—Prior to the approval of any undertaking outside the United States that may directly and adversely affect a property that is on the World Heritage List or on the applicable country's equivalent of the National Register, the head of a Federal agency having direct or indirect jurisdiction over the undertaking shall take into account the effect of the undertaking on the property for purposes of avoiding or mitigating any adverse effect.

§ 307102. Effective date of regulations

(a) PUBLICATION IN FEDERAL REGISTER.—No final regulation of the Secretary shall become effective prior to the expiration of 30 calendar days after it is published in the Federal Register during which either or both Houses of Congress are in session.

(b) DISAPPROVAL OF REGULATION BY RESOLUTION OF CONGRESS.—The regulation shall not become effective if, within 90 calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: ''That Congress disapproves the regulation promulgated by the Secretary dealing with the matter of , which regulation was transmitted to Congress on , '' the blank spaces in the resolution being appropriately filled.

(c) FAILURE OF CONGRESS TO ADOPT RESOLUTION OF DISAPPROVAL OF REGULATION.—If at the end of 60 calendar days of continuous session of Congress after the date of promulgation of a regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the regulation, and neither House has adopted such a resolution, the regulation may go into effect immediately. If, within the 60 calendar days, a committee has reported or been discharged from further consideration of such a resolution, the regulation may go into effect not sooner than 90 calendar days of continuous session of Congress after its promulgation unless disapproved as provided for.

(d) SESSIONS OF CONGRESS.—For purposes of this section—

(1) continuity of session is broken only by an adjournment sine die; and

(2) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of 60 and 90 calendar days of continuous session of Congress.

(e) CONGRESSIONAL INACTION OR REJECTION OF RESOLUTION OF DISAPPROVAL NOT DEEMED APPROVAL OF REGULATION.—Congressional inaction on or rejection of a resolution of disapproval shall not be deemed an expression of approval of the regulation.

§ 307103. Access to information

(a) AUTHORITY TO WITHHOLD FROM DISCLOSURE.—The head of a Federal agency, or other public official receiving grant assistance pursuant to this division, after consultation with the Secretary, shall withhold from disclosure to the public information about the location, character, or ownership of a historic property if the Secretary and the agency determine that disclosure may—

(1) cause a significant invasion of privacy;

(2) risk harm to the historic property; or

(3) impede the use of a traditional religious site by practitioners.

(b) ACCESS DETERMINATION.—When the head of a Federal agency or other public official determines that information should be withheld from the public pursuant to subsection (a), the Secretary, in consultation with the Federal agency head or official, shall determine who may have access to the information for the purpose of carrying out this division.

(c) CONSULTATION WITH COUNCIL.—When information described in subsection (a) has been developed in the course of an agency's compliance with section 306107 or 306108 of this title, the Secretary shall consult with the Council in reaching determinations under subsections (a) and (b).

§ 307104. Inapplicability of division to White House, Supreme Court building, or United States Capitol

Nothing in this division applies to the White House and its grounds, the Supreme Court building and its grounds, or the United States Capitol and its related buildings and grounds.

§ 307105. Attorney's fees and costs to prevailing parties in civil actions

In any civil action brought in any United States district court by any interested person to enforce this division, if the person substantially prevails in the action, the court may award attorney's fees, expert witness fees, and other costs of participating in the civil action, as the court considers reasonable.

§ 307106. Authorization for expenditure of appropriated funds

Where appropriate, each Federal agency may expend funds appropriated for its authorized programs for the purposes of activities carried out pursuant to this division, except to the extent that appropriations legislation expressly provides otherwise.

§ 307107. Donations and bequests of money, personal property, and less than fee interests in historic property

(a) MONEY AND PERSONAL PROPERTY.—The Secretary may accept donations and bequests of money and personal property for the purposes of this division and shall hold, use, expend, and administer the money and personal property for those purposes.

(b) LESS THAN FEE INTEREST IN HISTORIC PROPERTY.—The Secretary may accept gifts or donations of less than fee interests in any historic property where the acceptance of an interest will facilitate the conservation or preservation of the historic property. Nothing in this section or in any provision of this division shall be construed to affect or impair any other authority of the Secretary under other provision of law to accept or acquire any property for conservation or preservation or for any other purpose.

§ 307108. Privately donated funds

(a) PROJECTS FOR WHICH FUNDS MAY BE USED.—In furtherance of the purposes of this division, the Secretary may accept the donation of funds that may be expended by the Secretary for projects to acquire, restore, preserve, or recover data from any property included on the National Register, as long as the project is owned by a State, any unit of local government, or any nonprofit entity.

(b) CONSIDERATION OF FACTORS RESPECTING EXPENDITURE OF FUNDS.—

(1) IN GENERAL.—In expending the funds, the Secretary shall give due consideration to—

(A) the national significance of the project;

(B) its historical value to the community;

(C) the imminence of its destruction or loss; and

(D) the expressed intentions of the donor.

(2) FUNDS AVAILABLE WITHOUT REGARD TO MATCHING REQUIREMENTS.—Funds expended under this subsection shall be made available without regard to the matching requirements established by sections 302901 and 302902(b) of this title, but the recipient of the funds shall be permitted to utilize them to match any grants from the Historic Preservation Fund.

(c) TRANSFER OF UNOBLIGATED FUNDS.—The Secretary may transfer unobligated funds previously donated to the Secretary for the purposes of the Service, with the consent of the donor, and any funds so transferred shall be used or expended in accordance with this division.

Division B—Organizations and Programs

Subdivision 1—Administered by National Park Service

Chapter 3081—American Battlefield Protection Program

§ 308101. Definition

In this chapter, the term ''Secretary'' means the Secretary, acting through the American Battlefield Protection Program.

§ 308102. Preservation assistance

(a) IN GENERAL.—Using the established national historic preservation program to the extent practicable, the Secretary shall encourage, support, assist, recognize, and work in partnership with citizens, Federal, State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations in identifying, researching, evaluating, interpreting, and protecting historic battlefields and associated sites on a national, State, and local level.

(b) FINANCIAL ASSISTANCE.—To carry out subsection (a), the Secretary may use a cooperative agreement, grant, contract, or other generally adopted means of providing financial assistance.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for each fiscal year, to remain available until expended.

§ 308103. Battlefield acquisition grant program

(a) DEFINITION.—In this section, the term ''eligible site'' means a site—

(1) that is not within the exterior boundaries of a System unit; and

(2) that is identified in the document entitled ''Report on the Nation's Civil War Battlefields'', prepared by the Civil War Sites Advisory Commission, and dated July 1993.

(b) ESTABLISHMENT.—The Secretary shall establish a battlefield acquisition grant program under which the Secretary may provide grants to State and local governments to pay the Federal share of the cost of acquiring interests in eligible sites for the preservation and protection of those eligible sites.

(c) NONPROFIT PARTNERS.—A State or local government may acquire an interest in an eligible site using a grant under this section in partnership with a nonprofit organization.

(d) NON-FEDERAL SHARE.—The non-Federal share of the total cost of acquiring an interest in an eligible site under this section shall be not less than 50 percent.

(e) LIMITATION ON LAND USE.—An interest in an eligible site acquired under this section shall be subject to section 200305(f)(3) of this title.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to provide grants under this section $10,000,000 for each of fiscal years 2012 and 2013.

Chapter 3083—National Underground Railroad Network to Freedom

§ 308301. Definition

In this chapter, the term ''national network'' means the National Underground Railroad Network to Freedom established under section 308302 of this title.

§ 308302. Program

(a) ESTABLISHMENT; RESPONSIBILITIES OF SECRETARY.—The Secretary shall establish in the Service the National Underground Railroad Network to Freedom. Under the national network, the Secretary shall—

(1) produce and disseminate appropriate educational materials, such as handbooks, maps, interpretive guides, or electronic information;

(2) enter into appropriate cooperative agreements and memoranda of understanding to provide technical assistance under subsection (c); and

(3) create and adopt an official, uniform symbol or device for the national network and issue regulations for its use.

(b) ELEMENTS.—The national network shall encompass the following elements:

(1) All System units and programs of the Service determined by the Secretary to pertain to the Underground Railroad.

(2) Other Federal, State, local, and privately owned properties pertaining to the Underground Railroad that have a verifiable connection to the Underground Railroad and that are included on, or determined by the Secretary to be eligible for inclusion on, the National Register of Historic Places.

(3) Other governmental and nongovernmental facilities and programs of an educational, research, or interpretive nature that are directly related to the Underground Railroad.

(c) COOPERATIVE AGREEMENTS AND MEMORANDA OF UNDERSTANDING.—To achieve the purposes of this chapter and to ensure effective coordination of the Federal and non-Federal elements of the national network with System units and programs of the Service, the Secretary may enter into cooperative agreements and memoranda of understanding with, and provide technical assistance—

(1) to the heads of other Federal agencies, States, localities, regional governmental bodies, and private entities; and

(2) in cooperation with the Secretary of State, to the governments of Canada, Mexico, and any appropriate country in the Caribbean.

§ 308303. Preservation and interpretation of Underground Railroad history, historic sites, and structures

(a) AUTHORITY TO MAKE GRANTS.—The Secretary may make grants in accordance with this section for the preservation and restoration of historic buildings or structures associated with

the Underground Railroad, and for related research and documentation to sites, programs, or facilities that have been included in the national network.

(b) GRANT CONDITIONS.—Any grant made under this section shall provide that—

(1) no change or alteration may be made in property for which the grant is used except with the agreement of the property owner and the Secretary;

(2) the Secretary shall have the right of access at reasonable times to the public portions of the property for interpretive and other purposes; and

(3) conversion, use, or disposal of the property for purposes contrary to the purposes of this chapter, as determined by the Secretary, shall result in a right of the United States to compensation equal to all Federal funds made available to the grantee under this chapter.

(c) MATCHING REQUIREMENT.—The Secretary may obligate funds made available for a grant under this section only if the grantee agrees to match, from funds derived from non-Federal sources, the amount of the grant with an amount that is equal to or greater than the grant. The Secretary may waive the requirement if the Secretary determines that an extreme emergency exists or that a waiver is in the public interest to ensure the preservation of historically significant resources.

§ 308304. Authorization of appropriations

(a) AMOUNTS.—There is authorized to be appropriated to carry out this chapter $2,500,000 for each fiscal year, of which—

(1) $2,000,000 shall be used to carry out section 308302 of this title; and

(2) $500,000 shall be used to carry out section 308303 of this title.

(b) LIMITATION.—No amount may be appropriated for the purposes of this chapter except to the Secretary for carrying out the responsibilities of the Secretary as set forth in this chapter.

Chapter 3085—National Women's Rights History Project

§ 308501. National women's rights history project national registry

(a) IN GENERAL.—The Secretary may make annual grants to State historic preservation offices for not more than 5 years to assist the State historic preservation offices in surveying, evaluating, and nominating to the National Register of Historic Places women's rights history properties.

(b) ELIGIBILITY.—In making grants under subsection (a), the Secretary shall give priority to grants relating to properties associated with the multiple facets of the women's rights movement, such as politics, economics, education, religion, and social and family rights.

(c) UPDATES.—The Secretary shall ensure that the National Register travel itinerary website entitled ''Places Where Women Made History'' is updated to contain—

(1) the results of the inventory conducted under subsection (a); and

(2) any links to websites related to places on the inventory.

(d) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $1,000,000 for each of fiscal years 2012 and 2013.

§ 308502. National women's rights history project partnerships network

(a) GRANTS.—The Secretary may make matching grants and give technical assistance for development of a network of governmental and nongovernmental entities (referred to in this section as the ''network''), the purpose of which is to provide interpretive and educational program development of national women's rights history, including historic preservation.

(b) MANAGEMENT OF NETWORK.—

(1) IN GENERAL.—Through a competitive process, the Secretary shall designate a nongovernmental managing entity to manage the network.

(2) COORDINATION.—The nongovernmental managing entity designated under paragraph (1) shall work in partnership with the Director and State historic preservation offices to coordinate operation of the network.

(c) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(2) STATE HISTORIC PRESERVATION OFFICES.—Matching grants for historic preservation specific to the network may be made available through State historic preservation offices.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $1,000,000 for each of fiscal years 2012 and 2013.

Chapter 3087—National Maritime Heritage

§ 308701. Policy

It shall be the policy of the Federal Government, in partnership with the States and local governments and private organizations and individuals, to—

(1) use measures, including financial and technical assistance, to foster conditions under which our modern society and our historic maritime resources can exist in productive harmony;

(2) provide leadership in the preservation of the historic maritime resources of the United States;

(3) contribute to the preservation of historic maritime resources and give maximum encouragement to organizations and individuals undertaking preservation by private means; and

(4) assist State and local governments to expand their maritime historic preservation programs and activities.

§ 308702. Definitions

In this chapter:

(1) NATIONAL TRUST.—The term ''National Trust'' means the National Trust for Historic Preservation in the United States established under section 312102 of this title.

(2) PRIVATE NONPROFIT ORGANIZATION.—The term ''private nonprofit organization'' means any person that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 (26 U.S.C. 501(a)) and described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)).

(3) PROGRAM.—The term ''Program'' means the National Maritime Heritage Grants Program established under section 308703(a) of this title.

(4) STATE HISTORIC PRESERVATION OFFICER.—The term ''State Historic Preservation Officer'' means a State Historic Preservation Officer appointed pursuant to section 302301(1) of this title by the chief executive official of a State having a State Historic Preservation Program approved by the Secretary under that section.

§ 308703. National Maritime Heritage Grants Program

(a) ESTABLISHMENT.—There is established in the Department of the Interior the National Maritime Heritage Grants Program, to foster in the American public a greater awareness and appreciation of the role of maritime endeavors in our Nation's history and culture. The Program shall consist of—

(1) annual grants to the National Trust for subgrants administered by the National Trust for maritime heritage education projects under subsection (b); and

(2) grants to State Historic Preservation Officers for maritime heritage preservation projects carried out or administered by those Officers under subsection (c).

(b) GRANTS FOR MARITIME HERITAGE EDUCATION PROJECTS.—

(1) GRANTS TO NATIONAL TRUST.—The Secretary, subject to paragraph (2), and the availability of amounts for that purpose under section 308704(b)(1)(A) of this title, shall make an annual grant to the National Trust for maritime heritage education projects.

(2) USE OF GRANTS.—Amounts received by the National Trust as an annual grant under this subsection shall be used to make subgrants to State and local governments and private nonprofit organizations to carry out education projects that have been approved by the Secretary under subsection (f) and that consist of—

(A) assistance to any maritime museum or historical society for—

(i) existing and new educational programs, exhibits, educational activities, conservation, and interpretation of artifacts and collections;

(ii) minor improvements to educational and museum facilities; and

(iii) other similar activities;

(B) activities designed to encourage the preservation of traditional maritime skills, including—

(i) building and operation of vessels of all sizes and types for educational purposes;

(ii) special skills such as wood carving, sail making, and rigging;

(iii) traditional maritime art forms; and

(iv) sail training;

(C) other educational activities relating to historic maritime resources, including—

(i) maritime educational waterborne-experience programs in historic vessels or vessel reproductions;

(ii) maritime archeological field schools; and

(iii) educational programs on other aspects of maritime history;

(D) heritage programs focusing on maritime historic resources, including maritime heritage trails and corridors; or

(E) the construction and use of reproductions of historic maritime resources for educational purposes, if a historic maritime resource no longer exists or would be damaged or consumed through direct use.

(c) GRANTS FOR MARITIME HERITAGE PRESERVATION PROJECTS.—

(1) GRANTS TO STATE HISTORIC PRESERVATION OFFICERS.—The Secretary, acting through the National Maritime Initiative of the Service and subject to paragraph (2), and the availability of amounts for that purpose under section 308704(b)(1)(B) of this title, shall make grants to State Historic Preservation Officers for maritime heritage preservation projects.

(2) USE OF GRANTS.—Amounts received by a State Historic Preservation Officer as a grant under this subsection shall be used by the Officer to carry out, or to make subgrants to local governments and private nonprofit organizations to carry out, projects that have been approved by the Secretary under subsection (f) for the preservation of historic maritime resources through—

(A) identification of historic maritime resources, including underwater archeological sites;

(B) acquisition of historic maritime resources for the purposes of preservation;

(C) repair, restoration, stabilization, maintenance, or other capital improvements to historic maritime resources, in accordance with standards prescribed by the Secretary; and

(D) research, recording (through drawings, photographs, or otherwise), planning (through

feasibility studies, architectural and engineering services, or otherwise), and other services carried out as part of a preservation program for historic maritime resources.

(d) CRITERIA FOR DIRECT GRANT AND SUBGRANT ELIGIBILITY.—To qualify for a subgrant from the National Trust under subsection (b), or a direct grant to or a subgrant from a State Historic Preservation Officer under subsection (c), a person shall—

(1) demonstrate that the project for which the direct grant or subgrant will be used has the potential for reaching a broad audience with an effective educational program based on American maritime history, technology, or the role of maritime endeavors in American culture;

(2) match the amount of the direct grant or subgrant, on a 1-to-1 basis, with non-Federal assets from non-Federal sources, which may include cash or donated services fairly valued as determined by the Secretary;

(3) maintain records as may be reasonably necessary to fully disclose—

(A) the amount and the disposition of the proceeds of the direct grant or subgrant;

(B) the total cost of the project for which the direct grant or subgrant is made; and

(C) other records as may be required by the Secretary, including such records as will facilitate an effective accounting for project funds;

(4) provide access to the Secretary for the purposes of any required audit and examination of any records of the person; and

(5) be a unit of State or local government, or a private nonprofit organization.

(e) PROCEDURES, TERMS, AND CONDITIONS.—

(1) APPLICATION PROCEDURES.—An application for a subgrant under subsection (b), or a direct grant or subgrant under subsection (c), shall be submitted under procedures prescribed by the Secretary.

(2) TERMS AND CONDITIONS.—A person may not receive a subgrant under subsection (b), or a direct grant or subgrant under subsection (c), unless the person agrees to assume, after completion of the project for which the direct grant or subgrant is awarded, the total cost of the continued maintenance, repair, and administration of any property for which the subgrant will be used in a manner satisfactory to the Secretary.

(f) ALLOCATION OF, AND LIMITATION ON, GRANT FUNDING.—

(1) ALLOCATION.—To the extent feasible, the Secretary shall ensure that the amount made available under subsection (b) for maritime heritage education projects is equal to the amount made available under subsection (c) for maritime heritage preservation projects.

(2) LIMITATION.—The amount provided by the Secretary in a fiscal year as grants under this section for projects relating to historic maritime resources owned or operated by the Federal Government shall not exceed 40 percent of the total amount available for the fiscal year for grants under this section.

(g) PUBLICATION OF DIRECT GRANT AND SUBGRANT INFORMATION.—The Secretary shall publish annually in the Federal Register and otherwise as the Secretary considers appropriate—

(1) a solicitation of applications for direct grants and subgrants under this section;

(2) a list of priorities for the making of those direct grants and subgrants;

(3) a single deadline for the submission of applications for those direct grants and subgrants; and

(4) other relevant information.

(h) DIRECT GRANT AND SUBGRANT ADMINISTRATION.—

(1) RESPONSIBILITY.—

(A) NATIONAL TRUST.—The National Trust is responsible for administering subgrants for maritime heritage education projects under subsection (b).

(B) SECRETARY.—The Secretary is responsible for administering direct grants for maritime heritage preservation projects under subsection (c).

(C) STATE HISTORIC PRESERVATION OFFICERS.—State Historic Preservation Officers are responsible for administering subgrants for maritime heritage preservation projects under subsection (c).

(2) ACTIONS.—The appropriate responsible party under paragraph (1) shall administer direct grants or subgrants by—

(A) publicizing the Program to prospective grantees, subgrantees, and the public at large, in cooperation with the Service, the Maritime Administration, and other appropriate government agencies and private institutions;

(B) answering inquiries from the public, including providing information on the Program as requested;

(C) distributing direct grant and subgrant applications;

(D) receiving direct grant and subgrant applications and ensuring their completeness;

(E) keeping records of all direct grant and subgrant awards and expenditures of funds;

(F) monitoring progress of projects carried out with direct grants and subgrants; and

(G) providing to the Secretary such progress reports as may be required by the Secretary.

(i) ASSISTANCE OF MARITIME PRESERVATION ORGANIZATIONS.—The Secretary, the National Trust, and the State Historic Preservation Officers may, individually or jointly, enter into cooperative agreements with any private nonprofit organization with appropriate expertise in maritime preservation issues, or other qualified maritime preservation organizations, to assist in the administration of the Program.

(j) REPORT TO CONGRESS.—The Secretary shall submit to Congress an annual report on the Program, including—

(1) a description of each project funded under the Program in the period covered by the report;

(2) the results or accomplishments of each such project; and

(3) recommended priorities for achieving the policy set forth in section 308701 of this title.

§ 308704. Funding

(a) AVAILABILITY OF FUNDS FROM SALE AND SCRAPPING OF OBSOLETE VESSELS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the amount of funds credited in a fiscal year to the Vessel Operations Revolving Fund established by section 50301(a) of title 46 that is attributable to the sale of obsolete vessels in the National Defense Reserve Fleet that are scrapped or sold under section 57102, 57103, or 57104 of title 46 shall be available until expended as follows:

(A) Fifty percent shall be available to the Administrator of the Maritime Administration for such acquisition, maintenance, repair, reconditioning, or improvement of vessels in the National Defense Reserve Fleet as is authorized under other Federal law.

(B) Twenty five percent shall be available to the Administrator of the Maritime Administration for the payment or reimbursement of expenses incurred by or on behalf of State maritime academies or the United States Merchant Marine Academy for facility and training ship maintenance, repair, and modernization, and for the purchase of simulators and fuel.

(C) The remainder shall be available—

(i) to the Secretary to carry out the Program, as provided in subsection (b); or

(ii) if otherwise determined by the Administrator of the Maritime Administration, for use in the preservation and presentation to the public of maritime heritage property of the Maritime Administration.

(2) APPLICABILITY.—Paragraph (1) does not apply to amounts credited to the Vessel Operations Revolving Fund before July 1, 1994.

(b) USE OF AMOUNTS FOR PROGRAM.—

(1) IN GENERAL.—Except as provided in paragraph (2), of amounts available each fiscal year for the Program under subsection (a)(1)(C)—

(A) one half shall be used for grants under section 308703(b) of this title; and

(B) one half shall be used for grants under section 308703(c) of this title.

(2) ADMINISTRATIVE EXPENSES.—

(A) IN GENERAL.—Not more than 15 percent or $500,000, whichever is less, of the amount available for the Program under subsection (a)(1)(C) for a fiscal year may be used for expenses of administering the Program.

(B) ALLOCATION.—Of the amount available under subparagraph (A) for a fiscal year—

(i) one half shall be allocated to the National Trust for expenses incurred in administering grants under section 308703(b) of this title; and

(ii) one half shall be allocated as appropriate by the Secretary to the Service and participating State Historic Preservation Officers.

(c) DISPOSAL OF VESSELS.—

(1) REQUIREMENT.—The Secretary of Transportation shall dispose (by sale or by purchase of disposal services) of all vessels described in paragraph (2)—

(A) in accordance with a priority system for disposing of vessels, as determined by the Secretary, that shall include provisions requiring the Maritime Administration to—

(i) dispose of all deteriorated high priority ships that are available for disposal within 12 months of their designation as available for disposal; and

(ii) give priority to the disposition of those vessels that pose the most significant danger to the environment or cost the most to maintain;

(B) in the manner that provides the best value to the Federal Government, except in any case in which obtaining the best value would require towing a vessel and the towing poses a serious threat to the environment; and

(C) in accordance with the plan of the Department of Transportation for disposal of those vessels and requirements under sections 57102 to 57104 of title 46.

(2) DESCRIPTION OF VESSELS.—The vessels referred to in paragraph (1) are the vessels in the National Defense Reserve Fleet after July 1, 1994, that—

(A) are not assigned to the Ready Reserve Force component of the National Defense Reserve Fleet; and

(B) are not specifically authorized or required by statute to be used for a particular purpose.

(d) TREATMENT OF AVAILABLE AMOUNTS.—Amounts available under this section shall not be considered in any determination of the amounts available to the Department of the Interior.

§ 308705. Designation of America's National Maritime Museum

(a) IN GENERAL.—America's National Maritime Museum shall be composed of the museums designated by law to be museums of America's National Maritime Museum on the basis that the museums—

(1) house a collection of maritime artifacts clearly representing the Nation's maritime heritage; and

(2) provide outreach programs to educate the public about the Nation's maritime heritage.

(b) INITIAL DESIGNATION.—The following museums (meeting the criteria specified in subsection (a)) are designated as museums of America's National Maritime Museum:

(1) The Mariners' Museum, located at 100 Museum Drive, Newport News, Virginia.

(2) The South Street Seaport Museum, located at 207 Front Street, New York, New York.

(c) FUTURE DESIGNATION OF OTHER MUSEUMS NOT PRECLUDED.—The designation of the museums referred to in subsection (b) as museums of America's National Maritime Museum does not preclude the designation by law of any other museum that meets the criteria specified in subsection (a) as a museum of America's National Maritime Museum.

(d) REFERENCE TO MUSEUMS.—Any reference in any law, map, regulation, document, paper, or other record of the United States to a museum designated by law to be a museum of America's

National Maritime Museum shall be deemed to be a reference to that museum as a museum of America's National Maritime Museum.

§ 308706. Regulations

The Secretary, after consultation with the National Trust, the National Conference of State Historic Preservation Officers, and appropriate members of the maritime heritage community, shall prescribe appropriate guidelines, procedures, and regulations to carry out the chapter, including direct grant and subgrant priorities, the method of solicitation and review of direct grant and subgrant proposals, criteria for review of direct grant and subgrant proposals, administrative requirements, reporting and recordkeeping requirements, and any other requirements the Secretary considers appropriate.

§ 308707. Applicability of other authorities

The authorities contained in this chapter shall be in addition to, and shall not be construed to supersede or modify those contained in division A of this subtitle.

Chapter 3089—Save America's Treasures Program

Sec.

§ 308901. Definitions

In this chapter:

(1) COLLECTION.—The term ''collection'' means a collection of intellectual and cultural artifacts, including documents, sculpture, and works of art.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means a Federal entity, State, local, or tribal government, educational institution, or nonprofit organization.

(3) HISTORIC PROPERTY.—The term ''historic property'' has the meaning given the term in section 300308 of this title.

(4) NATIONALLY SIGNIFICANT.—The term ''nationally significant'', in reference to a collection or historic property, means a collection or historic property that meets the applicable criteria for national significance, in accordance with regulations promulgated by the Secretary pursuant to section 302103 of this title.

(5) PROGRAM.—The term ''program'' means the Save America's Treasures Program established under section 308902(a) of this title.

(6) SECRETARY.—The term ''Secretary'' means the Secretary, acting through the Director.

§ 308902. Establishment

(a) IN GENERAL.—There is established in the Department of the Interior the Save America's Treasures Program.

(b) PARTICIPANTS.—In consultation and partnership with the National Endowment for the Arts, the National Endowment for the Humanities, the Institute of Museum and Library Services, the National Trust for Historic Preservation in the United States, the National Conference of State Historic Preservation Officers, the National Association of Tribal Historic Preservation Officers, and the President's Committee on the Arts and the Humanities, the Secretary shall use the amounts made available under section 308905 of this title to provide grants to eligible entities for projects to preserve nationally significant collections and historic property.

§ 308903. Grants

(a) DETERMINATION OF GRANTS.—Of the amounts made available for grants under section 308905 of this title, not less than 50 percent shall be made available for grants for projects to preserve collections and historic property, to be distributed through a competitive grant process administered by the Secretary, subject to the selection criteria established under subsection (d).

(b) APPLICATION FOR GRANTS.—To be considered for a grant under the program an eligible entity shall submit to the Secretary an application containing such information as the Secretary may require.

(c) COLLECTIONS AND HISTORIC PROPERTY ELIGIBLE FOR GRANTS.—

(1) IN GENERAL.—A collection or historic property shall be provided a grant under the program only if the Secretary determines that the collection or historic property is—

(A) nationally significant; and

(B) threatened or endangered.

(2) ELIGIBLE COLLECTIONS.—A determination by the Secretary regarding the national significance of a collection under paragraph (1)(A) shall be made in consultation with the organizations described in section 308902(b) of this title, as appropriate.

(3) ELIGIBLE HISTORIC PROPERTY.—To be eligible for a grant under the program, a historic property shall, as of the date of the grant application—

(A) be listed on the National Register of Historic Places at the national level of significance; or

(B) be designated as a National Historic Landmark.

(d) SELECTION CRITERIA.—

(1) IN GENERAL.—The Secretary shall not provide a grant under this chapter to a project for a collection or historic property unless the project—

(A) eliminates or substantially mitigates the threat of destruction or deterioration of the collection or historic property;

(B) has a clear public benefit; and

(C) is able to be completed on schedule and within the budget described in the grant application.

(2) PREFERENCE.—In providing grants under this chapter, the Secretary may give preference to projects that carry out the purposes of both the program and the Preserve America Program.

(3) LIMITATION.—In providing grants under this chapter, the Secretary shall provide only one grant to each project selected for a grant.

(e) CONSULTATION AND NOTIFICATION BY SECRETARY.—

(1) CONSULTATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall consult with the organizations described in section 308902(b) of this title in preparing the list of projects to be provided grants for a fiscal year under the program.

(B) LIMITATION.—If an organization described in section 308902(b) of this title has submitted an application for a grant under the program, the organization shall be recused by the Secretary from the consultation requirements under subparagraph (A) and section 308902(b) of this title.

(2) NOTIFICATION.—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources and Committee on Appropriations of the Senate and the Committee on Natural Resources and Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(f) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The non-Federal share of the cost of carrying out a project provided a grant under this chapter shall be not less than 50 percent of the total cost of the project.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under paragraph (1) shall be in the form of—

(A) cash; or

(B) donated supplies or related services, the value of which shall be determined by the Secretary.

(3) REQUIREMENT.—The Secretary shall ensure that each applicant for a grant has the capacity and a feasible plan for securing the non-Federal share for an eligible project required under paragraph (1) before a grant is provided to the eligible project under the program.

§ 308904. Guidelines and regulations

The Secretary shall develop any guidelines and prescribe any regulations that the Secretary determines to be necessary to carry out this chapter.

§ 308905. Authorization of appropriations

There is authorized to be appropriated to carry out this chapter $50,000,000 for each fiscal year, to remain available until expended.

Chapter 3091—Commemoration of Former Presidents

Sec.

§ 309101. Sites and structures that commemorate former Presidents

(a) SURVEY.—The Secretary may conduct a survey of sites that the Secretary considers exhibit qualities most appropriate for the commemoration of each former President. The survey may—

(1) include sites associated with the deeds, leadership, or lifework of a former President; and

(2) identify sites or structures historically unrelated to a former President but that may be suitable as a memorial to honor that President.

(b) REPORTS.—The Secretary shall, from time to time, prepare and transmit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate reports on individual sites and structures identified in a survey under subsection (a), together with the Secretary's recommendation as to whether the site or structure is suitable for establishment as a national historic site or national memorial to commemorate a former President. Each report shall include pertinent information with respect to the need for acquisition of land and interests in land, the development of facilities, and the operation and maintenance of the site or structure and the estimated cost of the operation and maintenance.

(c) ESTABLISHMENT AS NATIONAL HISTORIC SITE.—If during the 6-month period following the transmittal of a report pursuant to subsection (b) neither Committee has by vote of a majority of its members disapproved a recommendation of the Secretary that a site or structure is suitable for establishment as a national historic site, the Secretary may by appropriate order establish the site or structure as a national historic site, including the land and interests in land identified in the report accompanying the recommendation of the Secretary.

(d) ACQUISTION OF LAND AND INTERESTS IN LAND.—The Secretary may acquire the land and interests in land by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange.

(e) EFFECT OF SECTION.—Nothing in this section shall be construed as diminishing the authority of the Secretary under chapter 3201 of this title or as authorizing the Secretary to establish any national memorial, creation of which is expressly reserved to Congress.

Subdivision 2—Administered Jointly With National Park Service

Chapter 3111—Preserve America Program

Sec.

§ 311101. Definitions

In this chapter:

(1) COUNCIL.—The term ''Council'' means the Advisory Council on Historic Preservation.

(2) HERITAGE TOURISM.—The term ''heritage tourism'' means the conduct of activities to attract and accommodate visitors to a site or area based on the unique or special aspects of the history, landscape (including trail systems), and culture of the site or area.

(3) PROGRAM.—The term ''program'' means the Preserve America Program established under section 311102(a).

§ 311102. Establishment

(a) IN GENERAL.—There is established in the Department of the Interior the Preserve America Program, under which the Secretary, in partnership with the Council, may provide competitive grants to States, local governments (including local governments in the process of applying for designation as Preserve America Communities under section 311103 of this title, Indian tribes, communities designated as Preserve America Communities under section 311103 of this title, State historic preservation offices, and tribal historic preservation offices to support preservation efforts through heritage tourism, education, and historic preservation planning activities.

(b) ELIGIBLE PROJECTS.—

(1) IN GENERAL.—The following projects shall be eligible for a grant under this chapter:

(A) A project for the conduct of—

(i) research on, and documentation of, the history of a community; and

(ii) surveys of the historic resources of a community.

(B) An education and interpretation project that conveys the history of a community or site.

(C) A planning project (other than building rehabilitation) that advances economic development using heritage tourism and historic preservation.

(D) A training project that provides opportunities for professional development in areas that would aid a community in using and promoting its historic resources.

(E) A project to support heritage tourism in a Preserve America Community designated under section 311103 of this title.

(F) Other nonconstruction projects that identify or promote historic properties or provide for the education of the public about historic properties that are consistent with the purposes of this chapter.

(2) LIMITATION.—In providing grants under this chapter, the Secretary shall provide only one grant to each eligible project selected for a grant.

(c) PREFERENCE.—In providing grants under this chapter, the Secretary may give preference to projects that carry out the purposes of both the program and the Save America's Treasures Program.

(d) CONSULTATION AND NOTIFICATION.—

(1) CONSULTATION.—The Secretary shall consult with the Council in preparing the list of projects to be provided grants for a fiscal year under the program.

(2) NOTIFICATION.—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources and Committee on Appropriations of the Senate and the Committee on Natural Resources and Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(e) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The non-Federal share of the cost of carrying out a project provided a grant under this chapter shall be not less than 50 percent of the total cost of the project.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under paragraph (1) shall be in the form of—

(A) cash; or

(B) donated supplies and related services, the value of which shall be determined by the Secretary.

(3) REQUIREMENT.—The Secretary shall ensure that each applicant for a grant has the capacity to secure, and a feasible plan for securing, the non-Federal share for an eligible project required under paragraph (1) before a grant is provided to the eligible project under the program.

§ 311103. Designation of Preserve America Communities

(a) APPLICATION.—To be considered for designation as a Preserve America Community, a community, tribal area, or neighborhood shall submit to the Council an application containing such information as the Council may require.

(b) CRITERIA.—To be designated as a Preserve America Community under the program, a community, tribal area, or neighborhood that submits an application under subsection (a) shall, as determined by the Council, in consultation with the Secretary, meet criteria required by the Council and, in addition, consider—

(1) protection and celebration of the heritage of the community, tribal area, or neighborhood;

(2) use of the historic assets of the community, tribal area, or neighborhood for economic development and community revitalization; and

(3) encouragement of people to experience and appreciate local historic resources through education and heritage tourism programs.

(c) LOCAL GOVERNMENTS PREVIOUSLY CERTIFIED FOR HISTORIC PRESERVATION ACTIVITIES.—The Council shall establish an expedited process for Preserve America Community designation for local governments previously certified for historic preservation activities under section 302502 of this title.

(d) GUIDELINES.—The Council, in consultation with the Secretary, shall establish any guidelines that are necessary to carry out this section.

§ 311104. Regulations

The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this chapter.

§ 311105. Authorization of appropriations

There is authorized to be appropriated to carry out this chapter $25,000,000 for each fiscal year, to remain available until expended.

Subdivision 3—Administered by Other Than National Park Service

Chapter 3121—National Trust for Historic Preservation in the United Sstates

§ 312101. Definitions

In this chapter:

(1) BOARD.—The term ''Board'' means the board of trustees of the National Trust.

(2) NATIONAL TRUST.—The term ''National Trust'' means the National Trust for Historic Preservation in the United States established under section 312102 of this title.

§ 312102. Establishment and purposes

(a) ESTABLISHMENT.—To further the policy enunciated in chapter 3201 of this title, and to facilitate public participation in the preservation of sites, buildings, and objects of national significance or interest, there is established a charitable, educational, and nonprofit corporation to be known as the National Trust for Historic Preservation in the United States.

(b) PURPOSES.—The purposes of the National Trust shall be to—

(1) receive donations of sites, buildings, and objects significant in American history and culture;

(2) preserve and administer the sites, buildings, and objects for public benefit;

(3) accept, hold, and administer gifts of money, securities, or other property of any character for the purpose of carrying out the preservation program; and

(4) execute other functions vested in the National Trust by this chapter.

§ 312103. Principal office

The National Trust shall have its principal office in the District of Columbia and shall be deemed, for purposes of venue in civil actions, to be a resident of the District of Columbia. The National Trust may establish offices in other places as it may consider necessary or appropriate in the conduct of its business.

§ 312104. Board of trustees

(a) MEMBERSHIP.—The affairs of the National Trust shall be under the general direction of a board of trustees composed as follows:

(1) The Attorney General, the Secretary, and the Director of the National Gallery of Art, ex officio.

(2) Not fewer than 6 general trustees who shall be citizens of the United States.

(b) DESIGNATION OF ANOTHER OFFICER.—The Attorney General and the Secretary, when it appears desirable in the interest of the conduct of the business of the Board and to such extent as they consider it advisable, may, by written notice to the National Trust, designate any officer of their respective departments to act for them in the discharge of their duties as a member of the Board.

(c) GENERAL TRUSTEES.—

(1) NUMBER AND SELECTION.—The number of general trustees shall be fixed by the Board and shall be chosen by the members of the National Trust from its members at any regular meeting of the National Trust.

(2) TERM OF OFFICE.—The respective terms of office of the general trustees shall be as prescribed by the Board but in no case shall exceed a period of 5 years from the date of election.

(3) SUCCESSOR.—A successor to a general trustee shall be chosen in the same manner and shall have a term expiring 5 years from the date of the expiration of the term for which the predecessor was chosen, except that a successor chosen to fill a vacancy occurring prior to the expiration of a term shall be chosen only for the remainder of that term.

(d) CHAIRMAN.—The chairman of the Board shall be elected by a majority vote of the members of the Board.

(e) COMPENSATION AND REIMBURSEMENT.—No compensation shall be paid to the members of the Board for their services as such members, but they shall be reimbursed for travel and actual expenses necessarily incurred by them in attending board meetings and performing other official duties on behalf of the National Trust at the direction of the Board.

§ 312105. Powers

(a) IN GENERAL.—To the extent necessary to enable it to carry out the functions vested in it by this chapter, the National Trust has the general powers described in this section.

(b) SUCCESSION.—The National Trust has succession until dissolved by Act of Congress, in which event title to the property of the National Trust, both real and personal, shall, insofar as consistent with existing contractual obligations and subject to all other legally enforceable claims or demands by or against the National Trust, pass to and become vested in the United States.

(c) SUE AND BE SUED.—The National Trust may sue and be sued in its corporate name.

(d) CORPORATE SEAL.—The National Trust may adopt, alter, and use a corporate seal that shall be judicially noticed.

(e) CONSTITUTION, BYLAWS, AND REGULATIONS.—The National Trust may adopt a constitution and prescribe such bylaws and regulations, not inconsistent with the laws of the United States or of any State, as it considers necessary for the administration of its functions under this chapter, including among other matters, bylaws and regulations governing visitation to historic properties, administration of corporate funds, and the organization and procedure of the Board.

(f) PERSONAL PROPERTY—The National Trust may accept, hold, and administer gifts and bequests of money, securities, or other personal property of any character, absolutely or in trust, for the purposes for which the National Trust is created. Unless otherwise restricted by

the terms of a gift or bequest, the National Trust may sell, exchange, or otherwise dispose of, and invest or reinvest in investments as it may determine from time to time, the moneys, securities, or other property given or bequeathed to it. The principal of corporate funds and the income from those funds and all other revenues received by the National Trust from any source shall be placed in such depositories as the National Trust shall determine and shall be subject to expenditure by the National Trust for its corporate purposes.

(g) REAL PROPERTY.—The National Trust may acquire by gift, devise, purchase, or otherwise, absolutely or in trust, and hold and, unless otherwise restricted by the terms of the gift or devise, encumber, convey, or otherwise dispose of, any real property, or any estate or interest in real property (except property within the exterior boundaries of a System unit), as may be necessary and proper in carrying into effect the purposes of the National Trust.

(h) CONTRACTS AND COOPERATIVE AGREEMENTS RESPECTING PROTECTION, PRESERVATION, MAINTENANCE, OR OPERATION.—The National Trust may contract and make cooperative agreements with Federal, State, or local agencies, corporations, associations, or individuals, under terms and conditions that the National Trust considers advisable, respecting the protection, preservation, maintenance, or operation of any historic site, building, object, or property used in connection with the site, building, object, or property for public use, regardless of whether the National Trust has acquired title to the property, or any interest in the property.

(i) ENTER INTO CONTRACTS AND EXECUTE INSTRUMENTS.—The National Trust may enter into contracts generally and execute all instruments necessary or appropriate to carry out its corporate purposes, including concession contracts, leases, or permits for the use of land, buildings, or other property considered desirable either to accommodate the public or to facilitate administration.

(j) OFFICERS, AGENTS, AND EMPLOYEES.—The National Trust may appoint and prescribe the duties of officers, agents, and employees as may be necessary to carry out its functions, and fix and pay compensation to them for their services as the National Trust may determine.

(k) LAWFUL ACTS.—The National Trust may generally do any and all lawful acts necessary or appropriate to carry out the purposes for which the National Trust is created.

§ 312106. Consultation with National Park System Advisory Board

In carrying out its functions under this chapter, the National Trust may consult with the National Park System Advisory Board on matters relating to the selection of sites, buildings, and objects to be preserved and protected pursuant to this chapter.

Chapter 3123—Commission for the Preservation of America's Heritage Abroad

§ 312301. Definition

In this chapter, the term ''Commission'' means the Commission for the Preservation of America's Heritage Abroad established under section 312303 of this title.

§ 312302. Declaration of national interest

Because the fabric of a society is strengthened by visible reminders of the historical roots of the society, it is in the national interest to encourage the preservation and protection of the cemeteries, monuments, and historic buildings associated with the foreign heritage of United States citizens.

§ 312303. Establishment

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission for the Preservation of America's Heritage Abroad.

(b) MEMBERSHIP.—The Commission shall consist of 21 members appointed by the President, 7 of whom shall be appointed after consultation with the Speaker of the House of Representatives and 7 of whom shall be appointed after consultation with the President pro tempore of the Senate.

(c) TERM.—

(1) IN GENERAL.—Except as provided in paragraph (2), a member of the Commission shall be appointed for a term of 3 years.

(2) VACANCY.—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the member's predecessor was appointed.

(3) MEMBER UNTIL SUCCESSOR APPOINTED.—A member may retain membership on the Commission until the member's successor has been appointed.

(d) CHAIRMAN.—The President shall designate the Chairman of the Commission from among its members.

(e) MEETINGS.—The Commission shall meet at least once every 6 months.

(f) COMPENSATION AND EXPENSES.—

(1) COMPENSATION.—Members of the Commission shall receive no pay on account of their service on the Commission.

(2) EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as individuals employed intermittently in the Government service are allowed expenses under section 5703 of title 5.

§ 312304. Duties and powers; administrative support

(a) DUTIES.—The Commission shall—

(1) identify and publish a list of cemeteries, monuments, and historic buildings located abroad that are associated with the foreign heritage of United States citizens from eastern and central Europe, particularly cemeteries, monuments, and buildings that are in danger of deterioration or destruction;

(2) encourage the preservation and protection of those cemeteries, monuments, and historic buildings by obtaining, in cooperation with the Secretary of State, assurances from foreign governments that the cemeteries, monuments, and buildings will be preserved and protected; and

(3) prepare and disseminate reports on the condition of, and the progress toward preserving and protecting, those cemeteries, monuments, and historic buildings.

(b) POWERS.—

(1) HOLD HEARINGS, REQUEST ATTENDANCE, TAKE TESTIMONY, AND RECEIVE EVIDENCE.—The Commission or any member it authorizes may, for the purposes of carrying out this chapter, hold such hearings, sit and act at such times and places, request such attendance, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) APPOINT PERSONNEL AND FIX PAY.—The Commission may appoint such personnel (subject to the provisions of title 5 governing appointments in the competitive service) and may fix the pay of such personnel (subject to the provisions of chapter 51 and subchapter III of chapter 53 of title 5), as the Commission considers desirable.

(3) PROCURE TEMPORARY AND INTERMITTENT SERVICES.—The Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay then in effect under section 5376 of title 5.

(4) DETAIL PERSONNEL TO COMMISISON.—On request of the Commission, the head of any Federal department or agency, including the Secretary of State, may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this chapter.

(5) SECURE INFORMATION.—The Commission may secure directly from any department or agency of the United States, including the Department of State, any information necessary to enable it to carry out this chapter. On the request of the Chairman of the Commission, the head of the department or agency shall furnish the information to the Commission.

(6) GIFTS OR DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of money or property.

(7) USE OF MAILS.—The Commission may use the United States mails in the same manner and on the same conditions as other departments and agencies of the United States.

(c) ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support services as the Commission may request.

§ 312305. Reports

As soon as practicable after the end of each fiscal year, the Commission shall transmit to the President a report that includes—

(1) a detailed statement of the activities and accomplishments of the Commission during the fiscal year; and

(2) any recommendations of the Commission for legislation and administrative actions.

Chapter 3125—Preservation of Historical and Archeological Data

§ 312501. Definition

In this chapter, the term ''State'' includes a State, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

§ 312502. Threat of irreparable loss or destruction of significant scientific, prehistorical, historical, or archeological data by Federal construction projects

(a) ACTIVITY OF FEDERAL AGENCY.—

(1) NOTIFICATION OF SECRETARY.—When any Federal agency finds, or is notified, in writing, by an appropriate historical or archeological authority, that its activities in connection with any Federal construction project or federally licensed project, activity, or program may cause irreparable loss or destruction of significant scientific, prehistorical, historical, or archeological data, the agency shall notify the Secretary, in writing, and shall provide the Secretary with appropriate information concerning the project, program, or activity.

(2) RECOVERY, PROTECTION, AND PRESERVATION OF DATA.—The agency—

(A) may request the Secretary to undertake the recovery, protection, and preservation of the data (including preliminary survey, or other investigation as needed, and analysis and publication of the reports resulting from the investigation); or

(B) may, with funds appropriated for the project, program, or activity, undertake those activities.

(3) AVAILABILITY OF REPORTS.—Copies of reports of any investigations made pursuant to this section shall be submitted to the Secretary, who shall make them available to the public for inspection and review.

(b) ACTIVITY OF PRIVATE PERSON, ASSOCIATION, OR PUBLIC ENTITY.—

(1) RECOVERY BY SECRETARY.—When any Federal agency provides financial assistance by loan, grant, or otherwise to any private person, association, or public entity, the Secretary, if the Secretary determines that significant scientific, prehistorical, historical, or archeological data might be irrevocably lost or destroyed, may, with funds appropriated expressly for this purpose—

(A) conduct, with the consent of all persons, associations, or public entities having a legal interest in the property, a survey of the affected site; and

(B) undertake the recovery, protection, and preservation of the data (including analysis and publication).

(2) COMPENSATION.—The Secretary shall, unless otherwise agreed to in writing, compensate any person, association, or public entity damaged as a result of delays in construction or as a result of the temporary loss of the use of private or any nonfederally owned land.

§ 312503. Survey and recovery by Secretary

(a) IN GENERAL.—The Secretary, on notification, in writing, by any Federal or State agency or appropriate historical or archeological authority that scientific, prehistorical, historical, or archeological data are being or may be irrevocably lost or destroyed by any Federal or federally assisted or licensed project, activity, or program, shall, if the Secretary determines that the data are significant and are being or may be irrevocably lost or destroyed and after reasonable notice to the agency responsible for funding or licensing the project, activity, or program—

(1) conduct or cause to be conducted a survey and other investigation of the areas that are or may be affected; and

(2) recover and preserve the data (including analysis and publication) that, in the opinion of the Secretary, are not being, but should be, recovered and preserved in the public interest.

(b) WHEN SURVEY OR RECOVERY NOT REQUIRED.—No survey or recovery work shall be required pursuant to this section that, in the determination of the head of the responsible agency, would impede Federal or federally assisted or licensed projects or activities undertaken in connection with any emergency, including projects or activities undertaken in anticipation of, or as a result of, a natural disaster.

(c) INITIATION OF SURVEY.—The Secretary shall initiate the survey or recovery effort within—

(1) 60 days after notification pursuant to subsection (a); or

(2) such time as may be agreed on with the head of the agency responsible for funding or licensing the project, activity, or program in all other cases.

(d) COMPENSATION BY SECRETARY.—The Secretary shall, unless otherwise agreed to in writing, compensate any person, association, or public entity damaged as a result of delays in construction or as a result of the temporary loss of the use of private or nonfederally owned land.

§ 312504. Progress reports by Secretary on surveys and work undertaken as result of surveys

(a) PROGRESS REPORTS TO FUNDING OR LICENSING AGENCY.—The Secretary shall keep the agency responsible for funding or licensing the project notified at all times of the progress of any survey made under this chapter or of any work undertaken as a result of a survey, in order that there will be as little disruption or delay as possible in the carrying out of the functions of the agency. The survey and recovery programs shall terminate at a time agreed on by the Secretary and the head of the agency unless extended by agreement.

(b) DISPOSITION OF RELICS AND SPECIMENS.—The Secretary shall consult with any interested Federal and State agencies, educational and scientific organizations, private institutions, and qualified individuals, with a view to determining the ownership of, and the most appropriate repository for, any relics and specimens recovered as a result of any work performed as provided for in this section.

(c) COORDINATION OF ACTIVITIES.—The Secretary shall coordinate all Federal survey and recovery activities authorized under this chapter.

§ 312505. Notice of dam construction

(a) IN GENERAL.—Before any Federal agency undertakes the construction of a dam, or issues a license to any private individual or corporation for the construction of a dam, it shall give written notice to the Secretary setting forth the site of the proposed dam and the approximate area to be flooded and otherwise changed if construction is undertaken.

(b) DAMS WITH CERTAIN DETENTION CAPACITY OR RESERVOIR.—With respect to any flood water retarding dam that provides fewer than 5,000 acre-feet of detention capacity, and with respect to any other type of dam that creates a reservoir of fewer than 40 surface acres, this section shall apply only when the constructing agency, in its preliminary surveys, finds or is presented with evidence that historical or archeological materials exist or may be present in the proposed reservoir area.

§ 312506. Administration

In the administration of this chapter, the Secretary may—

(1) enter into contracts or make cooperative agreements with any Federal or State agency, educational or scientific organization, or institution, corporation, association, or qualified individual;

(2) obtain the services of experts and consultants or organizations of experts and consultants in accordance with section 3109 of title 5; and

(3) accept and utilize funds made available for salvage archeological purposes by any private person or corporation or transferred to the Secretary by any Federal agency.

§ 312507. Assistance to Secretary by Federal agencies responsible for construction projects

(a) ASSISTANCE OF FEDERAL AGENCIES.—To carry out this chapter, any Federal agency responsible for a construction project may assist the Secretary or may transfer to the Secretary funds as may be agreed on, but not more than 1 percent of the total amount authorized to be appropriated for the project, except that the 1 percent limitation under this section shall not apply if the cost of the project is $50,000 or less. The costs of the survey, recovery, analysis, and publication shall be deemed nonreimbursable project costs.

(b) AVAILABILITY OF APPROPRIATIONS.—Amounts appropriated for purposes of this section shall remain available until expended.

§ 312508. Costs for identification, surveys, evaluation, and data recovery with respect to historic property

Notwithstanding section 312507(a) of this title or any other provision of law—

(1) identification, surveys, and evaluation carried out with respect to historic property within project areas may be treated for purposes of any law or rule of law as planning costs of the project and not as costs of mitigation;

(2) reasonable costs for identification, surveys, evaluation, and data recovery carried out with respect to historic property within project areas may be charged to Federal licensees and permittees as a condition to the issuance of the license or permit; and

(3) Federal agencies, with the concurrence of the Secretary and after notification of the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, may waive, in appropriate cases, the 1 percent limitation under section 312507(a) of this title.

Division C—American Antiquities

Chapter 3201—Policy and Administrative Provisions

§ 320101. Declaration of national policy

It is declared that it is a national policy to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States.

§ 320102. Powers and duties of Secretary

(a) IN GENERAL.—The Secretary, acting through the Director, for the purpose of effectuating the policy expressed in section 320101 of this title, has the powers and shall perform the duties set out in this section.

(b) PRESERVATION OF DATA.—The Secretary shall secure, collate, and preserve drawings, plans, photographs, and other data of historic and archeologic sites, buildings, and objects.

(c) SURVEY.—The Secretary shall make a survey of historic and archeologic sites, buildings, and objects for the purpose of determining which possess exceptional value as commemorating or illustrating the history of the United States.

(d) INVESTIGATIONS AND RESEARCHES.—The Secretary shall make necessary investigations and researches in the United States relating to particular sites, buildings, and objects to obtain accurate historical and archeological facts and information concerning the sites, buildings, and objects.

(e) ACQUISITION OF PROPERTY.—The Secretary may, for the purpose of this chapter, acquire in the name of the United States by gift, purchase, or otherwise any property, personal or real, or any interest or estate in property, title to any real property to be satisfactory to the Secretary. Property that is owned by any religious or educational institution or that is owned or administered for the benefit of the public shall not be acquired without the consent of the owner. No property shall be acquired or contract or agreement for the acquisition of the property made that will obligate the general fund of the Treasury for the payment of the property, unless Congress has appropriated money that is available for that purpose.

(f) CONTRACTS AND COOPERATIVE AGREEMENTS.—The Secretary may contract and make cooperative agreements with States, municipal subdivisions, corporations, associations, or individuals, with proper bond where considered advisable, to protect, preserve, maintain, or operate any historic or archeologic building, site, or object, or property used in connection with the building, site, or object, for public use, regardless whether the title to the building, site, object, or property is in the United States. No contract or cooperative agreement shall be made or entered into that will obligate the general fund of the Treasury unless or until Congress has appropriated money for that purpose.

(g) PROTECTION OF SITES, BUILDINGS, OBJECTS, AND PROPERTY.—The Secretary shall restore, reconstruct, rehabilitate, preserve, and maintain historic or prehistoric sites, buildings, objects, and property of national historical or archeological significance and where considered desirable establish and maintain museums in connection with the sites, buildings, objects, and property.

(h) TABLETS TO MARK OR COMMEMORATE PLACES AND EVENTS.—The Secretary shall erect and maintain tablets to mark or commemorate historic or prehistoric places and events of national historical or archeological significance.

(i) OPERATION FOR BENEFIT OF PUBLIC.—The Secretary may operate and manage historic and archeologic sites, buildings, and property acquired under this chapter together with land and subordinate buildings for the benefit of the public and may charge reasonable visitation fees and grant concessions, leases, or permits for the use of land, building space, roads, or trails when necessary or desirable either to accommodate the public or to facilitate administration. The Secretary may grant those concessions, leases, or permits and enter into contracts relating to the contracts, leases, or permits with responsible persons, firms, or corporations without advertising and without securing competitive bids.

(j) CORPORATION TO CARRY OUT DUTIES.—When the Secretary determines that it would be administratively burdensome to restore, reconstruct, operate, or maintain any particular historic or archeologic site, building, or property donated to the United States through the Service, the Secretary may cause the restoration, reconstruction, operation, or maintenance to be done by organizing a corporation for that purpose under the laws of the District of Columbia or any State.

(k) EDUCATIONAL PROGRAM AND SERVICE.—The Secretary shall develop an educational program and service for the purpose of making available to the public information pertaining to American historic and archeologic sites, buildings, and properties of national significance. Reasonable charges may be made for the dissemination of any such information.

(l) ACTIONS AND REGULATIONS NECESSARY TO CARRY OUT CHAPTER.—The Secretary shall perform any and all acts and make regulations not inconsistent with this chapter that may be necessary and proper to carry out this chapter.

§ 320103. Cooperation with governmental and private agencies and individuals

(a) AUTHORIZATION OF SECRETARY.—The Secretary may cooperate with and may seek and accept the assistance of any Federal, State, or local agency, educational or scientific institution, patriotic association, or individual.

(b) TECHNICAL ADVISORY COMMITTEES.—When the Secretary considers it necessary, the Secretary may establish technical advisory committees to act in an advisory capacity in connection with the restoration or reconstruction of any historic or prehistoric building or other structure.

(c) EMPLOYMENT OF ASSISTANCE.—The Secretary may employ professional and technical assistance and establish service as may be required to accomplish the purposes of this chapter and for which money may be appropriated by Congress or made available by gifts for those purposes.

§ 320104. Jurisdiction of States in acquired land

Nothing in this chapter shall be held to deprive any State, or political subdivision of a State, of its civil and criminal jurisdiction in and over land acquired by the United States under this chapter.

§ 320105. Criminal penalties

Criminal penalties for a violation of a regulation authorized by this chapter are provided by section 1866 of title 18.

§ 320106. Limitation on obligation or expenditure of appropriated amounts

Notwithstanding any other provision of law, no funds appropriated or otherwise made available to the Secretary to carry out subsection (f) or (g) of section 320102 of this title may be obligated or expended—

(1) unless the appropriation of the funds has been specifically authorized by law enacted on or after October 30, 1992; or

(2) in excess of the amount prescribed by law enacted on or after October 30, 1992.

Chaper 3203—Monuments, Ruins, Sites, and Objects of Antiquity

Sec.
320301. National monuments.
320302. Permits.
320303. Regulations.

§ 320301. National monuments

(a) PRESIDENTIAL DECLARATION.—The President may, in the President's discretion, declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated on land owned or controlled by the Federal Government to be national monuments.

(b) RESERVATION OF LAND.—The President may reserve parcels of land as a part of the national monuments. The limits of the parcels shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

(c) RELINQUISHMENT TO FEDERAL GOVERNMENT.—When an object is situated on a parcel covered by a bona fide unperfected claim or held in private ownership, the parcel, or so much of the parcel as may be necessary for the proper care and management of the object, may be relinquished to the Federal Government and the Secretary may accept the relinquishment of the parcel on behalf of the Federal Government.

(d) LIMITATION ON EXTENSION OR ESTABLISHMENT OF NATIONAL MONUMENTS IN WYOMING.—No extension or establishment of national monuments in Wyoming may be undertaken except by express authorization of Congress.

§ 320302. Permits

(a) AUTHORITY TO GRANT PERMIT.—The Secretary, the Secretary of Agriculture, or the Secretary of the Army may grant a permit for the examination of ruins, the excavation of archeological sites, and the gathering of objects of antiquity on land under their respective jurisdictions to an institution that the Secretary concerned considers properly qualified to conduct the examination, excavation, or gathering, subject to such regulations as the Secretary concerned may prescribe.

(b) PURPOSE OF EXAMINATION, EXCAVATION, OR GATHERING.—A permit may be granted only if—

(1) the examination, excavation, or gathering is undertaken for the benefit of a reputable museum, university, college, or other recognized scientific or educational institution, with a view to increasing the knowledge of the objects; and

(2) the gathering shall be made for permanent preservation in a public museum.

§ 320303. Regulations

The Secretary, the Secretary of Agriculture, and the Secretary of the Army shall make and publish uniform regulations for the purpose of carrying out this chapter.

SEC. 4. CONFORMING AMENDMENTS.

(a) TITLE 18.—

(1) IN GENERAL.—Chapter 91 of title 18, United States Code, is amended by adding at the end the following:

"§ 1865. National Park Service

''(a) VIOLATION OF REGULATIONS RELATING TO USE AND MANAGEMENT OF NATIONAL PARK SYSTEM UNITS.—A person that violates any regulation authorized by section 100751(a) of title 54 shall be imprisoned not more than 6 months, fined under this title, or both, and be adjudged to pay all cost of the proceedings.

''(b) FINANCIAL DISCLOSURE BY OFFICERS OR EMPLOYEES PERFORMING FUNCTIONS OR DUTIES UNDER SUBCHAPTER III OF CHAPTER 1007 OF TITLE 54.—An officer or employee of the Department of the Interior who is subject to, and knowingly violates, section 100737 of title 54 or any regulation prescribed under that section shall be imprisoned not more than one year, fined under this title, or both.

''(c) OFFENSES RELATING TO STRUCTURES AND VEGETATION.—A person that willfully destroys, mutilates, defaces, injures, or removes any monument, statue, marker, guidepost, or other structure, or that willfully destroys, cuts, breaks, injures, or removes any tree, shrub, or plant within a national military park shall be imprisoned not less than 15 days nor more than one year, fined under this title but not less than $10 for each monument, statue, marker, guidepost, or other structure, tree, shrub, or plant that is destroyed, defaced, injured, cut, or removed, or both.

''(d) TRESPASSING IN A NATIONAL MILITARY PARK TO HUNT OR SHOOT.—An individual who trespasses in a national military park to hunt or shoot, or hunts game of any kind in a national military park with a gun or dog, or sets a trap or net or other device in a national military park to hunt or catch game of any kind, shall be imprisoned not less than 5 nor more than 30 days, fined under this title, or both.

"§ 1866. Historic, archeologic, or prehistoric items and antiquities

''(a) VIOLATION OF REGULATIONS AUTHORIZED BY CHAPTER 3201 OF TITLE 54.—A person that violates any of the regulations authorized by chapter 3201 of title 54 shall be fined under this title and be adjudged to pay all cost of the proceedings.

''(b) APPROPRIATION OF, INJURY TO, OR DESTRUCTION OF HISTORIC OR PREHISTORIC RUIN OR MONUMENT OR OBJECT OF ANTIQUITY.—A person that appropriates, excavates, injures, or destroys any historic or prehistoric ruin or monument or any other object of antiquity that is situated on land owned or controlled by the Federal Government without the permission of the head of the Federal agency having jurisdiction over the land on which the object is situated, shall be imprisoned not more than 90 days, fined under this title, or both.''.

(2) TABLE OF CONTENTS.—The table of contents of chapter 91 of title 18, United States Code, is amended by adding at the end the following:

''1865. National Park Service.
''1866. Historic, archeologic, or prehistoric items and antiquities.''.

(b) TITLE 28.—

(1) IN GENERAL.—Part VI of title 28, United States Code, is amended by adding at the end the following:

"CHAPTER 190—MISCELLANEOUS

''Sec.
''5001. Civil action for death or personal injury in a place subject to exclusive jurisdiction of United States.

"§ 5001. Civil action for death or personal injury in a place subject to exclusive jurisdiction of United States

''(a) DEATH.—In the case of the death of an individual by the neglect or wrongful act of another in a place subject to the exclusive jurisdiction of the United States within a State, a right of action shall exist as though the place were under the jurisdiction of the State in which the place is located.

''(b) PERSONAL INJURY.—In a civil action brought to recover on account of an injury sustained in a place described in subsection (a), the rights of the parties shall be governed by the law of the State in which the place is located.''.

(2) TABLE OF CONTENTS.—The table of contents of part VI of title 28, United States Code, is amended by adding at the end the following:

"190. Miscellaneous ..... 5001".

(c) ACT OF MAY 26, 2000.—Section 1 of Public Law 106–206 (114 Stat. 314) is amended to read as follows:

"SECTION 1. COMMERCIAL FILMING.

''(a) COMMERCIAL FILMING FEE.—

''(1) IN GENERAL.—The Secretary of the Interior or the Secretary of Agriculture (hereafter individually referred to as the 'Secretary' with respect to land (except land in a System unit as

defined in section 100102 of title 54, United States Code) under their respective jurisdictions) shall require a permit and shall establish a reasonable fee for commercial filming activities or similar projects on Federal land administered by the Secretary. The fee shall provide a fair return to the United States and shall be based on the following criteria:

''(A) The number of days the filming activity or similar project takes place on Federal land under the Secretary's jurisdiction.

''(B) The size of the film crew present on Federal land under the Secretary's jurisdiction.

''(C) The amount and type of equipment present.

''(2) OTHER FACTORS.—The Secretary may include other factors in determining an appropriate fee as the Secretary considers necessary.

''(b) RECOVERY OF COSTS.—The Secretary shall collect any costs incurred as a result of filming activities or similar project, including administrative and personnel costs. All costs recovered shall be in addition to the fee assessed in subsection (a).

''(c) STILL PHOTOGRAPHY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall not require a permit nor assess a fee for still photography on land administered by the Secretary if such photography takes place where members of the public are generally allowed. The Secretary may require a permit, fee, or both, if such photography takes place at other locations where members of the public are generally not allowed, or where additional administrative costs are likely.

''(2) EXCEPTION.—The Secretary shall require and shall establish a reasonable fee for still photography that uses models or props which are not a part of the site's natural or cultural resources or administrative facilities.

''(d) PROTECTION OF RESOURCES.—The Secretary shall not permit any filming, still photography or other related activity if the Secretary determines that—

''(1) there is a likelihood of resource damage;

''(2) there would be an unreasonable disruption of the public's use and enjoyment of the site; or

''(3) the activity poses health or safety risks to the public.

''(e) USE OF PROCEEDS.—

''(1) FEES.—All fees collected under this section shall be available for expenditure by the Secretary, without further appropriation and shall remain available until expended.

''(2) COSTS.—All costs recovered under this section shall be available for expenditure by the Secretary, without further appropriation, at the site where the costs are collected and shall remain available until expended.

''(f) PROCESSING OF PERMIT APPLICATIONS.—The Secretary shall establish a process to ensure that the Secretary responds in a timely manner to permit applicants for commercial filming, still photography, or other activity.''.

(d) PUBLIC LAW 111–24.—Section 512 of Public Law 111–24 (123 Stat. 1764) is amended to read as follows:

''SEC. 512. PROTECTION OF RIGHT OF INDIVIDUALS TO BEAR ARMS

''(a) CONGRESSIONAL FINDINGS.—Congress finds the following:

''(1) The 2d amendment to the Constitution provides that 'the right of the people to keep and bear Arms, shall not be infringed'.

''(2) Section 27.42 of title 50, Code of Federal Regulations, provides that, except in special circumstances, citizens of the United States may not 'possess, use, or transport firearms on national wildlife refuges' of the United States Fish and Wildlife Service.

''(3) The regulations described in paragraph (2) prevent individuals complying with Federal and State laws from exercising the 2d amendment rights of the individuals while at units of the National Wildlife Refuge System.

''(4) The existence of different laws relating to the transportation and possession of firearms at different units of the National Wildlife Refuge System entrapped law-abiding gun owners while at units of the National Wildlife Refuge System.

''(5) Although the Bush administration issued new regulations relating to the 2d amendment rights of law-abiding citizens in units of the National Wildlife Refuge System that went into effect on January 9, 2009—

''(A) on March 19, 2009, the United States District Court for the District of Columbia granted a preliminary injunction with respect to the implementation and enforcement of the new regulations; and

''(B) the new regulations—

''(i) are under review by the Obama administration; and

''(ii) may be altered.

''(6) Congress needs to weigh in on the new regulations to ensure that unelected bureaucrats and judges cannot again override the 2d amendment rights of law-abiding citizens on 90,790,000 acres of land under the jurisdiction of the United States Fish and Wildlife Service.

''(7) Federal laws should make it clear that the 2d amendment rights of an individual at a unit of the National Wildlife Refuge System should not be infringed.

''(b) PROTECTION OF RIGHT OF INDIVIDUALS TO BEAR ARMS IN UNITS OF THE NATIONAL WILDLIFE REFUGE SYSTEM.—The Secretary shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm, including an assembled or functional firearm, in any unit of the National Wildlife Refuge System if—

''(1) the individual is not otherwise prohibited by law from possessing the firearm; and

''(2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Wildlife Refuge System is located.''.

SEC. 5. CONFORMING CROSS-REFERENCES.

(a) TITLE 7, UNITED STATES CODE.—Section 32(e) of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011(e)) is amended by striking ''the Land and Water Conservation Fund Act of 1965 (78 Stat. 897)'' and substituting ''chapter 2003 of title 54, United States Code''.

(b) TITLE 10, UNITED STATES CODE.—Section 2684(c)(1) of title 10, United States Code, is amended by striking ''section 101(a) of the National Historic Preservation Act (16 U.S.C. 470a(a))'' and substituting ''section 2023.01 of title 54''.

(c) TITLE 15, UNITED STATES CODE.—Section 1072(a)(3)(D) of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720(a)(3)(D)) is amended by striking ''the National Historic Preservation Act (16 U.S.C. 470 et seq.)'' and substituting ''chapter 2003 of title 54, United States Code''.

(d) TITLE 16, UNITED STATES CODE.—

(1) Section 6 of Public Law 89–72 (16 U.S.C. 460l–17) is amended—

(A) in subsection (a), by striking ''subsection 5(d) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897)'' and substituting ''section 200305(d) of title 54, United States Code''; and

(B) in subsection (g), by striking ''Subsection 6(a)(2) of the Land and Water Development Fund Act of 1965 (78 Stat. 897)'' and substituting ''section 200306(a)(3) of title 54, United States Code,''.

(2) Section 8 of Public Law 90–540 (16 U.S.C. 460v–7) is amended by striking ''section 6 of the Act of September 3, 1964 (78 Stat. 897, 903)'' and substituting ''section 200306 of title 54, United States Code''.

(3) Section 7(c) of the Springs Mountain National Recreation Area Act (16 U.S.C. 460hhh–5(c)) is amended by striking ''section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9)'' and substituting ''section 100506 of title 54, United States Code''.

(4) Section 5(b) of Public Law 103–64 (16 U.S.C. 460iii–4(b)) is amended by striking ''section 7(a) of the Land and Water Conservation Fund Act of 1964 (16 U.S.C. 460l–9(a))'' and substituting ''section 200306(a) of title 54, United States Code''.

(5) Section 702(a) of the Steens Mountain Cooperative Management and Protection Act of 2000 (16 U.S.C. 460nnn-122(a)) is amended by striking ''section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-5)'' and substituting ''section 200302 of title 54, United States Code,''.

(6) Section 4 of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470cc) is amended—

(A) in subsection (h)—

(i) in paragraph (1), by striking ''the Act of June 8, 1906 (16 U.S.C. 431–433)'' and substituting ''chapter 3203 of title 54, United States Code''; and

(ii) in paragraph (2), by striking ''the Act of June 8, 1906'' each place it appears and substituting ''chapter 3203 of title 54, United States Code''; and

(B) in subsection (i), by striking ''section 106 of the Act of October 15, 1966 (80 Stat. 917, 16 U.S.C. 470f)'' and substituting ''section 306108 of title 54, United States Code''.

(7) Section 5 of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470dd) is amended by striking ''the Act of June 27, 1960 (16 U.S.C. 469–469c) or the Act of June 8, 1906 (16 U.S.C. 431–433)'' and substituting ''chapter 3125 or chapter 3203 of title 54, United States Code''.

(8) Section 9(a)(2) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470hh(a)(2)) is amended by striking ''the Act of June 27, 1960 (16 U.S.C. 469–469c)'' and substituting ''chapter 3125 of title 54, United States Code''.

(9) Section 6311(1) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 470aaa–10(1)) is amended by striking ''Public Law 94–429 (commonly known as the 'Mining in the Parks Act' (16 U.S.C. 1901 et seq.)'' and substituting ''subchapter 3 of chapter 1007 of title 54, United States Code''.

(10) Section 502(h)(1)(B) of the National Parks and Recreation Act of 1998 (16 U.S.C. 471i(h)(1)(B)) is amended by striking ''the Land and Water Conservation Fund Act'' and substituting ''chapter 2003 of title 54, United States Code''.

(11) Section 339(f)(4)(H) of the Department of the Interior and Related Agencies Appropriations Act, 2000 (Public Law 106–113, div. B, §1000(a)(3), title III, 16 U.S.C. 528 note), is amended by striking ''Section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a)'' and substituting ''Section 100904 of title 54, United States Code''.

(12) Section 6(d) of the Alaska Land Status Technical Corrections Act of 1992 (Public Law 102–415, 16 U.S.C. 539 note) is amended by striking ''section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9)'' and substituting ''section 100506 of title 54, United States Code''.

(13) Section 2(b) of the Greer Spring Acquisition and Protection Act of 1991 (Public Law 102–220, 16 U.S.C. 539h note) is amended by striking ''section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9)'' and substituting ''section 100506 of title 54, United States Code''.

(14) Section 606 of the Interstate 90 Land Exchange Act of 1998 (Public Law 105–277, div. A, §101(e), title VI, 16 U.S.C. 539k note) is amended—

(A) in subsection (a)(3), by striking ''section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9)'' and substituting ''section 100506 of title 54, United States Code,'';

(B) in subsection (b)(2), by striking ''the National Historic Preservation Act'' and substituting ''division A of subtitle III of title 54, United States Code''; and

(C) in subsection (g)(1), by striking ''the National Historic Preservation Act'' and substituting ''division A of subtitle III of title 54, United States Code,''.

(15) Section 6 of Public Law 93–535 (16 U.S.C. 541e) is amended by striking ''clause 7(a)(1) of the Act of September 3, 1964 (78 Stat. 903), as amended'' and substituting ''section 200306(a)(2) of title 54, United States Code''.

(16) Section 14(e)(3)(D)(iii) of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544l(e)(3)(D)(iii)) is amended by striking ''the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 through 11)'' and substituting ''chapter 2003 of title 54, United States Code,''.

(17) Section 16(a)(1) of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544n(a)(1) is amended by striking ''the Land and Water Conservation Fund (16 U.S.C. 460l–4 and following)'' and substituting ''chapter 2003 of title 54, United States Code,''.

(18) Section 3(b) of the Saint Helena Island National Scenic Area Act (16 U.S.C. 546a(b)) is amended by striking ''section 8 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9)'' and substituting ''section 100506 of title 54, United States Code''.

(19) Section 6(a) of the Act of June 22, 1948 (known as the Thye-Blatnik Act) (16 U.S.C. 577h(a)) is amended by striking ''the Land and Water Conservation Fund Act (78 Stat. 897), as amended'' and substituting ''chapter 2003 of title 54, United States Code''.

(20) Section 104(f) of the Valles Caldera Preservation Act (16 U.S.C. 688v–2(f)) is amended by striking ''section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9)'' and substituting ''section 100506 of title 54, United States Code''.

(21) Section 4(a)(3) of the Wilderness Act (16 U.S.C. 1133(a)(3)) is amended—

(A) by striking ''the Act of August 25, 1916'' and substituting ''section 100101(b)(1), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54, United States Code''; and

(B) by striking ''the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 432 et seq); section 3(2) of the Federal Power Act (16 U.S.C. 796(2)); and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.)'' and substituting ''section 3(2) of the Federal Power Act (16 U.S.C. 796(2)); and chapters 3201 and 3203 of title 54, United States Code''.

(22) Section 5 of Public Law 90–454 (16 U.S.C. 1225) is amended by striking ''the Land and Water Conservation Fund Act of 1965 (78 Stat. 897)'' and substituting ''chapter 2003 of title 54, United States Code''.

(23) Section 7(h)(1) of the National Trails System Act (16 U.S.C. 1246(h)(1) is amended by striking ''the Volunteers in the Parks Act of 1969'' and substituting ''section 102301 of title 54, United States Code,''.

(24) Section 8(a) of the National Trails System Act (16 U.S.C. 1247(a)) is amended—

(A) by striking ''the Land and Water Conservation Fund Act'' and substituting ''chapter 2003 of title 54, United States Code'';

(B) by striking ''the Act of October 15, 1966 (80 Stat. 915), as amended'' and substituting ''division A of subtitle III of title 54, United States Code''; and

(C) by striking ''the Act of May 28, 1963 (77 Stat. 49'' and substituting ''chapter 2003 of title 54, United States Code''.

(25) Section 9(e)(3) of the National Trails System Act (16 U.S.C. 1248 (e)(3)) is amended by striking ''section 2 of the Land and Water Conservation Fund Act of 1965'' and substituting ''section 200302 of title 54, United States Code''.

(26) Section 10(a)(1) of the National Trails System Act (16 U.S.C. 1249(a)(1)) is amended by striking ''the Land and Water Conservation Fund Act (78 Stat. 897), as amended'' and substituting ''chapter 2003 of title 54, United States Code''.

(27) Section 11(a)(2) of the National Trails System Act (16 U.S.C. 1250(a)(2)) is amended—

(A) by striking ''the Volunteers in the Parks Act of 1969'' and substituting ''section 102301 of title 54, United States Code''; and

(B) by striking ''section 6 of the Land and Water Conservation Fund Act of 1965'' and substituting ''200305 of title 54, United States Code''.

(28) Section 12(4) of the National Trails System Act (16 U.S.C. 1251(4)) is amended by striking ''the Land and Water Conservation Fund Act of 1965'' and substituting ''chapter 2003 of title 54, United States Code,''.

(29) Section 2(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1273(a)) is amended by striking ''the Land and Water Conservation Act of 1965'' and substituting ''chapter 2003 of title 54, United States Code,''.

(30) Section 7(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(d)) is amended by striking ''the Land and Water Conservation Fund Act of 1965'' and substituting ''chapter 2003 of title 54, United States Code''.

(31) Section 11 of the Wild and Scenic Rivers Act (16 U.S.C. 1282) is amended—

(A) in subsection (a), by striking ''the Land and Water Conservation Fund Act of 1965 (78 Stat. 897'' and substituting ''chapter 2003 of title 54, United States Code''; and

(B) in subsection (b)(2)—

(i) in subparagraph (A), by striking ''the Volunteers in the Parks Act of 1969'' and substituting ''section 102301 of title 54, United States Code,''; and

(ii) in subparagraph (B), by striking ''the Land and Water Conservation Fund Act of 1965'' and substituting ''chapter 2003 of title 54, United States Code''.

(32) Section 5(b) of the Endangered Species Act of 1973 (16 U.S.C. 1534(b) is amended by striking ''the Land and Water Conservation Fund Act of 1965, as amended'' and substituting ''chapter 2003 of title 54, United States Code''.

(33) Section 815(4) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3125(4)'' is amended—

(A) by striking ''the National Park Service Organic Act (39 Stat. 535, 16 U.S.C. 1, 2, 3, 4)'' and substituting''section 100101(b)(1), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54, United States Code''; and

(B) by adding ''or such title'' after ''such Acts''.

(34) Section 6(a)(6)(C) of the Coastal Barrier Act of 1968 (16 U.S.C. 3505(a)(6)(C)) is amended by striking ''the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 through 11)'' and substituting ''chapter 2003 of title 54, United States Code,''.

(35) Section 11 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3710) is amended by striking ''Public Law 90–209 (16 U.S.C. 19e et seq.)'' and substituting ''subchapter II of chapter 1011 of title 54, United States Code''.

(36) Section 805(f)(1) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6804(f)(1)) is amended—

(A) by striking ''(16 U.S.C. 460l–6a)''; and

(B) by striking ''; 16 U.S.C. 5991–5995''.

(37) Section 813 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812) is amended—

(A) in subsection (A), by striking ''(16 U.S.C. 460l–6a et seq.)'';

(B) in subsection (b), by striking ''; 16 U.S.C. 460l–6a'';

(C) in subsection (c)—

(i) in paragraph (1), by striking ''; 16 U.S.C. 5982''; and

(ii) in paragraph (2), by striking ''; 16 U.S.C. 5991–5995''; and

(D) in subsection (e)—

(i) in paragraph (1), by striking ''(16 U.S.C. 460l–6a(i)(1))'';

(ii) in paragraph (2), by striking ''; 16 U.S.C. 5991–5995''; and

(iii) in paragraph (3), by striking ''; 16 U.S.C. 460l–6a''.

(e) TITLE 20, UNITED STATES CODE.—

(1) Section 2 of the Act of August 15, 1949 (20 U.S.C. 78a) is amended by striking ''the Act of June 8, 1906 (16 U.S.C. 432, 433)'' and substituting ''section 1866(b) of title 18, United States Code, and sections 320302 and 320303 of title 54, United States Code''.

(2) Section 1517(a)(3) of the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4424(a)(3)) is amended by striking ''the National Historic Preservation Act (16 U.S.C. 470 et seq.)'' and substituting ''division A of subtitle III of title 54, United States Code''.

(3) Section 7202(13)(E) of the Native Hawaiian Education Act (20 U.S.C. 7512(13)(D)) is amended by striking '' the National Historic Preservation Act (16 U.S.C. 470 et seq.)'' and substituting ''division A of subtitle III of title 54, United States Code''.

(f) TITLE 23, UNITED STATES CODE.—

(1) Section 103(c)(5) of title 23, United States Code, is amended—

(A) in subparagraph (B), by striking ''section 106 of the National Historic Preservation Act (16 U.S.C. 470f)'' and substituting ''section 306108 of title 54''; and

(B) in subparagraph (C), by striking ''section 106 of the National Historic Preservation Act (16 U.S.C. 470f)'' and substituting ''section 306108 of title 54''.

(2) Section 133(e)(5)(B) of title 23, United States Code, is amended—

(A) by striking ''title II of the National Historic Preservation Act (16 U.S.C. 470i et seq.)'' and substituting ''section 304101 of title 54''; and

(B) by striking ''section 106 of such Act (16 U.S.C. 470f)'' and substituting ''section 306108 of title 54''.

(3) Section 138(b)(2)(A) of title 23, United States Code, is amended by striking ''section 106 of the National Historic Preservation Act (16 U.S.C. 470f)'' and substituting ''section 306108 of title 54''.

(4) Section 206 of title 23, United States Code, is amended—

(A) in subsection (d)(1)(B), by striking ''the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.)'' and substituting ''chapter 2003 of title 54'';

(B) in subsection (d)(2)(D)(ii), by striking ''the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.)'' and substituting ''chapter 2003 of title 54''; and

(C) in subsection (h)(3), by striking ''section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(f)(3))'' and substituting ''section 200305(f)(3) of title 54''.

(g) TITLE 25, UNITED STATES CODE.—Section 509(a) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aaa–8(a)) is amended by striking ''the National Historic Preservation Act (16 U.S.C. 470et seq.)'' and substituting ''division A of subtitle III of title 54, United States Code''.

(h) TITLE 26, UNITED STATES CODE.—Section 9503(c)(3)(A)(i) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(3)(A)(i)) is amended by striking ''title I of the Land and Water Conservation Fund Act of 1965'' and substituting ''chapter 2003 of title 54''.

(i) TITLE 36, UNITED STATES CODE.—Section 153513(a)(1) of title 36, United States Code, is amended by striking ''the Act of August 25, 1916 (16 U.S.C. 1 et seq.) (known as the National Park Service Organic Act)'' and substituting ''section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54, United States Code''.

(j) TITLE 40, UNITED STATES CODE.—

(1) Section 549(c)(3)(B)(ix) of title 40, United States code, is amended—

(A) by striking ''section 308(e)(2) of the National Historic Preservation Act (16 U.S.C. 470w–7(e)(2))'' and substituting ''section 305101(4) of title 54''; and

(B) by striking ''subsection (b) of that section'' and substituting ''section 305103 of title 54''.

(2) Section 550(h)(1)(B) of title 40, United States Code, is amended by striking ''section 3 of the Act of August 21, 1935 (16 U.S.C. 463) (known as the Historic Sites, Buildings, and Antiquities Act)'' and substituting ''section 102303 of title 54''.

(3) Section 1303(c) of title 40, United States Code, is amended by striking ''the Act of August 21, 1935 (16 U.S.C. 461 et seq.) (known as the Historic Sites, Buildings, and Antiquities Act)'' and substituting ''chapter 3201 of title 54''.

(4) Section 1314(a)(2)(A)(ii) of title 40, United States Code, is amended by striking ''the Act of August 25, 1916 (16 U.S.C. 1, 2, 3, 4) (known as the National Park Service Organic Act)'' and substituting ''section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54''.

(5) Section 3303(c) of title 40, United States Code, is amended by striking ''title II of the National Historic Preservation Act (16 U.S.C. 470i et seq.)'' and substituting ''section 304101 of title 54''.

(6) Section 3306(a)(4) of title 40, United States Code, is amended by striking ''section 101 of the National Historic Preservation Act (16 U.S.C. 470a)'' and substituting ''chapter 3021 of title 54''.

(7) Section 14507(a)(1)(A)(ii) of title 40, United States Code, is amended by striking ''the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.)'' and substituting ''chapter 2003 of title 54''.

(k) TITLE 42, UNITED STATES CODE.—

(1) Section 303(2) of the Water Resources Planning Act (42 U.S.C. 1962c–2(2)) is amended by striking ''the Land and Water Conservation Fund Act of 1965'' and substituting ''chapter 2003 of title 54, United States Code''.

(2) Section 208(2) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3338(2)) is amended by striking ''section 5(e) of the Land And Water Conservation Fund Act of 1965'' and substituting ''section 200305(e) of title 54, United States Code''.

(3) Section 5(c) of the Department of Housing and Urban Development Act (42 U.S.C. 3534(c)) is amended by striking ''the Land and Water Conservation Fund Act of 1965 (78 Stat. 897)'' and substituting ''chapter 2003 of title 54, United States Code,''.

(4) Section 121 of the Housing and Community Development Act of 1974 (42 U.S.C. 5320) is amended—

(A) by amending subsection (a) to read as follows:

''(a) With respect to applications for assistance under section 5318 of this title, the Secretary of the Interior, after consulting with the Secretary, shall prescribe and implement regulations concerning projects funded under section 5318 of this title and their relationship with division A of substitle III and chapter 3125 of title 54, United States Code.'';

and

(B) in subsection (c), by striking ''section 106 of the Act referred to in subsection (a)(1)'' and substituting ''section 306108 of title 54, United States Code,''.

(5) Section 504(c)(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12204(c)(2)) is amended by striking ''the National Historic Preservation Act (16 U.S.C. 470 et seq.)'' and substituting ''division A of subtitle III of title 54, United States Code''.

(6) Section 999H(c)(2) of the Energy Policy Act of 2005 Energy Research, Development, Demonstration, and Commercial Application Act of 2005 (42 U.S.C. 16378(c)(2)) is amended—

(A) in subparagraph (B), by striking ''section 2(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–5(c))'' and substituting ''section 200302(c) of title 54, United States Code''; and

(B) in subparagraph (C), by striking ''section 108 of the National Historic Preservation Act (16 U.S.C. 470h)'' and substituting ''chapter 3031 of title 54, United States Code''.

(l) TITLE 43, UNITED STATES CODE.—

(1) The second paragraph under the heading ''ADMINISTRATIVE PROVISIONS'' under the heading ''BUREAU OF RECLAMATION'' (43 U.S.C. 377b) is amended by striking ''the Acts of August 21, 1935 (16 U.S.C. 461–467) and June 27 1960 (16 U.S.C. 469)'' and substituting ''chapters 3125 and 3201 of title 54, United States Code''.

(2) Section 105 of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109–432, div. C, title I, 43 U.S.C. 1331 note) is amended—

(A) in subsection (a)(2)(B)—

(i) by striking ''section 6 of the Land And Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8)'' and substituting ''section 200305 of title 54, United States Code''; and

(ii) by striking ''section 2 of that Act (16 U.S.C. 460l–5)'' and substituting ''section 200302 of that title''; and

(B) in subsection (e)(3)(B), by striking ''the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.)'' and substituting ''chapter 2003 of title 54, United States Code''.

(3) Section 1401(b) of the Omnibus Budget Reconciliation Act of 1981 (43 U.S.C. 1457a(b)) is amended—

(A) by striking ''the Land and Water Conservation Fund Act of 1965 (78 Stat; 897; 16 U.S.C. 460z)'' and substituting ''chapter 2003 of title 54, United States Code'';

(B) by striking ''the National Historic Preservation Act of 1966 (80 Stat. 915; 16 U.S.C. 470)'' and substituting ''division A of subtitle III of title 54, United States Code''; and

(C) by striking ''the Urban Park and Recreation Recovery Act of 1978 (92 Stat. 3538; 16 U.S.C. 2501, et seq.)'' and substituting ''chapter 2005 of title 54, United States Code''.

(4) The paragraph under the heading ''NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION FUND'' under the heading ''UNITED STATES FISH AND WILDLIFE SERVICE'' in Public Law 103–138 (43 U.S.C. 1474b–1) is omitted by striking ''the Act of July 27, 1990 (Public Law 101–337)'' and substituting ''subchapter II of chapter 1007 of title 54, United States Code,''.

(5) Section 7(e)(3) of the Colorado River Floodway Protection Act (43 U.S.C. 1600e(e)(3)) is amended by striking ''the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 through 11)'' and substituting ''chapter 2003 of title 54, United States Code''.

(6) Section 202(c)(9) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712(c)(9)) is amended by striking ''the Act of September 3, 1964 (78 Stat. 897), as amended'' and substituting ''chapter 2003 of title 54, United States Code''.

(7) Section 204(j) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714(j)) is amended by striking ''the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431–433)'' and substituting ''chapter 3203 of title 54, United States Code''.

(8) Section 201(d)(3)(E) of the Consolidated Natural Resources Act of 2008 (43 U.S.C. 1786(d)(3)(E)) is amended by striking ''the National Historic Preservation Act (16 U.S.C. 470 et seq.)'' and substituting ''division A of subtitle III of title 54, United States Code,''.

(9) Section 206 of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305) is amended—

(A) in subsection (e), by striking ''the Land and Water Conservation Fund Act (16 U.S.C. 460l–4 et seq.)'' and substituting ''chapter 2003 of title 54, United States Code''; and

(B) in subsection (f)(2), by striking ''section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6)'' and substituting ''section 200303 of title 54, United States Code''.

(m) TITLE 45, UNITED STATES CODE.—

(1) Section 1168(a) of the Omnibus Budget Reconciliation Act of 1981 (45 U.S.C. 1111(a)) is amended by striking ''the National Historic Preservation Act'' and substituting ''division A of subtitle III of title 54, United States Code''.

(2) Section 613(a) of the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1212(a)) is amended by striking ''the National Historic Preservation Act (16 U.S.C. 470 et seq.)'' and substituting ''division A of subtitle III of title 54, United States Code''.

(n) TITLE 46, UNITED STATES CODE.—Section 13102(b)(2) of title 46, United States Code, is amended by striking ''the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4—460–11)'' and substituting ''chapter 2003 of title 54, United States Code,''.

(o) TITLE 48, UNITED STATES CODE.—

(1) Section 105(l) of Public Law 99–239 (known as the Compact of Free Association Amendments Act of 2003) (48 U.S.C. 1905(l)) is amended by striking ''the National Historic Preservation Act (80 Stat. 915; 16 U.S.C. 470–470t)'' and substituting ''division A of subtitle III of title 54, United States Code''.

(2) Section 105(j) of Public Law 108–188 (known as the Compact of Free Association Act of 1985) (48 U.S.C. 1921(d)) is amended by striking ''the National Historic Preservation Act (80 Stat. 915; 16 U.S.C. 470–470t)'' and substituting ''division A of subtitle III of title 54, United States Code''.

(p) TITLE 49, UNITED STATES CODE.—Section 303(d)(2) of title 49, United States Code, is amended by striking ''section 106 of the National Historic Preservation Act (16 U.S.C. 470f)'' and substituting ''section 306108 of title 54, United States Code''.

SEC. 6. TRANSITIONAL AND SAVINGS PROVISIONS.

(a) DEFINITIONS.—In this section:

(1) SOURCE PROVISION.—The term ''source provision'' means a provision of law that is replaced by a title 54 provision.

(2) TITLE 54 PROVISION.—The term ''title 54 provision'' means a provision of title 54, United States Code, that is enacted by section 3.

(b) CUTOFF DATE.—The title 54 provisions replace certain provisions of law enacted on or before January 3, 2012. If a law enacted after that date amends or repeals a source provision, that law is deemed to amend or repeal, as the case may be, the corresponding title 54 provision. If a law enacted after that date is otherwise inconsistent with a title 54 provision or a provision of this Act, that law supersedes the title 54 provision or provision of this Act to the extent of the inconsistency.

(c) ORIGINAL DATE OF ENACTMENT UNCHANGED.—For purposes of determining whether one provision of law supersedes another based on enactment later in time, a title 54 provision is deemed to have been enacted on the date of enactment of the source provision that the title 54 provision replaces.

(d) REFERENCES TO TITLE 54 PROVISIONS.—A reference to a title 54 provision is deemed to refer to the corresponding source provision.

(e) REFERENCES TO SOURCE PROVISIONS.—A reference to a source provision, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding title 54 provision.

(f) REGULATIONS, ORDERS, AND OTHER ADMINISTRATIVE ACTIONS.—A regulation, order, or other administrative action in effect under a source provision continues in effect under the corresponding title 54 provision.

(g) ACTIONS TAKEN AND OFFENSES COMMITTED.—An action taken or an offense committed under a source provision is deemed to have been taken or committed under the corresponding title 54 provision.

SEC. 7. REPEALS.

The following provisions of law are repealed, except with respect to rights and duties that matured, penalties that were incurred, or proceedings that were begun before the date of enactment of this Act:

Schedule of Laws Repealed

Act	*Section*	*United States Code Former Classification*
Act of February 15, 1901 (ch. 372 relating to System units)		*16 U.S.C. 79.*
Act of June 8, 1906 (ch. 3060)	*1*	*16 U.S.C. 433.*
	2	*16 U.S.C. 431.*
	3	*16 U.S.C. 432.*
	4	*16 U.S.C. 432.*
Act of March 4, 1911 (ch. 238 (4th and last paragraphs (relating to System units) under heading ''IMPROVEMENT OF THE NATIONAL FOREST'' under heading ''FOREST SERVICE'')		*16 U.S.C. 5.*
Act of August 25, 1916 (ch. 408)	*1*	*16 U.S.C. 1.*
	2	*16 U.S.C. 2.*
	3	*16 U.S.C. 3.*
	4	*16 U.S.C. 4.*
Act of June 12, 1917 (ch. 27)	*1 (21st undesignated paragraph under heading ''NATIONAL PARKS'').*	*16 U.S.C. 452.*
Act of June 5, 1920 (ch. 235)	*1 (2d undesignated paragraph under heading ''NATIONAL PARKS'').*	*16 U.S.C. 6.*
Act of May 24, 1922 (ch. 199)	*(1st sentence in 9th undesignated paragraph under heading ''NATIONAL PARKS'').*	*16 U.S.C. 452.*
Act of April 9, 1924 (ch. 86)	*1*	*16 U.S.C. 8.*
	4	*16 U.S.C. 8a.*
	5	*16 U.S.C. 8b.*
	6	*16 U.S.C. 8c.*
Act of May 10, 1926 (ch. 277)	*1 (28th undesignated paragraph under heading ''NATIONAL PARKS'').*	*16 U.S.C. 456.*
	1 (last undesignated paragraph under heading ''NATIONAL PARKS'').	*16 U.S.C. 11.*
Act of June 11, 1926 (ch. 555)	*1*	*16 U.S.C. 455.*
	2	*16 U.S.C. 455a.*
	3	*16 U.S.C. 455b.*
	4	*16 U.S.C. 455c.*
Act of July 3, 1926 (ch. 792)	*1*	*16 U.S.C. 12.*
	2	*16 U.S.C. 13.*
Act of February 1, 1928 (ch. 15)		*16 U.S.C. 457.*
Act of March 7, 1928 (ch. 137)	*1 (28th undesignated paragraph under heading ''NATIONAL PARK SERVICE'').*	*16 U.S.C. 15.*
Act of March 8, 1928 (ch. 152)		*16 U.S.C. 458.*
Act of April 18, 1930 (ch. 187)		*16 U.S.C. 16.*
Act of May 26, 1930 (ch. 324)	*1*	*16 U.S.C. 17.*
	3	*16 U.S.C. 17b.*
	4	*16 U.S.C. 17c.*
	5	*16 U.S.C. 17d.*
	6	*16 U.S.C. 17e.*
	7	*16 U.S.C. 17f.*
	8	*16 U.S.C. 17g.*
	9	*16 U.S.C. 17h.*
	10	*16 U.S.C. 17i.*
	11	*16 U.S.C. 17j.*
Act of March 4, 1931 (ch. 522)	*title I (proviso in last undesignated paragraph under heading ''NATIONAL PARK SERVICE'').*	*16 U.S.C. 9a.*
Act of March 2, 1933 (ch. 180)	*1*	*16 U.S.C. 9a.*
Act of May 9, 1935 (ch. 101)	*1 (34th undesignated paragraph under heading ''NATIONAL PARK SERVICE'').*	*16 U.S.C. 14b, 456a.*
Act of August 21, 1935 (ch. 593)	*1*	*16 U.S.C. 461.*
	2	*16 U.S.C. 462.*
	3	*16 U.S.C. 463.*
	4	*16 U.S.C. 464.*
	5	*16 U.S.C. 465.*
	6	*16 U.S.C. 466.*
	7	*16 U.S.C. 467.*
Act of June 23, 1936 (ch. 735)	*1*	*16 U.S.C. 17k.*
	2	*16 U.S.C. 17l.*
	3	*16 U.S.C. 17m.*
	4	*16 U.S.C. 17n.*
Act of May 10, 1939 (ch. 119)	*1 (41st undesignated paragraph under heading ''NATIONAL PARK SERVICE'').*	*16 U.S.C. 14a.*
Act of June 18, 1940 (ch. 395)	*1 (proviso in 3d undesignated paragraph under heading ''NATIONAL PARK SERVICE'').*	*16 U.S.C. 17j–1.*
Act of August 27, 1940 (ch. 690)	*1*	*16 U.S.C. 458a.*
Act of June 28, 1941 (ch. 259)	*1 (41st undesignated paragraph under heading ''NATIONAL PARK SERVICE'').*	*16 U.S.C. 14c.*
Act of August 7, 1946 (ch. 788)	*(b) through (g)*	*16 U.S.C. 17j–2(b) through (g).*

Schedule of Laws Repealed—Continued

Act	Section	United States Code Former Classification
	(i), (j)	16 U.S.C. 17j–2(i), (j).
Act of June 3, 1948 (ch. 401)	1	16 U.S.C. 8e.
	2	16 U.S.C. 8f.
Act of October 26, 1949 (ch. 755)	1	16 U.S.C. 468.
	2	16 U.S.C. 468a.
	3	16 U.S.C. 468b.
	4	16 U.S.C. 468c.
	5	16 U.S.C. 468d.
Act of March 18, 1950 (ch. 72)	1	16 U.S.C. 7a.
	2	16 U.S.C. 7b.
	3	16 U.S.C. 7c.
	4	16 U.S.C. 7d.
	5	16 U.S.C. 7e.
Act of September 14, 1950 (ch. 950)	1 (last sentence proviso relating to national monuments).	16 U.S.C. 431a.
	1 (last sentence proviso relating to national parks).	16 U.S.C. 451a.
Act of August 8, 1953 (ch. 384)	1 (less (3))	16 U.S.C. 1b (less (3)).
	2	16 U.S.C. 1c.
	3	16 U.S.C. 1d.
Act of August 31, 1954 (ch. 1163)		16 U.S.C. 452a.
Act of July 1, 1955 (ch. 259)	1	16 U.S.C. 18f.
	2	16 U.S.C. 18f–2.
	3	16 U.S.C. 18f–3.
Public Law 86–523	2	16 U.S.C. 469a.
	3	16 U.S.C. 469a–1.
	4	16 U.S.C. 469a–2.
	5	16 U.S.C. 469a–3.
	6	16 U.S.C. 469b.
	7	16 U.S.C. 469c.
	8	16 U.S.C. 469c–1.
Public Law 87–608		16 U.S.C. 3b.
Public Law 88–29	1	16 U.S.C. 460l.
	2	16 U.S.C. 460l–1.
	3	16 U.S.C. 460l–2.
	4	16 U.S.C. 460l–3.
Land and Water Conservation Fund Act of 1965 (Pub. L. 88–578)	title I, § 2	16 U.S.C. 460l–5.
	title I, § 3	16 U.S.C. 460l–6.
	title I, § 4(i)(1)(C)	16 U.S.C. 460l–6a(i)(1)(C).
	title I, § 4(j) through (n)	16 U.S.C. 460l–6a(j) through (n).
	title I, § 5	16 U.S.C. 460l–7.
	title I, § 6	16 U.S.C. 460l–8.
	title I, § 7	16 U.S.C. 460l–9.
	title I, § 8	16 U.S.C. 460l–10.
	title I, § 9	16 U.S.C. 460l–10a.
	title I, § 10	16 U.S.C. 460l–10b.
	title I, § 11	16 U.S.C. 460l–10c.
	title I, § 12	16 U.S.C. 460l–10d.
	title I, § 13	16 U.S.C. 460l–10e.
	title II, § 201	16 U.S.C. 460l–11.
National Historic Preservation Act (Pub. L. 89–665)	2	16 U.S.C. 470–1.
	101	16 U.S.C. 470a.
	102	16 U.S.C. 470b.
	103	16 U.S.C. 470c.
	104	16 U.S.C. 470d.
	105	16 U.S.C. 470e.
	106	16 U.S.C. 470f.
	107	16 U.S.C. 470g.
	108	16 U.S.C. 470h.
	109	16 U.S.C. 470h–1.
	110	16 U.S.C. 470h–2.
	111	16 U.S.C. 470h–3.
	112	16 U.S.C. 470h–4.
	113	16 U.S.C. 470h–5.
	201	16 U.S.C. 470i.
	202	16 U.S.C. 470j.
	203	16 U.S.C. 470k.
	204	16 U.S.C. 470l.
	205	16 U.S.C. 470m.
	206	16 U.S.C. 470n.
	207	16 U.S.C. 470o.
	208	16 U.S.C. 470p.
	209	16 U.S.C. 470q.
	210	16 U.S.C. 470r.
	211	16 U.S.C. 470s.
	212	16 U.S.C. 470t.
	213	16 U.S.C. 470u.
	214	16 U.S.C. 470v.
	215	16 U.S.C. 470v–1.
	216	16 U.S.C. 470v–2.
	301	16 U.S.C. 470w.
	302	16 U.S.C. 470w–1.
	303	16 U.S.C. 470w–2.
	304	16 U.S.C. 470w–3.
	305	16 U.S.C. 470w–4.
	306	16 U.S.C. 470w–5.
	307	16 U.S.C. 470w–6.
	308	16 U.S.C. 470w–7.
	309	16 U.S.C. 470w–8.
	401	16 U.S.C. 470x.
	402	16 U.S.C. 470x–1.

Schedule of Laws Repealed—Continued

Act	*Section*	*United States Code Former Classification*
	403	*16 U.S.C. 470x–2.*
	404	*16 U.S.C. 470x–3.*
	405	*16 U.S.C. 470x–4.*
	406	*16 U.S.C. 470x–5.*
	407	*16 U.S.C. 470x–6.*
Demonstration Cities and Metropolitan Development Act of 1966 (Pub. L. 89–754)	*603*	*16 U.S.C. 470b–1.*
Public Law 90–209	*1*	*16 U.S.C. 19e.*
	2	*16 U.S.C. 19f.*
	3	*16 U.S.C. 19g.*
	4	*16 U.S.C. 19h.*
	5	*16 U.S.C. 19i.*
	6	*16 U.S.C. 19j.*
	7	*16 U.S.C. 19k.*
	8	*16 U.S.C. 19l.*
	9	*16 U.S.C. 19m.*
	10	*16 U.S.C. 19n.*
	11	*16 U.S.C. 19o.*
Public Law 90–401	*5*	*16 U.S.C. 460l–22.*
Volunteers in the Parks Act of 1969 (Pub. L. 91–357)	*1*	*16 U.S.C. 18g.*
	2	*16 U.S.C. 18h.*
	3	*16 U.S.C. 18i.*
	4	*16 U.S.C. 18j.*
Public Law 91–383	*1*	*16 U.S.C. 1a–1.*
	3	*16 U.S.C. 1a–2.*
	6	*16 U.S.C. 1a–3.*
	7	*16 U.S.C. 1a–4.*
	8	*16 U.S.C. 1a–5.*
	10	*16 U.S.C. 1a–6.*
	12	*16 U.S.C. 1a–7.*
	13	*16 U.S.C. 1a–7a.*
Public Law 94–429	*1*	*16 U.S.C. 1901.*
	2	*16 U.S.C. 1902.*
	4	*16 U.S.C. 1903.*
	5	*16 U.S.C. 1904.*
	6	*16 U.S.C. 1905.*
	7	*16 U.S.C. 1906.*
	8	*16 U.S.C. 1907.*
	9	*16 U.S.C. 1908.*
	10	*16 U.S.C. 1909.*
	11	*16 U.S.C. 1910.*
	12	*16 U.S.C. 1911.*
	13	*16 U.S.C. 1912.*
Public Law 95–344	*title III, § 302*	*16 U.S.C. 2302.*
	title III, § 303	*16 U.S.C. 2303.*
	title III, § 304	*16 U.S.C. 2304.*
	title III, § 305	*16 U.S.C. 2305.*
	title III, § 306	*16 U.S.C. 2306.*
Urban Park and Recreation Recovery Act of 1978 (Pub. L. 95–625)	*title X, § 1004*	*16 U.S.C. 2503.*
	title X, § 1005	*16 U.S.C. 2304.*
	title X, § 1006	*16 U.S.C. 2305.*
	title X, § 1007	*16 U.S.C. 2306.*
	title X, § 1008	*16 U.S.C. 2307.*
	title X, § 1009	*16 U.S.C. 2308.*
	title X, § 1010	*16 U.S.C. 2309.*
	title X, § 1011	*16 U.S.C. 2310.*
	title X, § 1012	*16 U.S.C. 2311.*
	title X, § 1013	*16 U.S.C. 2312.*
	title X, § 1014	*16 U.S.C. 2313.*
	title X, § 1015	*16 U.S.C. 2314.*
Public Law 96–199	*title I, § 120*	*16 U.S.C. 467b.*
National Historic Preservation Act Amendments of 1980 (Pub. L. 96–515)	*208*	*16 U.S.C. 469c–2.*
	401	*16 U.S.C. 470a–1.*
	402	*16 U.S.C. 470a–2.*
Public Law. 98–473	*title I, § 101(c) [title I, § 100].*	*16 U.S.C. 1e.*
Public Law 98–540	*4(a)*	*16 U.S.C. 1a–8(a).*
International Security and Development Cooperation Act of 1985 (Pub. L. 99–83)	*1303*	*16 U.S.C. 469j.*
Public Law 101–337	*1*	*19jj.*
	2	*19jj–1.*
	3	*19jj–2.*
	4	*19jj–3.*
	5	*19jj–4.*
Public Law 101–628	*title XII, § 1213*	*16 U.S.C. 1a–9.*
	title XII, § 1214	*16 U.S.C. 1a–10.*
	title XII, § 1215	*16 U.S.C. 1a–11.*
	title XII, § 1216	*16 U.S.C. 1a–12.*
	title XII, § 1217	*16 U.S.C. 1a–13.*
Department of the Interior and Related Agencies Appropriations Act, 1993 (Pub. L. 102–381)	*title I (1st proviso in paragraph under heading ''ADMINISTRATIVE PROVISIONS'' under heading ''NATIONAL PARK SERVICE'').*	*16 U.S.C. 14d.*
Public Law 102–525	*title III, § 301*	*16 U.S.C. 1a–14.*
Department of the Interior and Related Agencies Appropriations Act, 1994 (Pub. L. 103–138)	*title I (3d proviso in paragraph under heading ''ADMINISTRATIVE PROVISIONS'' under heading ''NATIONAL PARK SERVICE'').*	*16 U.S.C. 3a.*
National Maritime Heritage Act of 1994 (Pub. L. 103–451)	*3*	*16 U.S.C. 5402.*
	4	*16 U.S.C. 5403.*

Schedule of Laws Repealed—Continued

Act	Section	United States Code Former Classification
	5	16 U.S.C. 5404.
	6	16 U.S.C. 5405.
	7	16 U.S.C. 5406.
	8	16 U.S.C. 5407.
	9	16 U.S.C. 5408.
Omnibus Consolidated Appropriations Act, 1997 (Pub. L. 104–208)	div. A, title I, §101(d) [title I (3d undesignated paragraph under heading ''ADMINISTRATIVE PROVISIONS'' under heading ''NATIONAL PARK SERVICE'')].	16 U.S.C. 1g.
Omnibus Parks and Public Lands Management Act of 1996 (Pub. L. 104–333)	div. I, title VI, §604	16 U.S.C. 469k.
	div. I, title VIII, §814(a)(2) through (19).	16 U.S.C. 17o(2) through (19).
	div. I, title VIII, §814(g)	16 U.S.C. 1f.
National Underground Railroad Network to Freedom Act of 1998 (Pub. L. 105–203)	3	16 U.S.C. 469l–1.
	4	16 U.S.C. 469l–2.
	5	16 U.S.C. 469l–3.
Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Pub. L. 105–261)	div. A, title X, §1068	16 U.S.C. 5409.
National Parks Omnibus Management Act of 1998 (Pub. L. 105–391)	2	16 U.S.C. 5901.
	101	16 U.S.C. 5911.
	102	16 U.S.C. 5912.
	103	16 U.S.C. 5913.
	104	16 U.S.C. 5914.
	201	16 U.S.C. 5931.
	202	16 U.S.C. 5932.
	203	16 U.S.C. 5933.
	204	16 U.S.C. 5934.
	205	16 U.S.C. 5935.
	206	16 U.S.C. 5936.
	207	16 U.S.C. 5937.
	402	16 U.S.C. 5951.
	403	16 U.S.C. 5952.
	404	16 U.S.C. 5953.
	405	16 U.S.C. 5954.
	406	16 U.S.C. 5955.
	407	16 U.S.C. 5956.
	408	16 U.S.C. 5957.
	409	16 U.S.C. 5958.
	410	16 U.S.C. 5959.
	411	16 U.S.C. 5960.
	412	16 U.S.C. 5961.
	413	16 U.S C. 5962.
	414	16 U.S.C. 5963.
	416	16 U.S.C. 5964.
	417	16 U.S.C. 5965.
	418	16 U.S.C. 5966.
	501	16 U.S.C. 5981.
	801	16 U.S.C. 6011.
Public Law 106–206	1 (relating to National Park System).	16 U.S.C. 460l–6d (relating to National Park System).
Department of the Interior and Related Agencies Appropriations Act, 2002 (Pub. L. 107–63)	title I (paragraph under heading ''CONTRIBUTION FOR ANNUITY BENEFITS'' under heading ''NATIONAL PARK SERVICE'').	16 U.S.C. 14e.
Consolidated Appropriations Resolution, 2003 (Pub. L. 108–7)	div. F, title I (words before proviso in last undesignated paragraph under heading ''ADMINISTRATIVE PROVISIONS'' under heading ''NATIONAL PARK SERVICE'').	16 U.S.C. 1h.
	div. F, title I (proviso in last undesignated paragraph under heading ''ADMINISTRATIVE PROVISIONS'' under heading ''NATIONAL PARK SERVICE'').	16 U.S.C. 1i.
Consolidated Appropriations Act of 2008 (Pub. L. 110–161)	div. F, title I (1st paragraph under heading ''ADMINISTRATIVE PROVISIONS'' under heading ''NATIONAL PARK SERVICE'').	16 U.S.C. 5954 note.
Consolidated Natural Resources Act of 2008 (Pub. L. 110–229)	title III, subtitle A, §301	16 U.S.C. 1j.
Omnibus Public Land Management Act of 2009 (Pub. L. 111–11)	title VII, subtitle B, §7111(b).	16 U.S.C. 469m(b).
	title VII, subtitle B, §7111(c).	16 U.S.C. 469m(c).
	title VII, subtitle D, §7301(b), (c).	16 U.S.C. 469k–1)(b), (c).
	title VII, subtitle D, §7302(b) through (f).	16 U.S.C. 469n(b) through (f).
	title VII, subtitle D, §7303.	16 U.S.C. 469o.

Schedule of Laws Repealed—Continued

Act	*Section*	*United States Code Former Classification*
Credit Card Accountability Responsibility and Disclosure Act of 2009 (Pub. L. 111–24)	*title V, § 512 (relating to National Park System).*	*16 U.S.C. 1a–7b (relating to National Park System).*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 1950, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the rules of the House entrust to the Judiciary Committee the responsibilities of revision and codification of the statutes of the United States. This power does not give our committee substantive legislative jurisdiction over all areas of law; it merely confers the authority to organize duly enacted laws into an efficient codification system.

The nonpartisan Office of the Law Revision Counsel is responsible for properly codifying public laws into titles and sections of the United States Code. From time to time, that office provides the Judiciary Committee advice as to how to enact a more user-friendly and cohesive statutory system.

This spring, Republican and Democratic committee staff worked cooperatively with the Office of the Law Revision Counsel to develop H.R. 1950. The bill creates a new title of positive law—title 54—to compile all of the laws that relate to the National Park System.

Codification bills do not make any substantive changes to existing law. Before the Judiciary Committee marked up H.R. 1950, industries, government, and interested parties commented on the draft. Based on their comments, I offered a manager's amendment in committee to further ensure this bill makes no changes to substantive law.

I encourage my colleagues to support this bill, and I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 1950. Dating back to the mid-19th century, numerous laws have been enacted pertaining to the organization and management of the National Park System by the National Park Service.

The Service is also responsible for carrying out the Historic Sites, Buildings, and Antiquities Act, the National Historic Preservation Act, and other laws relating to the protection and preservation of sites that illustrate America's history.

Over the ensuing years, laws specifying the Service's responsibilities have been codified in various sections of title 16 of the United States Code. And as laws relating to the National Park Service were amended and new laws were added to the Code, classifications have become more cumbersome to use.

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H.R. 1950 simply gathers all of these provisions pertaining to the National Park Service and restates them in a new positive law title of the United States Code. The new title 54 of the Code replaces and repeals these provisions of the former law.

All changes in existing law made by H.R. 1950 are purely technical, and they reflect the understood policy, intent, and purpose of Congress in the original enactments. These changes include corrections to remove ambiguities, contradictions, and other imperfections.

We should note that this measure was drafted by the Office of the Law Revision Counsel as part of that office's ongoing statutory responsibility to ''prepare a complete compilation, restatement, and revision of the general and permanent laws of the United States.''

I commend the Office of the Law Revision Counsel for its good work on H.R. 1950 and for its many valuable contributions to our legislative process.

Mr. Speaker, accordingly, I urge my colleagues to support the measure.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 1950, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

STUDENT VISA REFORM ACT

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3120) to amend the Immigration and Nationality Act to require accreditation of certain educational institutions for purposes of a nonimmigrant student visa, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3120

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 ''Student Visa Reform Act''.

SEC. 2. ACCREDITATION REQUIREMENT FOR COLLEGES AND UNIVERSITIES.

Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended—

(1) in paragraph (15)(F)(i)—

(A) by striking ''section 214(l) at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in an accredited language training program in the United States'' and inserting ''section 214(m) at an accredited college, university, or language training program, or at an established seminary, conservatory, academic high school, elementary school, or other academic institution in the United States''; and

(B) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security''; and

(2) by amending paragraph (52) to read as follows:

''(52) Except as provided in section 214(m)(4), the term 'accredited college, university, or language training program' means a college, university, or language training program that is accredited by an accrediting agency recognized by the Secretary of Education.''.

SEC. 3. OTHER REQUIREMENTS FOR ACADEMIC INSTITUTIONS.

Section 214(m) of the Immigration and Nationality Act (8 U.S.C. 1184(m)) is amended by adding at the end the following:

''(3) The Secretary of Homeland Security, in the Secretary's discretion, may require accreditation of an academic institution (except for seminaries or other religious institutions) for purposes of section 101(a)(15)(F) if—

''(A) that institution is not already required to be accredited under section 101(a)(15)(F)(i);

''(B) an appropriate accrediting agency recognized by the Secretary of Education is able to provide such accreditation; and

''(C) the institution has or will have 25 or more alien students accorded status as nonimmigrants under clause (i) or (iii) of section 101(a)(15)(F) pursuing a course of study at that institution.

''(4) The Secretary of Homeland Security, in the Secretary's discretion, may waive the accreditation requirement in section 101(a)(15)(F)(i) with respect to an established college, university, or language training program if the academic institution—

''(A) is otherwise in compliance with the requirements of such section; and

''(B) is making a good faith effort to satisfy the accreditation requirement.

''(5)(A) No person convicted of an offense referred to in subparagraph (B) shall be permitted

by any academic institution having authorization for attendance by nonimmigrant students under section 101(a)(15)(F)(i) to be involved with the institution as its principal, owner, officer, board member, general partner, or other similar position of substantive authority for the operations or management of the institution, including serving as an individual designated by the institution to maintain records required by the Student and Exchange Visitor Information System established under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372).

''(B) An offense referred to in this subparagraph includes a violation, punishable by a term of imprisonment of more than 1 year, of any of the following:

''(i) Chapter 77 of title 18, United States Code (relating to peonage, slavery and trafficking in persons).

''(ii) Chapter 117 of title 18, United States Code (relating to transportation for illegal sexual activity and related crimes).

''(iii) Section 274 of the Immigration and Nationality Act (8 U.S.C. 1324) (relating to unlawful bringing of aliens into the United States).

''(iv) Section 1546 of title 18, United States Code (relating to fraud and misuse of visas, permits, and other documents) relating to an academic institution's participation in the Student and Exchange Visitor Program.''.

SEC. 4. CONFORMING AMENDMENT.

Section 212(a)(6)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(G)) is amended by striking ''section 214(l)'' and inserting ''section 214(m)''.

SEC. 5. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by sections 2 and 3—

(1) shall take effect on the date that is 180 days after the date of the enactment of this Act; and

(2) shall apply with respect to applications for a nonimmigrant visa under section 101(a)(15)(F)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)(i)) that are filed on or after the effective date described in paragraph (1).

(b) TEMPORARY EXCEPTION.—

(1) IN GENERAL.—During the 3-year period beginning on the date of enactment of this Act, an alien seeking to enter the United States to pursue a course of study at a college or university that has been certified by the Secretary of Homeland Security may be granted a nonimmigrant visa under clause (i) or clause (iii) of section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) without regard to whether or not that college or university has been accredited or been denied accreditation by an entity described in section 101(a)(52) of such Act (8 U.S.C. 1101(a)(52)), as amended by section 2(2) of this Act.

(2) ADDITIONAL REQUIREMENT.—An alien may not be granted a nonimmigrant visa under paragraph (1) if the college or university to which the alien seeks to enroll does not—

(A) submit an application for the accreditation of such institution to a regional or national accrediting agency recognized by the Secretary of Education on or before the date that is 1 year after the effective date described in subsection (a)(1); and

(B) comply with the applicable accrediting requirements of such agency.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentlewoman from California (Ms. ZOE LOFGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 3120, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

I would first like to thank the gentlewoman from California (Ms. LOFGREN) for introducing this legislation.

H.R. 3120 helps prevent student visa fraud by requiring that any college or university that admits foreign students on F visas must be accredited by an accrediting body recognized by the Department of Education. Accreditation of academic institutions ensures that foreign students in the United States on temporary visas receive the high-level education they deserve and expect as opposed to an education from a sham school only interested in the student's money.

Under the Immigration and Nationality Act, a foreign national can get a student visa to study at a U.S. college or university. Those schools must be officially recognized, but that sometimes means that there's just a windshield check to see that the building actually exists.

Foreign students were admitted to the US 1.5 million times on F visas during fiscal year 2010. We must ensure that the colleges or universities they attend are not simply visa mills that exist only to provide the students with a way to enter the United States. Examples of rampant student visa fraud can be found in many recent news reports.

H.R. 3120 helps ensure a school's legitimacy for foreign students who want to come to the United States in order to receive an education. It also helps ensure the integrity of our immigration system by reducing the opportunities for visa fraud.

I urge my colleagues to support H.R. 3120.

I reserve the balance of my time.

Ms. ZOE LOFGREN of California. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill, the Student Visa Reform Act.

Our U.S. student visa program has a long and proud history. For decades, it's helped American colleges and universities attract some of the brightest young minds in the world, while offering those students the opportunity to study in the world's leading institutions of higher education.

The benefits to our country have been great. International students have expanded and enriched the educational experiences for all students at U.S. universities and colleges. And by immersing foreign students in American culture, the program often creates a lasting and favorable understanding of our country that pays dividends in foreign nations for years to come.

Unfortunately, some institutions have been undermining the laudable mission of this visa program. Last year, the U.S. Immigration and Customs Enforcement took down two schools in California after they were found to have engaged in widespread visa fraud and exploitation of students.

Among other things, these schools misled students as to their accreditation. They lied about the ability of students to transfer credits to other institutions. Commonly known as ''visa mills,'' these schools took enormous sums of money from the students but provided questionable academic courses and essentially worthless degrees.

To prevent this type of fraud in the future, H.R. 3120 requires that colleges and universities be accredited in order to host foreign students. Such accreditation would need to be given by a regional or national accrediting agency recognized by the Secretary of Education. Seminaries and other religious institutions would be exempt from this requirement.

This bill follows in the footsteps of legislation enacted in the 111th Congress that requires the accreditation of language training programs before they can host foreign students. That bill, sponsored by my good friend, Representative BARNEY FRANK, and the chairman of the Judiciary Committee, Congressman LAMAR SMITH, has already helped the Department of Homeland Security crack down on fraud in language training programs.

Like the Frank-Smith bill, the accreditation requirements instituted by this bill will prevent illegitimate institutions from cheating foreign students who legitimately seek a bona fide education in the United States. In addition, this requirement will prevent fly-by-night institutions from engaging in student visa fraud to smuggle or traffic persons into the country.

Finally, in committee, I worked with the chairman to add a provision that would prevent persons who have committed certain crimes from owning or running an academic institution that seeks to host foreign students. Persons would be barred if they had been convicted of human trafficking, transportation for illegal sexual activity, alien smuggling, or harboring or visa fraud under the student visa program.

We also added a provision to give the Secretary of Homeland Security additional flexibility with respect to schools that are playing by the rules and trying to get accreditation but may be running into bureaucratic delays. Specifically, the Secretary is given the ability to waive the accreditation requirements in cases where an educational institution is otherwise in compliance with the law and is taking good faith steps to obtain accreditation.

I thank Chairman SMITH for working with me to bring this bill to the floor and for working with me to improve and strengthen the bill in committee. I urge my colleagues to support the bill.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3120, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

FOREIGN AND ECONOMIC ESPIONAGE PENALTY ENHANCEMENT ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6029) to amend title 18, United States Code, to provide for increased penalties for foreign and economic espionage, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6029

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 ''Foreign and Economic Espionage Penalty Enhancement Act of 2012''.

SEC. 2. PROTECTING U.S. BUSINESSES FROM FOREIGN ESPIONAGE.

(a) FOR OFFENSES COMMITTED BY INDIVIDUALS.—Section 1831(a) of title 18, United States Code, is amended, in the matter after paragraph (5)—

(1) by striking ''15 years'' and inserting ''20 years''; and

(2) by striking ''not more than $500,000'' and inserting ''not more than $5,000,000''.

(b) FOR OFFENSES COMMITTED BY ORGANIZATIONS.—Section 1831(b) of such title is amended by striking ''not more than $10,000,000'' and inserting ''not more than the greater of $10,000,000 or 3 times the value of the stolen trade secret to the organization, including expenses for research and design and other costs of reproducing the trade secret that the organization has thereby avoided''.

SEC. 3. REVIEW BY THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of offenses relating to the transmission or attempted transmission of a stolen trade secret outside of the United States or economic espionage, in order to reflect the intent of Congress that penalties for such offenses under the Federal sentencing guidelines and policy statements appropriately, reflect the seriousness of these offenses, account for the potential and actual harm caused by these offenses, and provide adequate deterrence against such offenses.

(b) REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) consider the extent to which the Federal sentencing guidelines and policy statements appropriately account for the simple misappropriation of a trade secret, including the sufficiency of the existing enhancement for these offenses to address the seriousness of this conduct;

(2) consider whether additional enhancements in the Federal sentencing guidelines and policy statements are appropriate to account for—

(A) the transmission or attempted transmission of a stolen trade secret outside of the United States; and

(B) the transmission or attempted transmission of a stolen trade secret outside of the United States that is committed or attempted to be committed for the benefit of a foreign government, foreign instrumentality, or foreign agent;

(3) ensure the Federal sentencing guidelines and policy statements reflect the seriousness of these offenses and the need to deter such conduct;

(4) ensure reasonable consistency with other relevant directives, Federal sentencing guidelines and policy statements, and related Federal statutes;

(5) make any necessary conforming changes to the Federal sentencing guidelines and policy statements; and

(6) ensure that the Federal sentencing guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(c) CONSULTATION.—In carrying out the review required under this section, the Commission shall consult with individuals or groups representing law enforcement, owners of trade secrets, victims of economic espionage offenses, the United States Department of Justice, the United States Department of Homeland Security, the United States Department of State and the Office of the United States Trade Representative.

(d) REVIEW.—Not later than 180 days after the date of enactment of this Act, the Commission shall complete its consideration and review under this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 6029 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank Ranking Member JOHN CONYERS, IP Subcommittee Chairman BOB GOODLATTE, IP Subcommittee Ranking Member MEL WATT, and the other Members of the House from both sides of the aisle who joined as original cosponsors of this commonsense bill.

The Foreign and Economic Espionage Penalty Enhancement Act of 2012 focuses on one goal: to deter and punish criminals who target U.S. economic and security interests on behalf of foreign interests.

In 1975, tangible assets, such as real estate and equipment, made up 83 percent of the market value of S&P 500 companies. Intangible assets, which include trade secrets, proprietary data, source code, business processes, and marketing plans, constituted only 17 percent of these companies' market value.

□ 1950

By 2009, these percentages had nearly reversed. Tangible assets accounted for only 19 percent of S&P 500 companies' market value while their intangible assets had soared to 81 percent. In a dynamic and globally connected information economy, the protection of intangible assets is vital not only to the success of individual enterprises but also to the future of entire industries.

A global study released last year by McAfee, the world's largest security technology company, and Science Applications International Corporation concluded that corporate trade secrets and other sensitive intellectual capital are the newest ''currency'' of cybercriminals. The study found the motivation for such crimes in the cyber underground is almost always financial. In recent years, cybercriminals have shifted from targeting the theft of personal information, such as credit cards and Social Security numbers, to the theft of corporate intellectual capital. Corporate intellectual capital is vulnerable, of great value to competitors and foreign governments, and its theft is not always discovered by victims.

Our intelligence community warns that foreign interests place a high priority on acquiring sensitive U.S. economic information and technologies. Targets include information and communications technologies, business information, military technologies, and rapidly growing civilian and dual-use technologies, such as those that relate to clean energy, health care, and pharmaceuticals.

We know that certain actors intentionally seek out U.S. information and trade secrets. The most recent report from the Office of the National Counterintelligence Executive identified Chinese actors as ''the world's most active and persistent perpetrators of economic espionage.'' The report also described Russia's intelligence services as responsible for ''conducting a range of activities to collect economic information and technology from U.S. targets.'' Of seven Economic Espionage Act cases resolved in fiscal year 2010, six involved links to China. Five companies were accused of the theft of trade secrets earlier this year. Four are Chinese state-owned enterprises or subsidiaries.

In the U.S., the EEA serves as the primary tool the Federal Government

uses to protect secret, valuable commercial information from theft. The EEA addresses two types of trade secret theft. Section 1831 punishes the theft of a trade secret to benefit a foreign entity. Section 1832 punishes the commercial theft of trade secrets carried out for economic advantage whether or not the theft benefits a foreign entity.

Since enacting the EEA in 1996, Congress has not adjusted its penalties to take into account the increasing importance of intellectual property to the economic and national security of the U.S. The bill increases the maximum penalties for an individual convicted of committing espionage on behalf of a foreign entity. Currently, the maximum penalty for someone convicted under section 1831 of the EEA is 15 years imprisonment and a fine of up to $500,000. This bill increases the maximum penalty to 20 years imprisonment and a fine of up to $5 million. Earlier this year, the FBI estimated that U.S. companies had lost $13 billion to trade secret theft in just over 6 months. Over the past 6 years, losses to individual U.S. companies have ranged from $20 million to as much as $1 billion.

Our intelligence community has recognized a ''significant and growing threat to our Nation's prosperity and security'' posed by criminals, both inside and outside our borders, who commit espionage. Congress should also recognize this increasing threat and enhance deterrence and more aggressively punish those criminals who knowingly target U.S. companies for espionage.

So I urge my colleagues to support H.R. 6029, which was unanimously reported by the Judiciary Committee this month.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 6029, the Foreign and Economic Espionage Penalty Enhancement Act of 2012.

This legislation will help to protect the intellectual property and competitive strengths of American businesses by increasing the maximum penalties for engaging in the Federal offense of economic espionage. This crime, which has serious repercussions for the victim companies and our economy, consists of knowingly misappropriating trade secrets with the intent or knowledge that the offense will benefit a foreign government.

As reported by the U.S. Intellectual Property Enforcement Coordinator, economic espionage is a serious threat to American businesses by foreign governments. Economic espionage inflicts a significant cost on victim companies and threatens the economic security of the United States. These companies incur extensive costs resulting from the loss of unique intellectual property, the loss of expenditures related to research and development, and the loss of future revenues and profits. Many companies do not even know when their sensitive data has been stolen, and those that do find out are often reluctant to report the losses, fearing potential damage to their reputations with investors, customers, and employees.

Unfortunately, the pace of the economic espionage collection of information and industrial espionage activities against major United States corporations is accelerating. During fiscal year 2011, the Department of Justice and the FBI saw an increase of 29 percent in economic espionage and trade secret theft investigations compared to the prior year. Foreign competitors of United States corporations with ties to companies owned by foreign governments are increasing their efforts to steal trade secret information and intellectual property by infiltrating our computer networks.

Evidence suggests that economic espionage and trade secret theft on behalf of companies located in China is an emerging trend. For example, at least 34 companies were reportedly victimized by attacks originating from China in 2010. Over the course of these attacks, computer viruses were spread via emails to corporate employees, allowing the attackers to have access to emails and sensitive documents. In response to these growing threats, the United States Intellectual Property Coordinator, in her 2011 annual report, called upon Congress to increase the penalties for economic espionage, and this bill is consistent with that recommendation.

I want to commend Members on both sides of the aisle for their work on this bill, particularly the gentleman from Texas, the Judiciary Committee chairman, Mr. SMITH; the gentleman from Michigan, the ranking member of the committee, Mr. CONYERS; my colleague from Virginia (Mr. GOODLATTE); and the gentleman from North Carolina (Mr. WATT).

I urge my colleagues to support the bill, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 6029.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

CHILD PROTECTION ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6063) to amend title 18, United States Code, with respect to child pornography and child exploitation offenses.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6063

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 ''Child Protection Act of 2012''.

SEC. 2. ENHANCED PENALTIES FOR POSSESSION OF CHILD PORNOGRAPHY.

(a) CERTAIN ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—Section 2252(b)(2) of title 18, United States Code, is amended by inserting after ''but if'' the following: ''any visual depiction involved in the offense involved a prepubescent minor or a minor who had not attained 12 years of age, such person shall be fined under this title and imprisoned for not more than 20 years, or if''.

(b) CERTAIN ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(b)(2) of title 18, United States Code, is amended by inserting after ''but, if'' the following: ''any image of child pornography involved in the offense involved a prepubescent minor or a minor who had not attained 12 years of age, such person shall be fined under this title and imprisoned for not more than 20 years, or if''.

SEC. 3. PROTECTION OF CHILD WITNESSES.

(a) CIVIL ACTION TO RESTRAIN HARASSMENT OF A VICTIM OR WITNESS.—Section 1514 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting ''or its own motion,'' after ''attorney for the Government,''; and

(ii) by inserting ''or investigation'' after ''Federal criminal case'' each place it appears;

(B) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(C) by inserting after paragraph (1) the following:

''(2) In the case of a minor witness or victim, the court shall issue a protective order prohibiting harassment or intimidation of the minor victim or witness if the court finds evidence that the conduct at issue is reasonably likely to adversely affect the willingness of the minor witness or victim to testify or otherwise participate in the Federal criminal case or investigation. Any hearing regarding a protective order under this paragraph shall be conducted in accordance with paragraphs (1) and (3), except that the court may issue an ex parte emergency protective order in advance of a hearing if exigent circumstances are present. If such an ex parte order is applied for or issued, the court shall hold a hearing not later than 14 days after the date such order was applied for or is issued.'';

(D) in paragraph (4), as so redesignated, by striking ''(and not by reference to the complaint or other document)''; and

(E) in paragraph (5), as so redesignated, in the second sentence, by inserting before the period at the end the following: '', except that in the case of a minor victim or witness, the court may order that such protective order expires on the later of 3 years after the date of issuance or the date of the eighteenth birthday of that minor victim or witness''; and

(2) by striking subsection (c) and inserting the following:

''(c) Whoever knowingly and intentionally violates or attempts to violate an order issued under this section shall be fined under this title, imprisoned not more than 5 years, or both.

''(d)(1) As used in this section—

''(A) the term 'course of conduct' means a series of acts over a period of time, however short, indicating a continuity of purpose;

''(B) the term 'harassment' means a serious act or course of conduct directed at a specific person that—

''(i) causes substantial emotional distress in such person; and

''(ii) serves no legitimate purpose;

''(C) the term 'immediate family member' has the meaning given that term in section 115 and includes grandchildren;

''(D) the term 'intimidation' means a serious act or course of conduct directed at a specific person that—

''(i) causes fear or apprehension in such person; and

''(ii) serves no legitimate purpose;

''(E) the term 'restricted personal information' has the meaning give that term in section 119;

''(F) the term 'serious act' means a single act of threatening, retaliatory, harassing, or violent conduct that is reasonably likely to influence the willingness of a victim or witness to testify or participate in a Federal criminal case or investigation; and

''(G) the term 'specific person' means a victim or witness in a Federal criminal case or investigation, and includes an immediate family member of such a victim or witness.

''(2) For purposes of subparagraphs (B)(ii) and (D)(ii) of paragraph (1), a court shall presume, subject to rebuttal by the person, that the distribution or publication using the Internet of a photograph of, or restricted personal information regarding, a specific person serves no legitimate purpose, unless that use is authorized by that specific person, is for news reporting purposes, is designed to locate that specific person (who has been reported to law enforcement as a missing person), or is part of a government-authorized effort to locate a fugitive or person of interest in a criminal, antiterrorism, or national security investigation.''.

(b) SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements to ensure—

(1) that the guidelines provide an additional penalty increase above the sentence otherwise applicable in Part J of Chapter 2 of the Guidelines Manual if the defendant was convicted of a violation of section 1591 of title 18, United States Code, or chapters 109A, 109B, 110, or 117 of title 18, United States Code; and

(2) if the offense described in paragraph (1) involved causing or threatening to cause physical injury to a person under 18 years of age, in order to obstruct the administration of justice, an additional penalty increase above the sentence otherwise applicable in Part J of Chapter 2 of the Guidelines Manual.

SEC. 4. SUBPOENAS TO FACILITATE THE ARREST OF FUGITIVE SEX OFFENDERS.

(a) ADMINISTRATIVE SUBPOENAS.—

(1) IN GENERAL.—Section 3486(a)(1) of title 18, United States Code, is amended—

(A) in subparagraph (A)—

(i) in clause (i), by striking ''or'' at the end;

(ii) by redesignating clause (ii) as clause (iii); and

(iii) by inserting after clause (i) the following:

''(ii) an unregistered sex offender conducted by the United States Marshals Service, the Director of the United States Marshals Service; or''; and

(B) in subparagraph (D)—

(i) by striking ''paragraph, the term'' and inserting the following: ''paragraph—

''(i) the term'';

(ii) by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(ii) the term 'sex offender' means an individual required to register under the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.).''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 3486(a) of title 18, United States Code, is amended—

(A) in paragraph (6)(A), by striking ''United State'' and inserting ''United States'';

(B) in paragraph (9), by striking ''(1)(A)(ii)'' and inserting ''(1)(A)(iii)''; and

(C) in paragraph (10), by striking ''paragraph (1)(A)(ii)'' and inserting ''paragraph (1)(A)(iii)''.

(b) JUDICIAL SUBPOENAS.—Section 566(e)(1) of title 28, United States Code, is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

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

(3) by adding at the end the following:

''(C) issue administrative subpoenas in accordance with section 3486 of title 18, solely for the purpose of investigating unregistered sex offenders (as defined in such section 3486).''.

SEC. 5. INCREASE IN FUNDING LIMITATION FOR TRAINING COURSES FOR ICAC TASK FORCES.

Section 102(b)(4)(B) of the PROTECT Our Children Act of 2008 (42 U.S.C. 17612(b)(4)(B)) is amended by striking ''$2,000,000'' and inserting ''$4,000,000''.

SEC. 6. NATIONAL COORDINATOR FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION .

Section 101(d)(1) of the PROTECT Our Children Act of 2008 (42 U.S.C. 17611(d)(1)) is amended—

(1) by striking ''to be responsible'' and inserting the following: ''with experience in investigating or prosecuting child exploitation cases as the National Coordinator for Child Exploitation Prevention and Interdiction who shall be responsible''; and

(2) by adding at the end the following: ''The National Coordinator for Child Exploitation Prevention and Interdiction shall be a position in the Senior Executive Service.''

SEC. 7. REAUTHORIZATION OF ICAC TASK FORCES.

Section 107(a) of the PROTECT Our Children Act of 2008 (42 U.S.C. 17617(a)) is amended—

(1) in paragraph (4), by striking ''and'';

(2) in paragraph (5), by striking the period at the end; and

(3) by inserting after paragraph (5) the following:

''(6) $60,000,000 for fiscal year 2014;

''(7) $60,000,000 for fiscal year 2015;

''(8) $60,000,000 for fiscal year 2016;

''(9) $60,000,000 for fiscal year 2017; and

''(10) $60,000,000 for fiscal year 2018.''.

SEC. 8. CLARIFICATION OF "HIGH-PRIORITY SUSPECT".

Section 105(e)(1)(B)(i) of the PROTECT Our Children Act of 2008 (42 U.S.C. 17615(e)(1)(B)(i)) is amended by striking ''the volume'' and all that follows through ''or other''.

SEC. 9. REPORT TO CONGRESS.

Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the status of the Attorney General's establishment of the National Internet Crimes Against Children Data System required to be established under section 105 of the PROTECT Our Children Act of 2008 (42 U.S.C. 17615).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 6063, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Internet child pornography may be the fastest-growing crime in America, increasing by an average of 150 percent per year. Every day, online criminals prey on America's children with virtual anonymity, and according to recent estimates there are as many as 100,000 fugitive sex offenders in the U.S. Congress has taken important steps to combat child exploitation, including the passage of the Adam Walsh Act in 2006 and the PROTECT Our Children Act in 2008.

But our work is not yet done.

That is why Representative DEBBIE WASSERMAN SCHULTZ and I introduced H.R. 6063, the Child Protection Act of 2012, that provides law enforcement officials with important tools and additional resources to combat the growing threat of child pornography and exploitation. This bipartisan legislation increases penalties for child pornography offenses that involve young children and strengthens protections for child witnesses and victims.

□ 2000

The bill allows a Federal court to issue a protective order if it determines that a child victim or witness is being harassed or intimidated and imposes criminal penalties for a violation of that protective order. The Child Protection Act ensures that paperwork does not stand in the way of the apprehension of dangerous criminals. This bill gives the U.S. marshals limited subpoena authority to locate and apprehend fugitive sex offenders.

Unlike the other 300 Federal administrative subpoena powers, which are used at the beginning of a criminal investigation, a marshal's use of subpoena authority under this bill will occur only after, and only after, these actions occur:

The fugitive is arrested pursuant to a judge-issued warrant, indicted for committing a sex offense, convicted by

proof beyond a reasonable doubt, and sentenced in a court of law;

The fugitive is required to register as a sex offender;

The fugitive pleas or otherwise violates their registration requirements; and

A State or Federal arrest warrant is issued for violation of the registration requirements.

This narrow subpoena authority is critical to help take convicted sex offenders off the streets.

H.R. 6063 also reauthorizes, for 5 years, the Internet Crimes Against Children task forces. The ICAC task forces were launched in 1998 and officially authorized by Congress in the PROTECT Our Children Act of 2008.

The ICAC Task Force Program is a national network of 61 coordinated task forces that represent over 3,000 Federal, State, and local law enforcement and prosecutorial agencies dedicated to child exploitation investigations. Since 1998, the ICAC task forces have reviewed more than 280,000 complaints of alleged child sexual abuse and arrested more than 30,000 individuals. The Child Protection Act increases the cap on grant funds for ICAC training programs and makes several clarifications to provisions enacted as a part of the PROTECT Our Children Act.

Finally, the bill requests a report from the Justice Department on implementation of a national Internet crimes against children data system. Yesterday, Senator BLUMENTHAL and Senator CORNYN introduced the companion bill in the Senate. This bipartisan, bicameral bill is supported by a number of outside organizations, which include the National Center for Missing and Exploited Children, the Major City Chiefs of Police, Futures Without Violence, the Fraternal Order of Police, the International Association of Chiefs of Police, the National Alliance to End Sexual Violence, the National District Attorneys Association, the National White Collar Crime Center, the National Sheriffs' Association, the Surviving Parents Coalition, the Rape Abuse Incest National Network, the National Alliance to End Sexual Violence, and the National Association to Protect Children.

Once again, Mr. Speaker, I want to thank Congresswoman DEBBIE WASSERMAN SCHULTZ for her great work on this issue, and I urge my colleagues to join me in support of this important legislation to protect America's children.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I rise in opposition to H.R. 6063. While I can appreciate the apparent attempt in the bill to better protect children who are victims of sexual abuse, it not only fails to achieve that objective, but it also presents serious constitutional concerns and other problematic provisions.

First, the bill creates a rebuttable presumption in 18 U.S.C. section 1514 that, if an individual posts a photograph or personal identifying information about a person subject to a protective order, it ''serves no legitimate purpose,'' which is an essentiable element of the offense of harassment and intimidation. This rebuttable presumption would shift the burden of proof in these cases from the accuser to the accused by requiring the accused to prove that posting of the photograph or information about the person served a legitimate purpose. Therefore, under current law and the fundamental principles of the Constitution, the burden is on the accuser to prove beyond a reasonable doubt this element of the offense, not the obligation of the accused to prove his innocence. This provision violates the constitutional rights of defendants who may be innocent of the underlying charge and who are entitled to be presumed innocent.

The coincidental inclusion of a protected person in a family photo posted over Facebook or an email, which may be unintentional and coincidental, should not be presumed to be a crime.

What's wrong with the normal process by which the accuser has to show that the posting was for harassment or intimidation? To make an innocent person prove his innocence is not only unnecessary and unfair, but unconstitutional.

In Francis v. Franklin, a 1985 Supreme Court case, the government argued that the constitutional issue regarding the rebuttable presumption there was overcome by the defendant's ability to rebut the presumption. The Supreme Court, however, found that argument unpersuasive. The Court said that a mandatory presumption instructs the jury that it must infer the presumed fact if the State presumes certain predicate facts. Such a presumption can be conclusive or rebuttable. The key is whether it is mandatory, that is, whether the jury must make a presumption, possibly subject to rebuttal, if the State proves certain facts.

In light of the fact that section 3(d)(2) of H.R. 6063 explicitly mandates the court shall presume there was no legitimate purpose, this provision is exactly the kind of mandatory rebuttable presumption that the Court repudiated in the Francis decision.

Another problem with the bill is it adds a new criminal offense of violating a protective order. Minor activities that are not intended to cause harm or distress, such as a phone call or an email, can result in a Federal criminal charge, not as a violation of Federal law protecting a witness from harassment or intimidation—there are already laws against that—but as a technical violation of a civil order.

Judges already have plenty of laws and authority to protect victims and witnesses. There's already a comprehensive statutory scheme in place to assist judges and law enforcement in protecting witnesses in Federal criminal proceedings. In addition to Federal criminal provisions with heavy penalties and the authority for judges to enter protective orders for the protection of all witnesses, including children, the judges have immense contempt and other powers to accomplish this goal. Thus, the additional criminal offense is unnecessary and unproductive. We should stop adding unnecessary criminal laws to the criminal code.

In the previous Congress, we held hearings regarding the general problem of over-criminalization of conduct and the over-federalization of criminal law. Members of both parties then expressed concern over this. We already have over 4,000 Federal criminal offenses in the code, along with an estimated 300,000 Federal regulations that impose criminal penalties, often without clearly setting out what will be subject to criminal liability.

This bill is yet another example of adding more unnecessary crimes and penalties to the Federal code. Moreover, such a provision moves the protection responsibility from the judge in the case to a prosecutor who decides when there is a violation and when to bring charges for the violations. Given the fact that many proceedings involving child witnesses also involve family members of the child witness in emotionally charged situations, the addition of more criminal provisions to this mix is not helpful.

This provision allows the imposition of a Federal felony up to 5 years in prison for a violation. It is unnecessary, overbroad, and harsh, especially given a restraining order can be violated by simply making an innocent phone call.

A further problem with H.R. 6063 is that it would give U.S. marshals the authority to issue administrative subpoenas to investigate unregistered sex offenders. I'm not convinced that extending this extraordinary ex parte judicial authority is appropriate.

Research has clearly shown that registered sex offenders who may not be compliant with the law are actually no more apt to commit a criminal offense than those who are compliant. So there is no compelling reason to create a special authority for U.S. marshals in the case of registered or unregistered sex offenders. There's no urgent or imminent threat context in rounding up alleged noncompliant sex offenders which, as we said, are no more likely to commit a crime than those who are compliant with all of the technicalities of the law.

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The existing statutory scheme for administrative subpoenas for law enforcement focuses on extreme situations, such as the Presidential threat protection administrative subpoena. We approved that power a few years ago to assist in the protection of the President when the director of the Secret

Service has determined that an imminent threat is posed against the life of the President of the United States, and he has to certify the same to the Secretary of the Treasury. And the Attorney General has the same kind of power in child exploitation cases. Both are Cabinet-level officials.

I offered an amendment to remove the provisions extending this type of judicial authority to the U.S. Marshals Service. Upon the failure of that amendment, I then offered an amendment to continue limiting the authority to issue administrative subpoenas to Cabinet officials to ensure that this extraordinary judicial power is used discreetly and only in circumstances where it is absolutely warranted. Those amendments were defeated; and, therefore, this bill gives more power to the Marshals Service in cases where there is no proven need for the power, more power than the Secret Service has when faced with an imminent threat to the President of the United States.

Despite serious constitutional issues and these other problems, this bill was introduced on June 29 and was marked up in committee 12 days later, on July 10, which was the very next day that Congress was in session. Clearly these provisions need more consideration. For these reasons, I urge that we defeat H.R. 6063.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I have no further requests for time on this side and reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as she may consume to the gentlelady from Florida (Ms. WASSERMAN SCHULTZ), a cosponsor of the bill.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in support of the Child Protection Act of 2012, which I am honored to cosponsor with my good friend from Texas, Chairman LAMAR SMITH. Chairman SMITH and I are proof-positive of what bipartisan working relationships can accomplish, especially because we both agree that protecting the safety and well-being of our Nation's children is our highest priority. That's why I am so pleased that this bill, which was reported favorably out of committee on voice vote, is before us today. This is an opportunity to make a real difference in the lives of children nationwide, thousands of whom are plagued by abuse, terror, and assaults that we cannot even imagine.

In 2008, I was honored to sponsor the PROTECT Our Children Act of 2008, which provides the safety net and resources the law enforcement agents who fight child sexual predators so desperately need. This commonsense bill builds on the progress that we started in PROTECT to ensure that law enforcement can combat one of the fastest-growing crimes in the United States, child pornography.

We must ensure that investigators have every available resource to track down predators and protect our children. This bill ensures that paperwork does not stand in the way of protecting our kids.

Mr. Speaker, I have learned far too much about the world of child pornography since I first took on this cause 4 years ago. There are many aspects of it that are disturbing beyond words to describe, like the fact that in a survey of convicted offenders, more than 83 percent of them had images of children younger than 12 years old, and almost 20 percent of them had images of babies and toddlers who were less than 3 years old. And let's remember that these aren't just images of naked children. These are crime scene photographs and videos taken of children being beaten, raped, and abused beyond our worst nightmares for the sexual pleasure of the person looking at the photo or video.

Let's also remember that these are children who are often being victimized by someone in their circle of trust, someone who was supposed to protect them, and someone who, instead, chose to do them harm. These children only have the law to protect them because their protectors failed them and caused them harm.

While it's not often that we have an opportunity to pass a bill here that quite literally means the difference between life or death, this is one of those times. That's why, as a Member of Congress, I know that I, as well as Chairman SMITH and the Members of Congress here today fighting to protect the children of this country, will stand strong and continue to press forward on their behalf.

I am proud and honored to be the lead Democratic sponsor of this bill, and I am thankful to my friend Chairman SMITH for his continued leadership and support on this crucial cause.

While the chairman listed some of the organizations that are supporting this bill, I will add some others. This bill is supported by the Rape, Abuse, and Incest National Network; the National Council of Jewish Women; Men Can Stop Rape; and the Florida Council Against Sexual Violence, among the other worthy and proud organizations that Chairman SMITH listed.

We are grateful to all of these organizations for their endorsement of this bill and for their continued support for all victims of sexual assault and abuse. I urge all of my colleagues to join us in supporting this critical legislation.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 6063.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

STOPPING TAX OFFENDERS AND PROSECUTING IDENTITY THEFT ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4362) to provide effective criminal prosecutions for certain identity thefts, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4362

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 ''Stopping Tax Offenders and Prosecuting Identity Theft Act of 2012'' or the ''STOP Identity Theft Act of 2012''.

SEC. 2. USE OF DEPARTMENT OF JUSTICE RESOURCES WITH REGARD TO TAX RETURN IDENTITY THEFT.

(a) IN GENERAL.—The Attorney General should make use of all existing resources of the Department of Justice, including any appropriate task forces, to bring more perpetrators of tax return identity theft to justice.

(b) CONSIDERATIONS TO BE TAKEN INTO ACCOUNT.—In carrying out this section, the Attorney General should take into account the following:

(1) The need to concentrate efforts in those areas of the country where the crime is most frequently reported.

(2) The need to coordinate with State and local authorities for the most efficient use of their laws and resources to prosecute and prevent the crime.

(3) The need to protect vulnerable groups, such as veterans, seniors, and minors (especially foster children) from becoming victims or otherwise used in the offense.

SEC. 3. VICTIMS OF IDENTITY THEFT MAY INCLUDE ORGANIZATIONS.

Section 1028(d)(7) of title 18, United States Code, is amended by striking ''specific individual'' and inserting ''specific person''.

SEC. 4. TAX FRAUD AS A PREDICATE FOR AGGRAVATED IDENTITY THEFT.

Section 1028A(c) of title 18, United States Code, is amended—

(1) in paragraph (10), by striking ''or'';

(2) in paragraph (11), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(12) section 7206 or 7207 of the Internal Revenue Code of 1986.''.

SEC. 5. REPORTING REQUIREMENT.

(a) GENERALLY.—Beginning with the first report made more than 9 months after the date of the enactment of this Act under section 1116 of title 31, United States Code, the Attorney General shall include in such report the information described in subsection (b) of this section as to progress in implementing this Act and the amendments made by this Act.

(b) CONTENTS.—The information referred to in subsection (a) is as follows:

(1) Information readily available to the Department of Justice about trends in the incidence of tax return identity theft.

(2) The effectiveness of statutory tools, including those provided by this Act, in aiding the Department of Justice in the prosecution of tax return identity theft.

(3) Recommendations on additional statutory tools that would aid in removing barriers to effective prosecution of tax return identity theft.

(4) The status on implementing the recommendations of the Department's March 2010 Audit Report 10–21 entitled ''The Department of Justice's Efforts to Combat Identity Theft''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 4362 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to be an original cosponsor of H.R. 4362, the Stopping Tax Offenders and Prosecuting Identity Theft Act of 2012, with my good friend and colleague, the distinguished gentlewoman from Florida, DEBBIE WASSERMAN SCHULTZ. This is a bipartisan bill that strengthens criminal penalties for tax return identity thieves.

Tax fraud is a very real problem, and Congress should do all it can to protect citizens from this costly crime. Tax fraud through identity theft is a rapidly growing criminal enterprise in the United States. Criminals use stolen identities to steal income tax refunds from unsuspecting victims and from the Federal Government.

With nothing more than stolen identity information—Social Security numbers and their corresponding names and birth dates—criminals have electronically filed thousands of false tax returns and have received hundreds of millions of dollars in wrongful refunds.

The thieves deceive the Internal Revenue Service and file a return before the legitimate taxpayer files. The criminals then receive the refund, sometimes by check but often through a convenient but hard-to-trace prepaid debit card. The criminals then wait for the mail to deliver the cards and checks at abandoned addresses. According to reports in the media, postal workers have been harassed, robbed, and, in one case, murdered as they have made their rounds with their mail truck full of debit cards and master keys to mailboxes.

Tax thieves victimize innocent taxpayers in a number of ways. These thieves will file fake returns under a false name or claim someone who is no longer living as a dependent on their own forms. Often, the fraud is not detected until an individual files a tax return that is rejected by the IRS because someone else has already falsely filed and claimed their return.

The IRS has detected 940,000 fake returns for 2010 alone, from which identity thieves would have received $6.5 billion in refunds. And those are just the ones they caught early. It is estimated by the IRS that they missed an additional 1.5 million returns with possibly fraudulent refunds worth more than $5.2 billion. The number of these cases has increased by approximately 300 percent every year since 2008.

H.R. 4362 is a bipartisan bill that strengthens criminal penalties for tax return identity thieves. It adds tax return fraud to the list of predicate offenses for aggravated identity theft and expands the definition of an ''identity theft victim'' to include businesses and charitable organizations.

H.R. 4362 also improves coordination between the Justice Department and State and local law enforcement officials in order to better protect groups that are most vulnerable to tax fraud from becoming future victims. The changes to Federal law proposed by H.R. 4362 are important to keep pace with this ever-increasing crime.

Tax identity theft costs American families and taxpayers millions of dollars each year. It also results in confusion and needless worry, as taxpayers must work to correct the ID problem created by the false filers. It is critical that we take further steps to reduce the number of people who are victimized by this crime.

Again, I want to thank Congresswoman DEBBIE WASSERMAN SCHULTZ for her great work on this issue, and I urge my colleagues to join me in support of H.R. 4362.

I reserve the balance of my time.

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Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume. I rise in opposition to H.R. 4362. It amends the Federal aggravated identity theft statute to add tax fraud to the list of predicate offenses. The penalty for aggravated identity theft is a mandatory term of imprisonment of 2 years or, for a terrorism offense, 5 years. This bill would, therefore, subject more people to mandatory minimum sentences and, therefore, to all of the problems that have been repeatedly shown to be associated with mandatory minimum sentences.

Fraud and identity theft are a serious and growing problem. But what we do to address the problems of fraud and identity theft should be measured and effective. While I appreciate the sentiments and efforts behind H.R. 4362, I cannot support an effort that seeks to stop one injustice by applying another. Because of the mandatory minimum sentences included in H.R. 4362, this bill is not an appropriate or effective solution to the problem of identity theft.

I'm not saying someone who commits these crimes should not be sentenced to 2 or 5 years, or even more. But it is inappropriate and unjust for Congress to sentence an offender based solely on the name of the crime, years before any of the facts or circumstances of the case, or their role in the particular case and the character of the defendant, are known and taken into account.

Mandatory minimum sentences have been studied extensively, and have been found to distort rational sentencing systems, to discriminate against minorities, to waste the taxpayers' money, and often to violate common sense. Even if everyone involved in the case, from the arresting officer, the prosecutor, the judge, and even the victim, after all of the facts and circumstances of the case are presented at trial by the prosecution and defense, if they all conclude that the mandatory minimum sentence would be an unjust sentence for a particular defendant in a particular case, it must still be imposed. Mandatory minimum sentences, based merely on the name of the crime, remove the sentencing discretion and rationality from the judge, and often require him to impose sentences that violate common sense. This is what brings about the result such as girlfriends who end up with much more time than their crack-dealing boyfriends, and often have to serve terms of 10–20 years or more, teenagers having consensual sex with their girlfriends getting 10 years, or a recent case of Marissa Alexander in Florida, a mother of three and a graduate student, who was sentenced to a mandatory minimum of 20 years for discharging a gun to warn off an abusive husband during a dispute. A warning shot. Ironically, if she had intentionally shot and killed him under those circumstances, the maximum penalty for voluntary manslaughter in that State is 15 years. If you want to know how those mandatory minimums pass, just watch this bill.

I offered an amendment at the committee markup of the bill which would have provided a maximum sentence of 4 years and 10 years instead of the 2 or 5, respectively. That way, offenders whose conduct warranted it could be sentenced to higher amounts of time, if it was appropriate, but for those whose conduct did not, such as bit players and those who play a minor role in a minor offense, the judge could arrive at a proper sentence. It is the height of legislative arrogance, in my view, for Congress to conclude that it has a better perspective to arrive at an appropriate sentence in advance, knowing nothing about the facts and circumstances of the case, than a judge charged with that responsibility who has heard all of the facts and circumstances of the case.

In addition, Mr. Speaker, the Department of Justice has recently expressed

concerns with the bill which indicate that we should have had a legislative hearing on the bill to hear from stakeholders and those who have concerns about the legislation. Even though I support the intent of the sponsors to do more to address identity theft, for the reasons stated, the 2 and 5 year mandatory minimum sentences make this bill indefensible, and I cannot support it.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as she may consume to the gentlelady from Florida (Ms. WASSERMAN SCHULTZ), the sponsor of the legislation.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to urge my colleagues to support H.R. 4362, the Stopping Tax Offenders and Prosecuting Identity Theft Act of 2012, or simply the STOP Identity Theft Act.

Many of you have seen the recent headlines calling attention to the escalating nationwide epidemic of tax return identity theft. An unsuspecting taxpayer goes to file their tax return only to be told by the Internal Revenue Service that someone else has already filed and claimed their hard-earned tax refund.

This happened to one of my constituents, Joan Rubenstein, who was a 64-year-old teacher. When her accountant filed her 2010 tax return in April of last year, he was told by the IRS that she had already filed. Joan followed advice and filed a police report and reached out to the IRS. But after 10 months, she still had not received her refund. Only after working with my district office were we able secure her refund, which she desperately needed to assist her daughter with her student loan payments.

For her 2011 tax return, Joan was informed by the IRS taxpayer advocates office that she was okay to proceed with filing her return this year. Yet, shockingly, Joan's accountant filed only to learn that she was once again a victim of tax return identity theft for a second year in a row.

No one should have to go through the trauma of having their hard-earned tax refund stolen, and certainly not 2 years in a row. And Joan is not alone. This case, unfortunately, is not an anomaly. My office has been inundated with constituents who have also had their tax refunds stolen, and I know this is a rampant problem in Chairman SMITH's district, and his home State of Texas as well. The amount of theft that goes on with this type of case is really astronomical.

It's stories like Joan's that prompted me to file this legislation that is before us on the floor today. The crime of tax return identity theft has quickly emerged over the last few years, and Congress must act to quickly address this epidemic. Tax return identity theft wreaks emotional and financial havoc on hardworking taxpayers like Joan and costs the Federal Government billions of dollars.

In 2011 alone, Mr. Speaker, the IRS reported that—listen to these numbers—851,602 tax returns and $5.8 billion were associated with fraudulent tax returns involving identity theft. That's a 280 percent increase since just 2010.

These tax return identity thieves hide behind a veil of technology by stealing Social Security numbers and filing false electronic returns where the payoffs are almost instantaneous. Right now, more thieves and criminal organizations are turning to this lucrative, low-risk, high-reward crime because law enforcement lacks the kind of stiff criminal penalties afforded many other forms of identity theft. Essentially, because of the small likelihood of getting caught, and the very minimal current penalty, it makes sense for these thieves to roll the dice because the chances of getting caught and actually doing any time at all is very low.

In this instance, technology has simply outstripped the enforcement tools that are currently on the books. Basically, this crime is worth it for the criminals who are committing it, and we need to make sure that it is not worth it any more so they don't have incentive to continue and they move on to the next thing, and then we can go after them for that.

We must protect the thousands of taxpayers like Joan who fall victim to this crime, many of whom belong to vulnerable groups like seniors, veterans, and even minors. The STOP Identity Theft Act brings together several measures to strengthen criminal penalties and increase the prosecution rate of tax return identity thieves.

H.R. 4362 will add tax return fraud to the list of predicate offenses for aggravated identity theft. The aggravated identity theft statute was created in 2004 to fight identity theft crimes committed to facilitate other types of felonies. However, at the time, the problem of tax return identity theft was very new, and it wasn't included as part of the predicate offenses under aggravated identity theft.

Today, it has become an urgent nationwide problem, and we must give law enforcement the additional tools needed to combat this crime. Each of the last two administrations have called for adding tax fraud to the predicate offenses under aggravated identity theft. With this change, the STOP Identity Theft Act will toughen sentencing for tax return identity thieves, which will help deter this kind of crime.

Importantly, the legislation also expands the definition of an identity theft victim to include businesses and charitable organizations. Often these organizations have their identities stolen and used in phishing schemes to extract the sensitive information from unsuspecting taxpayers used in tax return thefts. Essentially what happens, and we've all been warned about this, you get an email from what you think is your bank or the charitable organization that you are used to giving donations to, but it's really not because these thieves have stolen that organization's identity, and they are asking for your personal information, and unsuspecting victims give them that information.

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By the way, you should never do that because your bank and charitable organization won't ask you for personal information.

These thieves then use the harvested information to file thousands of fraudulent tax returns. In fact, on the IRS Web site, it is noted that this type of phishing scheme is the most common one seen by the IRS. This amendment to the identity theft statutes will ensure that thieves who misappropriate the identities of any business, be it a small business or a nonprofit organization, can be prosecuted.

The STOP Identity Theft Act also calls for better coordination between the Department of Justice and State and local law enforcement to make the most efficient use of the law and resources. My own local law enforcement agencies in south Florida have been flooded with crime reports of tax return identity theft, and they need all the help they can get.

Finally, the legislation also calls for the Department of Justice to report back on trends, progress on prosecuting tax return identity theft, and recommendations for additional legal tools to combat it. Information and data about trends on tax return identity theft can be valuable tools to detect and prevent future fraud, and it will inform Congress of additional legislative actions that will help in the effort.

This legislation is just the strong beginning of the congressional effort to combat tax return identity theft. I know this issue is deeply concerning to many of my colleagues, and I look forward to working with them in their efforts.

This legislation is intended to provide targeted tools for law enforcement right away so that it is better prepared before next tax season rolls around and we have more victims who are really going to have months and months of problems and billions of dollars lost.

I want to thank Chairman SMITH for your support and your leadership on this issue. It really is a pleasure to work with you. And as to the various organizations that have supported and helped craft this legislation, in particular I would like to recognize the National Conference of CPA Practitioners and the American Coalition for Taxpayers Rights for their support and efforts with this bill.

We must ensure that Federal laws are keeping pace with emerging crimes such as tax return identity theft. It is time to make prosecution of tax return identity theft a greater priority. The

STOP Identity Theft Act is an important step toward this goal, and I urge my colleagues to support this legislation.

Once again, I thank Chairman SMITH for working with me on this legislation.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Texas. I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I rise in support of H.R. 4362, the Stopping Tax Offenders and Prosecuting Identity Theft Act of 2012.

Tax-related identity theft is a wide-spread problem that must be addressed. The Internal Revenue Service (IRS) has reported that 641,052 taxpayers were affected by identity theft last year, more than double the number from 2010. This year, all indications point to an even greater number of incidents of tax-related identity theft. In April, the IRS had already blocked more than $1.3 billion in potentially fraudulent tax refunds.

While many taxpayers throughout the country have fallen victim to identity theft, the Tampa Bay area that I have the privilege to represent has unfortunately become a hotbed for this criminal activity. Local police have arrested street criminals with hundreds of Social Security Numbers, online tax preparation software, and prepaid debit cards containing tax refunds. Thieves are selling innocent people's identities for as little as $10 per Social Security Number.

After these criminals have stolen an identity, they file a false tax return using the victim's name and information. The IRS will send the criminal a refund on a prepaid debit card that is virtually untraceable. The IRS says that these fraudulent refunds could cost the taxpayers $26 billion over the next five years.

When the victim attempts to file his legal tax return, the IRS flags the account as having already received a refund and then begins an investigation to determine which return was actually filed by the valid taxpayer. Unfortunately, this process can take more than a year to complete and the victims are given no indication when they will receive their refund check. So now, not only has the victim's identity been stolen, the IRS will not give him the money that he or she is rightfully owed.

H.R. 4362 is good legislation in that it calls on the Department of Justice to do more to prosecute tax-related identity theft and strengthens criminal penalties on the thieves. However, I believe there is much more that can be done to combat this growing problem.

It is clear that the IRS needs to do a better job addressing this crime. There are steps that the IRS can and should take to prevent identity theft before it sends out fraudulent refunds. The IRS needs to do much better assisting the victims in getting their proper refunds. In May, the Treasury Inspector General for Tax Administration released a report titled, ''Most Taxpayers Whose Identities Have Been Stolen to Commit Refund Fraud Do Not Receive Quality Customer Service.'' More than 40 of my constituents have contacted me to express their personal experiences with tax-related identity theft and frustrations in getting the refunds they are owed from the IRS.

In April, I wrote to IRS Commissioner Douglas Shulman, to call on him to address the growing problem of identity theft. I asked the Commissioner to respond to me about the actions the IRS has taken to combat fraud, how the IRS can better utilize its resources to deal with identity theft, how we can ensure that victims receive their proper refunds in a timely manner, and how the IRS can better collaborate with law enforcement to identify and prosecute identity thieves. Despite the public's increasing concerns regarding this important issue, it took the IRS until the end of June to respond to my original inquiry. I would like to insert into the RECORD my letter to Commissioner Shulman as well as the response from the IRS.

The House Appropriations Committee, of which I am a senior member, has also indicated its strong concerns regarding the IRS's efforts to combat identity theft in the Fiscal Year 2013 Financial Services and General Government Appropriations bill. Section 103 of the legislation would require the IRS to ''institute policies and procedures that will safeguard the confidentiality of taxpayer information and protect taxpayers against identity theft.'' Additionally, the Committee Report directs the IRS to report to the Congress regarding the number of cases of tax-related identity theft, the time it takes to resolve cases, and the agency's efforts to expedite resolution for these taxpayers.

The Stopping Tax Offenders and Prosecuting Identity Theft Act is a good start for addressing tax-related identity theft. But it is only a start. As our national debt approaches $16 trillion, we cannot afford to send out billions in fraudulent refunds to criminals. At the same time, the victims of this crime should not have to wait more than a year to receive the money that is owed to them. There is much the IRS can do on its own to address these issues. However, if more legislative changes are needed, I stand ready to work with my colleagues in the House to combat this problem.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 12, 2012.

Hon. DOUGLAS H. SHULMAN,
Commissioner, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC.

DEAR COMMISSIONER SHULMAN: As the deadline for individuals to file their tax returns approaches, I would like to take this opportunity to call on the IRS to address the issue of tax fraud by identity theft.

As you arc well aware, this crime has been particularly prevalent in the Tampa Bay region that I have the privilege to represent. Several of my constituents have been victims of identity theft and I thank you and your staff for your efforts to help resolve their cases.

Tax season is stressful enough without the threat of identity theft. The taxpayers we work for should not have to worry that their identity has been stolen while they are complying with the law and simply filing their tax returns.

Victims of identity theft can also experience significant delays in receiving their refunds, depriving them of money that many were counting on to help in these difficult economic times. Often, these innocent citizens are left with no idea of when they will be able to get the refund that is rightly theirs.

At a time when the federal government is again projected to run a deficit of more than $1 trillion, we should not be paying out fraudulent tax refunds to identity thieves. The IRS should do everything in its power to prevent this crime and quickly assist victims. If the IRS requires additional statutory authority to take these steps, I would urge you to work with the Congress to find appropriate solutions.

To this end, I ask that you to respond to the following questions:

1. What actions has the IRS taken in this tax filing season to address the growing number of tax-related identity theft cases?

2. How can the IRS better focus its resources to deal with identity theft and assist victims?

3. What steps has the IRS taken to ensure the timely issuance of refunds to victims of identity theft?

4. How can the IRS better work with federal, state, and local law enforcement agencies to identify, investigate, and prosecute identity thieves while protecting the privacy of victims?

Again, thank you for your work to help the victims of tax-related identity theft and your prompt reply to these questions. With best wishes and personal regards, I am.

Very truly yours,

C.W. BILL YOUNG,
Member of Congress.

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
Atlanta, GA, June 28, 2012.

Hon. C.W. BILL YOUNG,
House of Representatives, Washington, DC.

DEAR MR. YOUNG: thank you for your letter of April 12, 2012, on our policy and processes for identity theft. We appreciate your concern as this is an ongoing problem in the country and continues to worsen. We understand and sympathize with your constituents who have experienced identity theft problems.

Identity theft is a complex problem. The nature of the problem is constantly changing, as identity thieves continue to find new ways to steal personal information. Over the past few years, we have seen a significant increase in refund fraud schemes that involve identity theft. As a result, we have developed a comprehensive identity theft strategy that focuses on preventing, detecting, and resolving these cases.

What actions has the IRS taken in this tax filing season to address the growing number of tax-related identity theft cases?

We have taken a number of additional steps this tax filing season to prevent identity theft and detect refund fraud before it occurs. We designed new identity theft screening filters that improved our ability to identify false returns before we processed them and issued a refund. We also placed more identity theft indicators on taxpayer accounts to track and manage identity theft incidents.

How can the IRS better focus its resources to deal with identity theft and assist victims?

We continue to assess our needs and resources, and, as a result, we are currently undergoing training an additional 1,200 employees to assist with the processing of identity theft cases. We will train these employees to assist identity theft victims.

What steps has the IRS taken to ensure the timely issuance of refunds to victims of identity theft?

In identity theft situations, our employees work to resolve all the issues affecting both the taxpayer and the IRS. When we receive a fraudulent tax return, we conduct an in-depth review to identify the ''valid'' taxpayer, verify the amounts claimed on the tax return, and complete all tax account adjustments. Unfortunately, this process can be time consuming.

Once we verify the taxpayer is a victim of tax-related identity theft, we place an identity theft indicator on his or her account. This indicator triggers a review of any tax

return submitted with the taxpayer's social security number to confirm the validity of the return. We continue working to correct the taxpayer's account until we complete the correction.

How can the IRS better work with federal, state, and local law enforcement agencies to identify, investigate, and prosecute identity thieves while protecting the privacy of victims?

Recently, we, with the Justice Department, announced the results of a nationwide investigation of suspected identity theft perpetrators. Working with the Justice Department's Tax Division and local U.S. Attorneys' Offices, the nationwide effort targeted 105 people in 23 states. This coast-to-coast effort included indictments, arrests, and the execution of search warrants involving the potential theft of thousands of identities and taxpayer refunds. In all, the resulting indictments included 939 criminal charges.

Local law enforcement and other federal agencies play a critical role in combating identity theft. Thus, an important part of our effort to stop identity thieves involves collaborating with law enforcement agencies. Although the rules for protecting taxpayer privacy often make it difficult for us to share information that local law enforcement might find helpful, we are developing a procedure that would enable us to share falsified returns with local law enforcement after obtaining a privacy waiver from the innocent taxpayer. Also, proposed legislation H.R. 3482 (the Tax Crimes and Identity Theft Prevention Act) would expand section 6103 of the U.S. tax code to allow limited disclosure of returns and return information to law enforcement for the purpose of combating tax crimes.

We share your concerns about identity theft. We will continue to review our processes to ensure that we are doing everything possible to minimize the affect of identity theft to taxpayers and help those who are victims of this crime.

I hope this information is helpful. If you need further assistance, please call me at (559) 454–6004 or Mr. James Denning (Identification Number 1000160482) at (559) 454–6691 if we can assist you further.

Sincerely,

ROSALIND C. KOCHMANSKI,
Field Director, Accounts Management.

The SPEAKER pro tempore (Mr. MEEHAN). The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4362.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM REAUTHORIZATION ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6062) to reauthorize the Edward Byrne Memorial Justice Assistance Grant Program through fiscal year 2017.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6062

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 ''Edward Byrne Memorial Justice Assistance Grant Program Reauthorization Act of 2012''.

SEC. 2. REAUTHORIZATION OF BYRNE JAG GRANTS.

Section 508 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3758) is amended by inserting before the period the following: '', and $800,000,000 for each of the fiscal years 2013 through 2017''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 6062 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my Judiciary Committee colleague Mr. MARINO for his leadership on this law enforcement priority.

The Edward Byrne Memorial Justice Assistance Grant Program is the centerpiece of the federal government's assistance for state and local criminal justice initiatives. It was created in 2005 when two existing federal grant programs were combined.

Byrne JAG is a streamlined block grant program that empowers states and localities to address specific law enforcement challenges.

Byrne JAG funding is distributed by the Justice Department based on a formula that considers the jurisdictions' population and crime rates.

Some of the money is kept at the state level but much of it is distributed to localities.

Jurisdictions can tailor their spending based on their own communities' needs. These include prosecution and court programs, drug treatment programs and crime victims programs.

In my district, Byrne JAG funds have been used by the City of Austin to hire additional 911–call operators, purchase protective gear for law enforcement officers and provide training on forensics technology. These are all important public safety initiatives that were prioritized by local leaders.

Byrne JAG is currently authorized at $1.1 billion per year, although this authorization is set to expire at the end of September when the current fiscal year ends.

In fiscal year 2012, Congress appropriated $470 million for the Byrne JAG program, although $100 million of this money was a one-time set aside for this year's presidential nomination conventions.

H.R. 6062 reauthorizes the Byrne JAG program for five years at $800 million a year.

H.R. 6062 enjoys bipartisan support and is widely supported by the law enforcement community.

I thank my Judiciary Committee colleague, Mr. MARINO, for his work on this issue and I urge my colleagues to support the bill.

I would like to yield as much time as he may consume to the gentleman from Pennsylvania (Mr. MARINO), who is a member of the Judiciary Committee and the sponsor of this legislation.

Mr. MARINO. Mr. Speaker, Chairman SMITH, I rise today in strong support of legislation I introduced, H.R. 6062, the Edward Byrne Memorial Justice Assistance Grant Program Reauthorization Act of 2012.

The Edward Byrne Memorial JAG Program is the primary provider of Federal criminal justice funding to State and local jurisdictions, and it has been referred to as the ''cornerstone Federal crime-fighting program.''

The JAG program provides State and local governments with critically needed resources to support a wide range of law enforcement activities, including prosecution, prevention, education, planning, corrections, treatment, evaluation, and technology.

As a former district attorney and United States attorney, I understand the tremendous value of JAG-funded projects in fighting crime by improving the processes, procedures, and operations of criminal justice systems.

My legislation being considered today reauthorizes the JAG program for 5 years—I repeat, for 5 years—through fiscal year 2017.

This legislation is supported by the National Criminal Justice Association, the International Association of Chiefs of Police, the Major Cities Chiefs Association, the National Sheriffs' Association, the National District Attorneys Association, and many more law enforcement organizations.

H.R. 6062 enjoys bipartisan support, including Chairman SMITH and Ranking Member CONYERS of the House Judiciary Committee, who are cosponsors. The legislation was considered by the House Judiciary Committee and approved by a voice vote on July 18.

I would like to thank the chairman and the committee for their help in ensuring that the authorization for this critical program does not lapse. I urge all of my colleagues to join in the support of our State and local law enforcement agencies by voting in favor of H.R. 6062.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6062, the Edward Byrne Memorial Justice Assistance Grant Program Reauthorization Act of 2012.

The Federal justice grants reauthorized under this legislation provide critical funding to State and local jurisdictions in their efforts to combat crime.

Especially during periods of national budgetary constraints affecting the bottom lines of States and local governments, the Byrne JAG grants are particularly important. Across our Nation, many jurisdictions, to shore up their budgets, are actually laying off police officers. When many of our citizens are experiencing economic hardship, we must not add to their burden by allowing public safety to suffer.

H.R. 6062 reaffirms the Federal Government's commitment to assisting State and local governments in their effort to prevent and fight crime. But reauthorization of the Byrne JAG grant program is obviously just a first step. We must also follow through with actually appropriating sufficient funds for the program.

In addition, we should encourage allocation of grant funds to the full range of programs that State and local governments are allowed to fund. Under current law, State and local governments may use Byrne JAG funding for programs or projects that improve law enforcement efforts; prosecution and court programs; prevention and education programs; corrections and community corrections; drug treatment programs; planning, evaluation, and technology projects; and crime victim and witness programs.

Each of these are essential to a comprehensive effort to protect us from crime, and, therefore, all of them should receive significant funding under the Byrne JAG grant program. An imbalance in justice assistance funding creates an imbalance in anticrime efforts. Specifically, an appropriate amount of funding should be allocated to prevent crime, which will help reduce the amount of money needed to fund the after-crime cost of investigation, prosecution, incarceration, and victim assistance.

We must also assist State and local governments to fund public defender programs in recognition of the fact that the public is also protected from injustice when we safeguard the Sixth Amendment rights of our citizens.

Finally, it is essential that the full range of other programs that assist State and local public safety initiatives, including the COPS program, are adequately funded. The COPS program has funded the hiring of more than 123,000 State and local police officers and sheriff's deputies in communities across our Nation, and it has been proven to be extremely effective in reducing crime.

□ 2040

I am proud to be a cosponsor of H.R. 6062, and I commend the gentleman from Pennsylvania (Mr. MARINO) for his work on the bill.

Mr. Speaker, I urge adoption of H.R. 6062 so that we can reaffirm our commitment to funding public safety programs, and I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I reserve the balance of my time as well.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. I want to thank my colleague from Virginia for yielding me the time.

I just want to reiterate what Mr. SCOTT just said. I have to say I have never had more requests and concern about programs from mayors and elected officials in my municipalities than I get for programs like this Byrne JAG program, like the COPS program, like the SAFER program that deals with fire prevention.

I think a lot of it has to do with the fact that many of my towns—and I'm sure this is true across the country—because of the recession, because of budgetary constraints are laying off police, laying off firemen, don't have the resources, if you will, to deal with a lot of the crime prevention problems, so these programs are crucial to them.

I want to reiterate what Mr. SCOTT said about the fact that right now it's not only a question of reauthorizing, but also making sure that there's adequate funding for it. If I could just use an example in my own district, and that is that last week I was able to announce that several towns in my district, the Sixth District, have been awarded grants under the Byrne JAG program to support a broad range of activities to prevent and control crime. One grant is administered by Neptune and is benefiting both Asbury Park and Long Branch—Long Branch being my home town. Another grant is administered by New Brunswick, and it's helping Perth Amboy, Edison, and Woodbridge.

The funding is used to purchase law enforcement equipment and supplies. In New Brunswick, it's being used for a police vehicle, which will have mobile video and data equipment. This is really all about community safety, which is of utmost importance. At a time when our local law enforcement has to cope with difficult funding levels, these Federal grants make it possible for towns to support critical crime-prevention activities that protect New Jersey families and their residents. I can't stress enough how important this is.

So I'm just very pleased today that on a bipartisan basis we are reauthorizing this, I think, for 5 years. And as Mr. SCOTT said, the next step is to make sure that there's adequate funding because this is a crucial program. That's why I came down here tonight to speak about it.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman from New Jersey, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 6062.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6169, PATHWAY TO JOB CREATION THROUGH A SIMPLER, FAIRER TAX CODE ACT OF 2012; PROVIDING FOR CONSIDERATION OF H.R. 8, JOB PROTECTION AND RECESSION PREVENTION ACT OF 2012; PROVIDING FOR PROCEEDINGS FROM AUGUST 3, 2012, THROUGH SEPTEMBER 7, 2012; PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES; AND WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Ms. FOXX, from the Committee on Rules, submitted a privileged report (Rept. No. 112–641) on the resolution (H. Res. 747) providing for consideration of the bill (H.R. 6169) to provide for expedited consideration of a bill providing for comprehensive tax reform; providing for consideration of the bill (H.R. 8) to extend certain tax relief provisions enacted in 2001 and 2003, and for other purposes; providing for proceedings during the period from August 3, 2012, through September 7, 2012; providing for consideration of motions to suspend the rules; and waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

FEDERAL LAW ENFORCEMENT PERSONNEL AND RESOURCES ALLOCATION IMPROVEMENT ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1550) to establish programs in the Department of Justice and in the Department of Homeland Security to help States that have high rates of homicide and other violent crime, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1550

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 ''Federal Law Enforcement Personnel and Resources Allocation Improvement Act of 2012''.

SEC. 2. PRIORITY FOR ALLOCATION OF FEDERAL LAW ENFORCEMENT PERSONNEL AND RESOURCES.

(a) REQUIREMENT.—In the allocation of Federal law enforcement personnel and resources, the Attorney General shall give priority to placing and retaining those personnel and resources in States and local jurisdictions that have a high incidence of homicide or other violent crime, based on records of crime acquired under section 534 of title 28, United States Code, including reports of crime under the system known as the National Uniform Crime Reports, or on the best and most current information otherwise available to the Attorney General.

(b) DESIGNATION OF EXISTING FEDERAL OFFICIAL.—Not later than 30 days after the date of enactment of this Act, the Attorney General shall designate an existing official within the Department of Justice—

(1) to develop practices and procedures to carry out the requirement established in subsection (a); and

(2) to monitor compliance with those practices and procedures by the bureaus, agencies, and other subdivisions of the Department.

SEC. 3. ANNUAL REPORT.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committees on Appropriations and the Committees on the Judiciary of the Senate and the House of Representatives a report on the implementation of the requirement established in section 2. The report shall, for the year it covers—

(1) specify which States and local jurisdictions have a high incidence of homicide or other violent crime;

(2) identify the specific steps taken by the Attorney General to implement the requirement with respect to each of those States and local jurisdictions; and

(3) provide a description of the methodology (including any changes made in that methodology) that the Attorney General has used to determine the total number of authorized Federal law enforcement positions, to allocate those authorized positions among States and local jurisdictions, and to assign personnel to fill those authorized positions.

SEC. 4. DEFINITIONS.

In this Act, the following definitions apply:

(1) FEDERAL LAW ENFORCEMENT PERSONNEL.—The term ''Federal law enforcement personnel'' means law enforcement personnel employed by the Department of Justice, including law enforcement personnel in any of the following agencies of the Department:

(A) The Drug Enforcement Administration.

(B) The Federal Bureau of Investigation.

(C) The Bureau of Alcohol, Tobacco, Firearms and Explosives.

(D) The United States Marshals Service.

(2) LOCAL JURISDICTION.—The term ''local jurisdiction'' has the meaning given the term ''unit of local government'' in section 901(3) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(3)).

(3) STATE.—The term ''State'' means any State of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, American Samoa, Guam, or the Northern Mariana Islands.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 1550, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1550, the Federal Law Enforcement Recruitment and Retention Act of 2012, was introduced by my friend and colleague on the Judiciary Committee, Mr. PIERLUISI of Puerto Rico. It helps focus the Justice Department's law enforcement efforts on the areas of the country that need them the most.

Crime in the United States began to rise sharply in the 1960s and continued up to its peak in the early 1990s. In response, Congress and the States reformed their criminal laws to include tougher penalties and truth-in-sentencing laws, and they dedicated additional resources to target the rising crime rate.

To a great extent, our national focus on crime has been successful. The national violent crime rate in 2010 was almost half of what it was in 1991, and crime in the United States has continued to fall in spite of difficult economic times. The violent crime rate fell 5 percent from 2008 to 2009, and another 5 percent from 2009 to 2010.

Despite this good news, we are far from a solution to the problem of violent crime in all areas of the country. There are still areas where violent crime remains a very serious issue and is even on the rise. For example, in my district, the number of murders in the city of Austin nearly doubled in 1 year, going from 22 homicides in 2009 to 38 homicides in 2010. Puerto Rico, home to the sponsor of this bill, has experienced an increase in drug-related violent crime. With more than 1,100 deaths in 2011, the homicide rate in Puerto Rico last year was more than five times the national average. The majority of this violence is attributed to the area's growing drug trafficking trade, which has implications, of course, for mainland U.S.

The problem with high-crime areas may increase if there are not sufficient Federal law enforcement officers in these communities. To address this situation, the Justice Department started to dispatch surges of Federal law enforcement officers to prevent and investigate crime in high-crime cities like Philadelphia, Pennsylvania and Oakland, California. H.R. 1550 continues this momentum. It directs the Department of Justice to consider, in coordination with State and local governments, the need to recruit, assign, and retain Federal law enforcement personnel in areas of the country with high rates of homicides and other violent crimes, which of course should include Puerto Rico.

H.R. 1550 has bipartisan support and has been endorsed by the law enforcement community. The bill was reported out of the Judiciary Committee on a voice vote, and once again I want to thank Mr. PIERLUISI for sponsoring this legislation.

H.R. 1550 improves the safety of the many Americans who live in fear of violent crime in their neighborhoods. So I urge my colleagues to support the bill, and I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1550, the Federal Law Enforcement Recruitment and Retention Act. This bill would require the Department of Justice to prioritize the placement and retention of personnel in those States and local jurisdictions that have high incidences of homicide and other violent crimes.

The recruitment and retention of law enforcement officers has become increasingly difficult in recent years. These challenges are faced not only by State and local police agencies, but also by Federal law enforcement agencies. Difficulty in recruiting and retaining law enforcement officers is particularly acute in jurisdictions that experience high rates of violent crime.

□ 2050

In fact, the high incidence of crime in a jurisdiction can deter a Federal law enforcement officer from seeking assignment in that jurisdiction and can frequently lead to high turnover. The failure to retain a law enforcement officer has been estimated to result in approximately $100,000 in additional costs for the Department of Justice.

H.R. 1550, as amended, aims to address this problem by directing the Attorney General to give priority in placing and retaining agents in jurisdictions with particularly high crime rates. This bill also requires the Department of Justice to annually provide Congress with a detailed report on how it is implementing this directive.

H.R. 1550 is a modest, but necessary, measure to focus our crime-fighting efforts on the areas most in need.

I, too, want to commend our colleague, the gentleman from Puerto Rico (Mr. PIERLUISI), for his work in developing this bill. I urge my colleagues to support H.R. 1550.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Puerto Rico (Mr. PIERLUISI), the sponsor of the legislation.

Mr. PIERLUISI. Thank you, Ranking Member SCOTT.

Mr. Speaker, I want to begin by expressing my gratitude to the chairman of the Judiciary Committee, LAMAR SMITH, for supporting H.R. 1550 and for

working with House leadership to schedule the bill for floor consideration.

I also want to thank the ranking member of the Judiciary Committee, Congressman CONYERS, the chairman of the Crime Subcommittee, Congressman SENSENBRENNER, and the ranking member of the Crime Subcommittee, Congressman SCOTT, for their support.

H.R. 1550 was unanimously approved by the Judiciary Committee and has been endorsed by the Federal Law Enforcement Officers Association, which represents over 25,000 Federal law enforcement officers employed by 65 agencies.

The short title of this bill, as modified, is the Federal Law Enforcement Personnel and Resources Allocation Improvement Act of 2012. The bill would direct the Department of Justice, when allocating law enforcement personnel and resources among U.S. jurisdictions, to give priority to those areas of the country that have high rates of homicide and other violent crime, including forcible rape, robbery and aggravated assault.

The bill would require the Attorney General to designate an existing official within the Department of Justice who will be responsible for developing practices and procedures to implement this directive and for monitoring compliance with the directive by the Department's component agencies, including the Federal Bureau of Investigation; the Drug Enforcement Administration; the Bureau of Alcohol, Tobacco, Firearms and Explosives; and the United States Marshals Service.

Finally, the bill would require the Attorney General to submit an annual report to the appropriate congressional committees. The report would specify which jurisdictions have a high incidence of homicide or other violent crime and would identify the steps that the Department of Justice is taking to prioritize the allocation of law enforcement personnel and resources to those high-crime areas.

In addition, the report would describe the methodology the Department is using to determine the total number of authorized Federal law enforcement positions nationwide, to allocate those authorized positions among different jurisdictions, and to assign personnel to fill those authorized positions.

The basis for H.R. 1550 is as follows: in recent years, the number of murders and other violent crimes nationwide has decreased substantially. Between 2007 and 2011, for example, the total number of murders in the United States decreased by over 20 percent, and the total number of violent crimes decreased by nearly 18 percent.

Most U.S. jurisdictions, whether urban, suburban or rural, have experienced a meaningful reduction in murders and other violent crimes. From the macro-perspective, the progress we have witnessed has been real and, in many cases, remarkable. Much of the credit is due to law enforcement officers on the Federal and local levels. Enhanced and effective policing can make, and has made, a tremendous difference in our communities.

Unfortunately, certain jurisdictions, sometimes referred to as ''hot spots,'' have been exceptions to this steady downward trend in violent crime. My own district, Puerto Rico, is a case in point. Today, the number of annual murders in Puerto Rico is nearly 90 percent higher than it was in 1990. Between 2007 and 2011 alone, homicides rose by 55 percent, with most of the violence linked to the drug trade. Yet the Federal law enforcement footprint in the U.S. Territory has not evolved in light of these changed circumstances. Instead, it has remained stagnant.

Puerto Rico may be the most dramatic example of a U.S. jurisdiction where violent crime has increased rather than decreased, but it's by no means alone. For example, Flint, Michigan, experienced a 73 percent increase in homicides between 2007 and 2011, while a major metropolitan area in the Central Valley of California witnessed a 100 percent increase in murders.

Moreover, there are numerous other areas where there has been some progress in reducing crime, but where violence remains far too high. Examples of such areas include Detroit, St. Louis, Memphis, Oakland, Little Rock, Birmingham, Atlanta, Baltimore, Philadelphia, Chicago, Miami, and New Orleans.

H.R. 1550 would promote and institutionalize steps that the Department of Justice, to its credit, has already begun to take. Recently, the Department developed a new initiative known as the Violent Crime Reduction Partnership to help target Federal resources to areas in need of additional law enforcement support.

Pursuant to this initiative, for example, more than 50 officials from the FBI, DEA, ATF, the U.S. Attorney's Office, and DOJ's criminal division have begun a 4-month surge of Federal law enforcement resources in order to prevent and combat violent crime in the Philadelphia metropolitan area. This is a positive step that should be encouraged and replicated in other high-crime jurisdictions, which is the precise result that H.R. 1550 seeks to bring about.

To be clear, it is well understood that the methods that DOJ may successfully employ to reduce violent crime in, say, Philadelphia or Baltimore may need to be adjusted for use in San Juan or St. Louis, with the specific approach dependent upon the nature of the crime problem that each jurisdiction confronts and other relevant factors.

For that reason, my bill does not in any way try to micromanage the Department or to promote a one-size-fits-all approach to fighting crime. H.R. 1550 simply seeks to ensure, in this time of fiscal constraint on both the Federal and local levels, that DOJ has in place a carefully crafted and consistently applied policy of allocating limited law enforcement personnel and resources to those areas where they are needed the most.

Again, I thank Chairman SMITH, Ranking Member SCOTT; and I hope my colleagues on both sides of the aisle will support this bill.

Mr. SMITH of Texas. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. I thank the ranking member for yielding.

Mr. Speaker, I too rise in very strong support of H.R. 1550, the Federal Law Enforcement Personnel and Resources Allocation Improvement Act of 2012, which would require the Attorney General, in the allocation of Federal law enforcement personnel and resources, to give priority to placing and retaining such personnel and resources in States and local jurisdictions that have a high incidence of homicide or other violent crime.

I commend my friend, the Congressman from Puerto Rico (Mr. PIERLUISI) for its introduction, for his hard work, and for his leadership in getting it to the floor today.

If this bill were to become law, my district, along with Congressman PIERLUISI's, will be one of the local jurisdictions that would qualify for having that high incidence of homicide and violent crime. This is not a fact that we're proud of, but it is a reality; and it's the by-product of the USVI and Puerto Rico being a trans-shipment point for illegal drugs traveling from Central and South America to mainland United States.

There are many other communities in our country that are facing the same or similar incidence of violence; and the blame, in most cases, can be traced to drug trafficking. In the case of the Virgin Islands and Puerto Rico, it stems from the fact that we have become the route of choice for drug shipments to the east coast of the United States.

According to Department of Justice statistics, in 2011, 165,000 metric tons of illegal drugs were seized in the Caribbean, Bahamas and Gulf of Mexico, up 36 percent over 4 years. And up to 80 percent of cocaine trafficked through the Virgin Islands and Puerto Rico is directed to U.S. east coast cities.

□ 2100

Congressman PIERLUISI and I were recently at the Coast Guard station in Puerto Rico, and we had the opportunity to meet with the commander of the ship that had recently captured 1.4 kilos of cocaine off of St. Croix in the U.S. Virgin Islands. That was the port's largest capture in its history. These routes are also a threat to America's national security. In addition to the guns, assault weapons and drugs, the Caribbean region is susceptible to smuggling nuclear and all other kinds

of materials that could easily be used as staging areas for violence against our country.

The most tragic of all are the young people who had been killed or who are now in jail, many of whom I knew and took care of as a family physician. Unfortunately, we, too, have one of the highest murder rates per 100,000 in our country. Our community was shocked a few months ago when two of our young policemen, who were in a high crime area but who were on what seemed to be a routine patrol, were shot earlier this year. Both sustained injuries which go beyond the physical. One is paralyzed and will require lifelong care and support.

Our community, though, is fighting back. Our law enforcement has been meeting with those from across the Caribbean region. We are working with the Federal law enforcement that does exist in the Territory. Both of us, Puerto Rico and the U.S. Virgin Islands, are high-intensity drug trafficking areas. We have a well-integrated but still incomplete team led by Adjutant General Vicens from Puerto Rico and Executive Director Catherine Mills from the Virgin Islands, but we do need more Federal help in order to restore the safety of our communities and to protect the lives of our children. This is not only important to my constituents and me; it is critical to the well-being of the constituents of all of our colleagues but especially to those whose communities have high homicide and violent crime rates.

In this legislation, which I am pleased to cosponsor, we are pleading for this critically important help in order to bring the vital Federal resources to save our communities—to save all of our communities—and to protect our Nation. I urge my colleagues to support H.R. 1550.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentlelady from the Virgin Islands and the gentleman from Puerto Rico.

I urge the passage of the bill, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 1550, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

SEQUESTRATION: THE DESTRUCTION OF THE UNITED STATES MILITARY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. CARTER) is recognized for 28 minutes as the designee of the majority leader.

Mr. CARTER. I thank you, Mr. Speaker.

Mr. Speaker, we have got a lot of hard work to do in about the next 3 months around this place. I want to talk tonight about a process that we have brought upon ourselves so that now we are faced with what, I think, could be one of the greatest catastrophes in the modern history of the United States—and that is almost the complete destruction of our military through a process called ''sequester.''

We use a lot of big words around this House, and half of the people who sit in this room on a daily basis don't even know what it means, to be honest with you, but they know what the process does: across-the-board cuts at every level of government. The reality of these cuts is that, at least in the current makeup of our government and with so many of our expenses in this government being mandatory spending and what we call ''entitlements,'' the lion's share automatically falls upon the military, on the Defense Department.

Even more critical to this particular agreement, which was made in the earlier part of this year when we had one of our many shutdown-the-government risks that have come upon this body in the last couple of years, the White House with the President, along with the majority leader of the Senate and the Speaker of the House, met to discuss how to keep from having a shutdown of the government and how to raise the debt ceiling so we could continue to operate this government. With everyone recognizing that there was a looming crisis from having spent more than we make for as long as we can remember, quite honestly, and, therefore, that we are now in a problem of debt which is drowning this Nation and the Members of this body wanting to address that, the discussion was about how we would do it.

They came up with a concept of a supercommittee. Most of you who keep up with current events know that we formed a supercommittee, the purpose of which was to come up with the cuts from the appropriate parts of this government so that we would reduce the spending of over $1 trillion, thus starting ourselves down the road to fiscal responsibility. This is what we set out to do. It was an honest effort, let's be frank. It was an honest effort. Everybody, whether elected to do it or not, recognized that this was the issue that was before us. The question was how to do this, and they came up with this supercommittee.

They agreed that, if the supercommittee failed, then the process of sequester would replace the actions of the supercommittee. There will be a political debate that will go back and forth as to who killed the effort in the supercommittee; but wherever the fault may lie, the supercommittee failed. Those of us who were in this House asked about the sequester and looked at it and worried about it as the vote came up as to whether or not this was the right thing to do. We then asked the question of the leaders here, which I'm sure was asked on both sides of the aisle: So what happens if the supercommittee doesn't perform?

We were told sequester, which was the worst possible thing to happen to this House, and I think both sides of the aisle agreed with that. But don't worry, it has never happened. It never will happen. We will do the right thing.

The committee failed.

It is almost August. Quite honestly, the number of legislative days left before the election can almost be counted on these two hands, and we haven't addressed how we are going to do this; but the folks who may most be affected have no choice but to address it.

The agreement that came out of the meeting between the President and the Congress was that roughly half the $1.1 trillion number, I believe it is, would come out of the Defense Department and that the other half would come out of domestic spending. Well, the Defense Department being the Defense Department—and it cannot function without planning—is already planning what it would have to do in case this occurs.

We talk in big ideas and issues around here, but the reality is this: this is about a bunch of people who chose the profession for their lives, that of defending our Nation.

□ 2110

We should never forget that the ordinary soldier, sailor, airman, marine, and Coast Guardsman volunteered to join their branch of the service, most of them, as their profession. This is not the old drafted military of World War II or the Korean war or the Vietnam war or the Cold War. This is a volunteer military. This is a young man or woman saying: I choose the job of fighting for my country. This is what I choose to do with my life. I will earn my way. I will earn my promotions by being a good warrior.

My wife and I, when we first learned that we were going to have the honor of representing what we call a great place, Fort Hood in Texas, we wanted to meet with soldiers, and the place we could find them to meet with us around Thanksgiving time was in Korea. We went and met with Fort Hood soldiers in Korea. Most of them were from Texas at our table where they were talking to us, and I asked a question. I was new to getting to talk to the ordinary soldier. These were just ordinary soldiers. There may have been a couple of sergeants there, but most of them were not highly ranked.

I said, How long are you guys and gals going to be in Korea? They said,

Oh, 3 months, 6 months, whatever the time period was. I said, What do you want to do next in the Army? They responded, We want to go to Afghanistan or Iraq. This is back in '04. From someone of my age who has the memory of the draft Army, that was a shocking answer: We want to go from this place in Korea to the place where the war is, and we would like to go directly there. These were 19-year-old kids, kids like my son coaches in football and baseball back home. These were kids that could have been the same kids that played on the team the year before who were sitting there at the table telling us they wanted to go to war.

I was kind of taken aback by that answer. It was unanimous, by the way. There were eight people around the table that were all unanimous: we want to go to war. Then this young towheaded 19-year-old soldier said, Sir, that's what we are. We're trained warriors. That's what we do for a living. We fight wars. We want to go where our country needs us. We want to go to war. Not because we like war, but because we are professional soldiers. We do this for a living.

This is the mindset that goes back in history a long ways. Some of the greatest armies in the world had that mindset, that this was the job they chose for their life. Now, because we have not been willing to live within a budget in the United States—we're all at fault, every one of us. The people in this House, both sides of the aisle, we're all at fault. We spend more than we make, and we wonder why in the world it doesn't work. How many people sit at home and look at their household budgets and say, My gosh, we're spending more than we make. No wonder it doesn't work. That's like the law of gravity. It's a natural thing that you can't spend more than you make and not ultimately be in trouble, even when you can take it out of other people's pockets like the government.

Now we are faced with a crisis, and we're talking about a solution for that crisis that's going to fall on the back of that 19-year-old kid that talked to me in Korea because his goal in life was to rise in the ranks by being a good soldier. As a good soldier, if he did a good job, he would be promoted and he would rise in rank. Maybe in his heart his goal was to some day be a command sergeant major of one of the commands in the Army, kind of the pinnacle of the career of an ordinary soldier. Because we spend too much and can't agree on how to cut it and we're going to have to go to automatic cuts, that young man's job is at risk. The President says he's going to protect the jobs of the soldiers. I hope what he means he's not going to fire anybody. Although one of the papers that I was reading an article in it said he's not going to cut the pay of the soldiers.

I happen to be blessed. One of the things that I'm very proud of in this body is I am a cochair of the Army Caucus here in the Congress, and I've heard the generals talk about what sequester means to the Army. It means cuts of 100,000 to 180,000 soldiers. That means that kid that I talked to in Korea, who's probably now done three tours in Afghanistan or Iraq, who has done a good job, fought for his country, performed in an excellent manner, has been promoted, he's in the beginning of the middle of his career, and because we can't agree on how to reduce our runaway spending, that kid is going to lose his job.

He will not only lose his job, but he's going to lose his career. He chose our United States Army partially out of the job he wanted to do, but in a great many cases out of patriotism for this country. He didn't sign on to be in somebody else's Army. He signed on to be in our Army. He's done everything right; and yet because we can't control our spending, that young man and those young men and women at that table could lose their careers that they chose for their lives, careers to be proud of as Americans. There are young people willing to do this for our country.

When we talk these big numbers and throw around big words, we've got to remember it affects human beings. We've got some charts here I want to show you so you get some idea of what we're talking about. Where is the spending? This is entitlements. The spending is at $26.1 trillion. Nondefense spending is at $11.3 trillion. Defense spending at $3.6 trillion. That's where the spending is in our country today.

Let's look at what we propose to do as a solution under sequester. From entitlements we're taking $171 billion out of $26.1 trillion. From nondefense spending, we're taking $322 billion out of $11.37 trillion. Over here in defense we're taking $422 billion, the highest of any of these numbers, out of $3.6 trillion. This is about a 42 percent cut. This is out of whack.

What's this out of whack going to do to our military? Let's start off with what we're talking about right now in the country. We're talking about our economy, we're talking about getting ourselves out of this slump we're in and putting Americans back to work. Does anybody think it's a good idea to create a program that loses American jobs? To me, I just can't fathom it. But according to CNN, 1 million jobs will be lost under sequester. That's not military jobs. That's the people who provide goods and services either directly for the military or sell it to the military.

□ 2120

And here is something else that's pretty frightening. As we look down the road at this sequester program, the law that was created by the Congress and which was signed into law says, if we anticipate the loss in an industry of jobs based upon the actions of this body, they have to pass out pink slips 60 days before that might happen and in some cases 90 days.

Well, the drop-dead date on sequester is January 2 of next year. So if we do nothing by January 2, we are going to have these across-the-board cuts. We are going to have 1 million people get pink slips in either October or November. Now, is that going to raise the enthusiasm for growing our economy in America? It is absolutely as destructive as it could be.

We have a responsibility to try to do something about this, and we can't keep kicking cans down the road in this body. If we do, one of these days, we are going to get a broken foot, and already there seems to be a brick in the can.

This is serious stuff. We've got real people's lives being affected in the military. We've got real people's jobs being affected in the defense industry. These are people who go to work, just like everybody else in this country. Somehow we hear the words ''defense industry,'' and we assume some kind of fat cats. Go over to one of the defense industries and see the machinists and the guys that do all kinds of jobs, that create these great instruments that are instruments of war and also instruments of peace that we use in our military. All of these things are at risk, and the people who do those jobs are at risk right now as they relate directly to the sequester.

I am joined by my friend Mr. BISHOP from Utah. Would you like to jump in here and talk a little bit about this? You are on the Armed Services Committee, I believe.

We had 20-some minutes to start. So we are down to 10 minutes, I believe. Tell us your view from the committee.

Mr. BISHOP of Utah. Well, I appreciate the gentleman from Texas taking up this particular issue. I promise you, you will get a few minutes here to finish this one up here as well.

I will start just by moving off where we are for just 1 second and going back to my real love, which is still baseball. If you recall, back in 1962 they created the amazing New York Mets, a team that set the standard for ineptitude in professional sports. Anyone who wants to seek that, to fall that low, now has a perfect standard by which to judge your effectiveness in becoming bad.

The New York Mets, in 1962, lost 120 out of 160 games. That's the standard by which people now judge themselves. And it's amazing to think of how the leadership of the New York Mets could cobble together a team of athletes so inept at working together as a particular team, leaving such luminary names as Jay Hook and Ken MacKenzie, Choo Choo Coleman and Hobie Landrith there together.

Probably the best of all those names was Marvelous Marv Throneberry, a big first baseman who I think, in his third year with the Mets, actually hit a triple, which is amazing considering he's not really one of those fast runners. But as he was rounding the bases going to third, he missed second base, which was spotted by the opposing

team. So they waited until the play was back in, called for the ball, stepped on second base, and he was out.

Well, obviously Casey Stengel went running out there to complain about this and argued the case up and down and lost, and Throneberry was out. As Stengel went back to the dugout, he passed the first base coach, Cookie Lavagetto, and said, ''Why weren't you out there at least arguing with me?'' And Cookie looked at him and said, ''Because he missed first base, too.'' And that was the end of the discussion.

Now, eventually, the management was able to take the amazing '62 Mets and turn them into the miracle '69 Mets that were the world champions. But the administration of the Mets had to do some fancy work to do that.

The situation we have right now is where we have an administration in this country that is doing that same kind of work that the Mets leadership did, except in reverse. We are going from the '69 Mets back to the '62 Mets, an administration that took over the best defense, the best military in the world and is, bit by bit, pulling it down to the form of mediocrity, even to the level of the '62 amazing New York Mets.

We have faced three potential cuts to the military. With the first one, then-Secretary of Defense Gates said, If you go beyond this first $600 billion cut, it could have devastating effects. This administration took a second cut beyond it, and now what the gentleman from Texas is talking about is the potential for a third cut to the military.

Now, what has been the net effect of this administration's efforts on behalf of defense altogether? Well, for the first time, there are 50 major defense programs that have been canceled. This is the first time there is not a single aircraft modernization going on in this country. And if you consider the fact that modernization takes between 10 and 20 years to effect, that means regardless of what happens in November, this country is without a new modernization program for our aircraft for at least two decades after President Obama leaves the White House.

We were spending 4 percent of our GDP on military before this President came in. We're now down to 2.5 percent. That is the percent we have been complaining about our allies in Europe spending, and that compares to 6 percent under Reagan, 10 percent under Kennedy, 12 percent during Korea, 35 percent during World War II.

We have platforms in our military that are over 25 years of age and are not getting any younger. We have the smallest Army since World War II. We have the smallest Navy since World War I. In World War II, we had over 6,000 ships; today, we have 280.

We will have the smallest Air Force ever. Several years ago, two of our F–15Cs literally broke in flight and two F–18s caught fire while on the aircraft carrier. Our A–10 Warthogs have cracks in the fuselage. We only have one fifth-generation fighter in production while the Chinese and the Russians have a combined 12 fighter and bomber lines open for business.

We are moving the defense of this country backwards into an area that is frighteningly fearful. We are going from the '69 to the '62 Mets when we should be trying to go in the opposite direction, and that's what happens before sequestration goes into effect.

If, indeed, we add the sequestration—a third cut on top of the other two—we will do what the Secretary of Defense has said: We will hollow out our military. We will put our defense at danger—not just the defense of this country but, as was previously mentioned, the jobs that are in the private sector—the military base, the industrial base that help us defend ourselves, and we will take away from the table the potential of foreign affairs options that we have.

Our ability two decades from today to conduct foreign policy is dependent on the decisions we make now to define and have an adequate military backup for what we need to do. These are the decisions we need to be making, and it is essential that we recognize what we are doing now is wrong.

To change and reverse our defense cuts even for 1 year would take $109 billion. But, oddly enough, that is 1 month of borrowing that is being done by this administration.

We can't afford this sequestration as a country. And I find it sad that the President of the United States will actually say that he will veto any effort to get rid of these automatic spending cuts, using the defense of this country as a hostage in a high-stakes battle with Congress over what our future tax policy will be. That is not what a good administration should be doing. That is not what this country needs. We need to do something different.

I appreciate the gentleman from Texas allowing me to rant a little on this particular issue. This is important to every American. This affects not just what we're doing today but what happens two decades from this day, when we are probably long gone from this body.

Mr. CARTER. Reclaiming my time, and we may get a little more time, so don't run off.

What you just had to say was really important. That's the kind of shock that the American people need to hear. We are going to take the most powerful and the strongest military force on Earth and hollow it out. And when you ask a commander to explain a hollow force, he will say, On paper, it will look like a combat brigade; but when you go down into the various jobs that must be done to have an effective fighting combat brigade, you will find there is no one in those jobs. Therefore, it is not an effective combat brigade. This is simple stuff using just people as an example.

When you are using carrier forces and you are saying, We're going to take out the carrier and all their supporting ships—so we're going to give up a carrier and its ships or maybe two carriers and its ships to meet this sequester—you gut the Navy.

□ 2130

You gut the way they deliver force to a fight. They are one of our major deliverers of force to a fight. We take their claws away from them. The long-range Stryker and our new ships that are coming online, that as I understand it—and I forget what they call that—but that is gone.

And the thing about the Air Force, my gosh, we have known for a long time, since I first came to this Congress, that we were behind the eight ball in developing the next generation of combat fighting aircraft. We were behind the eight ball. This is when I came in 2002 and the discussion I was having with the folks in those days, we are working on it, we have them on the assembly line, we are trying to finish them up, but we're behind the eight ball. The Chinese and the Russians already have the next generation of fighting aircraft, and they're developing more, just as you said. And yet, we're talking about ours are going to go away. You have much more experience with this than I do, but I think everybody has common enough sense to know that if you shut it down, bringing it back is going to take a long time. It's just that simple. It's complicated. It's not easy.

And then of course, if we're not going to reduce the numbers of our fighting force, we're going to reduce the way they go to battle because you've got to cut something in the Army. If you're not cutting people, and I don't know if that's what the President means when he says he's not going to go after the personnel, whether he means he's not going to lower their pay or he's not going to lower their numbers. I don't know the answer. But if they lower the numbers, this is the vehicle the next generation is supposed to go to war in. We're not going to have that vehicle to go to war in.

The SPEAKER pro tempore. The gentleman will suspend.

The Chair is prepared to recognize a Member from the minority party. There being none, under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Texas (Mr. CARTER) for the remaining time until 10 p.m.

Mr. CARTER. Thank you. We'll try not to use it all so somebody can go get some rest around here for all the good work you people do here. But I am grateful to have a little more time so I can visit with my good friend, Mr. BISHOP.

That's what you've been saying to us here. And one of the things you hear around this House is, well, there's soft power. I've had debates with some of my colleagues that we don't use soft power effectively. We try to always use hard power. I would argue you can't

have soft power unless you've got hard power. All the sweet talk in the world, if you don't have somebody to back you up that you can ultimately punch them in the nose, it ain't getting you anywhere. And if we're taking the punch out of our military, what are we left with?

By the way, I think those young kids who are not getting the kind of history lessons they should get these days probably know from somebody telling them that the last time we took our military down to this level, we had an event called Pearl Harbor. And that shows what happens when your readiness is not ready. And this is a world full of very, very dangerous things right now. We've been looking at terrorism for the last 10 years, and terrorism remains a big, big problem for this country. But there are others who would do us harm out there that if we don't have the ability to defend ourselves, we could fall into serious harm's way.

I yield to my friend.

Mr. BISHOP of Utah. I thank the gentleman again, and I would just like to reiterate a couple of things that he has said and build on those points that are there. It is extremely important to realize that we are about the people's business, and we are doing the constitutionally required things that a Congress ought to do.

You know, we all say that it is significant, that we do have a problem with our budget. Which is true. We all recognize that. But there are certain core constitutional responsibilities that were given by the Founding Fathers to Congress to make sure that we maintained those responsibilities in those areas. The Constitution tells us that we have the responsibility to promote general welfare, which is nice. We probably don't understand what they meant by general welfare anymore, but we are to promote it. But we have the obligation to provide for the common defense. And that verb differentiation was not done by accident by those who wrote the Constitution. It is the mandate that this Congress has to provide for the common defense, not simply because it's a fun thing to do, but because it defends this country, and it provides our ability to do foreign policy in the future as well as providing some jobs for people who are necessary to make sure that this happens.

I reiterate what we said earlier. This sequestration is not a simple decrease or cut to the military. It would be the third major cut to the military. Remember, we cut, number one, $600 billion, at which time the Secretary of Defense said you cannot go much more than that. And then this administration put another cut, number two, of $400 billion. And now if sequestration were to go through, were the President to follow through on his threat to veto any legislation that would stop the sequestration, it would be cut number three of an additional $600 billion. And that is what everybody who works with the system says would destroy and hollow out our military, and we would be in violation of our constitutional obligations to provide for the common defense.

Now, I am actually fairly proud of the House. We have on several occasions sent legislation over to the Senate that would stop this process and make sure that this core constitutional responsibility we have is actually fulfilled by Congress and we do not let this cut number three, sequestration, go into effect.

Right now, they are sitting on Senator REID's desk. He needs to take up the responsibility of putting those to a vote and passing that legislation and putting this on the desk of the President, who needs to take up his responsibility as Commander in Chief and pass those bills and make sure that these devastating cuts, which as the gentleman from Texas quite correctly said, would hollow out our military, would be devastating to our military posture, not just for today, but for decades to come; make sure that those do not go into effect and those are properly signed by the President and properly passed by Congress.

The House has done our share. The House has done our responsibility. I need to call upon the Senate now to pick up the mantle and do their part of this effort to make sure that we defend this country, as we ought to.

Mr. CARTER. I thank the gentleman for pointing that out, and reclaiming my time, we've already done work to show the direction we can go to head off this absolute disaster for our national defense. It is in the hands of the Democratic-controlled Senate. It is in the hands of the majority leader in the Senate, and it is time for him to put the partisan politics aside and fund our military and make the cuts across other areas.

Let's keep to our word to make cuts. Let's don't break that word, but let's don't destroy the military and violate the Constitution, which says we are supposed to provide for the common defense of this country.

You know, sometimes we get kind of provincial in this country, so just for the fun of it, let's talk a little bit about all those jobs, who's going to lose those jobs.

Let me put that chart up here. Potential job losses across the board: California, 125,800; Virginia, 122,800; Texas, 91,600; Florida, 39,200; Massachusetts, 38,200; Maryland, 36,200; Pennsylvania, 36,200; Connecticut, 34,200; Arizona, 33,200; Missouri, 31,200. That's the top. That's the top 10, I think it is.

But the truth is the defense industry and those who provide for the defense industry are a major part of our economy. We're all going to feel this. But if you're one of those States, and you're already worried about where are your kids, when they get out of school, going to get a job with jobs being lost, look at that list and see that we're all in this together. As we make this crazy move of weakening our national defense to the point of disaster, we're also weakening the very economy we're struggling to strengthen.

□ 2140

How can this possibly be good sense to anybody in this country? To me, it doesn't register. We're looking to create jobs, not destroy jobs. This is going to be a major impact on our country. I think we have the real potential to go back into a deep, double-dip recession and hopefully just being able to head it off at that.

Meanwhile, as these cuts take place and our military gets weaker and weaker and weaker, what do we do about the enemies of the United States? Is that where we want to be? Have we become that kind of country? I don't think so. I think we all need to gut up and put the politics aside. Let's don't hold hostage these jobs and hold hostage our military so somebody can get their tax policy different from someone else's tax policy. Let's debate that without holding anybody hostage. Let's debate it, let's vote on it, and let's get it done. Let's go to conference and let's work on taxes the way we're supposed to, but let's don't hold anybody hostage with threatening to destroy our military and get half the country laid off because we want it our way.

I would argue that that's exactly what HARRY REID is doing right now in the Senate. And I think that is something we need to stand up and shout on behalf of those warriors who go to war for us and who, by the way, have gone to war for us multiple times in the last decade.

This is exactly what Congressman BISHOP was talking about. We have a resolution that was sent over there, H.R. 5652. It replaces $78 billion in defense cuts with $316 billion in cuts over 10 years, and the cuts come from across the board—Agriculture, Energy and Commerce, Financial Services, Judiciary, Oversight and Government Reform, and Ways and Means—instead of all out of the Defense Department. And the committee chairmen of the committees in the House did the work, held the hearings, and came up with these solutions. This is how this place is supposed to work.

Now, why can't we let it work? Why do we have to play political games that hold the greatest defense in the world hostage? It's a crime. It's absolutely a crime not only to our institutions of the military, but to our individuals in the military who gave us 10 years of war and did it voluntarily. Not one of them was drafted into the fight. They all marched to war voluntarily. And some of them suffered horrendously on behalf of this country. They got promoted, and they were rising in the military; and with one fell swoop, because we refused to do it the right way, and the Senate wants to hold tax policy before the goodness of the Defense Department, these guys are going to

lose their jobs. And those people aren't in those unemployment figures. These are industry figures we're talking about.

But what about the guy that fought for you for 10 years and you've thrown him out of a job when he's been promoted? He may be a staff sergeant for all I know, that kid that I met in Korea almost 10 years ago. And yet do you know what? We're going to fire the kid even though he has been a good soldier. What are you going to do with him? He's got to find a new job and a new career. He chose defending his country as his career.

Through no fault of his own, but through the political will of the Senate, at least the majority of the Senate, he gets his job taken away from him, and he's out on the unemployment line. Something is bad wrong with this whole picture.

I'm not going to take all the rest of the time, Mr. BISHOP. I'll yield back to you if you have anything you'd like to say in conclusion, and then I'll wrap it up. I'm really grateful for you coming down here because your insight coming from the committee and hearing this day in and day out, I know you all have held numerous hearings on every issue, and I really appreciate your coming and sharing that with us.

Mr. BISHOP of Utah. I'm just grateful to the gentleman from Texas for actually broaching this issue. Jobs are important, but it's not just jobs for the sake of creating a job. This is a job that is essential for the defense of this country. This is our constitutional responsibility, and we need to take that seriously.

Sequestration is basically, as you said I think at the very beginning, it's not what was planned here; it just kind of happened. It was a failed policy that happened. Now is the time to actually become adults about this and recognize that sequestration will not only destroy jobs, but it will destroy the defense of this country; and our responsibility is to make sure we defend this country and give every capability that when we send somebody into harm's way they have the equipment that is necessary to make sure they come back successfully.

We don't want a fair fight. We want America to have the best equipment, and that flat out won't happen if we go through this big cut number three that we call ''sequestration.''

I thank the gentleman for allowing me to say something about this important issue, and I thank you for bringing it to the attention of the American people, sir.

Mr. CARTER. I think a good point that you've clearly made, ''sequestration'' should be a definition of our failure to meet our constitutional responsibility. And it just can't happen. So I want to end by encouraging both sides of the aisle and all my colleagues in this House, let's get this deal done, let's don't gut our military, let's come up with other solutions, and for goodness' sakes, let's don't sell out the people who have gone to war for us for the last 10 years.

Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BISHOP of Georgia (at the request of Ms. PELOSI) for today on account of official business in the district.

Mr. HEINRICH (at the request of Ms. PELOSI) for today.

Ms. JACKSON LEE of Texas (at the request of Ms. PELOSI) for today on account of pressing business.

Ms. SUTTON (at the request of Ms. PELOSI) for today on account of travel delays.

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on July 27, 2012, she presented to the President of the United States, for his approval, the following bill.

H.R. 5872. To require the President to provide a report detailing the sequester required by the Budget Control Act of 2011 on January 2, 2013.

ADJOURNMENT

Mr. BISHOP of Utah. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 47 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, August 1, 2012, at 10 a.m. for morning-hour debate.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the second quarter of 2012 pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ETHICS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2012

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JO BONNER, Chairman, July 9, 2012.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2012

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DANIEL E. LUNGREN, Chairman, July 10, 2012.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2012

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Louis Gohmert	4/19	4/21	United Arab Emirates		194.66		7,504.70				7,699.36
	4/21	4/22	Afghanistan								
	4/22	4/23	United Arab Emirates								
CODEL Expenses:											
Cell Phone									295.67		
Embassy Personal									2,738.90		
Embassy Vehicles									414.14		
Gifts									60.54		
Total Expenses											3,509.25
Committee totals					194.66		7,504.70		3,509.25		11,208.61

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. LAMAR SMITH, Chairman, July 18, 2012.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2012

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. David Dreier	5/21	5/25	Egypt		1,402.38		8,788.60				10,190.98
Brad Smith	5/21	5/25	Egypt		1,330.24		8,788.60				10,118.84
Hon. David Dreier	6/11	6/18	Egypt		1,795.00		11,640.80				13,435.80
Brad Smith	6/11	6/18	Egypt		1,795.00		11,640.80				13,435.80
Committee total					6,322.62		40,858.80				47,181.42

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DAVID DREIER, Chairman, July 24, 2012.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, BETWEEN APR. 1 AND JUNE 30, 2012

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Erika Schlager	4/15	4/19	Austria		1,409.00		2,598.50				4,007.50
	4/19	4/22	Poland		842.00						842.00
Mischa Thompson	4/19	4/21	Austria		1,277.46		3,820.80				5,098.26
	4/21	4/25	Copenhagen		626.20						626.20
Allison Hollabaugh	4/17	4/19	Russia		633.67		2,722.00				3,355.67
	5/13	5/17	Poland		845.91		2,351.00				3,196.91
	5/17	5/19	Austria		511.49						511.49
Shelly Han	4/22	4/24	Ireland		533.38		2,322.60				2,855.98
	4/24	4/27	Belgium		1,617.00						1,617.00
	6/17	6/20	Ireland		904.07		1,022.70				1,926.77
Winsome Packer	5/20	5/22	Georgia		1,432.70		11,252.10				12,684.80
	5/22	5/26	Azerbaijan		597.03						597.03
	6/24	6/29	Austria		1,631.40		1,603.50				3,234.90
Alex Johnson	4/15	6/30	Austria		25,830.02		1,580.30				27,410.32
	5/11	5/14	Georgia		762.00		710.61				1,472.61
	5/27	5/29	Italy		850.93		732.57				1,583.50
Committee total					39,453.33		29,984.11				69,437.44

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MARK MILOSCH, July 24, 2012.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7135. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Trifloxystrobin; Pesticide Tolerance [EPA-HQ-OPP-2011-0458; FRL-9354-8] received July 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7136. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Difenoconazole; Pesticide Tolerances [EPA-HQ-OPP-2011-0300; FRL-9354-9] received July 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7137. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Commission Guidance Regarding Definitions of Mortgage Related Security and Small Business Related Security [Release No.: 34-67448; File No. S7-06-12] received July 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7138. A letter from the Assistant General Counsel for Regulatory Services, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Federal Pell Grant Program [Docket ID: ED-2012-OPE-0006] received July 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7139. A letter from the Director, Office of the Whistleblower Protection Program, Department of Labor, transmitting the Department's final rule — Procedures for the Handling of Retaliation Complaints Under Section 219 of the Consumer Product Safety Improvement Act of 2008 [Docket Number: OSHA-2010-0006] (RIN: 1218-AC47) received July 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7140. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Indirect Food Additives: Polymers [Docket No.: FDA-2012-F-0031] received July 23, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7141. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; [EPA-R03-OAR-2012-0042; FRL-9702-2] received July 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7142. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Removal of Administrative Requirements from the Regulation for the Control of

Motor Vehicle Emissions in Northern Virginia [EPA-R03-OAR-2012-0443; FRL-9702-4] received July 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7143. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Wisconsin; Redesignation of the Milwaukee-Racine Area to Attainment for 1997 8-hour Ozone Standard [EPA-R05-OAR-2009-0730; FRL-9702-9] received July 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7144. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Tennessee; 110(a)(1) and (2) Infrastructure Requirements for the 1997 8-Hour Ozone National Ambient Air Quality Standards [EPA-R04-OAR-2011-0353; FRL-9699-5] received July 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7145. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Significant New Use Rules on a Certain Chemical Substance; Removal of Significant New Use Rules [EPA-HQ-OPPT-2011-0577; FRL-9356-1] (RIN: 2070-AB27) received July 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7146. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Significant New Use Rules on Certain Chemical Substances [EPA-HQ-OPPT-2010-1075; FRL-9354-2] (RIN: 2070-AB27) received July 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7147. A letter from the Deputy Bureau Chief CGB, Federal Communications Commission, transmitting the Commission's final rule — Misuse of Internet Protocol (IP) Relay Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities [CG Docket No.: 12-38] [CG Docket No.: 03-123] received July 23, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7148. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Regulations under section 367(d) applicable to certain outbound asset reorganizations [Notice 2012-39] received July 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7149. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Tribal Economic Development Bonds [Notice 2012-48] received July 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 1950. A bill to enact title 54, United States Code, ''National Park System'', as positive law; with an amendment (Rept. 112–631). Referred to the House Calendar.

Mr. CAMP: Committee on Ways and Means. H.R. 6156. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova and to require reports on the compliance of the Russian federation with its obligations as a member of the World Trade Organization, and for other purposes (Rept. 112–632). Referred to the Committee of the Whole House on the state of the Union.

Mr. BACHUS: Committee on Financial Services. H.R. 2446. A bill to clarify the treatment of homeowner warranties under current law, and for other purposes; with an amendment (Rept. 112–633). Referred to the Committee of the Whole House on the state of the Union.

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 5797. A bill to amend title 46, United States Code, with respect to Mille Lacs Lake, Minnesota, and for other purposes; with amendments (Rept. 112–634). Referred to the Committee of the Whole House on the state of the Union.

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 3609. A bill to provide taxpayers with an annual report disclosing the cost of, performance by, and areas for improvements for Government programs, and for other purposes; with amendments (Rept. 112–635 Pt. 1). Ordered to be printed.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 6062. A bill to reauthorize the Edward Byrne Memorial Justice Assistance Grant Program through fiscal year 2017 (Rept. 112–636). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 3796. A bill to reauthorize certain programs established by the Adam Walsh Child Protection and Safety Act of 2006; with an amendment (Rept. 112–637). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 6063. A bill to amend title 18, United States Code, with respect to child pornography and child exploitation offenses, with an amendment (Rept. 112–638). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 4362. A bill to provide effective criminal prosecutions for certain identity thefts, and for other purposes (Rept. 112–639). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 3803. A bill to amend title 18, United States Code, to protect pain-capable unborn children in the District of Columbia, and for other purposes; with an amendment (Rept. 112–640, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. SCOTT of South Carolina: Committee on Rules. House Resolution 747. Resolution providing for consideration of the bill (H.R. 6169) to provide for expedited consideration of a bill providing for comprehensive tax reform; providing for consideration of the bill (H.R. 8) to extend certain tax relief provisions enacted in 2001 and 2003, and for other purposes; providing for proceedings during the period from August 3, 2012, through September 7, 2012; providing for consideration of motions to suspend the rules; and waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 112–641). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Oversight and Government Reform discharged from further consideration. H.R. 3803 referred to the Committee of the Whole House on the state of the Union.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 3609. A bill to provide taxpayers with an annual report disclosing the cost of, performance by, and areas for improvements for Government programs, and for other purposes; with an amendment; referred to the Committee on House Administration for a period ending not later than October 1, 2012, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. PAULSEN (for himself, Mr. KIND, Mr. GRIFFIN of Arkansas, and Ms. FUDGE):

H.R. 6232. A bill to establish a program to provide incentive payments to participating Medicare beneficiaries who voluntarily establish and maintain better health; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LUCAS:

H.R. 6233. A bill to make supplemental agricultural disaster assistance available for fiscal year 2012 with the costs of such assistance offset by changes to certain conservation programs, and for other purposes; to the Committee on Agriculture.

By Mr. HALL (for himself and Mr. THORNBERRY):

H.R. 6234. A bill to amend the Patient Protection and Affordable Care Act to provide for savings to the Federal Government by permitting pass-through funding for State authorized public entity health benefits pools; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLORES:

H.R. 6235. A bill to delay further action on the proposed rule regarding well stimulation on Federal and Indian lands until such date the Secretary of the Interior submits a report examining certain effects of such rule; to the Committee on Natural Resources.

By Mr. AMODEI:

H.R. 6236. A bill to direct the Secretary of the Interior, acting through the Bureau of Land Management and the Bureau of Reclamation, to convey, by quitclaim deed, to the City of Fernley, Nevada, all right, title, and interest of the United States, to any Federal land within that city that is under the jurisdiction of either of those agencies; to the Committee on Natural Resources.

By Mr. BRALEY of Iowa:

H.R. 6237. A bill to amend the Small Business Act to provide for grants to small business development centers, and for other purposes; to the Committee on Small Business.

By Mrs. DAVIS of California (for herself, Mr. BILBRAY, and Mr. FILNER):

H.R. 6238. A bill to amend title 39, United States Code, to authorize the United States Postal Service to sell, at fair market value, any post office building subject to relocation, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. GRAVES of Missouri:

H.R. 6239. A bill to amend the Food and Nutrition Act of 2008 to prevent the payment of cash to recipients of supplemental nutrition assistance for the return of empty bottles and cans used to contain food purchased with benefits provided under such Act; to the Committee on Agriculture.

By Mr. GRAVES of Missouri:

H.R. 6240. A bill to make reforms to taxes, regulations, and workforce development programs in order to increase employment in the manufacturing sector and overall economy; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, the Judiciary, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCCARTHY of New York (for herself, Ms. DEGETTE, Mr. CONYERS, Mr. HOLT, Mr. VAN HOLLEN, Mr. MARKEY, Mrs. MALONEY, Ms. HAHN, Mr. NADLER, Mr. TIERNEY, Mr. CICILLINE, Mr. MORAN, Ms. ESHOO, Mrs. LOWEY, Mr. ELLISON, Mr. GRIJALVA, and Mr. SERRANO):

H.R. 6241. A bill to require face to face purchases of ammunition, to require licensing of ammunition dealers, and to require reporting regarding bulk purchases of ammunition; to the Committee on the Judiciary.

By Mr. NADLER (for himself, Ms. ROS-LEHTINEN, Mr. BERMAN, Mr. POE of Texas, Mr. CROWLEY, and Mr. TURNER of New York):

H.R. 6242. A bill to direct the President to submit to Congress a report on actions the executive branch has taken relating to the resolution of the issue of Jewish refugees from Arab countries; to the Committee on Foreign Affairs.

By Mr. YOUNG of Alaska:

H.R. 6243. A bill to exempt certain air taxi services from taxes on transportation by air; to the Committee on Ways and Means.

By Mr. CROWLEY:

H. Con. Res. 135. Concurrent resolution authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to Daw Aung San Suu Kyi, in recognition of her leadership and perseverance in the struggle for freedom and democracy in Burma; to the Committee on House Administration.

By Mr. MACK (for himself, Mr. ENGEL, Ms. ROS-LEHTINEN, Mr. SIRES, Mr. DIAZ-BALART, Mr. RIVERA, Mr. BURTON of Indiana, Mr. HARPER, and Mrs. SCHMIDT):

H. Res. 745. A resolution expressing concern regarding the conditions of democracy, freedom of the press, human rights, business and investment climate, counternarcotics cooperation, and the relationship with Iran, in Ecuador prior to the July 31, 2013, expiration of the Andean Trade Preference Act and the Andean Trade Promotion and Drug Eradication Act; to the Committee on Foreign Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER:

H. Res. 746. A resolution prohibiting the consideration of a concurrent resolution providing for adjournment or adjournment sine die unless a law is enacted to provide for the extension of certain expired or expiring tax provisions that apply to middle-income taxpayers; to the Committee on Rules.

By Ms. DELAURO (for herself, Mr. ISRAEL, Mr. BURTON of Indiana, and Mr. ISSA):

H. Res. 748. A resolution expressing support for designation of September 2012 as National Ovarian Cancer Awareness Month; to the Committee on Oversight and Government Reform.

By Mr. HASTINGS of Florida (for himself, Mr. MCKINLEY, Ms. RICHARDSON, Mr. KEATING, Mr. MCGOVERN, Mr. BRADY of Pennsylvania, Mr. LEVIN, Mr. MORAN, Ms. WATERS, Ms. SPEIER, Ms. LEE of California, and Ms. WILSON of Florida):

H. Res. 749. A resolution expressing support for the XIX International AIDS Conference and the sense of the House of Representatives that continued commitment by the United States to HIV/AIDS research, prevention, and treatment programs is crucial to protecting global health; to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. PAULSEN:

H.R. 6232.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8—to provide for the common Defence and general Welfare of the United States.

By Mr. LUCAS:

H.R. 6233.

Congress has the power to enact this legislation pursuant to the following:

The ability to regulate interstate commerce pursuant to Article 1, Section 8, Clause 3.

By Mr. HALL:

H.R. 6234.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to:

1. regulate commerce . . . among the several states . . . as enumerated in Article I, Section 8, Clause 3 of the United States Constitution, and

2. provide for the general welfare of the United States as enumerated in Article I, Section 8, Clause 1 of the Constitution.

By Mr. FLORES:

H.R. 6235.

Congress has the power to enact this legislation pursuant to the following:

Article 4, Section 3, Clause 2

By Mr. AMODEI:

H.R. 6236.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to make rules for the government and regulation of the land and naval forces, as enumerated in Article I, Section 8, Clause 14 of the United States Constitution.

By Mr. BRALEY of Iowa:

H.R. 6237.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mrs. DAVIS of California:

H.R. 6238.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. GRAVES of Missouri:

H.R. 6239.

Congress has the power to enact this legislation pursuant to the following:

Article 1; Section 8; Necessary and Proper Clause

Congress created the SNAP program, formerly known as food stamps, to provide a social safety net for the least fortunate in our society. However, that social safety net and the tax payers who support it are being defrauded to the tune of millions of dollars a year. Therefore, it is both necessary and proper to protect the taxpayers' money through policies which aim to prevent fraud within the SNAP program.

By Mr. GRAVES of Missouri:

H.R. 6240.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1—taxation

''The congress shall have the power to lay and collect taxes. . .''

This bill makes several revisions to the current tax code which Congress has the power to do under the first clause in Article 1 section 8.

Article 1, Section 8, Clause 3—Commerce

''To regulate commerce . . . among the several states. . .''

This bill makes reforms to the way regulations are promulgated which affect and govern the way businesses and states conduct commerce.

By Mrs. MCCARTHY OF New York:

H.R. 6241.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to the Congress by Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. NADLER:

H.R. 6242.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 11 and 18.

By Mr. YOUNG of Alaska:

H.R. 6243.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the United States Constitution, and Amendment XVI of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 15: Mr. DINGELL, Mr. MCGOVERN, Mr. MARKEY, Mr. WAXMAN, Ms. ROYBAL-ALLARD, Mr. HOLT, Mr. LARSEN of Washington, Ms. CASTOR of Florida, Mr. GRIJALVA, Ms. MCCOLLUM, and Ms. DELAURO.

H.R. 16: Mr. DINGELL and Mr. WELCH.

H.R. 122: Mr. WOMACK.

H.R. 127: Mr. PAUL and Mr. ROKITA.

H.R. 288: Ms. CHU, Mr. WELCH, Mr. FALEOMAVAEGA, Ms. LEE of California, Mr. CLAY, Mr. ISRAEL, Mr. SABLAN, and Ms. MATSUI.

H.R. 289: Ms. HOCHUL, Mr. CARNAHAN, and Mr. BERMAN.

H.R. 303: Mr. GARAMENDI.
H.R. 360: Mr. DIAZ-BALART.
H.R. 409: Mr. FITZPATRICK.
H.R. 458: Mr. BRALEY of Iowa, Mr. MARKEY, Mr. VAN HOLLEN, Mr. LYNCH, Mr. KISSELL, and Mr. CARSON of Indiana.
H.R. 591: Mr. NADLER, Mrs. MALONEY, and Mrs. LOWEY.
H.R. 616: Ms. LORETTA SANCHEZ of California.
H.R. 687: Ms. BONAMICI and Mr. MURPHY of Pennsylvania.
H.R. 694: Mr. MATHESON.
H.R. 718: Mr. MURPHY of Pennsylvania.
H.R. 733: Mr. DUFFY, Mr. SIMPSON, and Mr. MCINTYRE.
H.R. 735: Mr. RENACCI.
H.R. 816: Ms. GRANGER, Mr. GUTHRIE, and Mr. ROGERS of Michigan.
H.R. 860: Mr. HARRIS.
H.R. 867: Mr. SCOTT of South Carolina.
H.R. 904: Mr. COBLE.
H.R. 931: Mr. NUNES.
H.R. 965: Mr. CICILLINE.
H.R. 972: Mr. CANSECO.
H.R. 997: Mr. MICA.
H.R. 998: Mr. CLYBURN.
H.R. 1063: Mr. HULTGREN.
H.R. 1111: Mr. SCOTT of South Carolina.
H.R. 1112: Mr. BUCSHON.
H.R. 1265: Mr. JORDAN.
H.R. 1370: Mr. DREIER.
H.R. 1381: Mr. SCHIFF.
H.R. 1448: Mr. CLAY.
H.R. 1589: Mr. MCDERMOTT.
H.R. 1614: Mr. BUTTERFIELD.
H.R. 1755: Mr. MICA.
H.R. 1775: Mr. ROKITA and Mr. CANSECO.
H.R. 1781: Mrs. LOWEY.
H.R. 1825: Ms. SLAUGHTER.
H.R. 1995: Mr. PLATTS.
H.R. 2010: Mr. ROKITA.
H.R. 2016: Mr. DEUTCH, Mr. BRALEY of Iowa, Mr. VAN HOLLEN, Mr. CARSON of Indiana, and Ms. PINGREE of Maine.
H.R. 2040: Mr. FINCHER, Mr. BERG, and Mr. HALL.
H.R. 2094: Ms. NORTON and Mrs. DAVIS of California.
H.R. 2139: Mr. ANDREWS, Mr. LEVIN, and Ms. SUTTON.
H.R. 2284: Mr. SHUSTER.
H.R. 2492: Mr. NUGENT, Mr. WAXMAN, and Mr. ANDREWS.
H.R. 2499: Mr. CLAY.
H.R. 2501: Mr. HIGGINS.
H.R. 2557: Mr. FITZPATRICK and Ms. MCCOLLUM.
H.R. 2580: Ms. BUERKLE.
H.R. 2672: Mr. PETERS.
H.R. 2720: Mr. GENE GREEN of Texas.
H.R. 2794: Mr. KISSELL and Mr. SMITH of Washington.
H.R. 2925: Mr. HULTGREN.
H.R. 3102: Mrs. LOWEY.
H.R. 3158: Mr. BARLETTA and Mr. MICHAUD.
H.R. 3179: Mr. CONYERS and Mr. SMITH of Washington.
H.R. 3187: Mr. SCOTT of Virginia.
H.R. 3195: Mr. SCHOCK.
H.R. 3339: Mr. ROKITA.
H.R. 3395: Mr. MICA.
H.R. 3399: Mr. BARBER.
H.R. 3423: Ms. DELAURO and Mr. PEARCE.
H.R. 3429: Mr. NUGENT.
H.R. 3496: Mr. MORAN.
H.R. 3506: Mr. LEWIS of Georgia and Mr. PEARCE.
H.R. 3612: Mr. OLVER, Mr. BARTLETT, Mr. YOUNG of Alaska, Ms. SCHWARTZ, and Mr. POE of Texas.
H.R. 3627: Mr. DOLD and Mr. POLIS.
H.R. 3701: Mr. HASTINGS of Florida and Mr. GRIJALVA.
H.R. 3798: Mr. HEINRICH, Ms. SCHWARTZ, and Ms. ESHOO.
H.R. 4057: Mr. CICILLINE.
H.R. 4063: Mr. MCGOVERN.
H.R. 4070: Mr. MURPHY of Pennsylvania.
H.R. 4122: Mr. SHERMAN and Mr. OLVER.
H.R. 4137: Mr. LEWIS of Georgia and Mr. RANGEL.
H.R. 4158: Ms. WOOLSEY.
H.R. 4165: Mr. BRALEY of Iowa.
H.R. 4170: Mr. ELLISON.
H.R. 4269: Mr. GENE GREEN of Texas.
H.R. 4331: Mr. LABRADOR.
H.R. 4336: Mr. RIBBLE.
H.R. 5129: Ms. RICHARDSON.
H.R. 5684: Mr. DEUTCH and Mr. BLUMENAUER.
H.R. 5735: Mr. ROTHMAN of New Jersey.
H.R. 5747: Mr. CICILLINE.
H.R. 5796: Mr. BARROW, Mr. ROKITA, and Ms. MCCOLLUM.
H.R. 5815: Mr. CLAY.
H.R. 5817: Mr. HINOJOSA.
H.R. 5830: Mr. MCKEON.
H.R. 5848: Mr. HONDA.
H.R. 5850: Mr. MICHAUD.
H.R. 5864: Ms. LEE of California.
H.R. 5873: Mrs. NOEM, Mr. HURT, and Mr. PLATTS.
H.R. 5906: Ms. TSONGAS.
H.R. 5911: Mr. CASSIDY.
H.R. 5914: Mr. ROKITA and Mr. WOMACK.
H.R. 5943: Mr. CONAWAY and Mr. PLATTS.
H.R. 5998: Mr. BONNER.
H.R. 6004: Mr. HEINRICH.
H.R. 6007: Mr. FLORES.
H.R. 6025: Mr. COBLE.
H.R. 6063: Mr. THOMPSON of Pennsylvania and Mr. ISRAEL.
H.R. 6075: Mr. LABRADOR.
H.R. 6077: Mr. MORAN.
H.R. 6088: Mr. ROKITA and Mr. NUGENT.
H.R. 6089: Mr. MCCLINTOCK.
H.R. 6107: Mr. FILNER and Mr. GRIJALVA.
H.R. 6117: Mr. ELLISON and Mr. CARSON of Indiana.
H.R. 6131: Mr. UPTON, Mr. WAXMAN, and Mr. BARTON of Texas.
H.R. 6135: Ms. SCHAKOWSKY.
H.R. 6136: Mr. PAUL.
H.R. 6140: Mr. BILIRAKIS, Mrs. BACHMANN, Mr. FRANKS of Arizona, Mr. POE of Texas, Mr. CARTER, Mrs. HARTZLER, Mr. SCHOCK, Mr. JOHNSON of Ohio, and Mr. MANZULLO.
H.R. 6149: Ms. KAPTUR and Ms. SLAUGHTER.
H.R. 6150: Mr. KUCINICH, Mr. HASTINGS of Florida, Ms. SCHAKOWSKY, Mr. HIGGINS, Mr. CONYERS, Mr. HOLT, Ms. LEE of California, Ms. Hahn, Mr. HONDA, Ms. LORETTA SANCHEZ of California, Ms. HOCHUL, Ms. MCCOLLUM, and Ms. MATSUI.
H.R. 6151: Ms. BROWN of Florida.
H.R. 6156: Mr. MEEKS.
H.R. 6166: Ms. WATERS.
H.R. 6167: Ms. SLAUGHTER.
H.R. 6170: Mr. LOBIONDO, Mr. RIGELL, Mr. HIGGINS, Ms. HAHN, Mr. MICHAUD, Ms. SUTTON, Mr. ROTHMAN of New Jersey, Mr. GENE GREEN of Texas, Ms. HIRONO, and Mr. GIBSON.
H.R. 6173: Mr. DUNCAN of Tennessee and Mr. LUETKEMEYER.
H.R. 6181: Ms. DELAURO.
H.R. 6185: Mr. SMITH of Texas, Mr. CONYERS, and Mr. SABLAN.
H.R. 6192: Ms. SLAUGHTER.
H.R. 6195: Mr. BISHOP of New York.
H.R. 6200: Mr. RANGEL and Mr. HASTINGS of Florida.
H.R. 6211: Mr. ENGEL, Mr. RUSH, Mr. SCOTT of Virginia, Ms. SLAUGHTER, and Mr. ISRAEL.
H.J. Res. 47: Ms. SCHAKOWSKY.
H.J. Res. 110: Mr. JOHNSON of Ohio.
H. Con. Res. 116: Mr. CARSON of Indiana, Mr. COSTELLO, Mr. REYES, and Mr. WALSH of Illinois.
H. Con. Res. 129: Mr. CONNOLLY of Virginia.
H. Res. 87: Mr. CLAY.
H. Res. 111: Mr. HALL.
H. Res. 134: Mr. HECK.
H. Res. 298: Mr. SCHOCK, Mr. KINZINGER of Illinois, and Mr. RUPPERSBERGER.
H. Res. 506: Mr. SHULER.
H. Res. 609: Ms. NORTON and Ms. DELAURO.
H. Res. 618: Mrs. CAPPS.
H. Res. 705: Mr. DINGELL, Mr. GRIJALVA, Ms. SUTTON, Mr. BUTTERFIELD, and Mr. KINZINGER of Illinois.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative LEVIN, or a designee to H.R. 8, the Job Protection and Recession Prevention Act of 2012, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

The amendment to be offered by Representative SLAUGHTER, or a designee to H.R. 6169, the Pathway to Job Creation through a Simpler, Fairer Tax Code Act of 2012, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3009: Mr. ROSS of Florida.

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PROCEEDINGS AND DEBATES OF THE *112th* CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, TUESDAY, JULY 31, 2012 *No. 115*

Senate

The Senate met at 10 a.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Creator God, who has nurtured us throughout the seasons of our sojourn, give to the Members of this body the love, strength, and wisdom to do Your will. Keep them walking in the paths of righteousness and let them feel Your abiding presence in times of joy and sadness. Lord, empower them to hold fast to the good will that unites them, making them instruments of Your purposes to bring peace in our days, peace to our souls, peace to our families, peace to our country, and peace among nations. May they be moved by Your majesty and motivated by the magnitude of the responsibilities You have entrusted to them.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter.

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 31, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, we are already on S. 3414, which is the cyber security bill. The time until 2:15 p.m., is for debate only, and the time until 12:30 p.m. will be equally divided between the two leaders or their designees. The majority will control the first hour and the Republicans the second hour.

The Senate will recess from 12:30 p.m. until 2:15 p.m. for the weekly caucus meetings.

I will alert everyone to this: I hope those people, led by Senator LIEBERMAN and Senator COLLINS, will work to come up with a finite list of amendments so we can move on the cyber security bill.

I spoke to the Republican leader yesterday and have been very patient and tried to get a list of amendments we can agree on. I hope that can be done soon. It is very important that we make a determination of whether we are going to be able to get a bill. There is not a lot of time left to tread water, so to speak.

This is an important piece of legislation. All one needs to do is look at what is going on in India today. There are no cyber problems there that I am aware of, but one-half of the country of India is without electricity today. Transportation has been shut down, financial networks in India, which are significant, are down, and it is a chaotic place. There are 600 million people in India who are without electricity. As we have been told time and time again, the most important issue we have facing this country today for security is cyber. We have been told that by the Joint Chiefs of Staff and by the head of the CIA. We have been told that by Democrats and Republicans. It is an issue that is important, and we have been told it is something we can prevent.

If we don't do this bill, it is not a question of if there will be a cyber attack that will be devastating to our country, it is only a question of when. It can be stopped. I hope the chamber of commerce will get some sense.

There was a big meeting in the Chamber yesterday. They were moving forward on all that was bad about the bill. The problem is they were dealing with the wrong bill. So I hope we can get something done. It is extremely important that we do.

There will be a Senators-only briefing today at 5 p.m. in the Visitor Center today in SVC–217.

MEASURES PLACED ON THE CALENDAR—S. 3457 AND H.R. 4078

Mr. REID. I am told there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The Senator is correct. The clerk will report the bills by title for the second time.

The legislative clerk read as follows:

A bill (S. 3457) to require the Secretary of Veterans Affairs to establish a veterans job corps, and for other purposes.

A bill (H.R. 4078) to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent.

Mr. REID. Mr. President, I object to any further proceedings with regard to these bills at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

AFFORDABLE CARE ACT

Mr. REID. Mr. President, I am going to spend a few minutes talking about the Affordable Care Act. I wonder how many people on the Republican side today are going to talk about ObamaCare. If they do, they should be in a very positive state. We know that as a result of this bill, the Affordable Care Act, people are getting or soon will get a rebate. One of the things we did—led by Senator FRANKEN and others—was make sure that 80 percent of the money paid for premiums goes to patient care and any amount that doesn't has to be refunded to the patients. That is in the process now. In the month of August, all those moneys will come back in a significant amount to Americans who, in effect, are part of programs that spend too much on salaries for bosses.

Also, we are going to talk a little bit today about what this Affordable Care Act does for women in America. As I said, I am going to speak very briefly, but we are going to have people come—as soon as I and the Republican leader finish—to talk about good things in this bill for women. I will touch on them very briefly.

There is no question this bill that was signed by President Obama is a landmark piece of legislation. It signaled an end to insurance company discrimination among many but especially against those who are ill, those with a preexisting condition, and especially against women.

As a result of this bill we passed, being a woman is no longer a preexisting disability in America. For many years, insurance companies charged American women higher premiums. Why? Because they are women. For years, American women have unfairly borne the burden of the high cost of contraception as well. Even women with private insurance often wind up spending hundreds of dollars more each year for birth control. Today, women of reproductive age spend two-thirds more out of their own pockets for health care costs than men, largely due to the high cost of birth control. But starting tomorrow—Wednesday of this week—new insurance plans must cover contraception and many other preventive health services for women. How much? No additional pay at all. Under health care reform, about 47 million women, including almost 400,000 women in Nevada, will have guaranteed access to those additional preventive services without cost sharing.

Many on the other side downplayed the importance of these benefits or fought to repeal them altogether. It is hard to comprehend but true. Forcing American women to continue struggling with the high price of contraception has very real consequences. Every year millions of women in the United States put off doctors' visits because they can't afford the copay and millions more skip pills or shots to save money.

It is no mystery why the United States has one of the highest rates of unintended pregnancies of all industrialized nations. Half of all pregnancies in America are unplanned. Of those unintended pregnancies, about half wind up in abortion. Increasing access to contraception is the most effective way to reduce unintended pregnancies and reduce the number of abortions, but the high cost is often a barrier.

That is why, in 1997, OLYMPIA SNOWE and I began a bipartisan effort to prevent unintended pregnancies by expanding access to contraception. It has not been an easy path, but we did make a start. As part of this effort, we helped pass a law ensuring Federal employees access to contraception. It was a big issue. That was 15 years ago or more. It is an issue that is still important, but we started it, and I am very happy about that. OLYMPIA SNOWE was terrific to work with.

When this benefit took place in 1999, premiums did not go up one single dime because neither did health care costs—not one penny. It was rewarding to note that a pro-life Democrat and pro-choice Republican were able to confront the issue with a practical eye rather than a political eye. It is unfortunate that over the last 15 years an idea that started as a common-ground proposal has become so polarizing in Congress. The controversy is quite strange when we consider that almost 99 percent of women have relied on contraception at some point in their lives, and many have struggled to afford it. The Affordable Care Act will ensure that insurance companies treat women fairly and treat birth control as any other preventive service.

Prior to Senator SNOWE and me doing this, anything a man wanted they got. Viagra, fine; we will take care of that. Anything a man wanted they got—but not a woman. The law doesn't just guarantee women's access to contraception, it assures their access to many other lifesaving procedures as well.

Thanks to the health care bill—the Affordable Care Act—insurance companies are already required to cover preventive care such as mammograms. For a person who is able to have a mammogram, it is lifesaving. Most people in the Senate know my wife is battling breast cancer. She had a mammogram in December and in August discovered a lump in her breast. Think of what would have happened if she had waited 1 year because she couldn't afford that mammogram. Frankly, the thought of it is very hard for me to comprehend because even though she had that mammogram in December, she had found it and was in stage 3 of breast cancer. It has been very difficult. What if she waited an extra year? Many people wait a lot longer than an extra year.

Colonoscopies save lives. I was talking to one of my friends in the Senate who is going to have his done. They do it every 5 years. It takes at least 10 years for polyps to develop into cancer, and some polyps develop into cancer if they are not taken out. People need to have this done.

Blood pressure checks, childhood immunizations without cost sharing is part of what is in this bill. It used to be a bill; now it is the law.

Starting tomorrow—again, Wednesday of this week—women will no longer have to reach in their pockets to pay for wellness checkups. They can do screening for diabetes, HPV testing, sexually transmitted infection counseling, HIV screening and counseling, breastfeeding support, domestic violence screening and counseling. That is all in the law starting tomorrow. All women in new insurance plans will have access to all forms of FDA-approved contraception without having to shell out more money on top of their premiums. Ending insurance company discrimination will help millions more women afford the care they need when they need it. It will restore basic fairness to the health care system. Sometimes the practical thing to do is also the right thing to do, and that is what the legislation we worked so hard to pass is all about. It is about doing the right thing for everyone. Today we are going to focus on women.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

REPEAL OF OBAMACARE

Mr. MCCONNELL. Mr. President, I might say to my friend the majority leader before he leaves the floor that I listened carefully to his speech about what most Americans refer to as ObamaCare. Given the fact that our friends on the other side are going to focus on that bill this particular week, I think it might be a good idea to have a vote on it, on the pending bill.

It would be my intent to offer an amendment that I know my friend does not support, but nevertheless many Americans would like to know. Since we have spent a good deal of time positioning over the last few months on various and assorted issues, I think it would be appropriate to have a vote on the repeal of ObamaCare, and I hope to be able to offer that amendment during the pendency of the bill on cyber security, which we believe will be open to amendments. I wonder if my friend thinks that might be something both sides might agree would be a good idea.

Mr. REID. Mr. President, I wonder if the official reporter could show the big smile on my face. Can my colleagues imagine how ridiculous my friend the Republican leader's statement is. Listen to what he said. We are doing cyber security. We have talked about the dangers of cyber security if we don't do something about it. He is now telling me he wants a vote to repeal all the stuff I just talked about on the cyber security bill? That is very difficult to comprehend.

I think we should understand that I don't think a woman getting contraception has a thing to do with shutting down the power grids in America or the financial services in America or our water systems or our sewer systems. That is what cyber security is all about, not whether a woman can have contraception or whether she can have a wellness check to find out if she has cancer from not having had a mammogram.

Mr. DURBIN. Mr. President, will the majority leader yield for a question?

Mr. REID. I would be happy to yield.

Mr. DURBIN. I would like to ask the majority leader, do I remember correctly that the very first amendment on the Transportation bill was offered by Senator BLUNT of Missouri on family planning? So is there a family planning amendment available on every bill now that will be offered by the Republican side?

I know the House Republicans have had 30 or 33 votes to repeal ObamaCare. Are we going to try to match them with similar efforts in the Senate?

Mr. REID. My response to my friend is this: I try to be very calm about things in life generally, especially things here on the floor, but I can't remain very calm about this. I have, as do a lot of people I know, 16 grandchildren. They are evenly divided between boys and girls. I want my granddaughters to be treated so that if they want to go get some contraception, have some contraceptive device while in school at New York University or Berkeley—I am bragging that they got into those schools—they should have the ability to do that.

I just can't imagine what we are talking about here on the Senate floor. Cyber security is one of the most important—it is the most important issue, as I have already said. If my colleagues want to talk to General Petraeus, he will tell us about what it is, or General Dempsey will tell us what the important issue is. The No. 1 issue today is whether we are going to have bad people attack our country and shut it down. Now we are here being asked if we are going to have a vote, on cyber security, as to when my grandchildren can have contraception.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. I guess the answer is no.

My friends are going to spend the week lauding the advantages as they see them of an immensely unpopular bill that was passed a couple of years ago on a straight party-line vote—ObamaCare. Yet, in a week in which, apparently, they are going to laud the various positions of it, they are not willing to have a vote in support of it. So I gather that is a vote we will not have. I will request the opportunity to do that again. After listening to my good friend the majority leader, I anticipate such a request would likely be blocked.

On another matter——

Mr. REID. Mr. President, my friend asked me a question.

Mr. MCCONNELL. I believe I have the floor.

The ACTING PRESIDENT pro tempore. The Republican leader has the floor.

Mr. REID. OK. I won't answer the question then.

DEFENSE SEQUESTER

Mr. MCCONNELL. Mr. President, 4 years after the great recession began, millions of Americans are still looking for work, millions more have literally dropped out of the workforce altogether, and uncertainty about our Nation's future continues to spread. The stories of disappointment and of loss haven't diminished; they have, in fact, multiplied.

What is worse, a President who was elected on a pledge that he would turn all those things around is still pointing the finger at his predecessor. Three and a half years after he took office, he is acting as though he just showed up. I think most Americans are smart enough to know he has made things worse. He has hammered small businesses with a barrage of new regulations, with dozens more in the pipeline. He expects them to plan for the future without even knowing what their tax and health care liabilities will be. Last week he even spearheaded a legislative effort to take even more of what nearly 1 million of these small businesses earn, and then he told Republicans that if we don't go along with it, he will raise taxes on everybody else.

That was the message last week: Either give me what I want—raise taxes on 1 million of our most successful small businesses—or we will let everybody's taxes go up, is what he said at the end of the week. In other words, he used small businesses as little more than a bargaining chip. The week before that he told business owners that they are not really responsible for what they have built. Listen to that. To business owners, the President said: You are not really responsible for what you have built. No amount of White House spin or manufactured outrage can change what the President said in Roanoke, and no amount of finger-pointing can change the fact that his policies have actually made things worse.

But what is most upsetting to a lot of us is the fact that the administration pretends its policies would help the economy or create jobs when it knows they won't. It knows these policies are not going to create any jobs. What is most upsetting is the deception that lies at the heart of so many of the sales jobs, from health care to the stimulus.

Americans wanted the President to focus on jobs, and he focused on a health care bill that we now learn not only includes a tax on the middle class but will lead to hundreds of thousands of fewer jobs. Now the President claims he is fighting for the middle class, but 3½ years into his Presidency their wages are still stagnant while their dependency on government assistance actually continues to rise. Wages are stagnant, and dependence on government assistance continues to rise.

In some cases the President doesn't even bother with the sales jobs; he just keeps his plans a secret. That is what we are now seeing with the defense cuts he demanded during last year's budget negotiations. Literally for weeks, Republicans asked the President to tell the American people how he planned to carry out these cuts. He refused.

Mr. President, the Senate is not in order.

The ACTING PRESIDENT pro tempore. The Senate will be in order.

The Republican leader.

Mr. MCCONNELL. As I was saying, for weeks Republicans asked the President to tell the American people how he plans to carry out these cuts. He simply refused to do so. So last week Congress passed legislation requiring him to do so. In fact, it cleared the Senate, I believe, unanimously.

Then yesterday there was this: An Assistant Secretary down at the Department of Labor is now telling people they are under no legal obligation to let employees know if they will lose their jobs as a result of these cuts. Let me say that again. We have an Assistant Secretary of Labor who just yesterday said that employers are under no legal obligation to tell their employees they may lose their jobs as a result of these cuts. In other words, the President is trying to keep those folks in the dark about whether they can expect to lose their jobs. Why? Well, I think it is pretty obvious: to insulate himself from the political fallout that will result. The President doesn't want people reading about pink slips in the weeks before his election, so the White House is telling people to keep the effects of these cuts a secret—don't tell anybody, he says, keep it a secret—until, of course, after the election. Once again, a President who holds himself out as a great defender of the middle class and the goals of organized labor is putting his own political goals ahead of the hard-working Americans who will be affected by these policies. Rather than let those who will be affected by the cuts know about them, he will make everybody nervous.

For 3½ years—3½ long years—this President has pushed an ideological agenda without regard for the consequences it would have on the very middle-class Americans he purports to defend.

The President may not want to admit it, but the economic mess we are in is his legacy—his legacy. After 3½ years of finger-pointing—3½ years of finger-pointing—he owes it to the American people to be straight about it.

Mr. President, I yield the floor.

CYBERSECURITY ACT OF 2012

The ACTING PRESIDENT pro tempore. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 3414) to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, every Senator has to decide what they are going to do every day when they wake up in the morning. For some in this Chamber, they wake up every day thinking about how they are going to stop President Obama, how they are going to stop his agenda, and how they are going to do everything they can to stop him from having a second term. Some spend their time waking up every day thinking about how they want to stop America from moving forward.

That is not how I spend my day. I try to look at two things every day: the needs of my people—their day-to-day needs for a job, for an opportunity, for health care—and how that translates into national policy; then I try to look at the long range needs of our country. That is why I am excited about being on the Intelligence Committee, where I am working on protecting America from the cyber attacks that are happening every day to our country, including the stealing of identity and the stealing of trade secrets. I want to move America forward. I have worked very hard to do that.

One of the areas I am most proud of that I have worked on with the men and women in this Chamber from both sides of the aisle is the whole area of women's health care. Many want to talk about repealing Obama health care. Well, I don't want to repeal it. They talk about replacing it. They never have an idea. So let me tell my colleagues one of the areas we fought for.

One of the things we knew as we embarked upon the health care debate was that we wanted to save lives and we wanted to save money. One of the areas where we wanted to do both was to look at how to utilize the new scientific breakthroughs in prevention, particularly early detection and screening. We could identify those diseases with early intervention and save lives as well as money and counteract escalating disease that ultimately costs more and can even cost a life.

Nowhere was it more glaring than with the issue of women's health care. My hearings revealed that women were charged more for their health care and got less than men of equal age and health care status. We found that we had barriers to health care because everything about being a woman was treated as a preexisting condition. If a woman had a C-section for the delivery of her baby, that was counted. In eight States, they even counted domestic violence as a preexisting condition. Then what we saw during this debate was the fact that they even wanted to take our mammograms away from us. Well, that just went too far.

So during the health care debate, while everybody was being a bean counter, I wanted American women to know they could count on the Senate and the women and men of the Senate to stand up for them. So we came to the floor. We suited up, and we fought for a preventive health care amendment that not only passed but goes into effect tomorrow, on August 1. It will be a new day for women of all ages, who will be able to get health care coverage for preventive health care at no additional cost, no copays, no deductibles, and no discrimination where they are charged more and get less. That is what ObamaCare is. If somebody wants to repeal that, then bring it on. We are ready to fight. We want to fight for that annual health care checkup that will involve mammograms, Pap testing, and pelvic exams. We want to be able to do the screening for that dread ''C'' word, for colorectal cancer and lung cancer. We want to make sure that if a person thinks they are possibly a victim—a doctor suspects domestic violence—we can screen and counsel. We want women to be able to have that access, to be able to know early on what are those illnesses they are facing.

August 1 means our long-fought battle will actually go into effect. Where does it go into effect? Well, it is already in effect on the Federal law books. Now it will go into effect in doctors' offices. Women will have access to the health care their doctor says they need, not what an insurance company says they need or what some right-winger wants to take away from them.

We are pretty mad about this. We were mad 2 years ago when they wanted to take our mammograms away from us, and we are going to be pretty mad if they try to take our health care away from us. But what we are happy about—what we are happy about—is that for over more than 50 million American women tomorrow it will be a new day. They will be able to walk into their doctor's office. In the doctor's office they will say: Good morning. Can I help you? And when they say: When was the last time you had a mammogram, and the patient says: Well, I never had one because I could not afford it, they will say: Oh, we can sign you right up for that. Tell me about your family history. Is it true that your father had colon cancer? Well, listen, we worry about that for you. You could be at high risk. We are going to take a look at that and make sure you are OK.

For young women, we are going to make sure you have other kinds of counseling and services you need in order to have a productive family life. This is what this health care bill is all about. It is about people. It is about access. It is about preventing dread diseases.

People will come to this floor and they will pound their chest and complain about the President. We want to pound the table and make sure women have gotten the health care they need.

Tomorrow, we are going to be very excited when we keep the doors of doctors' offices open to the women of America.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Mr. President, first, I wish to give two thank-yous: first, to my colleague from California for letting me go ahead of her—I have a Finance Committee meeting—and second, to both my colleague from Maryland and my colleague from California, whose voices are so clear and clarion. I love to listen to the Senator from Maryland. She speaks right to the people. She has it. She gets it. And do you know what. If we could get every American in a giant football stadium and they could listen to Senators MIKULSKI and BOXER on health care, 80 percent would be for it. So I want to salute them and salute particularly Senator MIKULSKI for putting both the event earlier today and these speeches together.

I heard the minority leader speak, and it meant two things. First, it meant the Republican party does not want to do cyber security. It means the greatest threat to our Nation—probably even greater than terrorism, if you speak to some of our intelligence and military experts—will not be dealt with because we know what he is doing. He is asking for an unreasonable demand, unrelated to cyber security, to go on the floor, knowing that will stop us from moving forward.

It is a sad day. We have some of our colleagues from the other side of the aisle talking about that we must not abandon defense. Well, one of the strongest things the defense of our Nation needs is a strong cyber security bill. Because special interests—the Chamber of Commerce and others—do not want it, even though every military and intelligence leader has said how vital it is, it seems the other party's tea leaves show that the other party is going to block us from going forward. It is unfortunate and it is sad.

Then, second, the way he chose to block cyber security could not be worse in terms of substance and in terms of timing. Today, July 31, the minority leader wants to put on the floor the repeal of so many things that are going to happen tomorrow to women and to men across America that benefit them. So his timing could not be worse. The very day before we are going to see huge benefits for the American people, he wants us to debate repeal. Why don't we let the American people see the good parts of health care before we repeal it. And we are not going to repeal it.

I want to talk about this day—or tomorrow, actually—where so many portions of the Affordable Care Act go into effect.

Three million women in my home State of New York will benefit. From

Buffalo to Montauk, in Albany and in Manhattan, 3 million women will receive free basic preventive care for themselves and their children. So many women and men do not get preventive services because it is expensive to them. These services are free. But not only will they make those people healthier—the No. 1 goal—but they will reduce the costs of health care because every expert—Democrat, Independent, Republican; moderate, liberal, conservative—says if you do more prevention, you are going to save money.

Tomorrow, so many of those preventive services go into effect. More women will go in for annual preventive care visits to screen for cervical, ovarian, and breast cancers. More women will receive preconception and prenatal services, so their children can grow up healthy, active, and strong. More women will have access to contraception and its additional health benefits, such as reduced risk of breast cancer and protection against osteoporosis.

New mothers will have access to support and supplies for breastfeeding, and more women will be screened for domestic and sexual violence, sexually transmitted infections, and HIV.

To my colleagues on the other side of the aisle: When we say there is a war against women and they get their backs up—they want to repeal this and put nothing in its place, no preventive services, no access to contraception, none of the things I have mentioned—yes, it is a war on women. Because if they cared about women and they did not like ObamaCare, they would still have a proposal on the floor to keep these fine pieces of the legislation going forward so they are not cut off tomorrow, which is what they intend to do, but, of course, thank God, will not happen.

The change we are making helps every woman—who said: I would but I cannot afford it; it is just too expensive—finally get health care.

Removing the copays is a great thing. Cutting the costs of preventive care is something we long wished to do in America and can happen tomorrow.

What about all the other benefits that affect men and women alike: 2.5 million young adults who can stay on their parents' insurance; 5.2 million seniors—men and women—in the doughnut hole who save $3.7 billion on prescription drugs?

What about the idea that when your insurance company charges you too much, the money goes to profits and salaries and trips and advertising and not enough goes to health care? Starting tomorrow, you can get a rebate. We know our colleagues on the other side of the aisle—to them that is anathema, to make insurance companies give people a rebate.

So bottom line: We want to move forward on a cyber security bill, and we regret that the leader is putting logs in its way. And even more importantly, we want benefits to millions of women and millions of men to go forward, as was intended, as was voted for, as is the law of the land, and we will not let them deter us from bringing people those benefits.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, I thank the Senator from New York for putting this into context for America.

What has happened here this morning is, instead of celebrating with us because tomorrow, August 1, an entire list of preventive services for women goes into effect because of ObamaCare—yes, our health care law—the Republican leader says he wants to repeal all those benefits.

Not only does the Republican leader, on behalf of the Republican minority, want to repeal the benefits that go into effect tomorrow for women, he wants to repeal the entire health care bill. He wants to have an amendment to the cyber security bill—which is so critical to our national security—he wants to put an amendment on there to repeal a law that the U.S. Supreme Court found was constitutional and whose benefits are beginning to take hold in this country, benefits that mean right now people are receiving refund checks in the mail because their insurance company overcharged them, and under ObamaCare you cannot do that, and hundreds of millions of dollars are going out to our people. The Republicans want to, I assume, force those people to send back their refunds because they want to repeal ObamaCare.

Look at the list of preventive health benefits I have on this chart that are already in effect because of the legislation. Already because of health reform—and I see Senator HARKIN in the Chamber, who shepherded this through, as our dear friend Ted Kennedy became sicker and sicker with brain cancer. I will never forget how Senator HARKIN stepped up to the plate, Senator Dodd stepped up to the plate, Senator MIKULSKI stepped up to the plate, and they were the lieutenants who got it done. And the Republicans want to take it away. I can only imagine how Senator HARKIN feels, having been in that fight. But I am here to say I am your supporter. I know what you did.

I know my people in California—the largest State in the Union—are getting breast cancer screenings now, with no copays. They are getting cervical cancer screenings, hepatitis A and B vaccines, measles and mumps vaccines, colorectal cancer screenings, diabetes screenings, cholesterol screenings, blood pressure screenings, obesity screenings, tobacco cessation, autism screenings. How important is that? In my State, they say there is an epidemic of autism. They are getting hearing screenings for newborns, sickle cell screenings for newborns, fluoride supplements, tuberculosis testing for children, depression screenings. How important is that? They are getting osteoporosis screenings. I watched as my mother was in agony from osteoporosis. There are things you can do now to avoid it. But you need the screening. You need to know whether those bones are losing their density. They are getting flu vaccines for children and the elderly.

This list goes into effect tomorrow. So let's take a look at the list that goes into effect tomorrow that my Republican friends want to repeal today.

Tomorrow, women will get access to all of these things without copays or coinsurance: contraception, well-woman visits, STD screenings and counseling, breastfeeding support and supplies, domestic violence screenings, gestational diabetes screenings, HIV screenings, and HPV testing.

I am stunned that on the eve of the broadest increase in benefits in my lifetime, the Republicans want to repeal these benefits for women. This is a continuation on their part of the war on women. They can get up and stand on their head and deny it and everything else. How else can you explain why, on the eve of the day that women are going to get all these benefits, they want to now cancel ObamaCare and stop all this from happening?

If you think it does not matter—let me say to you, Mr. President, I know you know it matters whether women get free contraception to cut back on unintended pregnancies and abortion and well-woman visits and breastfeeding support. How about domestic violence screenings—so critical. Some women are in these terrible relationships, and they go to the doctor, and they say: Well, I do not want to talk about it. Doctors will be taught how to spot domestic violence, and there can be an intervention that will save lives.

So here we stand. We have this list of benefits, women's preventive health benefits, that are going to go into effect tomorrow.

We are here to celebrate that. And instead of our Republican colleagues coming on the floor and joining us and saying how wonderful this is, and by the way, at the end of the day this saves money—we all know that. We all know it saves money when you have screening and counseling for STDs and you head off an illness. We all know it saves money. The health care bill saves money, and it reduces the deficit because of this investment in prevention. I cannot think of a more ridiculous situation than after a bill has become law for how many years now, Senator HARKIN? Is it a couple of years since we passed it? Years. It went to the Supreme Court. It was upheld. And now, just as we are about to see these great benefits for women go into place, the Republican leader says: Let's repeal ObamaCare today. Let's have an amendment on the cyber security bill, he said, to repeal the entire health care law.

The House voted 33 times, at least, to repeal it. So I am wondering, what is with this idea of repealing? Do you want to take away these benefits from

women? From children? From men? From families? Yes, I guess you do. I guess you stand for going back to the old days when people could hear from their insurance company that they were cut off, when insurance companies could spend 70 percent on themselves, on their own perks, and CEOs getting hundreds of millions of dollars and you, the patient, getting hardly anything. They want to go back. They want to take away the refunds. They want to take away the funding our seniors are getting as they deal with the high cost of prescription drugs. And we fixed that in this bill.

So I have to say, we make an investment in prevention, in keeping people healthy. We make sure being a woman is not a preexisting condition. And the Republicans today have relaunched their war against women. They are holding up the Violence Against Women Act that we passed over here in a bipartisan way. They will not take up the Senate bill and pass it. Why? They want to take away coverage in that bill from 30 million Americans.

They do not care about the immigrant population, obviously, the most vulnerable women there. They do not care about the college students, apparently. Because we get extra protections for them on college campuses. We protect the LGBT community. Clearly they are not interested in that. And they are not interested in protecting the Native American women.

So while the Speaker says: Oh, I will send conferees to a nonexistent conference on the Violence Against Women Act, he could simply pass the bill and make sure everyone is protected. Instead of celebrating today because women are getting all these wonderful benefits without a copay, they want to repeal all these benefits. They want to repeal this law.

Truly, I do not know what motivates them. I do not speak for them. But if they say it is to save money, that is simply not true. Because this bill saves money. This law saves money. Because we are investing in prevention. So the only thing I can think of is they want to hurt this President.

The Republican leader said his highest priority was making sure that President Obama is a one-term President. So I guess if it means attacking the health care law to hurt this President, he is willing to do it and hurt all my constituents who are getting these benefits and all of our constituents who are getting these benefits, hurting the American people.

Well, I say put politics aside. Let's see the Republicans come down here and celebrate the fact that finally our people are getting the health care they deserve and that they pay for.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am proud to join my colleagues on the floor today—I thank Senator BOXER and Senator HARKIN for their leadership—just as I was proud back in December of 2009 to join Senator MIKULSKI in sponsoring the women's health amendment to the Affordable Care Act.

We are here today celebrating the fact that tomorrow, August 1, women will have access to important health services at no cost. Senator BOXER showed very clearly what a number of those preventive services are. Thanks to the provisions of the Affordable Care Act that go into effect this week, women will have access to a broad range of preventive services from well woman and prenatal visits to gestational diabetes screening, and they will have access to those services without copayments or deductibles. So finances will no longer stand in the way of women getting the preventive health care they need.

This also has the potential to save our health system money in the long run. The Centers for Disease Control estimates that 75 percent of our health care spending is on people with chronic diseases. So by taking these preventive measures, we can slow this growth and the associated cost of disease.

One of those preventive measures I want to talk about this morning is screening for gestational diabetes. As cochair of the Senate Diabetes Caucus, I understand the importance of gestational diabetes screening and the impact it can have on both the mother and the baby. Gestational diabetes affects almost 18 percent of all pregnancies in the United States. Unfortunately, the number of those cases is increasing. The consequences of gestational diabetes are real. Not only are there significant health effects for the mother and baby during pregnancy, but researchers have found that both the mother and baby may be at risk for developing type 2 diabetes later in life. By getting screened, both the mother and child can be alerted to potential long-term health risks.

I want to tell the story of one of my constituents, Megan from Panacook, NH, because she is a great example of why this screening is so important. During her 28th week of pregnancy, Megan was diagnosed with gestational diabetes. The screening she had alerted her to the potential related health issues and they allowed her to get the necessary treatment. I am happy to report that Megan gave birth to a healthy baby girl, Grace. She is now 8 weeks old. Under the Affordable Care Act, all pregnant women will now be able to receive the gestational diabetes screening for free.

Tomorrow also marks an important milestone in women's health for another preventive service. Women, beginning tomorrow, will have access to contraception at no cost. Birth control is something that most women use, and it is something the medical community believes is essential to the health of a woman and her family. For some 1.5 million women, birth control pills are not used for contraception but for medical purposes. They can reduce the risk of some cancers. With costs as high as $600 a year, birth control can be a serious economic concern for many women. Being able to now receive birth control for no cost will bring financial relief to so many of those women.

Again, I have a story of a young woman from New Hampshire who I think illustrates so clearly why these are such important provisions. Keri Wolfe from Swanzey, NH, is a full-time graduate student at Dartmouth. She is going to benefit from this provision because Keri takes birth control as a medical necessity for treating a health issue that affects her adrenal gland. While Keri is lucky to have insurance, she has to pay her plan's full deductible and then a monthly copay for her birth control. As a student who is trying to balance academic and living expenses, her prescriptions come at a significant cost annually. When her new insurance plan goes into effect, Keri is going to be able to get the full price of her birth control covered. That is great news in making sure she gets the health care she needs.

As Governor of New Hampshire, I was proud to sign legislation that required insurance companies to provide contraceptive coverage to women with no religious exemption. At that time it was understood by people on both sides of the aisle of all religious faiths that requiring contraceptive coverage was about women's health, and it was a basic health care decision. Yet over the last several months, opponents have continued to roll back contraceptive coverage at both the State and Federal level. Every woman should be able to make her own health care decisions. She should not have to have her boss stand in the way. The provisions that go into effect tomorrow ensure that women can make these decisions.

I thank Senator MIKULSKI and Senator HARKIN for their leadership on women's health. I join them in celebrating these important provisions that are going to make a huge difference for women's health, that are going to be good for women, for families, and for everyone in this country.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Mr. President, first of all, let me commend the Senator from New Hampshire for her great leadership as a Governor and as a Senator in this whole area of health care for women especially. She is providing great leadership in this area, continues to provide that leadership. I want to join with the Senator from New Hampshire in saying we are not going to let these provisions that now are expanding coverage for so many women—47 million women in America—we are not going to let these roll back. We are not.

Again, if the people of this country elect Mr. Romney to be President and they turn over the Senate to the Republicans, there it goes. It is gone. It is

gone. I did not hear this this morning, but I understand the Republican leader said this morning—I stand to be corrected. As I understand, he said they wanted the first amendment that would be offered on the cyber security bill that I think is now before the Senate—he wanted the first amendment to be a repeal of the Affordable Care Act.

What timing. What timing, I say to the Republican leader. On the eve of when we are expanding preventive health care services for 47 million women in America, the Republican leader gets up and says: We want to vote to repeal this tomorrow. Tomorrow. Repeal it tomorrow.

Does that not kind of give you some idea of how they feel about the women of America and the health care of our mothers, our sisters, our daughters? That is what they want.

We have already voted 33 times to repeal portions of the health care act. I think we voted twice in the Senate to repeal the whole thing. They want to have another vote. I think it is more than curious that the Republican leader wants to vote to repeal it on the very day when we are expanding health care coverage for the women of America. Interesting.

Tomorrow is an important day for American women, thanks again to key provisions of the Affordable Care Act. I do want to commend Senator MIKULSKI for her great leadership in this area, Senator Dodd, Senator BINGAMAN. Senator Kennedy, when he became ill, asked us to take the leadership on different provisions of the Affordable Care Act on the HELP Committee and to get it through.

We had wonderful support from our colleagues here on the floor of the Senate and our committee. These provisions that we put in to move us from a sick care system to a health care system—I have often said that in America we do not have a health care system, we have a sick care system. If you get sick, you will get care one way or the other, usually in the emergency room if you are poor, or maybe not at all if you do not make it to the emergency room. But there is very little in our country to keep you healthy in the first place. Yet we know, we have good data that shows preventive services upfront save you a lot of money and a lot of lives, a lot of pain and suffering later on. So in the Affordable Care Act we put in a big provision on preventive services. We said basically that what the Preventive Services Task Force of the Center for Disease Control and Prevention—what they listed as their A and B, those that had the, if I can use their term, ''best return on investment'' or the ''biggest impact,'' that those would be free, there would be no copays or deductibles.

Senator MIKULSKI reminded us of what is obvious but not too often taken into consideration in legislation; that is, women are different from men. So we asked the Institute of Medicine to come up with provisions that applied to the preventive health care of women. That is what goes into effect tomorrow.

Senator BOXER very eloquently talked about that and had the chart showing all of the different things that will start tomorrow—an all-new plan that would cover women in this country—again, to keep women healthy in the first place, preventive services to keep women healthy without copays and deductibles.

Right on the eve of this wonderful expansion of health care coverage, of making sure women are not second-class citizens when it comes to prevention and wellness—on the very eve of saying to women that no longer can insurance companies sort of say, because you are a woman you have a preexisting condition—the Senate Republican leader gets up and says he wants to have the next vote on repealing the health care bill.

Talk about a slap in the face to the women of this country. Well, I think women know what they are facing coming up this fall. I point out that tomorrow about 520,000 women in Iowa will have expanded health care coverage, preventive services. We fought very hard to put these into law, and we are not going to let them repeal it. We have the votes—let's face it—in the Senate to stop that. The Republican leader can bring it up again, and it can be voted on, but I think it is indicative of where they want to take this country.

We can stop it now, but if Mr. Romney is elected President, he said on day one he wants to repeal it. When he is first sworn in he will send up legislation to repeal it, and if the Senate and the House are in Republican hands, we can kiss it goodbye. It is gone. We will not be able to stop it then.

It is hard to believe, but prior to the Affordable Care Act essential services that were unique to women, such as maternity care, were not often included in health plans. Tomorrow, we include preventive care checkups, screening for gestational diabetes, and breast-feeding support and supplies.

How many low-income women in this country would know that the best thing for their babies is breast milk? Breast feeding, we know, is the preferred method of starting off babies, but sometimes these supplies can be expensive, especially if women are working at a low-wage job and they may need these supplies, but they can't afford it, so, therefore, they turn to another method, to formula for the babies. I am not saying formula is bad, but as we know, and doctors will tell us—every pediatrician will tell us that breast feeding is the best. But women would be forced to choose the less best option if they didn't have these breast-feeding supports and supplies.

Let me take head on, if I can, this idea of contraception. As the Senator from New Hampshire pointed out, this can be pretty expensive—up to $600 a year or more. For one of us who is making $172,000 a year and have great health care coverage, that is not a big deal. But to a low-income woman with a couple of kids, working at a minimum wage job, trying to scrape enough just to get by, $600 a year is a lot of money.

Let me point out another facet of this issue. Somehow people think, for example, birth control pills are only to prevent a pregnancy. There are many young women of childbearing age in this country who take birth control pills on the advice of their doctor not to avoid a pregnancy but because their monthly cycles are so painful that they can't even work. So what are we saying? A young woman who gets a prescription from the doctor and says it is not for birth control but is for other physical problems, she has to take that in and show it to her employer now or her insurance carrier? That makes women second-class citizens again. Nonsense.

I respect religious freedom as much as anyone, but despite the Republican propaganda, this law doesn't mandate that any woman has to use contraception, and it doesn't force employers to provide it. It gives women affordable access to birth control for a variety of reasons should they and their doctor decide it is right for them or their families. As for religious organizations that object to contraception, the President has issued a very sensible compromise to accommodate their beliefs, while ensuring that women still have access to this critical service.

I respect the views of all people on these often divisive issues, and I would oppose any measure that threatens the fundamental religious liberties of people or institutions. But the Republicans are not motivated by a genuine desire to protect religious liberty; rather, they are determined to undo these and other benefits for women in the Affordable Care Act. They have repeatedly introduced legislation, approved by the House Appropriations Committee, that allows anyone to opt out of providing services to which they have any religious or moral objection.

Well, one might say that sounds reasonable on the face of it, but think about this. Any employer with any religious or moral objection could opt out of any coverage. They could say, well, they object not only to contraception but to mammograms, prenatal screening. They just have a moral objection to that based upon their religious beliefs.

I respect Christian scientists—I always have—and their beliefs. Can they say, well, they are not going to cover insurance for an employee who goes to see a doctor for allopathic medical care, that is not their religious belief?

We have to have reasonable compromise, and I believe the President has come up with that. So what the Republicans would do, according to their leader, is rob 47 million women of these new preventive services. They would rob 1 million young women of the insurance they have already gained

through the Affordable Care Act, of an extension of dependent coverage. America's women will not be dragged backward. They are not going to allow health insurance companies to return to the policies and abuses that hurt them and their families prior to the passage of the Affordable Care Act.

Tomorrow marks another step forward in transforming our current sick care system into a true health care system, and many women will now experience this firsthand. We are going forward. The Republicans can bring it up time and time again. They have sent a very clear signal to the women of America that whatever they gain out of the Affordable Care Act—all these benefits—they are going to take them away from women if they put them in office.

I think the women of America need to have some deep soul searching about who they want deciding their fate in the future, after this next election.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. First, I thank my colleague from Iowa, Senator HARKIN, for the clarity of his statement, for his sincerity and, most importantly, for his leadership. We have the Affordable Care Act because of TOM HARKIN, Chris Dodd, BARBARA MIKULSKI, and others who worked hard to make sure it was here to help families all across America, particularly those in low-income situations.

Like Senator HARKIN, I was stunned this morning when the Republican leader came to the floor and said: The first thing we want to do is to repeal all of this health care preventive care that will be available across America, including the provisions that go into effect tomorrow protecting 47 million of our women and family members all across the United States—2 million in Illinois, I might add, will be helped by this. They insist on bringing up on the pending bill on the Senate floor this amendment to basically remove the protection for these women that is built into the Affordable Care Act.

I have to say to Senator HARKIN, we can't be too surprised at this. Does the Senator remember the very first amendment the Republicans offered on the Transportation bill—a bill that we wanted to pass to build highways and airports? Remember what Senator BLUNT, the Republican from Missouri, offered as the first Republican amendment to the Transportation bill? It was on family planning. Family planning on transportation? I guess some late night comedian can make a connection, but I don't get it.

Now we have the pending cyber security bill to protect America from a cyber attack that could cost American lives—something we are told is the No. 1 threat to America—and Senator MCCONNELL comes to the floor on behalf of the Republicans and says: This bill won't go forward unless we can offer an amendment to repeal the Affordable Care Act—repeal the protections that are there for families and women across America.

It is stunning that no matter what issue we go to the Republican Senators return to this issue of denying health care coverage and denying protection and preventive care to our families. In a way—the Senator touched on it—it is pretty easy for a Senator to come to the floor and talk about somebody else's health care because, as you and I know, and Senator MCCONNELL knows, the health care we have as Members of the Senate—American families would die for the health care we have. We have the best health care insurance in the world, and we have it in a government-administered plan that protects every Senator and their family. We are lucky. We are in the Federal Employees Health Benefits Plan. I believe people across America should have the same opportunity for the same type of health care.

I am still waiting for the first Republican Senator who gets up on the floor and denounces government-administered health care to walk to the well and say: As a proof of my sincerity, I am going to abandon my own health insurance as a Senator. Not one has done that, not a single one.

So for the Senators who come to the floor, their wives will still be protected by our health insurance, and their daughters will still be protected. The question we have to ask is, Should the protection we have as Senators for our families be available to others all across America? That is what this is about.

Tomorrow is the launch of an amazing development in health care protection for our families. I applaud it. My wife and I are still celebrating because our daughter gave birth to twins in November. We have twin grandchildren—now 8 months old. They got through the pregnancy well; she was cared for and did just great. We are so proud of our daughter, our son-in-law, and their family. I think about the provision that will go into effect tomorrow. The Senator from Iowa knows that pregnant women in danger of gestational diabetes that could threaten their lives and the lives of the babies they are carrying will have preventive screening to protect them.

Don't come to the floor and tell me you are pro-life and pro-family and you oppose that. If you want a healthy mom and baby, this screening that starts tomorrow for millions of American women is going to be a step forward, a positive step toward uneventful births and healthy babies. Think about the care and screening for cancer and for all of the problems that women face.

I see Senator MURRAY on the Senate floor. She has been an extraordinary leader on this issue. I will yield to her in a moment.

All those who are on this campaign to repeal ObamaCare—that was their slur on that, and we accept it. It was accomplished under President Obama, and I was proud to vote for it. It is one of the most important votes I ever cast as a Member of the Senate. Those who want to repeal this so-called ObamaCare—as Senator MCCONNELL called for again today on behalf of the Republicans—would repeal a few basic things we should not forget. Every family in America has a child with a preexisting condition. Think of asthma, diabetes, or a history of cancer.

Under our law, they cannot be denied health insurance coverage. We protect those kids, and we protect their families. The Senate Republicans want to repeal it. Seniors across America who are paying for prescription drugs and going into their savings to fill the doughnut hole each year are getting a helping hand from the affordable health care act. The Senate Republicans want to repeal it. Families across America with kids fresh out of college looking for jobs and can't find them or have a job without good health care can still be covered under their parents' policy until the young person reaches the age of 26. That is what the affordable health care act does. The Senate Republicans want to repeal it. And tomorrow 47 million women in America will have preventive screening so they can be healthy on an affordable basis and be mothers giving birth to healthy babies. That is in this new law, and the Senate Republicans want to repeal it.

This isn't just a war against the pill. This isn't just a war against family planning. It is literally a war against women. And the statements of the Senate Republican leader on the floor today are proof positive that they have one focus, and that is to take away these protections we built into the law.

I am happy to yield the floor for our leader on this issue, my colleague from Washington State.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Washington.

Mrs. MURRAY. Mr. President, I come to the floor today very excited about the great progress America is going to make tomorrow, August 1, for women across this country and to share the outrage I just heard from the Senator from Illinois and others that before those even go into effect tomorrow, on the eve of this great opportunity for so many women, the Republican leader has come to the floor and said: We want to repeal it—first amendment, on an issue not related at all to cyber security but to take those away before they even begin.

It is an exciting moment for women in this country. Two years ago health insurance companies could deny women care due to so-called preexisting conditions such as pregnancy or being a victim of domestic violence—denied. Two years ago women were legally discriminated against when it came to insurance premiums and were often paying more for coverage than their male counterparts.

Two years ago women did not have access to the full range of recommended preventive care, such as mammograms or prenatal screenings, that the Senator from Illinois talked about. Two years ago insurance companies had all the leverage. Two years ago, too often, women paid the price. That is why I am so proud today to come to the floor with so many of our colleagues to highlight just how far we have come for women in the past 2 years and the new ways women will benefit from health care reform starting tomorrow, August 1.

Since the Affordable Care Act became the law of the land, women have now been treated more fairly when it comes to health care costs and options. Deductibles and other expenses have been capped, so a health care crisis won't cause a family to lose their home or their life savings. Women can use the health care exchanges to pick quality plans that work for themselves and their families. And if they change jobs or have to move, which so many people have to do today, they can keep their coverage.

Starting tomorrow, August 1, additional types of maternity care are going to be covered. Women will be armed with the proper tools and resources in order to take the right steps to have a healthy pregnancy. Starting tomorrow, women will have access to domestic partner violence screening and counseling, as well as screening for sexually transmitted infections. Starting tomorrow, women will finally have access to affordable birth control so we can lower rates in maternal and infant mortality and reduce the risk of ovarian cancer and improve overall health outcomes and encourage far fewer unintended pregnancies and abortions, which is a goal we all share.

I also wish to note that the affordable contraceptive policy we put in place preserves the rights of all Americans while also protecting the rights of millions of Americans who do use contraceptives, who believe that family planning is the right choice for them, and who don't deserve to have politics or ideology prevent them from getting the coverage they deserve and want.

Starting tomorrow, women will be fully in charge of their health care, not an insurance company. That is why I feel so strongly that we cannot go back to the way things were. While we can never stop working to make improvements, which we all know are important, we owe it to the women of America to make progress and not allow the clock to be rolled back on their health care needs.

Despite the recent Supreme Court decision upholding this law, I know some of our Republican colleagues are furiously working to undo all the gains we have made in health care reform for women and families. We heard the minority leader this morning come to the floor, and he wants to offer an amendment on the next bill that is now coming up on cybersecurity to repeal all of these important protections for women, that women are taking advantage of today, and certainly something we all should want for our families and our daughters and for the women in this country. I know they apparently think repealing the entire health care law would be a political winner for them, but the truth is that this law is a winner for women and for men and for children and for our health care system overall.

So I am proud to be out here with my colleagues today who are committed to making sure the benefits of this law do not get taken away from the women of America because politics and ideology should not matter when it comes to making sure women across America get the care they need at a cost they can afford.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, as the Senate now turns its attention to the pending legislation that aims to enhance our Nation's cyber defenses, I would like to take a few moments to review where we are because I think the bill we now have on the floor brings us closer than ever to an agreement on a way to better defend our country, our prosperity, and our security against what is emerging as the most significant threat we face today, bigger than a conventional attack by a foreign enemy, bigger even than Islamist terrorism, a threat that is very different from anything we have faced before and so probably hard for most Americans to conceptualize but, trust me, it is here. That is why it is so important. We have come closer than ever to an agreement, but we are not there yet.

I have come to the floor to say to my colleagues that those of us who sponsor the pending legislation—Senators FEINSTEIN, ROCKEFELLER, COLLINS, and I—are eager to continue to work with our colleagues toward a broad bipartisan solution to this urgent national security threat—crisis. Obviously, to do that we have to begin processing amendments, and they have to be what the majority leader has said: germane or relevant. The majority leader has said we will have an open amendment process, and I thank him for that. No filling of the tree here. But the amendments have to be germane or relevant. We are dealing with a national security crisis unlike any we have faced before.

A broad bipartisan group of us met with the leaders of our cyber defense agencies yesterday—not political people, not partisan people—and they urgently appealed to us to pass this legislation in this session of Congress. It gives them authority to protect us that they don't have now. Frankly, they worry that without that authority to share information with the private sector, for the private sector to share cyber threat information with each other without fear of liability, for the government to have the ability to create some standards for the private owners of cyber space and then give them the voluntary option to abide by those standards—that all of those add-ons, all of those realities that will be created by passage of this bill are desperately needed now. The fact is they were needed yesterday. They were needed last year.

That is why I am so disheartened to hear this morning that our friends in the Republican caucus are talking about introducing an amendment to this bill that will repeal ObamaCare, as they call it. There is a day for that, but it is not this week on this bill. Frankly, I feel the same way about some of the gun control amendments that have been submitted by members of the Democratic caucus. Those amendments deserve debate at some point but not this week on this bill.

We can get this bill done and protect our security. Nobody believes that we are going to repeal ObamaCare this week or that we are going to adopt gun control legislation. Those are making a statement. They are sending a political message. And they will get in the way of us protecting our national security.

So I appeal to my colleagues on both sides, pull back these irrelevant amendments. Let's have a full and open debate on cyber security, and let's get it done this week. There are already more than 70 amendments filed that are germane or relevant.

The PRESIDING OFFICER. The time for the majority has expired.

Mr. LIEBERMAN. I ask my friend from Kansas if I could have 2 more minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Senator from Kansas.

There are already 70 amendments filed, so we don't have time to sit here staring at each other while we could be working through them. The truth is that we have a number of amendments on which we are ready to take votes, but of course we need cooperation from both sides in order to nail down that agreement with the consent that is required.

Before I yield the floor, I wish to underscore that while there are important issues we still need to work through this week, the reality is that because Senators on all sides have been willing to compromise, we have a golden opportunity to prove we can work together when it counts the most, which is in defense of our security and prosperity. Leading sponsors of the pending bill, leading sponsors of the leading opposition bill, SECURE IT, and leaders of the peacemakers in between led by Senators KYL and WHITEHOUSE have been meeting for the last week and making progress. And I would say that what was once a wide chasm separating us is now a narrow ridge, which we can bridge—and I firmly believe we will—with good faith on all sides, in a willingness to compromise. You can rarely get 100 percent

of what you want in a democratic—small ''d''—legislature such as ours, but if each side can get 75 or 80 percent and we can begin to fix a problem and close the vulnerabilities that exist in our cyber infrastructure this week, we will have done exactly what the American people want us to do. That is my appeal to my colleagues.

Mr. President, I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I wish to thank my distinguished friend and colleague, Senator LIEBERMAN, for his leadership and for urging Members of Congress to bring amendments down that are germane on very serious national security issues. So I again thank him for his comments and his leadership.

HONOR FLIGHT NETWORK

Mr. ROBERTS. Mr. President, I rise today to recognize a distinguished group of World War II veterans from Kansas who are now visiting their Nation's Capital this week as part of the Honor Flight Network.

The Honor Flight Network is an organization with the main mission to give veterans the opportunity to visit their memorials on the National Mall, free of cost to the veteran. The veterans who participate are many times unsung heroes of World War II, and in many cases their remembrances and their stories are shared for the first time and become public for the first time for families and hometowns. In many cases, young people traveling with these veterans hear the stories and can put the stories of these famous battles that protected our country in their local newspapers and in their school newspapers. It is history—it is history shared, lessons learned, and certainly renewed thanks to the ''greatest generation.''

Many of these veterans are in their eighties and nineties. There are fewer than 20,000 World War II veterans in Kansas. As time marches on, that number only decreases. Nationwide, the VA estimates that approximately 740 members of the ''greatest generation'' pass each day. So I am especially pleased that this Tuesday a group of 28 veterans will fly in to our Nation's Capital from Kansas to see their World War II memorial, and other memorials, and allow us the privilege to pay homage to their heroism. With five regional hubs in Kansas, there is a steady stream of veteran groups making their way to our Nation's Capital. The leaders of these groups include Brian Spencer and Bill Patterson leading the Honor Flight Kansas Student Edition from Lyndon, KS; Adrianne McDaniel and Peggy Hill, who lead the Jackson Heights Honor Flight; Beverly Mortimer and Denise Cyr head up the North Central Kansas Honor Flight out of Concordia, KS; Mike Kastle and Jeff True guide the Southern Coffey County High School Honor Flight out of Leroy, KS; and finally, the leaders of this group coming in on Tuesday are Mike VanCampen and Lowell Downey.

These hub leaders and the many volunteers deserve our recognition for the hours of work, organization, and fundraising that go into planning these trips. Thank you for what you do and for setting such a fine example in remembering and honoring the sacrifices made by those who stood in defense of our country in World War II.

Kansans and all Americans should know that this program—as a matter of fact, the World War II Memorial itself would not even exist without our former Senate majority leader, the senior Senator from Kansas and a World War II veteran himself, Bob Dole. Bob was instrumental in bringing the World War II Memorial to the National Mall. And even now Bob meets personally with Honor Flight groups who make their way out to see their memorial. When veterans learn that Bob Dole is at the World War II memorial, there is a crush of veterans like a flock of chickens going to the mother hen. I am not sure Bob Dole will appreciate that allegory, but at least I think that indicates everybody comes to hear him and thank him for his efforts.

Finally, I wish to recognize each member of this Honor Flight trip from Kansas visiting their memorial, and I ask unanimous consent that their names be printed in the CONGRESSIONAL RECORD.

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

KANSAS HONOR FLIGHT NETWORK TRIP—JULY 31–AUG. 2, 2012—WORLD WAR II AND KOREAN WAR VETERANS

WORLD WAR II VETERANS

Dwight E. Aldrich; William Henry Bernard; Eugene H. Brown; Thomas Dale Coffman; Glenn J. Compton; Richard D. Ellison; Perry L. Garten; Bob F. Holdaway; Edwin D. Jacques; Paul H. Koehn; Jay Edwin Kramer; Howard Russell Krohn; Howard Logan; Ralph Lundell; John L. Meyer; Richard Morrow Mosier; Charles G. Niemberger; Harvey L. Peck; Donald L. Revert (Don); John Russel Roberts; Rix D. Shanline; Lowell L. Smart; Norbert E. Stigge (Doc); John D. Topham; Delmar L. Yarrow; George A. Yohn; Keith R. Zinn.

KOREAN WAR VETERAN

Richard D. Wood.

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

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

Mr. LIEBERMAN. Mr. President, I know under the order this hour is reserved for Members of the Republican caucus, and although I am an Independent, I don't qualify exactly under the terms of the agreement to speak now. But seeing no Member of the Republican caucus on the floor, I thought I would take the opportunity to continue to speak about the pending item, S. 3414, the Cybersecurity Act of 2012, and if any of my colleagues arrive, I will yield to them immediately.

Before I yielded to Senator ROBERTS a short while ago, I made a statement that the two sides, if I can put it that way; that is, the sponsors of the pending legislation, Senators COLLINS, FEINSTEIN, ROCKEFELLER, and myself, and the sponsors of essentially the alternate approach, SECURE IT, sponsored by Senators MCCAIN, CHAMBLISS, HUTCHISON, and others—have been meeting. We have particularly been assisted by the bridge builders here—blessed are the peacemakers—Senators KYL, WHITEHOUSE, and others, and we have been making progress. I said what was once a chasm separating us is now a narrow ridge that we are close to bridging. Let me explain what I mean by that.

The sponsors of S. 3414, the pending legislation, strongly believe that owners of critical cyber infrastructure—and this is a unique aspect of our free society, thank God; 80 to 85 percent of the critical infrastructure in our country is privately owned, including cyber infrastructure. That is the way it ought to be. But it means when critical cyber infrastructure in a new world becomes a target of cyber attack and cyber theft, that we—the rest of us Americans—represented by the government, have to enter into a partnership with the private sector owners of critical cyber infrastructure so they will take steps to protect the cyber space that they own and operate because, if they don't, the whole country is in jeopardy. If an electric grid is knocked out, the kind of awful experiences we have all had at different times when the power grid has been out in our area of the country will be felt perhaps for weeks and weeks.

Think about it. What if the financial cyber system, Wall Street, the hub of the systems that handle millions—trillions, really—of transactions over and over again, were knocked out? It would have a devastating effect on our economy, let alone the most nightmarish, which is that some enemy breaks into the cyber-control system of a dam holding back water and opens the dam and floods surrounding communities with a terrible loss of life. We could go on and on with the nightmare scenarios, but they are out there, and we are vulnerable to them.

So the sponsors of S. 3414 have felt that private sector owners of critical infrastructure should be mandated—that is only the owners of the most critical infrastructure—to adopt the standards that would be set under our legislation to protect their systems and our country. Sponsors of the SECURE IT Act started this debate firmly convinced that the only thing we need to do is to enhance our cyber security information-sharing between private sector operators and between the government and the private sector. We have a section in our bill that does exactly that, but we feel that is not

enough. We feel there also needs to be these standards set for the private operators of the electric grid, of the transportation system, of the financial system, et cetera. If both sides had just stuck to their guns, no legislation would be possible. But when it comes to cyber security, no legislation, which is to say the status quo, is not only unacceptable, it is dangerous. Some of our real—really most of our national security leaders in this country from the last two administrations, the George W. Bush administration and the Barack Obama administration—have warned, as if in a single voice, that we are already facing the equivalent of a digital Pearl Harbor or a 9/11 if we don't shore up and defend our exposed cyber flanks. The same is true of the impact of our vulnerability in cyber space to cyber theft.

GEN Keith Alexander, the head of the Defense Department Cyber Command and the National Security Agency, made a speech a week or two ago in which he estimated that more than $1 trillion has been stolen over cyber space from America. He called it the largest transfer of wealth in history. That results from moving money out of bank accounts that a lot of us never hear about because the banks believe it would be embarrassing if we knew, the theft of industrial secrets to other countries that then builds from those industrial secrets and creates the jobs in their countries that our companies wanted to create here. So there is a unified position among national security leaders, apart from which administration they served under, that we need this legislation, and we need it urgently.

Several of us met with the leaders of the cyber security agencies of this administration yesterday. These are not political people; these are professionals from the Department of Homeland Security, the Department of Defense, the FBI, and others. They warned us again that the cyber systems that are privately owned and that are critical to our Nation's security remain terribly vulnerable to attack. They said to us, and I am paraphrasing, that we need this legislation to respond urgently and effectively to an attack on infrastructure as critical as the electric grid or Wall Street itself.

One of the leaders in our government, uniformed leaders, said to him today is a little bit like 1993 when it comes to cyber security; when, as we will remember, al-Qaida launched a precursor attack on the Twin Towers in New York with a truck bomb that blew up in the parking garage. We all know there was a loss of life then, but the damage was relatively small. But al-Qaida persisted and, of course, on 9/11 succeeded in bringing down the two towers of the World Trade Center. This leader of cyber security efforts in our government said our adversaries in cyber space are just about where al-Qaida was in 1993 when they blew up that truck bomb in the parking garage of the World Trade Center.

What I was impressed with yesterday, I will say parenthetically, is though there is some controversy out here about who is capable of what in our Federal Government—and let me speak frankly. Some people don't have much respect for the Department of Homeland Security. I don't understand why because they do a great job, in my opinion, in so many different areas, including the one that is relevant here, cyber security. But it was clear that the Department of Homeland Security, the Department of Defense, and the FBI are working as a team—really, like a seamless team—24/7, 365 days a year to leverage each other's capabilities to provide for the common defense. They all agreed yesterday we need to pass this legislation to give them the tools they urgently need, that they don't have without this legislation, to work with one another and the private sector.

I wish to again give thanks to Senators KYL and WHITEHOUSE, joined by Senators MIKULSKI, BLUNT, COONS, GRAHAM, COATS, and BLUMENTHAL, who have come together with a compromise proposal after a series of good-faith negotiations and, as a result, Senators COLLINS, ROCKEFELLER, FEINSTEIN, and I have made major and difficult compromises in our original bill in order to move the legislation forward, to get something started, to protect our cyber security.

I think we now have a broad agreement on a bill containing those same cyber security standards that were in our original bill that resulted from a collaborative public-private sector process and negotiation. But now, instead of mandating them, we are going to create incentives for the private sector to opt into them. We are going to use carrots instead of sticks. We have added some compromises also from the original legislation to guarantee Members of the Senate and millions of people out in the country that when we act to share information from the private sector to the government, we are going to have due regard for the privacy of people's data in cyber space—personal information—without compromising our national security at all.

There are advocates on both sides of both the information-sharing provision and the critical cyber-standards provision that think we have gone too far, and some think we haven't gone far enough. But while advocates on the outside of the Senate can hold fast to their particular positions, legislators on the inside of the Senate need to take all of these deeply held views into account. Ultimately, our responsibility is to get something done to protect our security—it is our responsibility to pass a law—and we have done that here.

I wish to first review some of the broad areas of agreement and then outline the differences that remain because I want my colleagues to understand how much progress has already been made. Sometimes the news stresses the differences between us.

Let me start with title I of the bill, which is the one on critical infrastructure. I think there is a growing, broad agreement now that the private sector owners of critical infrastructure should work with the government to develop what somebody yesterday called the best cyber hygiene or standards of defense that are needed to safeguard their facilities and the rest of us.

In the original bill we had the Department of Homeland Security playing the singular role for the government. We broaden that now in response to, particularly, recommendations from the Kyl-Whitehouse group, and we have created a new interagency council we call the national cyber security council, which will consist of the Department of Homeland Security, the Department of Defense, the Department of Commerce, the FBI, and the Director of National Intelligence, as well as relevant primary regulators when that sector of cyber structure is put forth in the council.

What do I mean by that? If they are dealing with the cyber security of the financial sector of our government, then on those standards we would expect the Securities and Exchange Commission and the Treasury Department, for instance, among others, to be seated at the table to come up with an agreement on those standards.

We have also agreed that adoption of these practices will be voluntary and that there will be no duplication of existing regulations or any new regulatory authorities that will be added to law.

We have also agreed that incentives need to be created—the carrots I spoke about, such as liability protection—to entice private sector owners to adopt these practices once they have been developed—totally voluntary. But I think if we build this right, they will come. Although it is not mandatory, we will set a standard, and private sector operators of critical infrastructure will want to meet that standard because they will want to act in the national interests to protect their customers, but also because when they do they will receive very valuable immunity from liability in the event of an attack or a theft.

Look, I decided that we needed to make the system voluntary in order to get something passed this year. I think it has a good chance of working as a voluntary system. But if it doesn't, and the cyber threat grows as much as I think it will, then some future Congress is going to come along and make it mandatory.

So there will be an incentive on both the public and private sector—particularly the private sector—to make this voluntary system work. God forbid between now and then there is a major cyber attack against our country; Congress will come flying back and adopt mandatory regulations. That is not what we want to happen. This is the time for rational, thoughtful discussion and legislation that will begin a

process that will go on for years because the cyber threat is not going away.

So that is title I. That is the compromise we offered on title I, which deals with cyber infrastructure. I go now to title VII. In between there are some very good titles, titles II through VI, but the good news is—maybe I should stress this—there seems to be broad bipartisan agreement on those titles.

Title VII is the one on information sharing, and there is some disagreement on that. But we have come to agree that private sector companies must be able to share cyber-threat information with the government and each other, with protections against liability that will incentivize—really allow—that sharing; that this sharing must be instantaneous.

In other words, to protect—to respond to concerns about private data being shared when a private sector operator of cyber security shares information with the government, we are requiring in this bill, the pending legislation, that the first point of contact for cyber sharing and reporting cyber attack is with a civilian agency—not a military or law enforcement agency or an intelligence agency but a civilian agency, such as the Department of Homeland Security or some other approved civilian exchange.

Some people have worried that if we did that, it would delay the referral of that information to the law enforcement and intelligence and military parts of our government, almost as if when the information of a cyber attack is sent to the Department of Homeland Security, somebody is going to have to go find the Secretary of Homeland Security to make sure she sees it before it goes to the Department of Defense, FBI. The world we are in is very different from that. It has been explained to me and others who met with, particularly, General Alexander, the head of Cyber Command at the Department of Defense that everything travels instantaneously, at cyber speed. That means that according to preset programs, cyber attack, if this bill is passed, will automatically—notification of it—go to the Department of Homeland Security or a civilian exchange, and at the same instant it will go to the Department of Defense, the FBI, and the intelligence community.

But when it first goes to the civilian exchange, there will be software in there to screen out—to prevent the possibility that any personal data—emails, private financial information—will not be sent to the law enforcement and defense branches of our government. That is another reason sharing will have to be instantaneous—that existing information-sharing relationships will continue undisturbed; that is, for instance, between the defense contractor and the Defense Department, and that there should be no stovepipes among government agencies. Agencies that need information should have access the instant it is provided to the government.

I know some colleagues want more assurance that while a lead civilian agency will serve as the hub for immediate distribution of cyber-threat information, it will do so without slowing down DOD's and NSA's abilities to access and act on that information. I have just told my colleagues that would be the case. Others want to add further privacy protections. I do want to say in this regard that we have already significantly strengthened the privacy protections, thanks to a lot of good negotiation with a group of Senators—Senators FRANKEN, DURBIN, COONS, WYDEN, and others—and a broad range of privacy and civil liberties groups ranging, really quite remarkably, from the left to right and in between, who seem generally pleased with what we have done to protect privacy under our legislation.

Here is the good news: The people in charge of cyber security in our government say the privacy protections we have added in the underlying bill to the information-sharing section of this bill will not stop them for a millisecond from receiving the information they need and protecting our national security. So, to me, this is the Senate at its best.

We are not there. My dream—because this is—we are legislating here. We are not in the midst of some traditional sort of government regulation controversy. We are legislating actually in the midst of a war because we are already being attacked every day over cyber space. We have been lucky that it hasn't been a major attack that has actually knocked out part of our cyber infrastructure, but that vulnerability is there.

A few months ago there was a story in the Washington Post about a young man in a country far away that launched an attack against a small utility—I believe it was a water company—in Texas. He got into their system and actually had the ability to totally disrupt the water supply in that area of Texas. What the hacker did instead—and he just had a computer and was smart—what he did instead was post proof that he had broken into the industrial control system in that small utility in Texas just to show the vulnerability. In a sense, he might have been bragging he could do it, but it also was a warning to us. What if the next time that happens it is a larger utility or a group of smaller utilities around the country—maybe water, maybe electricity, maybe gas—and this time they are not just warning us or showing us our vulnerability, but they are actually going to disrupt the flow of electricity or water to people who depend on that? That is the kind of crisis we face and why it is so urgent that we deal with this.

So let me come back to my dream. My goal here is that as we go on this week, we are able to submit a managers' amendment, but it is not just from the managers—Senators COLLINS, ROCKEFELLER, FEINSTEIN, and me—that we are joined by a much broader group and we form a broad bipartisan consensus to protect our country from a terrible danger that is real, urgent, and growing.

I always like to think back at these moments—and I was thinking about it again in this case, and since I do not see anybody else on the floor, I will indulge myself and go back—to a hot July day in Philadelphia, over 225 years ago, when the U.S. Senate was created as part of the—I am glad to say, proud to say—Connecticut Compromise offered to the Constitutional Convention by two of Connecticut's delegates to that convention, Roger Sherman and Oliver Ellsworth. It passed by just a single vote, but it helped keep the convention together and to enable our new government, including our Congress, to take shape because the Connecticut Compromise guaranteed the small States that their interests would be protected—small-population States—in the Senate because every State, no matter how big or small its population, would have two Senators, and it guaranteed the larger States that they would have a greater say in the House of Representatives, whose membership would be reflected, as it still is today, by population. Not everyone got everything they wanted that day, but they found a common ground that allowed them to go forward and finish writing our Constitution. That is the kind of position we are in today.

Shortly after the Connecticut Compromise was adopted at the Constitutional Convention, James Madison, as you know, Mr. President, often referred to as the father of the Constitution, wrote—and I am paraphrasing a little bit here—''the nature of the senatorial trust'' would allow it to proceed with ''coolness'' and ''wisdom.'' I think these negotiations on the Cybersecurity Act of 2012 show thus far that we have the ability to put ideological rigidity, partisanship, and politics aside when our security is at risk and move beyond gridlock and fulfill our Founders' vision of what this body can do when it comes to debating the great challenges of our time, with ''coolness'' and ''wisdom,'' as Madison said.

So over the next couple of days, let's debate all the relevant and germane amendments. Let's start voting as soon as we can on them. But then, for the good of the country, let's each compromise some, acknowledging that none of us can get everything we want and we cannot afford to insist on everything we want because if we do, nothing will happen and our country will remain vulnerable to cyber attack until the next opportunity Congress has—which I would guess will be sometime as next year goes on—to deal with this challenge. We cannot wait. We simply cannot wait. I know we can do this. I urge my colleagues, therefore, to come to the floor. I urge the leaders of

both parties to agree that the amendments submitted should be germane and relevant and that we can and will finish our work on this legislation this week.

I thank the Presiding Officer.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

COTTON TRUST FUND/AGOA

Mr. MENENDEZ. Mr. President, I ask unanimous consent to enter into a colloquy with the majority leader, Senator REID, and the distinguished chairman of the Finance Committee, Senator BAUCUS.

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

Mr. MENENDEZ. Mr. President, let me begin by clearly stating I understand the majority leader later today will issue a unanimous consent request to move forward on the AGOA, the African Growth and Opportunity Act trade bill, and the Burma sanctions package as well as CAFTA–DR. Those are all efforts I supported as a member of the Finance Committee and voted for and ultimately want to see passed.

I believe trade is an effective development tool and that by investing in people we can make a long-term and sustainable change in developing countries. But at the same time, I am very concerned about our failure to reauthorize the cotton and wool trust funds which are crucial to sustaining jobs in the United States and jobs in my State of New Jersey.

For some time now I have been working tirelessly to reach an agreeable resolution on the issue, one that enables us to pass AGOA and CAFTA–DR and Burma sanctions while simultaneously protecting dwindling apparel sector jobs in the United States, hundreds in my home State, thousands across the country, and ensuring that our trade is not just free but is also fair.

That is not the case right now. So I come to the floor to enter into a colloquy with the distinguished majority leader and the chairman of the Finance Committee to ask for their help and commitment to addressing this domestic jobs issue, the cotton and wool trust funds this year, so we can seek to move this legislation and do right by American workers as we are trying to also help African workers.

I yield to the distinguished majority leader.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I appreciate very much the Senator from New Jersey coming to the floor to discuss this issue. As my friend from New Jersey knows, as the chairman of the Finance Committee knows, I support the wool and cotton trust funds. That is very clear in the record of this body for what I believe was wrong with the Olympic uniforms. It is such a shame our athletes over there are wearing clothes made in China. I think that is too bad. I support the wool and cotton trust fund. I support the citrus trust fund. There are only three of them. I support all of them. I agree with my friend from New Jersey that we need to find a way to move these forward and ensure that American manufacturers are placed on equal footing with foreign manufacturers so there is an easier place for people to go if they want products made in the United States.

I am happy to work with Senator MENENDEZ and Chairman BAUCUS to find a vehicle to ensure that these trust funds and these American jobs are a priority that is addressed this year. So my friend has a commitment that I will do everything within my abilities to make sure we have an agreement on extending these very important trust funds this year.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I strongly endorse the suggestions made by the majority leader as well as by the Senator from New Jersey and also thank the Senator from New Jersey for pushing these measures so aggressively, the cotton trust fund and wool, and also, to some degree, the citrus which is part of this.

I support these provisions. I support the cotton trust fund, support it strongly. I am working diligently to try to find the right vehicles so we can get this passed—the cotton trust fund passed this year. I deeply appreciate the strong passion on this by Senator MENENDEZ. He has come to me many times in looking for an opportunity to pass this.

I deeply appreciate that. This place works on basic comity. Sometimes the pathways to get to a result are not well known and difficult to see, initially. But I am quite confident we are going to find a way to get this cotton trust fund passed this year. The Senator has my support to make that happen.

Mr. REID. Mr. President, before I yield to my friend from New Jersey, I wish to also state on the record that no one is a better advocate for an issue they believe in than Senator MENENDEZ from New Jersey. This is an issue he has spoken loudly and clearly about. So I reiterate what I said: I feel very compelled to do something to satisfy my friend from New Jersey on such a worthy cause.

Mr. MENENDEZ. Mr. President, I wish to thank and appreciate the majority leader's and the chairman's ongoing commitment to this issue. I look forward to continuing to work with them on the issue to protect American workers and American manufacturers from the negative effect of certain trade policies and tariffs that threaten their livelihood.

I appreciate them both coming to the floor and for their commitment. I just wish to take a minute or two for those who have asked me—I have had a whole host of our colleagues who have come and said to me: What are you trying to achieve? So we can move quickly to try to achieve the passage of AGOA and CAFTA–DR, Burma sanctions, all which I support.

I know colleagues, such as Congressman RANGEL, who was the original author of AGOA, has called, among many others. You know, very simply, pursuant to the passage of NAFTA and CAFTA and AGOA and other trade preference programs, Congress has eliminated duties on, for example, imported shirts from other countries. In some cases such as AGOA, it has also allowed the use of third-country fabrics to make those imported shirts.

Our tariff policy, however, has not changed. While foreign-made dress shirts are entering the United States duty free, we are charging American manufacturers a duty as high as 13½ percent on cotton shirting fabric. So not surprisingly, this made-in-America tax resulted in American manufacturers moving production offshore where shirting fabric is not subject to those high duties and where the finished product can come back to the United States duty free.

Six years ago, Congress recognized that, in fact, is simply unfair. Why should an American manufacturer have to pay a duty when those abroad using the same fabric can send it to the United States without any duty? They created the cotton trust fund to provide a combination of duty reductions and duty refunds to shirt manufacturers that continue manufacturing in the United States.

That program expired in 2009. Since then, these businesses have suffered and dwindled. I am just simply trying, as we promote jobs in Africa and in the Caribbean, to promote jobs in the United States. I want the women in the factories I have visited—this is the essence of how they sustain their families—to be able to continue to have those jobs.

That is why I appreciate the effort by the chairman and by the majority leader to try to get us to that point, so we can have free trade, but it also has to be fair to Americans who are here and can compete. They cannot compete when they have to pay a 13½-percent tax and people sending it from all over the world have to pay nothing. That is the essence of what I am trying to accomplish.

I will not object later today when the majority leader proposes his unanimous consent request and will support the effort to move those trade bills.

Mr. CARDIN. Would the Senator yield.

Let me thank Senator MENENDEZ for his leadership on this issue. He has been very articulate about preserving jobs and creating jobs in New Jersey and in America.

I thank him for once again standing for American workers. I thank Senator

REID, the majority leader, for his commitment to bring up the trust fund and the chairman of the Finance Committee, Senator BAUCUS, I thank him for his leadership.

Senator MENENDEZ has laid out the issue very clearly. This is an averted tariff. It works against American workers. Cotton, mainly on shirts but other commodities, such as wool and suits—as the Senator pointed out, if someone manufactures the suit or the shirt out of America and imports it into America, costing us jobs, they pay less tariff than if they are an American manufacturer that imports the product to manufacture the product in America. They pay a heavier tariff, which costs us jobs, which makes no sense whatsoever.

I thank Senator MENENDEZ for his leadership. I thank Senator REID and Senator BAUCUS for understanding this and giving us an opportunity before this expires on the wool trust fund. It is making sure it works effectively. I took the floor last week to talk about English-American Tailoring, located in Westminster, MD. There are 380 union jobs in Westminster, MD. I showed a photograph of seamstresses making suits in America. I think most people thought that photo was taken decades ago, but it was taken this month. This is about how we can preserve jobs in America. They are making the best suits in the world. They are exporting their suits to other countries, but they can't do it unless we have a level playing field.

The leadership of the Senator from New Jersey on bringing to the attention of the American people the need to extend and make effective the cotton and wool trust fund is critically important to preserving jobs in Maryland, New Jersey, and in our Nation.

Again, I thank Senator MENENDEZ, on behalf of American workers, for his leadership on this issue.

Mr. MENENDEZ. I thank my colleague.

Mr. REID. Will my friend yield to me for 1 minute?

Mr. MENENDEZ. Yes.

Mr. REID. Mr. President, I ask unanimous consent that the time for debate on S. 3414, the cyber security bill, be extended until 5 p.m. and at that time I be recognized.

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

Mr. MENENDEZ. Mr. President, I thank my distinguished colleague from Maryland, a fellow member of the Finance Committee. Senator CARDIN has been a passionate voice on this as well. I am thrilled to have him as an ally in this endeavor.

All we want is for Americans to stay employed. They can compete with anybody in the world but not when they have to pay a tariff or tax that nobody else has to pay who sends the same product back into the United States. That is our goal. I appreciate his work, his passion, and his commitment. I look forward to working with the majority leader and the chairman of the Finance Committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, if I may have a few moments, the Senate is not in a quorum call, is it?

The PRESIDING OFFICER. There is no quorum call.

Mr. LIEBERMAN. Very briefly, Mr. President, I have just received a copy of a letter that has been sent this morning to the majority leader, Senator REID, and the Republican leader, Senator MCCONNELL, from GEN Keith Alexander of the United States Army, Director of the National Security Agency and Chief of Cyber Command at the Department of Defense. He is a distinguished and honored leader of our military, one of the people who has the greatest single responsibility for protecting our security, both in terms of the extraordinary capabilities the National Security Agency has but now increasingly for the defense of our cyber system.

This is a career military officer, not a politician. He is somebody who has a mission, and it is from that sense of responsibility that General Alexander has written to Senator REID and Senator MCCONNELL. He writes—and I will ask to have it printed in the RECORD—to express his ''strong support for passage of a comprehensive bipartisan cyber security bill by the Senate this week.'' Why? I continue to quote:

> The cyber threat facing the Nation is real and demands immediate action. The time to act is now; we simply cannot afford further delay.

He adds:

> Moreover, to be most effective in protecting against this threat to our national security, cyber security legislation should address both information sharing and core critical infrastructure hardening.

Then he explains both of those in very compelling language. He also says:

> Finally, any legislation needs to recognize that cyber security is a team sport. No single public or private entity has all of the required authorities, resources, and capabilities. Within the federal government, the Department of Defense and the Intelligence Community are now closely partnered with the Department of Homeland Security and the Federal Bureau of Investigation. The benefits of this partnership are perhaps best evidenced by the Managed Security Service (MSS) program, which affords protection to certain government components and defense companies. The legislation will help enable us to make these same protections available widely to the private sector.

I cannot thank General Alexander enough. He ends by saying this:

> The President and the Congress have rightly made cyber security a national priority. We need to move forward on comprehensive legislation now.

He urged Senators REID and MCCONNELL ''to work together to get it passed.''

I ask unanimous consent that this very compelling letter from GEN Keith Alexander be printed in the RECORD.

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

NATIONAL SECURITY AGENCY,
CENTRAL SECURITY SERVICE,
Fort George G. Meade, MD.

Hon. HARRY REID,
Majority Leader, U.S. Senate, The Capitol, Washington, DC.

DEAR SENATOR REID: I am writing to express my strong support for passage of a comprehensive bipartisan cyber security bill by the Senate this week. The cyber threat facing the Nation is real and demands immediate action. The time to act is now; we simply cannot afford further delay. Moreover, to be most effective in protecting against this threat to our national security, cyber security legislation should address both information sharing and core critical infrastructure hardening.

Both the government and the private sector have unique insights into the cyber threat facing our Nation today. Sharing these insights will enhance our mutual understanding of the threat and enable the operational collaboration that is needed to identify cyber threat indicators and mitigate them. It is important that any legislation establish a clear framework for such sharing, with robust safeguards for the privacy and civil liberties of our citizens. The American people must have confidence that threat information is being shared appropriately and in the most transparent way possible. This is why I support information to be shared through a civilian entity, with real-time, rule-based sharing of cyber security threat indicators with all relevant federal partners.

Information sharing alone, however, is insufficient to address the vulnerabilities to the Nation's core critical infrastructure. Comprehensive cyber security legislation also needs to ensure that this infrastructure is sufficiently hardened and resilient, as it is the storehouse of much of our economic prosperity. And, our national security depends on it. We face sophisticated, well-resourced adversaries who understand this. Key to addressing this peril is the adoption of minimum security requirements to harden these networks, dissuading adversaries and making it more difficult for them to conduct a successful cyber penetration. It is important that these requirements be collaboratively developed with industry and not be too burdensome. While I believe this can be done, I also believe that industry will require some form of incentives to make this happen.

Finally, any legislation needs to recognize that cyber security is a team sport. No single public or private entity has all of the required authorities, resources, and capabilities. Within the federal government, the Department of Defense and the Intelligence Community are now closely partnered with the Department of Homeland Security and the Federal Bureau of Investigation. The benefits of this partnership are perhaps best evidenced by the Managed Security Service (MSS) program, which affords protections to certain government components and defense companies. The legislation will help enable us to make these same protections available widely to the private sector.

The President and the Congress have rightly made cyber security a national priority. We need to move forward on comprehensive legislation now. I urge you to work together to get it passed.

KEITH B. ALEXANDER,
General, U.S. Army,
Director, NSA.

Mr. LIEBERMAN. Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m. today.

Thereupon, the Senate, at 12:37 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

CYBERSECURITY ACT OF 2012—Continued

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I am so glad the Presiding Officer is in the chair while I am making these remarks. I wish to salute the Presiding Officer for his service in the Senate and his service to the Nation. One knows he is a member of the U.S. Marine Corps although he no longer wears the uniform. I believe once a marine, always a marine. And his service in Vietnam and to the Nation as Secretary of the Navy is well known and well appreciated. The Presiding Officer has served as a marine in the Marine Corps and as Secretary of the Navy and now in the Senate as a Member of the Democratic Party. The Presiding Officer really serves the Nation.

I come to the floor today to talk about cyber security and the need to pass cyber security legislation this week, in this body. And I come to the floor not as a Democrat, I come to the floor as a patriot.

I say to my colleagues in the Senate that this week, on this floor, the Senate has a rendezvous with destiny. We have pending before us cyber security legislation, a framework to protect critical infrastructure of the dot-com world against cyber attacks from those who have predatory, hostile intent to the United States of America. We are bogged down. We are not moving. We are once again following what has become a usual pattern in the Senate: when all is said and done, more is going to get said than gets done.

But I say to anyone listening and anyone watching, we cannot let that happen. The United States of America is in danger. And this danger is not something in the future. It is not something written in science fiction books. This is not the wave that is going to come. It is happening right now in cyber attacks on our banking services, our personal identity, our trade secrets, and things I will talk about more.

The naysayers here say: We can't pass this bill because it will be overregulation and it will lead to strangulation, and, oh my gosh, we can't ask the private sector to spend one dime on protecting itself.

Well, I respect healthy criticism, but let me say to my friends, because I want them to know that if anything happens to the United States of America—if the grid goes down, if NASDAQ goes down, if our banking system goes down, if we will not be able to function because the streetlights won't be on and we won't be able to turn the electricity on—I will tell you what will happen. Once again, politicians will overreact, we will overregulate, and we will overspend.

In a very judicious, well-thought-out, well-discussed process, we could come up with a legislative framework that would defend the United States of America and at the same time balance that sensible center that another great patriot, Colin Powell, calls us to do: Always look for the middle ground while we look at where we want to go.

There is a cyber war, and I want everybody to know about it. Cyber attacks are happening right now. Cyber terrorists are thinking every single day about attacking our critical infrastructure. There are nation states that want to humiliate and intimidate the United States of America and cause catastrophic economic destruction. How do they want to do it? They want to take over our power grids. They want to disrupt our air traffic control. They want to disrupt the financial functioning of the United States of America. Cyber spies are working at breakneck speed to steal many of our state secrets. Cyber criminals are hacking our networks. So what are we talking about in this bill? We are talking about critical infrastructure.

Now, I am a Senator from Maryland, and the Presiding Officer is a Senator from Virginia. Does he remember that freaky storm a couple weeks ago? Remember Pepco? Oh, boy. I still have my ears ringing from my constituents calling about Pepco. I can tell you what it was like in Baltimore when that freaky storm hit. You couldn't get around when the stoplights were down. It was like the Wild West getting around. You could go into stores—if they were open—and nothing functioned. The lights weren't on. The refrigeration was off. Businesses were losing hundreds of thousands, if not millions of dollars. There were families, like a mother with an infant child and another child, with no electricity for 5 days who went to hotel rooms.

Now, they want to talk about this bill costing too much money? Just look at what it cost the national capital region of the United States of America because of a freaky storm.

It took us 5 days to get the utilities back on because of the utility company, but what happens if our destiny is outside of our control, if cyber terrorists have turned off the lights in America and we can't get them turned back on? It is going to cost too much? Wait until this kind of thing happens. I don't want it to happen, and we can prevent it from happening, and we can do it in a way that understands the needs of business.

I want to understand the needs of small business, but I sure understand the needs of families.

For those who say it is going to cost too much and they have the concerns of the chamber of commerce, fine. I don't want to trash-talk them. My father owned a little neighborhood grocery store. I know what it is like when the electricity goes down. My father lost thousands of dollars because the frozen food melted, lost thousands of dollars when we had a freaky storm because of the refrigeration and his meats and produce went bad. My father lost thousands of dollars years ago in a freaky storm.

This bill means that if we come up with the kind of legislation that we want, we can deal with it. Just remember what critical infrastructure means. It means the financial services. It means the grid. So when there is no power, schools are shut down, businesses are shut down, public transit is crippled, no traffic lights are working. By the way, in Virginia didn't 9–1-1 stop working, and they are still investigating? Don't we love to investigate? Well, right now I don't want to investigate and I don't want to castigate, but I sure want the Senate to be able to get going.

Then there is the issue of financial services. The FBI is currently investigating 400 reported cases of corporate account attacks where cyber criminals have made unauthorized transfers from bank accounts of U.S. businesses. The FBI tells me they are looking at the attempt to steal $255 million and an actual loss of $85 million. Hackers are already going into the New York Stock Exchange, they are already going into NASDAQ in an attempt to shut down or steal information. Gosh, if we allow this to continue, they could attack and cost us billions of dollars.

Does the Presiding Officer remember that in 2010 we had a flash crash? New vocabulary, new things out there. The Dow plunged 1,000 points in a matter of minutes because automatic computer traders shut down. This was the result of turbulent trading. But just imagine if terrorists or nation states that really don't like us—and I am really not going to name them, but we really know who they are—really create flash crashes?

I know there are patriots in this Senate who have been the defenders of the Nation in other wars. They have said themselves that they worry about the Asia Pacific, they worry about China. I worry about China too. So while we are looking at the Defense authorization and appropriations—and people want more aircraft carriers to defend us in the blue waters against China. But what happens if there is a cyber attack? Now, we do know how to protect dot-mil, but don't we also want to protect dot-com in the same way? I think so.

I salute Senators LIEBERMAN and COLLINS. They have come forth with a bill that does two things from a national security perspective. First of all, it tells business: You can come in voluntarily. There is no mandate to participate. But if you do come in, you will get liability protection.

Wow. In other words, we are actually going to offer incentives. We are actually going to offer good-guy bonuses. We are not going to do it through tax breaks or more things that add to the deficit or debt. We are going to say: Come on in. Participate in both the setting of standards—we want you at the table—and then living by the standards, and for that, you will get liability protection.

There are also those who say: We just don't like Department of Homeland Security being in charge. We worry about a cyber Katrina.

I worried about that too, but I must say that in all of our meetings, we can see that the Department of Homeland Security has made tremendous advances. I have been one of their sharpest critics in this area, and I have been skeptical from the beginning. But now, as we have moved along and listening to Secretary Napolitano and General Alexander, the head of the National Security Agency, on how they can work together honoring the Constitution and civil liberties, I think we have a good bill.

Why do we need this bill? General Alexander, who heads up the National Security Agency and the Cyber Command, says that we are facing attacks and the potential of attacks that are mind-boggling. He talks about the stealing of trade secrets that amounts to the greatest transfer of wealth the country has ever seen. He worries about the security of the grid. He worries about financial services, while he also worries very much about the dot-com.

But we live in the United States of America. We have a constitutional government. Our military, no matter how powerful and how strong, has a responsibility to certain areas, but we need a civilian agency in charge of how to protect dot-com, a civilian agency benefiting from the incredible turbo intellectual and technical power of the National Security Agency.

So we have a bill that offers the framework. I would say, let's have the bill, let's vote for cloture, and let's have regular order with actual germane amendments. We have patriots here, but who are we for? Are we for protecting America or are we for coming up with the same old platitudes that resist any activity of government at all to protect the American people?

I am no Janie-come-lately to this bill. I represent one of the greatest States in America. We are home to the National Security Agency. I have the high honor of being on the Intelligence Committee. I have been working on this topic for almost a decade, and I have watched the threat grow as I watched the technology against us grow in power and the number of people who could attack us in this area.

I sit on the Appropriation Committee, where, as a member of the DOD appropriations, I have been proud to work with both the authorizers and Senator INOUYE to stand up for Cyber Command, the Tenth Fleet, which is the cyber fleet, and others relating to it. But also what I have been proud of is being able to take a look at what we do need to do here in terms of everything from workforce to protecting others.

My subcommittee funds the FBI. Working with Director Mueller, I have been able to see up close and personal the growing threats right here in the United States of America, whether cyber criminals can literally invade large banking. I could give example after example. Working also with other departments, we can see that there are cyber-attacks. We need to be able to do this.

I could give other examples and I will do so in the debate, but let me summarize. The attacks are now. The question is, are we going to build a cyber bomb shelter? This is not like the bunkers of old. This is where we work with the private sector. Remember, our grid and our telecommunications are owned and operated by the private sector. We cannot do this without the private sector. We, your government, come together with a legislative framework that is constitutionally sound and legally reliable. The fact is that we will make the best and highest use of our military under that rubric. But at the end of the day we will be able to have a voluntary framework bringing the private sector together with incentives around liability that invite them to participate in the formulation of the regulation, the implementation of the regulation, and living by it. This is not regulation that leads to strangulation, this is regulation that helps them be able to protect the United States of America.

Let me conclude. Everybody says: Gee, what could I do? Could I have protected against an attack on the United States of America? What is the name of that little-known group you didn't know how to spell years ago? Al-Qaida? Would we have done everything in the world to protect against the al-Qaida attack? I certainly would. I say today, if you want to protect against the next big attacks on the United States of America, vote for cloture. Let's have an informed debate. Let's find at the end of the day the sensible center that will give us a constitutional but effective way of defending America.

I yield the floor.

I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I ask unanimous consent to speak as in morning business.

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

SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the floor today, as I do week after week—as a doctor who has practiced medicine in Wyoming and taken care of families in Wyoming across our State for a quarter of a century—to give a doctor's second opinion about the health care law.

One of the central claims of President Obama and Democrats in Washington who voted in this Senate Chamber was that the health care law would extend insurance coverage for millions of Americans. That was their goal. They claim that is actually what has happened. The President claimed repeatedly that 30 million more Americans would receive health coverage because of the health care law.

Well, after practicing medicine for 25 years, I understand there is a huge difference between health coverage and health care. When people have a health insurance card, then they have coverage. When people have access to a doctor, nurse, nurse practitioner, or physician's assistant, then they can receive health care.

The New York Times actually pointed that out this Sunday morning. It was the front page, above the fold. They proclaimed in the first paragraph of an article that the President's health care law delivers coverage but not care. As a matter of fact, when I take a look at this article dated Sunday, July 29, 2012, of the New York Times, page 1, above the fold, ''Doctor Shortage Likely to Worsen with Health Law,'' underneath it says that primary care is scarce, in bold letters, and beyond that it says: Expanded coverage but a greater strain on a burdened system.

The story highlights a study from the Association of American Medical Colleges, which found that in 2015, just 3 years from now, the country will face a shortage of over 60,000 doctors. By 2025, the shortage is expected to expand to approximately 130,000.

So while the Nation was already facing this shortage, the article points out it has been made worse by the President's health care law. The shortage of providers is very important because, as the article states, ''Coverage will not necessarily translate into care.'' This is especially true for those individuals who are supposed to receive their health care through Medicaid. Let's remember, a huge expansion of Medicaid was part of the President's health care law. It was part of the discussion in the Supreme Court, the decision they came out with. Of course, Medicaid is the program that provides health care for low-income Americans.

The President's health care law contained one of the largest expansions of Medicaid in the program's history. The President chose to expand the program despite the fact that fewer than half of the primary care clinicians would accept new Medicaid patients as of 2008. Fewer than half of the primary care clinicians were accepting new Medicaid

patients. Yet that is from where the President chose to build his health care reform.

Some might ask: Why is it that so many primary care physicians are not seeing Medicaid patients? It is because the reimbursements provided to doctors are so low that many can't afford to see Medicaid patients and continue to keep their doors open. Unfortunately, the outlook for Medicaid in this country has not improved.

USA Today reported in July that 13 States are moving to cut Medicaid even further by doing a couple of things. They want to reduce benefits, they want to pay health providers less, or tighten eligibility for the program. So the program the President highlights as one of the cores of his health care law is already in significant trouble, is not functioning, and is getting worse.

The State of Illinois has imposed a new limit on the number of prescription drugs that a patient who is on Medicaid can receive. This cap was imposed as part of a plan to cut $1.6 billion from the States' Medicaid Program.

Mark Heyrman, a professor at the University of Chicago Law School, told the Chicago Tribune that the prescription drug limits amount to a denial of service. So that is what we are looking at now. Yet this is the basis upon which the President has built his health care law.

According to the most recent estimate by the Congressional Budget Office, over one-third of the people expected to gain insurance coverage under the President's health care law are supposed to do it through this Medicaid Program. Clearly, with States being forced to cut back their existing Medicaid Program, there are many people who are not going to get the care they were promised through the President's health care law. For those who can find a physician, many of these patients will have to commute longer distances and will also have to endure longer waiting times just to get the treatment they are seeking.

Some experts have described this as an invisible problem, and they say that is because people may still get care, but the process of receiving that care will be more difficult.

The chief executive of the California Medical Association says, ''It results in delayed care and higher levels of acuity''—the seriousness of the injury or illness to that patient when they finally get the care they need. When care is delayed, medical problems can become much more serious, and that forces patients to seek treatment through other settings. One of the prime examples of that is heading to the emergency room.

Well, the whole goal, I remember, of the debate on the Senate floor in listening to my colleagues on the other side of the aisle was that patients under the President's health care law, the Democrats claimed, would be able to get to see a primary care doctor and would not have to go to the emergency room. However, that is not what we are finding under the President's health care law. We are finding just the opposite of what the President promised.

That is why the Medical College of Emergency Physicians told the Wall Street Journal:

> While there are provisions in the law to benefit emergency care patients, it is clear that emergency visits will increase, as we have already seen nationwide.

So the President says one thing and the American College of Emergency Physicians is telling us what they are seeing on a daily basis in emergency rooms across the country.

To put it another way, since the President's health care law exacerbated the shortage of providers, more patients are seeking treatment in emergency rooms. This is not what the American people were looking for in health reform. Instead of making empty promises, supporters of the health care law should have dealt with the issues that are already causing many doctors to rethink their medical career.

For example, supporters of the law absolutely refused to deal with the crushing burden of the medical lawsuit abuse. It is an abusive situation that is forcing doctors to practice a significant amount of defensive medicine, which is very expensive. It is expensive for individual patients as well as expensive for the system.

The Harvard School of Public Health found that these costs amount to 2.4 percent of annual health spending in the United States or $55 billion in 2008. That is the Harvard School of Public Health. There are other estimates out there which go with much higher numbers. Apparently supporters of the law thought it was more important to help trial lawyers instead of patients.

As a matter of fact, Howard Dean, chairman of the Democratic National Committee, has said they left lawsuit abuse out of the health care law because of the significant impact that trial lawyers have as contributors to the Democratic Party. So here we are.

Additionally, the health care law does nothing to stop the crushing burden of government regulations and paperwork that is consuming the health care profession.

Finally, many people choose to become doctors because they enjoy being able to innovate and create the next generation of devices and treatments. Unfortunately, that is changing as a result of the significant taxes that are part of the health care law.

In an article published on Friday, we have learned that Cook Medical, which is a medical device company in Indiana, announced that it was scrapping plans to expand because of the President's health care law. There are similar companies in States all across the country, many with large medical institutions who have a history of the best innovation in the land—and actually in the world—that are faced with these medical device taxes, not on profit but on the gross amount of money sales. The company said the 2.3-percent medical device tax contained in the law would stop the company from opening five new plants in the United States and add approximately 300 new good-paying jobs.

The Senate should also know that this Cook Medical Company produces medical devices that address women's health issues. Specifically, the company produces products related to gynecologic surgery, obstetrics, and assisted reproduction, to name a few. Therefore, the President's health care law is actually hurting the ability of Cook Medical and other companies to provide American women with access to cutting-edge medical technology. Why? Because of the device tax, which I believe—I believe we should repeal the entire law, but clearly we have introduced legislation to repeal the medical device tax. It is a bipartisan piece of legislation supported from both parties and should be passed immediately.

It seems Democrats are reluctant to look at parts of the health care law and repeal the law.

All this means medicine is becoming less of an attractive career choice for many young people across the country. As CNN stated in a headline from July 29, just 2 days ago, ''Your health care is covered, but who's going to treat you?''

The President and Washington Democrats did not seem interested in addressing this question when the health care law was passed. More effort was put into hiring IRS agents to look into whether a person had insurance than to actually see if there were doctors, nurses, nurse practitioners, physician assistants, and others to care for patients. Instead of focusing on policies that would give incentives for more people to become health care providers, they filled their law with empty promises the American people know today have not been kept.

It is time for Congress to repeal the President's health care law and replace it with real reforms that will improve the ability of patients to get the care they need from the doctor they choose at a lower cost.

That is why I come to the floor with a doctor's second opinion about a health care law which as the front page of the Sunday New York Times said: ''Doctor Shortage Likely to Worsen with Health Law.'' Primary care is scarce. Expanded coverage but a greater strain on a burdened system.

As I have been saying for a number of years on the Senate floor, coverage will not necessarily translate into care.

Thank you. I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, the bill pending before us is the Cybersecurity Act of 2012, as it is known, and for most people it is a term which they may have heard but may not fully understand.

It was about 2 months ago that Members of the Senate, including the Presiding Officer, were invited to a classified briefing. It was a briefing that Senator MIKULSKI of Maryland asked for to explain what this was all about because we had been hearing over and over again from the defense establishment in America that the No. 1 threat to America's safety and security was no longer just terrorism; it was cyber security threats and terrorism. For most people, they are not quite sure they have seen any examples of it that could make a difference.

So here is what we saw. They took us down to this classified room, closed the door, took away our BlackBerries and iPhones, and put them in a separate place—and I will explain why they did that in a moment—they took us in the room and briefed us on an example, just a theory. What if? What if a subcontracting company that supplied a major public utility in a city such as New York had a problem and someone stole a laptop from one of the employees, and that theft went unnoticed or unreported for a number of days, and then the laptop either reappeared or did not, what could happen?

Well, what could happen was, if that laptop computer had certain information in it that not only told you how to get into the computer system of the subcontracting company but also the public utility, bad things could occur. So getting inside that computer laptop, getting inside the technology of the subcontractor, and then finding that information bridge into the public utility could create an opportunity to turn out the lights in the city of New York.

That was the exercise we went through. God forbid it would ever occur, but they said: When you turn out the lights in a major American city such as New York, terrible things happen. Not only do traffic signals stop, and lights do not go on at night, and the New York Stock Exchange is not operating, hospitals are on emergency generators and problems start popping up in every single direction—water purification; the pumps that keep the subway system under the city of New York going so that the subway tunnels are not flooded—all of these things on top of one another. While this tragedy is occurring, the people in our government are trying to figure out: What happened? And how do we put things back into place and get them moving again?

That was one example.

There was another example. It was an example at one of our defense research laboratories. Top secret. Nobody can get in. Right? They told us of an example—and I will not even tell you the State where it was located—they told us of an example where the employees at our top defense research laboratory—who were trying to figure out countermeasures to stop attacks against the United States, and to develop our own weaponry—had what appeared to be a harmless e-mail sent to the employees saying: Explanation of Your New Health Care Benefits. Just Click Below. It turned out that click brought the hackers into the system.

So what we are talking about here has consequences that go far beyond the harassment of some teenage hacker who is trying to get into some company computer or even the school's computer.

I was on a plane yesterday with a gentleman who is working for the National Institutes of Health. I asked him about cyber security.

He said: We think about it every day—every day—because hackers are trying to get into the National Institutes of Health technology and computer system.

I said: What for?

He said: Well, some of them are in there for insidious reasons. But some of them are childish hackers.

I said: What do they do?

He said: Well, they will come in, for example, and change our published list of antidotes to certain poisons, so we always have to keep an eye on it to make sure they have not changed what people, doctors, should use across America.

Think about it. Think about all of the possibilities. What we are trying to do today is to come up with a line of defense for America. We are trying to establish a working relationship between all levels of our government and the private sector of the United States to keep us safe. Because what they told us was, every single day, China, Russia, Iran are on the attack—cyber security attacks into the United States—not just the ones I have mentioned but far beyond. Defense contractors building the planes and the armaments and all the artillery and the like have to worry about whether their secret plans, their patented information is being stolen right from under them, stolen by someone who wants to compete with them or perhaps wants to go to war with them. That is what is at stake.

So for a long time we have been warned and forewarned to do something about it. The bipartisan consensus among defense and intelligence experts in the public and private sector is that our Nation is dangerously vulnerable to cyber-attack at this moment.

FBI Director Bob Mueller—an extraordinarily great public servant—says the threat our Nation faces from a cyber-attack will soon equal or surpass the threat from al-Qaida and more traditional forms of terrorism.

Navy ADM Mike Mullen, Chairman of the Joint Chiefs, said: ''The cyber threat has no boundaries or rules, and the reality is that cyber attacks can bring us to our knees.'' According to our Director of National Intelligence, James Clapper, countries such as Russia and China are already exploiting our vulnerability. His unclassified assessment—what he told the public—is that entities within these countries are already ''responsible for extensive illicit intrusions into U.S. computer networks and theft of intellectual property.''

We have to respond to this. We have to do it quickly. I wish to thank Senators LIEBERMAN, COLLINS, FEINSTEIN, and ROCKEFELLER for putting together this bill, the Cybersecurity Act of 2012. They have introduced an approach that is balanced, bipartisan, and responsive to legitimate concerns raised by the intelligence community, private industry, and privacy advocates. The Cybersecurity Act of 2012 will help make us safer.

Our Nation's critical infrastructure—powerplants, pipelines, electrical grids, water treatment facilities, transportation systems, even financial networks—are increasingly vulnerable to attack. Bad actors in other countries have already demonstrated their ability to use the Internet to take control of computer systems.

Last year, there was a 400-percent increase in cyber attacks on the owners of critical infrastructure. This act has provisions that will reduce our vulnerability and shore up our defenses. In response to concerns raised by some in the private sector and some on the other side of the aisle, Senators LIEBERMAN and COLLINS revised a section of the bill. The bill now creates a voluntary, incentive-based system of performance standards. Private companies and government agencies will work together to determine the best practices in each sector to prevent a cyber attack. Companies that voluntarily implement those standards will be rewarded with immunity from punitive damages in a lawsuit, receipt of real-time cyber threat information, and expedited security clearances, among other things.

This voluntary arrangement replaces the mandatory system in an early version of the bill. Many of us supported that approach. But in the spirit of compromise and responding to concerns expressed by the business community, the managers have included this voluntary approach. The Cybersecurity Act of 2012 also authorizes voluntary information sharing. The sharing provision will allow government agencies and willing private companies to enhance the mutual understanding of the real threat and our vulnerabilities.

Sharing this information on effective responses and recent cyber threats will enable both the government and the private sector to understand the threat and to respond. A handful of industries have already adopted this approach, and it significantly enhances their ability to identify and respond to cyber threats. We should empower the government to share its knowledge with

these and other industries. We should make it clear the private companies can share cyber threat indicators with the government. That is exactly what this Act does.

I wish to thank the Presiding Officer, Senator FRANKEN of Minnesota, as well as Senators COONS, BLUMENTHAL, SANDERS, and AKAKA for working with me and the managers to ensure that we protect privacy and civil liberties. The Presiding Officer is chair of the Privacy Subcommittee of the Judiciary Committee. He has been a real leader on these issues. I was happy to work with him. As a result of his efforts and our efforts, the willingness of Senators LIEBERMAN, COLLINS, ROCKEFELLER, and FEINSTEIN, we were able to significantly enhance the privacy and civil liberties protections in the revised bill. I believe—I have always believed and I will continue to believe—we can keep America safe and free. We can establish in our democratic society the appropriate defense to any threat without sacrificing our fundamental constitutional rights.

The revised bill, after we negotiated with them, now requires that the government cyber security exchanges be operated by civilian agencies within the Federal Government. Our thinking was that these agencies are more prone to oversight, and any excesses by them will be caught earlier than if this is done on the military side, to be very blunt.

Military and spy agencies should not be the first recipients of personal communications such as e-mails. But from time to time, they will need to be informed and we need to rely on their expertise. That is why the bill requires that relevant cyber threat information be shared with these agencies as appropriate in real time.

The revised bill eliminates immunities for companies that violate the privacy rights of Americans in a knowing, intentional or grossly negligent manner. To ensure that cyber security exchanges are not used to circumvent the fourth amendment, the bill requires law enforcement to only use information from the cyber exchanges to stop cyber crimes, prevent imminent death or bodily harm to adults or prevent exploitation of minors.

The revised bill creates a vigorous structure for strong, recurring, and independent oversight to guarantee transparency and accountability. It gives individuals authority to sue the government for privacy violations, to ensure compliance with the rules for protecting private information. These commonsense reforms improve the information-sharing section of the bill, and they protect privacy. That is why they have been widely embraced across the political spectrum from left to right. I think we have found the sweet spot. I think we have found the right balance. That kind of endorsement across the political spectrum suggests that is the case.

We are very vulnerable in the United States at this very moment. Our critical infrastructure is at risk, and billions of dollars' worth of intellectual property is being stolen. Our national security is compromised. To put the cyber threat in perspective, GEN Keith Alexander, Director of the National Security Agency, was asked: How prepared is the United States for a cyber attack on a scale of 1 to 10, with 10 meaning we are the most prepared. What was his answer? Three—three out of ten. That is an alarming assessment. It is a failing grade by any standard.

If we do not act now, we will continue to be at risk for not only the loss of information and economic loss but even worse, mass casualties, a crippled economy, the compromise of sensitive data. I know this bill has some controversy associated with it. I know there are some in the business sector who think we have gone too far. I would plead with them, work with us. Let us do this and do it now. To let this wait is to jeopardize the security of this country. We did not think twice to respond quickly after the 9/11 attacks to make America safe. We see it everywhere we turn. If one can even imagine what life was like in the United States before 9/11, before we took our shoes off when we went to the airport, before searches were commonplace in American life, before armed guards stood outside the U.S. Capitol—those are the realities of what we face today because of that attack.

Let's be thoughtful. Let's be careful. Let's come together, the private and public sector. Let's do this the right way to keep America safe. The people who sent us to represent them expect no less.

FOR-PROFIT COLLEGES

Mr. President, the Senate HELP Committee released a report after completing a 2-year investigation of for-profit colleges. The 1,096-page report is the most comprehensive analysis yet. It provides a broad picture of the for-profit college industry. What Senator TOM HARKIN and the committee discovered and carefully documented is an industry driven by profit, which too often has limited concern for the students or the actual learning process.

The report profiles 30 of the biggest for-profit colleges, virtually from every State in the Union, including Illinois. There are good schools there, make no mistake, and my colleague Senator HARKIN has been careful to point them out. But there are also some that are not making an effort. Some are trying to improve student outcomes. But unfortunately there are many of these for-profit schools that are just taking in, soaking in Federal subsidies in the form of student aid so they can pay their shareholders extra money.

DeVry is the third largest for-profit college in the country. It is based in my State of Illinois. DeVry operates 96 campuses and offers classes online. In 2010, DeVry had over 100,000 students, an increase of 250 percent of enrollment in 10 years since the year 2000. It derives almost 80 percent of its revenue from the Federal Government.

Similar to the other companies profiled in the report, DeVry's tuition is significantly higher than that of public colleges. The cost of tuition for a bachelor of science in business administration at DeVry's Chicago campus is $84,320—for a bachelor's degree—considerably more than the same program at the University of Illinois, where the 4-year tuition is $75,000.

DeVry looks good compared to many of its peers in the for-profit sector. Unlike some other schools, DeVry's internal documents reveal the school has chosen not to use aggressive price increases in the future. I salute them for that. I have spoken to their leadership and told them that if they want to distance themselves from the pack of bad for-profit schools, they have do it by making decisions and implementing them to demonstrate they are a different kind of for-profit school.

There are still areas where DeVry can make improvements. DeVry's institutional loan program, a private loan program, charges a 12-percent interest rate—12 percent. The Federal Government student loan, 3.4 percent in contrast. So this rate is roughly three times the Federal loan.

The HELP Committee estimates that in 2009, when all sources of Federal funds, including military and veteran's benefits are included, the 15 largest publicly traded for-profit education companies received 86 percent of their revenue from taxpayers—86 percent. They are 14 percent away from being totally Federal agencies.

Perhaps this would be acceptable if students were learning and gaining skills to succeed, but what the committee found is troubling. One of the main reasons student outcomes are so poor at these schools is that the schools do not provide students with basic support services that they need to find a job and succeed. Student support services are essential to helping students adapt and do well while they are in school and find a job. What happens instead? They drop out or, if they graduate, they cannot find a job.

In 2010, the 30 for-profit colleges examined employed 35,000-plus recruiters—35,000 recruiters. The same schools collectively employed 3,500 career service staff and 12,452 support staff. So by a margin of 2½ to 1, the schools had more recruiters than support service employees.

So we cannot be shocked when we learn that one-half million students who enrolled in 2008–2009 left without a degree or certificate by mid-2010. Among 2-year associate degree holders, almost two-thirds of the students in these for-profit schools departed without a degree, just a debt.

The report also highlighted a growing problem among for-profit colleges, the use of lead generators. For-profit colleges gathered contact information on perspective students or leads, as they call them, by paying third-party companies known as lead generators.

These generators specialize in gathering and selling information—in this case, very personal information.

Here is how it works. A student browsing the Internet searches for terms such as ''GI bill,'' ''student loan,'' ''Federal student aid'' or any variation. They are directed to various Web sites that are owned by these lead generator companies. The Web site then claims to pass the prospective student contact into an appropriate school for the student online. Typically, there is no disclosure to the student that their personal information is being sold to for-profit colleges.

When a perspective student does give their contact information, watch out. They will be bombarded with calls and e-mails from aggressive recruiters at these for-profit schools. Remember that 35,202 people are employed as recruiters. This is what they do. One of the Web sites, gibill.com, was owned by a company called QuinStreet until last month, when 23 attorneys general across the United States did what Congress should have done first. As part of an agreement, QuinStreet gave up its right to the Web site to the Veterans' Administration where it belongs. So gibill.com is no longer a deceptive Web site, at least in these 23 States where there has been an agreement. Other Web sites used the name of Federal student aid programs and misled students into believing this was a real government program.

One of the HELP Committee's recommendations is to further regulate the private student line market. Senator HARKIN and I introduced the Know Before You Owe Private Student Loan Act this year. Our bill requires private student loan lenders to verify the prospective borrower's cost of attendance with the school before disbursing the loan.

It also requires the schools to counsel students as to whether they are still eligible for Federal student loans at a much lower interest rate. Federal student loans have flexible payment plans, consumer protections, and as I said, less cost. But many times students who have not exhausted their Federal student loan aid are steered into private loans with interest rates three and four times higher. There is money to be made off those young and sometimes uninformed students.

I urge the private lenders and the for-profit schools that keep telling me ''we are doing the right thing,'' do not wait for this law. Do it now. Make this a policy at their school and prove it.

One of the students I wanted to mention is Mirella Tovar from Blue Island, IL. She graduated from Columbia College in 2010 with a B.A. in graphic design and with $90,000 in debt and with a 10.25-percent interest rate. Her balance started to grow. She did not take out any Federal loans. She thought all the loans were the same. She did not know the difference.

No one told her about the consumer protections in the Federal loans. After she used her 6-month forbearance permitted by her lender, Mirella was expected to pay $1,500 a month. Unable to get a full-time job in her field, she thought about filing for bankruptcy.

It would not have done any good; student loans are not dischargeable in bankruptcy even if they come from for-profit colleges. Her dad wanted to help, so he cosigned her private student loans. Guess what. He is now on the hook for the payments too.

Mirella says that if the school counselor would have told her more about what her monthly payment would be like, she would not have taken out so much, and she may have never been steered to a private student loan.

I thank Senator HARKIN for his leadership and his amazing work on this issue. I plead with my colleagues, on behalf of these students and their families and on behalf of the taxpayers who are subsidizing these schools, join us in setting standards so there is an opportunity for young people to get the education they need without inheriting the debts that can drag them down for a lifetime.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I ask unanimous consent to address the Senate as in morning business.

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

REMEMBERING R. TIMOTHY STACK

Mr. ISAKSON. Mr. President, this morning I got some very sad news. The State of Georgia and the people of my State lost a giant in the health care industry.

Tim Stack was my friend. He was the president of the hospital that 2 years ago treated me well, which is why I am here today. He was a giant in health care not just in Georgia but in America. On behalf of myself and all the citizens of my State and the countless thousands of patients whose lives have been made better or even saved by Tim Stack, I send my condolences to his wife Mary and his three sons: Ryan, Tim, and Matthew.

Tim Stack grew up in Pittsburgh, PA, working in the steel mills. When the mills closed, he looked to find a job, and he worked in central supply at the Eye & Ear Hospital of Pittsburgh, PA. He was working and studying to be a teacher and a football coach. By working in the hospital, he became fascinated with the complexity of hospital administration and was challenged by the love of caring for people who were ill. Tim Stack changed his major to hospital administration and became a leader in the United States in the administration of hospitals.

Let me read from a press release on his record in Atlanta, GA, alone:

> Under his leadership, Piedmont grew from two hospitals and eight physician practices to a $1.6 billion organization that includes five hospitals, more than 50 primary care and specialty physician practices and a 900-member clinically integrated network.

He also helped develop the Piedmont Heart Institute, which treated me 2 years ago and is the reason I am standing here today, which is the leading heart institute not just in Atlanta and in Georgia but throughout the United States.

Tim was one of a kind. His loss will be felt by countless thousands of Georgians. To his family, his friends, and all who knew him, I express my sympathy.

I want to read a quote from him that was written in 2006 when he was interviewed by Atlanta Hospital News for a profile. Tim wrote the following:

> The attributes of a good leader are universal. You need to love what you do, be open and inquisitive and persistent, not afraid to make waves if you have to. You should also be personally productive and work well with others. Be innovative and allow others to innovate. Finally, be a certifiable member of the human race. Cultivate a light touch, be passionate about your career, but be sure to balance it with the rest of your life.

That expresses better than I can what Tim was all about. I shall miss him greatly, as will all of my State. Again, I send my sympathy to his wife Mary and his three sons: Tim, Ryan, and Matthew.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. COONS. Mr. President, I rise to speak to the issue of cyber security, one where there have been a dozen speeches given earlier today, and one where I am concerned that there is not enough determination, not enough will on the part of this body to work together, to listen to each other, to cross the small differences that remain between camps and competing theories of a bill that we should take up, and I am here to urge our colleagues in this body to address what we have been told is one of the greatest security threats facing our country, to bear down, to file amendments, to clear amendments, to listen to other Members and be willing to do the job for which we were hired, which is to pass tough, broad, bipartisan legislation to protect this country we love.

In my short 20 months in the Senate, I have increasingly become more and more persuaded that we face a constant, steadily rising, increasingly dangerous threat that foreign nations, foreign actors, whether they be terrorists or enemies of the United States, are not just studying the possibility of some day attacking the critical infrastructure of the United States, they are not just writing position papers or theorizing about it or training in some camp in an obscure country, they are today actively engaged in thousands of efforts to compromise the critical infrastructure of this country.

How Members of this body can ignore the importance of this threat when the majority leader and the Republican leader have twice, in my short time here, closed the Senate and urged every one of us to go to a secure, classified

briefing, where we have heard from a dozen four-star generals and leaders of three-letter agencies who have told us in great detail about how grave this threat is. Why in the face of repeated and publicly cited assertions by Secretaries of Defense, heads of the NSA, leaders of our homeland security agency, and leaders responsible for our first responder community from the Federal, State, and local levels, from the private sector to this government, who have said over and over that this is a very real, very present threat—how we can ignore that threat today is beyond me.

The bill that is before us is S. 3414. This is a compromise bill. In a series of meetings with other Members of this body, I have been struck to hear others say that we need more time, we need to study this further, we need to pass the narrow portions on information sharing that are easy and everybody can now agree on, and we need not pass a broader or stronger bipartisan bill that deals with infrastructure.

As you know well, Mr. President, for years critical committees in this body have been working on this issue. Senators LIEBERMAN and COLLINS, the chair and the ranking member on Homeland Security and Governmental Affairs, have been engaged in working their way through difficult issues for years. The relevant committees, from Energy to Commerce to Intelligence, have been engaged in hearings and studies and in legislating for years before I became a Senator.

In the last few months there has been some important and strong work to build a bipartisan consensus around the bill that is before us today. I, like you, I believe, Mr. President, had some real concerns about the information-sharing portions of the bill, title VII, which have to do with permitting private companies to share information with each other about the threats of attacks.

One of our big problems right now, we are told, is that companies of all different sectors of our economy hesitate to share publicly or to share with our national security infrastructure information that is critical to knowing when we are being attacked, how we are being attacked, and how it might spread. Title VII of the bill gives them liability protection to encourage the broad and regular sharing of that information.

But those of us who are concerned about the balance between privacy and security, about protecting civil liberties and whether we have gone too far in seeking security at the expense of liberty, offered a whole series of revisions and changes to this bill—changes that have been accepted. So too in a different section of the bill—title I, which deals with critical infrastructure—folks from the private sector raised alarms and concerns months ago that this bill was too prescriptive, too heavyhanded, was involved too much in regulation and in demanding certain actions by the private sector. Those concerns, too, have been addressed in a broad way.

I have been impressed with how many changes Senators LIEBERMAN and COLLINS have been willing to accept out of a broad working group of more than a dozen Senators of both parties who over the last few months have come forward with suggestions that have made that portion of the bill truly voluntary for the private sector, in a way that balances the role of civilian agencies with parts of our national security apparatus, in a way that provides enough liability protection but not too much, and in a way that allows the private sector to have a leading role in setting standards.

My point, then, is to say to my colleagues that when they say we need more time to study it, I say we need to come to this bill, we need to come to the floor, and we need our colleagues to be clear—what are your remaining concerns? In a meeting last Friday with several Senators and representatives of industry, I had read every word of title VII and urged them to be concrete with us about what their concerns were. I left unsatisfied. I left concerned that some were simply scaring the private sector and scaring our citizens into thinking this bill is not ready.

So for those who still have concerns—and there may very well be broad and legitimate concerns about the bill and about its direction—let's take these 2 days. I understand that more than 90 amendments have been filed. I think it is the challenge before us to make the amendments germane, narrowly focused, and relevant to improve the bill rather than distracting us into issues that are more partisan or tied to the campaign and to focus on the work that is left before us.

If I could, I am gravely concerned about those who would urge us to split off the portion of the bill on information sharing and ignore the portion of the bill that has to do with protecting our critical infrastructure. As speaker after speaker has come to the floor today and made clear, our electricity grid is at risk, our dams and our powerplants are at risk, our highways and financial system are at risk. There are all sorts of areas in the United States where there have been real cyber attacks, online attacks, in other countries that have demonstrated the devastating potential power of our opponents and enemies around the world.

In the face of the cautionary notes we have heard from leaders of this body and around the country and in the face of that very strong reality, why we wouldn't pass a broad and tough bill that facilitates information sharing and protects our critical infrastructure and strikes a fair balance in the middle is beyond me. It is not that this body has been too busy. It is not that we are exhausted by having passed too many broad and strong, bipartisan bills. We have gotten good work done this session. There are things, from the farm bill to the Transportation bill, where this body has shown an ability to listen to each other across the differences of party and region and craft strong, balanced, bipartisan bills. It is on this topic of cyber security that we have heard over and over that there is no more pressing challenge.

Why, if our adversaries are not going to be taking the month of August off, if our adversaries are not going to cease from now until November to attack us, would we not bear down and focus on getting done the work that is before us as the U.S. Senate? We are called at times the world's greatest deliberative body. I will say to you as a member of the Foreign Relations Committee, in other parts of the world there are folks who are striving toward democracy who question whether this is the model they should follow.

In the remaining days before we all go to some recess, why not bear down, do our homework, do our reading, be forthcoming with clear and concise concerns, and hammer out our differences?

I extend an invitation to any colleague, any industry group, or any group of concerned citizens: I am happy to meet with anybody to hear their concerns and try to do my level best to convey them to the bill managers and the leaders, who have done a remarkable job of hearing and accepting compromise provisions of this bill on privacy, on the role of the private sector, on making voluntary what was mandatory and striking a fair balance.

I urge our colleagues to take this moment seriously, to not allow the days to slip, the month to pass, and the moment to pass us by. How will we answer our constituents, our communities, and our families following an attack that has been so frequently predicted? Do we not believe we will end up regulating in a more heavyhanded, more reactionary, and more ill-informed way after a successful massive attack than now when we have the time to listen to each other and craft a balanced and responsible and bipartisan bill?

Mr. President, I will close. I am convinced that this is the gravest threat facing our country today, graver than that of terrorism from overseas. In fact, GEN Keith Alexander of the NSA has clarified just in the last few days to a group of us how grave a threat this is.

I renew my offer to any Member of this Chamber: Come and meet with me. Come and meet with Senators LIEBERMAN and COLLINS. Come and meet with the leaders of the relevant committees, take up your cause, and give an amendment that is narrow and focused and relevant, and let us hammer out a better defense for this Nation.

There are those who question the purpose and purposefulness of this body. It has no greater purpose than finding a bipartisan way to craft a strong and vibrant solution to a clear and growing national threat.

Just a few weeks ago, I had the honor of sitting for lunch with Senator DANIEL INOUYE. He is the one Member of this body to have earned the Congressional Medal of Honor in combat. I asked his advice, as the most senior member of my party: What issues, Senator INOUYE, do you think I should be focused on? What is the thing you might urge me—a freshman—to invest my time and effort into? His answer was simple, his answer was profound, and his answer, I hope, will be heard by this body.

He said to me: I am the only Senator who was at Pearl Harbor. Our next Pearl Harbor will come from a cyber attack for which we are today unprepared. Let's do our duty. Let's listen to each other, come together, hammer out a strong and bipartisan bill, and honor the service and sacrifice of that ''greatest generation''—both in this Chamber and our country—and do our duty.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Colorado.

Mr. UDALL of Colorado. Madam President, I want to acknowledge the powerful and eloquent words of my colleague from Delaware. I know our colleague Senator COLLINS is also on the Senate floor, and I have to tell the viewers and all of my colleagues I couldn't agree more. The time is now to act on cyber security.

I just came to the floor from an Intelligence Committee briefing. General Alexander was there. As the Senator from Delaware knows, he is forthright, he is well-versed, he is passionate, and he is as nonpartisan as they come. General Alexander is urging us to act now.

So I thank my colleague from Delaware for his compelling and important words.

PRODUCTION TAX CREDIT

The matter that brought me to the floor has a link to cyber security, and that is energy security. I want to talk about one of the new and exciting technologies that is resulting in the production of many homegrown electrons, and that is wind power.

I have come to the floor on a daily basis to urge my colleagues to work with me to extend the production tax credit for wind.

The PTC has created literally tens of thousands of jobs across our country and has the potential to create even more. But if Congress—that is us, the Senate and the House—doesn't act to extend it, tens of thousands of jobs, literally, will be lost. The Presiding Officer has a robust wind energy sector in her State, and she knows the extent to which it is important for business in the great State of New Hampshire. It is important to the businesses in every State in our country.

The production tax credit is an investment in a clean energy future. It is a critical investment in American jobs. Frankly, we are about to lose that investment. I fear, in fact, that through our inaction we continue to create real harm to our wind industry in America. But it is not too late to act.

Today I am going to focus my remarks on Idaho, a State that is known for its wide open spaces, its mountains, its potatoes, and for great, friendly people. One doesn't have to look any further than Senator CRAPO and Senator RISCH to know that the people of Idaho are very good people.

Idaho is a State with a vast untapped potential for wind energy. The National Renewable Energy Laboratory, which we host in Colorado, has calculated that Idaho's wind resources could potentially provide more than 218 percent of Idaho's electricity needs. It ranks 23rd in our Nation's wind resource potential. Most of this potential is in the high plains of the southern half of the State.

Idaho is already working to take advantage of what is a bountiful resource. There are more than 20 separate wind projects either online or under construction across the State. In southeastern Idaho near Twin Falls, Invenergy's Wolverine Creek wind farm covers about 5,000 acres and pays royalties to almost 30 different landowners.

In 2011, Idaho's installed wind capacity grew by nearly 75 percent. That growth created hundreds of temporary construction jobs as well as permanent jobs in the operation and maintenance of these facilities. Right now, Idaho's wind resources provide power for nearly 160,000 homes without releasing the nearly 1.1 million metric tons of carbon dioxide that traditional power sources would.

Wind supports close to 500 jobs in the State of Idaho—jobs that wouldn't exist if the wind industry had not been enticed to invest in Idaho because of the production tax credit, the PTC. Wind energy projects are an investment in local and State economies. Wind energy producers provide nearly $2.5 million to the State in property tax payments every year and over $2 million annually in land lease payments to local Idahoans who go on to invest that money back into their local communities. Those are real dollars these communities count on.

The point I am trying to make is that we in Congress should be working to help create more projects like Wolverine Creek for the jobs and the clean energy they create. Instead, Congress is standing idly by.

I can't help but mention there have been some on the campaign trail who have suggested that we should let the wind production tax credit lapse at the end of this year, and that wind power should not be given the same help other industries have received. I could not disagree more.

Great States such as Idaho, Colorado, and New Hampshire make things. Great countries such as the United States generate their own energy. Letting the wind production tax credit lapse would be irresponsible. The PTC equals jobs. We should pass it as soon as possible. We should not waiver, and we should not wait. Every day that we let this unanswered question hang over our country may be another project and another job that gets shipped overseas.

I urge my colleagues to work with me to support manufacturing in rural communities in America. Let's extend the production tax credit as soon as possible. It is common sense. It has bipartisan support. Let's extend the production tax credit.

I will be back tomorrow to continue this discussion and talk about another one of our great States. I am at 13 States. I am going to keep coming back until we get this right.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Madam President, I ask unanimous consent to speak as if in morning business.

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

MEDICAL LOSS RATIO

Mr. FRANKEN. Madam President, over the last few weeks hundreds of thousands of Minnesotans have received letters or postcards in the mail from their health care insurers. These notices are letting people know whether their insurer met a new rule in the health care law—a rule that I championed—called the medical loss ratio, sometimes called the 80–20 rule. It could also be called the 85–15 rule, but it is known as the 80–20 rule, and I will explain.

This provision, which I based on a Minnesota State law, requires large group insurers to spend 85 percent of the premiums they receive from their beneficiaries on actual health care services, not on marketing or administrative costs or CEO salaries. Eighty-five percent of their premium dollars have to be spent on actual health care. For insurers in a small group and individual markets, this threshold is 80 percent; hence, the 80–20 rule.

This summer, across the country Americans are getting notices from their insurers that the insurer met or did not meet this 80 or 85 percent threshold. When those notices say the insurer failed to meet the medical loss ratio, Americans are also getting something else in the mail—a check or lower premiums for next year because under my medical loss ratio provision, insurers who do not spend at least the 80 or 85 percent of premiums on actual health care services for their beneficiaries have to rebate that money to their consumers.

August 1 was the deadline for insurers who didn't meet the MLR threshold to rebate the difference to their consumers, and because of the medical loss ratio more than 123,000 Minnesotans got rebates from their insurer. Those rebates added up to an average of $160 per household. It was more in other States.

This isn't unique to Minnesota. Across the country 12.8 million Americans got rebates from their insurers who overcharged them, and other insurers lowered their premiums for last

year to comply with the medical loss ratio. Aetna in Connecticut lowered premiums by 10 percent last year because of the MLR.

Minnesota has a culture of high-quality low-cost care. In fact, the Agency for Health Care Research and Quality recently announced that in 2011, Minnesota's health care quality was the highest in the Nation. We were again No. 1. We are always No. 1, No. 2, or No. 3. The medical loss ratio, which was first passed as a Minnesota State law, is yet another example of Minnesota's leadership in bringing down health care costs while preserving quality.

Minnesota's unique health care culture includes the Mayo Clinic, cooperative models such as HealthPartners, and visionary public health leadership from State legislators. Health care in our State is also distinguished by the fact that 90 percent of Minnesotans are served by a nonprofit health plan. These plans outperform their national peers and are able to put 91 percent of every premium dollar toward actual health services. In other words, they have a 91 MLR.

By taking profits out of the health insurance industry, Minnesota health plans do a better job helping our residents live longer, healthier lives and deliver the No. 1 quality care in the Nation. The medical loss ratio within the health reform law is holding all health plans to the same standards we have set in Minnesota by requiring that 80 to 85 percent of premium dollars actually pay for health services.

Before this year, in other plans throughout the Nation, less than 60 percent of the premiums were put toward health care. The rest was being used for administrative costs, for marketing, for bonuses, and for profits. In fact, one study of insurers in Texas a few years ago showed MLRs, medical loss ratios, as low as 22 percent—meaning that of all the premiums families were paying in to their insurers, the insurers were spending only 22 percent on actual health care services for them.

That is why my medical loss ratio provision is so important. It squeezes the fat out of the health insurance market and makes your premium dollars go farther. For many families it is actually lowering costs, delivering $1.1 billion a year in rebates. Those checks, $1.1 billion, are in addition to lowering the premiums. For example, the 10-percent reduction by Aetna in Connecticut. This was an incredibly important step because we know premiums were going up way too fast, a lot faster than those families' income. This is just one way the health care law is already changing the culture of care in our country.

One of the other things the law did was move toward rewarding quality of care, not quantity of care. It specifically directed Medicare to start paying doctors based on the value of the care they provide, not the volume. This is a provision that I and Senator KLOBUCHAR and several other of our colleagues championed, called the value index. That is because when Minnesota doctors get paid less for providing higher quality care, everyone else loses. Minnesota loses because Minnesota reimburses 50 percent less per Medicare patient on average in Minnesota than for each patient, on average, in Texas. So Minnesota actually gets punished for being No. 1. It gets punished for higher quality care with lower reimbursements. Patients in Texas lose because they are not getting the highest value care for their health care dollar. And all taxpayers lose when Medicare pays for unnecessary or overpriced service in Texas or other low-value States.

This is not about pitting Minnesota against Texas or other low-value States. It is about incentivizing the Texases to be more like Minnesota—which, again, has the highest health care quality in the Nation. That will begin to happen when the value index kicks in under this law.

It would be an understatement to say the law has received some attention this year, and I know there is a lot of uncertainty among our constituents about how the law will affect them. That is because sometimes there is a little misinformation put out there. I just had a colleague say there is nothing in the bill to address paperwork. That is certainly not true. In fact, I authored a provision on simplifying billing.

There is some misinformation on why IRS agents are there to look into your insurance—and anything done in the law to address workforce shortages. That is not true. There is an entire title on workforce. Sometimes people have to sort out what is being said on this floor. So there is some uncertainty.

Let me take a moment to talk about a few of the other things the law is already doing for the people of Minnesota. This is all in the law and happening. I am just telling what is going on right now.

First of all, starting tomorrow, August 1, 900,000 women in Minnesota and 47 million women around the country will have free access to preventive health services, including gestational diabetes screenings, preventive health visits with their doctors, and FDA-approved contraceptives. Because of the health care law, women, not their insurance companies, can now make decisions about their health care and can access the services that will keep them healthy.

The health care law is also helping families in Minnesota and across the country by prohibiting insurers from denying health coverage for children who have preexisting conditions. I have met children who are alive today because of this provision. As a parent, I know how grateful their parents are. Parents around the country can now sleep a little easier, knowing that if their child gets sick they will still be able to get the health care coverage they need. We should be celebrating that. This is not about putting the government between you and your doctor, as I hear sometimes. This is about getting an insurance company out of the way and making sure that children can get coverage.

And adults. We have seen the limitation of lifetime limits on care. Your insurance company can no longer put an arbitrary cap on your care. I have seen a gentleman whose life was saved because of this. Before this law came into being they could drop you—and they did. That is over. That is done. People do not have to worry about hitting an arbitrary limit and then being thrown off their insurance—because they have. We should be celebrating that. That is something that should be bringing a lot of relief to people. That is why we are going to be having far fewer bankruptcies.

Parents will also be relieved to know that young adults can now stay—they had been able to stay on their parents' health insurance plan until they are 26. Because of this provision, 35,000 young adults in Minnesota are now insured on their parents' policies.

I was at a senior center in Woodbury the other day. Seniors are very happy with the changes that the health care law has made. When I visit senior centers in Minnesota, I hear relief from seniors who now can pay for their medications thanks to the provision in the health care law which is closing the doughnut hole. The provision has already allowed 57,000 seniors in Minnesota to receive a 50-percent discount on their covered brandname prescription drugs when they hit the so-called doughnut hole, an average of $590 savings per person.

I can see the Presiding Officer nodding. I know she goes to senior centers in New Hampshire and knows when seniors hear that people want to repeal this they are miffed. I have actually been at a senior center when they said, What can we do? And they wanted to get up and go out and start being activists for the health care law when they heard that some of my friends want to repeal this.

Some of them are making it just on Social Security. Now the doughnut hole is closing and they like that. It means they can take their medication and it means they do not have to take it every other day or they don't have to cut it in half. My friends on the other side want to repeal it.

Seniors are also getting free preventive health services under the health care law, such as mammograms, colonoscopies, as well as free annual wellness visits to their doctor—and, boy, do they like that.

I could go on and on, but I will not. The point is, because of the law more people are getting care, the quality of care is better, and we are lowering costs. I am proud of that. As we here in the Senate head home to spend August in our States, I urge my colleagues to listen, as I do, when constituents tell

us about the rebates they received. I was on a plane two weekends ago. A woman showed me her check. The woman I was sitting next to showed me her rebate check.

I urge my colleagues to listen to constituents talk about the rebates they receive, the kids who are able to stay on their parents' insurance, the health screenings that save the lives of grandparents. I hope they will listen to the stories of kids with preexisting illnesses who were finally able to get coverage and seniors who were able to afford both their prescriptions and their dinner. I urge my colleagues to acknowledge these benefits and to support the continued implementation of the Affordable Care Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, there are several people who wish to be recognized. If Senator COLLINS is ready to go, I will yield to her and then ask unanimous consent to speak immediately after her, then to be followed by Senator ALEXANDER, if that is the will of the body.

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

The Senator from Maine.

Ms. COLLINS. Madam President, first let me thank the Senator from Delaware for his graciousness. In light of the fact that there are so many people who are waiting to speak, I will be brief. But I want to talk about the legislation that is before us, the cyber security bill. This bill represents the Senate's best chance this year to pass urgently needed cyber security legislation.

Why do I say it is urgent? Virtually every national and homeland security expert, from President Bush's administration including President Obama's administration, has warned us repeatedly that a cyber attack is coming and it is an attack that is going to be aimed at our critical infrastructure. For us to let disagreements over exactly how to counter this threat prevent the passage of this bill would be a tragedy and could lead to a tragedy. This is serious.

Yesterday we had a meeting with the FBI, with the Department of Homeland Security, with GEN Keith Alexander, who is the head of cyber command, and the head of the National Security Agency. They were unanimous in warning us that Congress must act and must act now. Every single day nation states, terrorist groups, hacktivists, persistent hackers, transnational criminal gangs, are probing our cyber defenses. Intrusions are rampant. As one expert told me, there are really only two kinds of large companies in this country: those that know they have been hacked and those that do not know they have been hacked. It is so important that we act. I must say we are working very hard to try to accommodate the concerns that have been raised by some of our colleagues and by some in the business community. We, therefore, have altered our bill in a significant way.

Another charge I have heard thrown loosely around here is that somehow there has not been enough study; somehow there is not enough process; somehow we need more hearings. Our homeland security committee alone has had 10 hearings on cyber security—10 hearings. The Senate, as a whole, has had 25 hearings and numerous classified briefings. How many more briefings, hearings, and reports do we need? The head of the FBI, Robert Mueller, has told us that in his judgment the threat of a cyber attack will soon exceed the threat of a terrorist attack. Of course, they may be combined. It may be a terrorist group using cyber tools to launch an attack on this country. There is a Web site video that shows an arm of al-Qaida which encourages cyber attacks and talks about how easy it would be to conduct it.

Senator LIEBERMAN and I, along with our three principal cosponsors: Senator FEINSTEIN, Senator ROCKEFELLER, and Senator CARPER, have made significant changes in our bill to respond to concerns that have been raised. Most notably we have gone from having a mandatory framework to a voluntary approach to enhance the security of our most critical infrastructure. The underlying concept of this approach, which was suggested in a very constructive way by our colleagues Senator KYL and Senator WHITEHOUSE, is to encourage owners of our most critical infrastructure to enhance their cyber security by providing them with various incentives, the most important of which is liability protections. We have also made changes to improve the privacy protections and the information-sharing title of our bill.

The bill establishes a multiagency council, the National Cyber Security Council, to respond to concerns that too much power was being given to the Department of Homeland Security. So now we have an interagency body that includes the Department of Defense, the Department of Justice, represented by the FBI, the Department of Commerce, the intelligence community—undoubtedly it would be the Director of the National Intelligence Office—and appropriate sector-specific Federal agencies, such as FERC, if we are talking about how best to protect our electric grid.

The council would work in partnership with the private sector and would conduct risk assessments to identify our Nation's most critical cyber infrastructure. What do we mean by that? We hear that term. What exactly is critical cyber infrastructure? It is that which, if damaged, could result in mass casualties, mass evacuations, catastrophic economic damage to our country or severe harm to our national security. Don't we want to safeguard critical national assets that if damaged would cause numerous deaths, people to flee their homes, their communities, a disaster for our economy, or a severe blow to our national security? I can't believe there is even any discussion about the need for us to have robust systems to protect us against mass casualties, a devastating blow to our economy, and catastrophic consequences. That is a high bar in our bill for defining what is critical cyber infrastructure. It isn't every business in this country. Those who are implying that it is and that this is sweeping are not accurately reading the bill. We would be irresponsible if we did not act when the warnings are so loud and are coming from so many respected sources.

We have had the Aspen Institute Group on Cyber Security Issues endorse our bill and urge us to go toward its consideration. That is chaired by President Bush's Homeland Security Secretary Michael Chertoff and by a renowned expert on the other side of the aisle, former Congresswoman Jane Harman. It also includes people such as Paul Wolfowitz, not exactly a liberal activist the last time I checked, but certainly one who commands great respect for his knowledge in this area.

I am amazed we are letting the clock tick down when we know it is not a matter of if there is going to be a cyber attack on this country, it is a matter of when.

Let me very briefly address another issue. Is there some opposition among the business community to this bill? Yes, there is. But there is also a great deal of support from the business community. We have, for example, a letter from the NDIA, which represents 1,750 defense firms. We have letters of endorsement from Sysco, Oracle, the Silicon Valley Leadership Group, the Business Software Alliance, from Semantec, EMC Corporation, the Center for a New American Security, endorsements from individuals in the previous administration such as General Hayden, Mike McConnell, and Asa Hutchinson. There are many supporters for this bill. It is not surprising because they know how important it is that we act.

Ms. COLLINS. In closing, I wish to read a little from General Alexander's letter, which is dated today. In it he says:

> I am writing to express my strong support for passage of a comprehensive bipartisan cyber security bill by the Senate this week. The cyber threat facing the Nation is real and demands immediate action—

Not action next year, not action next Congress, not action even after the recess we are about to take. As General Alexander says:

> The time to act is now; we simply cannot afford further delay. Moreover, to be most effective in protecting against this threat to our national security, cyber security legislation should address both information sharing and core critical infrastructure hardening.

That is exactly what the bill we have brought before the Senate would do. I urge our colleagues to join us. If they have other ideas, offer amendments, but let's get on with the task before us

before we are looking back and saying: Why didn't we act? Why didn't we pay attention to all of those warnings?

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, while the Senator is still on the floor, I wish to engage in a brief colloquy, adlibbing this or, as I recall in football, an audible. We have the two people who are most key to this, Senator LIEBERMAN, chairman of our committee, and Senator COLLINS, our ranking member, who worked very hard with their staff and our staffs to fashion this legislation.

In recent years when we heard opposition to doing something on cyber security, the concern we had was there was going to be a top-down. There was going to be Homeland Security, which in its early days did not have a very good reputation. The idea was that somehow Homeland Security was going to be running this top down without a whole lot of input from industry. Basically we have taken even the second most recent version of our bill, and we changed that. What we said is it is not going to be top-down, it is not going to be Homeland Security saying these are the best practices, these are the standards to protect cyber security. Instead we said: Industry, what do you want to tell us? ''Us'' being Homeland Security, ''us'' being the Department of Defense, ''us'' being the National Security Agency, ''us'' being the FBI. What do you think those best practice standards should be? Give us a chance to work on those together.

Correct me if I am wrong, but I don't think the deal here is for Homeland Security to say: You have to throw those away; those make no sense, we will do it our way. That is not what is going to happen here.

In our meeting yesterday with the folks from the FBI and the National Security Agency, that is not the way it is going to work. It is not the way it works today and it is not the way it is going to work in the future. What does the Senator think?

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, if I could respond through the Chair to my colleague from Delaware, he is absolutely correct, this is a collaborative partnership with the private sector, and indeed, it has to be. Eighty-five percent of the critical infrastructure is owned by the private sector, so it makes sense to have their involvement. We restructured the bill to require that, and there is another safeguard. Since this is a voluntary system we have now devised, adopting the Kyl-Whitehouse approach, if the private sector decided not to participate, it essentially invalidates the standards that are developed. So why would this interagency council, which has developed the standards based on the recommendations of the private sector, not adopt reasonable standards? They want industry to participate. That is the ultimate safeguard, I say to my colleague from Delaware and my colleague, the chairman from Connecticut, who also may want to add to this.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. I am going to direct this question to our chairman through the Chair. One of the other criticisms of the early version of the bill was not only was it top-down oriented and directed by Homeland Security, but also there were just sticks involved. We were not going to incentivize anybody to comply with the standards that might be developed, but we would just hammer somebody. That is not the way it turned out. I commend the chairman for doing that.

Will the chairman lay out for us in a minute or two how it would work? I think it is a much smarter approach.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank my friend from Delaware for the question. This is now a voluntary system and there is a lot to be said about that.

I want to go back to that meeting yesterday. We had a broad bipartisan group of Senators who have been most active, but from different perspectives, on this question of cyber security legislation who met yesterday with the key cyber security officials in our government from the Department of Defense, Department of Homeland Security, FBI, and the National Security Agency. I am going to explain why we went to the carrots and took out the sticks by saying, in general terms, these experts—not political people, these are pros who deal with cyber defense—were asked by one of the Senators: What will happen if we don't adopt this legislation or something like it this session?

The cyber security professionals said to us: Our Nation will be more vulnerable to cyber attack.

In other words, this legislation contains authority to share information between the government and the private sector, between two private sector companies, that can't be done now. That is critically necessary to improve our defenses. The requirement of standards being promulgated as a result of a—or resulting from a public-private collaborative operation and then offering the carrot of immunity from liability is something that doesn't exist now. All the experts say, though some of the private sector operators of critical cyber security infrastructure—we are talking, again, about the companies that run the electric grid or the telecommunications system or the entire financial system or dams that hold back water; we are not talking about ma-and-pa businesses back home—some of them are doing a pretty good job at defending that cyber infrastructure, but most of them are not doing enough. That is where the government has to come in and push them in that direction.

Why did we change it from mandatory to voluntary, from sticks to carrots? Because we didn't have the votes to adopt the mandatory, which I think is necessary. Because of the urgency of the threat, as I just reflected that we heard yesterday from the professionals in this area, we said—Senator COLLINS and I, Senator ROCKEFELLER, Senator FEINSTEIN, Senator CARPER—OK, we are not going to get 100 percent of what we want around here, and we understand that, so let's settle for 80 percent. Perhaps the other side will feel they got 80 percent. But what is most important is that we will get something done to protect our security.

I must tell my colleagues we are at a point now in this debate, with the kind of never-ending questions about every detail, not withstanding all the compromises Senator COLLINS, Senator CARPER and I have made and the filing of an amendment by Senator MCCONNELL to repeal ObamaCare—we can have a position on ObamaCare, but to put it on this cyber security bill is not fair, not relevant, not constructive.

I think we are coming to a moment where we are going to have to face a tough decision. I have talked to the majority leader about filing for cloture soon so we can draw this to a choice: Do our colleagues want to act to protect our cyber systems in this session or do they not? That is a tough choice, particularly if a Senator votes no, to have to explain, in light of all the evidence of the constant cyber attacks going on now and the cyber thefts of hundreds of billions of dollars from our industries and tens of thousands of jobs lost as a result to foreign countries, if the Senate is going to say, no, we don't want to take that up now. I hope and pray that is not the case.

The way this is moving right now, this last week of the session before we break, I am afraid we are headed in the wrong direction, and we don't see the kind of willingness to compromise that ought to be there. We are tested again in this Chamber: Are we going to fix national problems? It is hard to do on some of the fiscal issues we have turned away from, but on this one, traditionally, when it came to our national security, we have put the special interests aside and together dealt with the national security interests. I fear at this moment, in response to my friend from Delaware, that is not the direction in which we are going. I hope I am wrong. I am, by nature, an optimist, but right now I am a pessimist.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. My colleagues have heard me say this before. We have been joined by Senator ROCKEFELLER, who has done great work, Senator FEINSTEIN, and others, Democratic and Republican, who have done fine work on this legislation.

But I love asking people who have been married a long time: What is the secret to being married a long time?

This is especially important for me to say this with Senator COLLINS sitting on the floor. She and certainly her husband to be anticipate their coming marriage. But I love asking people who have been married a long time: What is the secret to be being married a long time? I get great answers, funny answers but also some very profound ones, and the best thing I ever got was the two Cs. What are the two Cs? Communicate and compromise. That is not just the secret for a long marriage, a union between husband and wife, but it is also the secret for a vibrant democracy.

I think the two Cs characterize what is going on with this legislation because I have been here a while—11 years—and I don't know that I have ever seen better communication on an issue of this importance than I have in this instance. It was very dramatic, very satisfying, and frankly, compromise, the kind of compromise we have talked about over the last 15 minutes or so, needed, given, done willingly, to lead us to this point today.

It has been said before, and I will say it again. The reason we are on this bill today, why we have taken it up today, this week, is because our economy and our national security are under attack. This is not the kind of war that some of us served in during our youth. This is not the kind of war we have read about in history books. It is not the kind of war we have seen and watched on TV. This war is occurring in cyber space, and it is occurring in real time.

Literally, as I speak, it is being carried out by sophisticated criminals, by terrorists, and even by other countries. While some hackers just want to cause mischief or make a political point, others want to hurt people, our people. Still others want to steal our ideas, our intellectual property, as well as other sensitive information. From clean energy technologies and defense systems to medical research and corporate mergers, cyber spies are looking to steal some of the very innovations that fuel our economy and help make us a great nation.

GEN Keith Alexander, the commander of U.S. Cyber Command, has called these efforts the greatest transfer of wealth in history. Those of us who have tried to put a dollar figure on how much intellectual property we are losing to cyber theft have put the pricetag at about $¼ trillion per year. It is not just valuable information we are losing. To put it bluntly, it is American jobs, and it is our competitive edge.

Of course, the same vulnerabilities being exploited to steal our intellectual property can be used by those who want to attack us to do physical harm. With a few clicks of a mouse, cyber terrorists or a sovereign nation could shut down our electric grid, they could shut down manufacturing, they can release dangerous chemicals into our air, they can release dangerous chemicals into our water supply. They could disrupt our financial systems. At the very least, any one of these attacks could further slow the economic recovery of our country or disrupt it altogether.

In a worst-case scenario, a particularly lethal cyber attack could throw parts of our country into chaos or even lead to widespread loss of life. If my colleagues don't believe that, look at the impact the recent summer storms and the resulting power outages had on this region. If we don't become more vigilant and soon, a sophisticated hacker can succeed in replicating that kind of power outage, putting many lives in danger and severely undercutting the productivity of our workforce.

The revised bill we take up today takes a number of bold steps to better secure our critical infrastructure and share cyber threat information. It will go a long way toward bringing our cyber capabilities into the 21st century. It represents a good-faith effort to address legitimate concerns of business and privacy groups of our intelligence community and of Senators on both sides of the aisle.

None of this bill's five original cosponsors is suggesting our bill is perfect. As my colleagues hear me say from time to time, if it isn't perfect, make it better. With that thought in mind, we look forward to working together with all our colleagues to find common ground to make this legislation even better.

For example, many of my colleagues and I are concerned that we don't have the proper safeguards in place when private information, ranging from Social Security numbers to financial records, are compromised. The American public expects that government agencies and private businesses holding our tax information, our medical records, and other sensitive data will take every precaution necessary to ensure that sensitive information is secure and well protected. Too often those expectations are not met.

That is why I have introduced a bipartisan amendment with my colleague Senator BLUNT to address concerns regarding data breaches which occur all too often. Our amendment would ensure that Americans can be confident that their private and sensitive information is made more secure. As our Nation becomes increasingly reliant on technological advances to do just about everything, it is imperative that we not let technology outpace our ability to prevent fraud and identity theft.

However, with the recent breach within the Federal employees retirement program—the Thrift Savings Plan—over 100,000 Federal participants know all too well that their sensitive private information is not always safeguarded as it should be.

The amendment Senator BLUNT and I are offering seeks to ensure that all entities holding personal sensitive information have to adhere to a national standard that is designed to keep that information safe while ensuring that both consumers and law enforcement are promptly notified in the event of a breach. This requirement would replace the current patchwork of 46 separate State laws while ensuring that consumers have a uniform set of protections they can understand. By adopting this data-breach amendment and passing the broader cyber security bill, we will enable the United States to lead by example both in preventing cyber attacks from occurring in the first place and in responding swiftly and effectively to protect consumers in the unfortunate event of an attack or a breach.

As we consider our amendment, the Blunt-Carper amendment, let's remember that this bill is not the finish line. If I can paraphrase Winston Churchill, this is not the end. This is not the beginning of the end. This bill really represents the end of the beginning. And as beginnings go, it ain't bad.

Although we are still working out a compromise, I want to close by talking very briefly about some of the features of the underlying bill we are considering.

First—I will reiterate what has been said before; it bears repeating—we have elected not to direct the Department of Homeland Security to mandate new cyber security regulations for private owners of critical infrastructure. We said we are not going to do that. Instead, we have endorsed an approach that relies on a public-private partnership and a voluntary cyber security program to strengthen the electronic backbone of our most sensitive systems. Instead of government penalties, our bill calls for using incentives such as liability protection to encourage critical infrastructure owners to adopt voluntary cyber practices developed by industry.

Second, our revised bill provides a framework for the sharing of cyber threat information between the Federal Government and the private sector while offering liability protection and better privacy protections for all Americans.

Third, to ensure that Federal agencies are better equipped to stop cyber attacks on them, the bill includes a number of security measures that I have worked on for years with Senator COLLINS and others to better protect our Federal information systems. In particular, this bill will help replace our outdated, paper-based security practices with a real-time security system that can actively monitor, detect, and respond to threats. For example, agencies will be required to continuously monitor their systems the way a security guard would watch a building through a video camera rather than just taking a snapshop, developing the film, and reporting on the results once a year.

Finally, our bill makes a number of important investments in developing the next generation of cyber security professionals. This is workforce development. For example, the bill provides stronger cyber security training and

establishes better cyber security programs in our schools and in our universities. This legislation also makes research and development for cyber security a priority so we can develop cutting-edge technologies here at home and bring jobs to our country. Doing so will not only make us safer as a nation, it will help ensure that America's workforce is better prepared for tomorrow's job market, and tomorrow is just around the corner.

I wish to conclude my remarks here today with something that one of our colleagues, MIKE ENZI of Wyoming, introduced to me several years ago. MIKE calls it the 80–20 rule. He used it at the time to explain to me how he, one of the most conservative Republicans in the Senate, and the late Ted Kennedy, one of the most liberal Democrats in the Senate, were able to accomplish so much prior to Ted's death when they were the two senior leaders on the Senate Health, Education, Labor, and Pensions Committee.

I said to Senator ENZI: How come the two of you, very different people—one a Democrat and one a Republican—were able to get so much done?

Senator ENZI said to me: Ted and I agreed on about 80 percent of what needed to be done on most issues, and we disagreed on the other 20 percent. Somewhere along the way, we just decided to focus on the 80 percent we agreed on and set the other 20 percent aside for another day.

The cyber security legislation we are debating here today this week is an 80–20 bill. I think it is worth asking, is it worthwhile to pass a bill that achieves maybe only 80 percent of what we want to do or even only 70 percent of what we want to do? I would just say, well, compared to what? Compared to doing nothing? Compared to zero? Given all that is at stake in today's dangerous world, you bet it is worthwhile. That much we ought to be able to agree on, so let's get it done.

Like many of my colleagues who have worked on the legislation for years, I welcome the opportunity this week to legislate—to legislate—on an issue of great importance to our Nation, to offer our amendments, to debate them, to defend them, to vote on them, make this bill better by doing so, and in the end adopt this bill as amended by a bipartisan margin. A lot of people in this country of ours question today whether we are still able to set aside our partisan and other differences when the stakes are high and summon the political will to do what is best for America. Let's show them by our actions this week that, yes, we can. Let's seize the day. Carpe diem.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I ask unanimous consent that the period for debate only on S. 3414, the Cybersecurity Act, be extended until 6:30 p.m.; further, that the majority leader be recognized at 6:30 p.m.

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

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from New York.

Mr. SCHUMER. Mr. President, first, I wish to salute my colleague from Delaware. We have a number of people in this body who will take on the very tough issues—issues, frankly, that can only succeed when there is bipartisan agreement but that are deep and complicated and take day after day, week after week, even month after month of effort—and there are not many who can craft that type of legislation. The Senator from Delaware is one of them. He did it on the postal bill. He is doing it here on cyber security. I believe on both of them he will have ultimate success, and we thank the Senator. We thank him for his good work.

Now I would like to discuss the cyber security bill. I am very hopeful that we will pass a bill that will find a good and workable balance—one certainly that ensures that our critical infrastructure has the most effective countermeasures to prevent cyber attacks but one that will also encourage our dynamic technology industry to continue to innovate, and protect freedom of expression and privacy on the Internet.

Let me remind my colleagues that the Internet was originally developed as a way for universities, governments, and companies to collaborate on research and other projects. The whole purpose of the Internet was meant to stimulate the open exchange of ideas, and as a result it has changed the world. We have seen it in Egypt, in Russia, in China. We have seen the Internet—people's ability to communicate, unfettered by government or other strong forces—create huge amounts of power—good power, positive power.

Just ask the entrepreneurs who developed whole new ways of selling products and developing services about how the Internet was made to stimulate the open exchange of ideas. It has given the opportunity to someone with an idea to actually take that idea and turn it into a business because it so reduces the transaction costs of doing so. Just ask the inventors and creators who have fostered new means of expression, allowing us to communicate in real time, efficiently and inexpensively, with our colleagues all over the world.

I am an efficiency bug. I like to use ''I am a busy fella.'' I love the work I do, and I like to use it as efficiently as possible—the fact that I can have a laptop or an iPad in the car while the car is driving forward. I am not driving; I am sitting there working. In the old days, you could not do that. It is amazing how it has improved our efficiency. It is sort of, in a certain sense, Adam Smith's dream because it reduces transaction costs and allows us to focus effectively on producing what people want and need.

In short, our cyber world is one we could have never imagined 30 years ago. It is both simple—it can be accessed through a few keystrokes or screen touches—and yet it is enormously complex in its infrastructure. We have to do everything we can to protect that free and open access—that is the theme of my speech today—although we also, of course, have to protect the critical infrastructure behind it.

We are all aware of the national security risks if we do not do a cyber bill. Many of us have sat up in the Visitor Center, in the secure room, and heard leaders of our military and intelligence agencies tell us that the greatest threat to America is a cyber attack on our critical infrastructure—in many of their estimation, even more dangerous than terrorism.

Hackers broke into the Pentagon's F–35 Joint Strike Fighter project, stealing the aircraft's design and electronic-related schematics. It is not hard to imagine a scenario where hackers break into a gas refinery or a nuclear powerplant to wreak havoc with the control computer systems, nor is it hard to see a scenario where Iran attempts to learn some of our nuclear secrets. So it is very important to deal with the critical infrastructure piece.

Mr. President, let me commend you for your hard work in this area, along with the Senator from Arizona. We are still hoping and praying you guys can come to an agreement, along with the help of many. I know Senator MIKULSKI has been very active and many other of my colleagues, but the Presiding Officer's leadership has been exemplary as well, and I would apply the same words to you that I applied to the Senator from Delaware before in terms of working on complex, difficult projects and moving forward with them.

Anyway, it is so very important that we protect our infrastructure, but at the same time—and this is what makes the legislation even more difficult—we have to be aware of the risk to a critical part of our economy if we do not do it right, if we do not do it carefully, if we do not do it thoughtfully, and if we do not balance the need to protect infrastructure with legitimate rights of the freedom of the Internet and of privacy.

To be perfectly frank, I have a big dog in this fight. You see, the Silicon Valley may have given us the semiconductor, but New York City, in my opinion, will be the birthplace of the next great generation of Internet giants. New York entrepreneurs started Foursquare, Tumblr, and Kickstarter. CodeAcademy, TechStars, and General Assembly are training the next generation of Internet entrepreneurs. Venture capital is flocking to New York to help these startups. For the first time, we are getting engineers and scientists who want to be in New York. We are still not at the level of the Silicon Valley, but we are probably No. 2 in the country in this regard, and, like all New Yorkers, we want to be No. 1 at some point.

What is more, the existing Internet giants—Facebook and Google and Twitter—have all opened major offices in New York City. Google has over 3,000 people. I was proud to be at the opening of Facebook, and they are so happy with their office, they are expanding its role already. These companies know the talent and energy that are unique to New York, and they do not want to miss out on the next great idea. That, as I said, is likely to come from New York.

These ideas are not just important for New York but for America. Internet and tech companies around the country have ushered in a new era of change. They have made our world a drastically and dramatically different place than it was even 10 years ago—a better world, a more open world, a more productive world.

But one thing remains the same: We do not have a coherent and comprehensive national strategy to protect the critical networks that power our everyday lives—our homes, our businesses, and our computers. It is akin to protecting the Taj Mahal with a chain link fence and a bike lock. These networks protect our water systems and our financial information, the electric grid and our e-mail accounts.

This bill goes a long way in establishing a set of principles and programs that will make these vulnerable networks safer, but there are some parts of the bill I fear go a step too far in the name of security over privacy, and there has to be a balance. The same minds who have given us the great Internet innovations of the 21st century have told me, convinced me, educated me that we cannot cede too much power to one side of this equation.

We all know that in this very complex cyber world, we do give up some of our privacy, but unabated authority to stifle innovation in the name of cyber security is a bridge too far. That is why I am happy to cosponsor the amendment of my colleague from Minnesota AL FRANKEN. He has become an expert on trying to figure out how we can preserve the dynamism, the effectiveness, the efficiency of the Internet but at the same time preserve our privacy.

As more and more of our economic lifeblood has shifted into the cyber world, we have an obligation to ensure that the infrastructure that validates credit card purchases, directs planes, and controls electricity is well protected against cyber attack. It is not a secret that people want to disrupt our way of life, and it is easy to imagine a world where terrorists attempt to take control of railroad switches and traffic lights to cause incredible disruption to our everyday lives. However, we must make sure that in protecting what we have, we do not stifle innovation, we do not trample on people's privacy rights. We have to leave room for the creation from the next Steve Jobs, Bill Gates, or whomever, while protecting the security the average middle-class family, the Baileys, feel when they go online to buy birthday presents for their grandchildren.

So in the final bill, we must find the right balance to preserve the economic viability of the Internet; otherwise, there will be no critical infrastructure to protect. But we must protect privacy rights, and I think the Franken amendment—and I commend it to my colleagues; a lot of work has gone into it—puts the balance in the right place.

I hope that as we move forward on this bill—either now or in September when we return—we will get broad bipartisan support for that amendment because it enables us to, in a certain sense, have our cake and eat it too: protect our infrastructure but at the same time protect, nurture our creativity and the openness of the Internet and protect our privacy.

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

The PRESIDING OFFICER. The Senator from Nebraska.

THE FARM BILL

Mr. NELSON of Nebraska. Mr. President, the worst drought in 50 years has hit Nebraska and the entire Midwest hard. Every single one of Nebraska's 93 counties is in a state of severe drought.

If you look at the chart I have in the Chamber, you can see that the drought is throughout the Midwest, into the Middle East, down into the Southeast, down into Texas and the West, even drought conditions in Hawaii, and it is abnormally dry up in the northern part of Alaska. The USDA has already declared more than 40 Nebraska counties as natural disaster areas. If you take a look at this picture, you can see the cornfields that are just completely dirt fields now; pasture that is nothing more than dried grass, where there is still grass and dirt; the soybean fields are decimated; and corn is in many areas not only dwarfed in its growth but is not producing ears of corn. The bone-dry conditions continue to damage corn, soybeans, pastures, and rangeland, even as we speak.

Just last week a small blaze quickly spread over the parched land in north central Nebraska. It rapidly grew into a fire that consumed tens of thousands of acres, 14 houses, and forced many others from their homes.

Nebraska is fortunate to have had hard-working firefighters in our State and others to put out those flames. Hopefully, we will not need to utilize their talents in the near future. Now what Nebraska needs is disaster relief. And we are not alone. If you look at this chart, you will see that a good part of the rest of the country needs disaster relief as well. Unfortunately, the disaster programs in the 2008 farm bill have already expired.

While the Senate passed the 5-year farm bill in June, the House is not even expected to take action on it. The Senate's 5-year farm bill strengthens and improves the 2008 farm bill, particularly the natural disaster relief provisions. It beefs up and rehabilitates livestock disaster programs, it provides tools to help reduce fire risk and improve forest health, it improves and increases access to crop insurance to protect against future natural disasters, it authorizes direct and guaranteed loans for recovery from wildfires and drought, and the list goes on—all important programs necessary to deal with this disaster we are facing in our country today.

The Senate's 5-year farm bill makes necessary upgrades to the policies in the 2008 farm bill to help Americans recover from natural disasters, and it does it without digging the country deeper into debt. The Senate passed this bipartisan farm bill in June, but the House will not take action on it. Plus, the House is expected to move a separate bill, essentially a 1-year extension of the old 2008 farm bill. A 1-year extension of outdated and inefficient policies is not adequate, it is irresponsible. We need the substantial reforms in the Senate's 5-year farm bill now. A 1-year extension of current policy does nothing to help those who need the farm bill and its disaster relief the most. When you can do better, you should do better.

Congress passed a 5-year farm bill in 2008, 2002, 1996, 1990, 1985—you get the picture—just about every 5 years between 1965 and today. Surely the House can pass a proper 5-year farm bill. And the need to is all the more apparent in the face of the nationwide drought, with the disaster relief provisions in the 2008 farm bill having expired on September 30 last year, 2011.

Now, instead of passing a 5-year extension of the farm bill, they have held a lot of political messaging votes and they put off doing what should have been done at the very beginning. And now, while America is getting hit by drought and fire, while American farmers and ranchers do not have the disaster relief because there is no farm bill, the House is merely going to pass a 1-year extension of current policies. They want to buy some time, kick the can down the road.

Well, now it is time for the House to do its job. Do what is right for the country. Do not take the easy way out. Show the American people that you remember why you are here and what you need to do and can actually do it. Americans do not want a flimsy 1-year extension of inadequate coverage and outdated policies. Americans want a dependable, modern, and economical 5-year farm bill that cuts Federal spending. That is what the Senate gave the House. That is what the House Agriculture Committee gave the House to work with—its own 5-year plan. Sure, there are real differences between the Senate bill and the House Agriculture bill, but there should be room for consensus. So the House must pass the bill or pass our bill, but do not pass a 1-year extension of outdated policies that will not work for modern American agriculture. Do not try to just coast along without a 5-year farm bill.

The lack of a 2012 farm bill will fail to provide certainty to farmers and ranchers and lead to higher prices for all consumers at the grocery store. And this is on top of the already predicted 3 to 4 percent rise in food prices caused by the drought. We do not want that and America deserves better. Nebraska's farmers and our American farmers and ranchers and all those affected by the drought are depending on Congress to do our job right and fairly debate this issue. So do not kick the can down the road.

I urge the House to bring a 5-year farm bill to the House floor as soon as possible.

I yield the floor.

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LIEBERMAN. Mr. President, I rise to continue the discussion on the cyber security legislation, and particularly S. 3414, the pending business before the Senate, which is the Cybersecurity Act of 2012, the bipartisan piece of legislation to deal with an urgent national crisis.

I want first, again, to speak to our colleagues about the seriousness of the threat. I think sometimes that because most people haven't experienced the consequences of a cyber attack—and most are not aware of the constant cyber theft going on with moving money from bank accounts and stealing industrial secrets—frankly, a lot of the businesses that are victims of the theft don't want to acknowledge them or announce them for fear of exposing their own lack of adequate cyber defenses, but also a kind of general embarrassment. Yet we now know as a public matter—whether it has sunk into the consciousness among most of the American people—that some great companies that are very tech savvy, cyber savvy, have been the victims of cyber attacks.

Sony, RSA, Google, and others have come momentarily to public attention, but I think what this has meant has been unclear to people. It may, in fact, be unclear to many of the leaders of the private corporations that control so much of our critical cyber infrastructure.

In America, 80 to 85 percent of the critical infrastructure is privately owned. That is the American way. That is the way it ought to be. But it means when the private sector owns critical infrastructure which can, and will be, a target of hostile action, enemy attack in this new world of ours, then we have to create a partnership with the private owners of this critical infrastructure to raise our defenses because it is not just their businesses they are defending, it is the security of the United States.

A chief information officer at one of the businesses that owns part of our critical infrastructure said to me at one point that it is hard to get the attention of the CEO on this problem. The CEO is balancing a lot of considerations, looking at annual budgets and quarterly profits. For the average CEO, the threat of cyber attack is distant. For the average chief information officer, it is not so distant.

As the majority leader pointed out earlier, I think it may help to look at something very difficult to look at, which is what is happening in India today where the power system has collapsed for hundreds of millions of people. That is a breakdown, as far as we know—and I believe that is what is the fact—that is a breakdown in parts of the electric grid.

Let me give another example. Last year, in Connecticut, we had a very serious early winter storm where there were still a lot of leaves on the trees; the branches were heavy. A lot of trees fell and took out a lot of power lines in our State. A lot of people were without power for days and days and days. Public buildings were used as shelters for the homeless. Elderly people, particularly, were affected with food spoiling in the refrigerators, the lack of lights in their dwelling, et cetera.

Just imagine for a moment if that was not the result of a weather event but of a cyber attack. Cyber systems are controlling the electric power grid, and I believe they are vulnerable. I think the same of a lot of the other cyber systems that control critical infrastructure in our financial system. The computer systems we depend on for the movement of money from one account to the other, the direct deposits we do, the money in our accounts, the billions of dollars that move between financial institutions every day—what would happen to our country if those systems were knocked out or what would happen if Wall Street and the stock exchanges were knocked out?

Again, as I said earlier today, think about the real nightmare situation, which is that a dam controlled by a cyber system is penetrated by an enemy who opens the dam and unleashes water, and torrents of water knock out communities in the path of that water and kill a lot of people. That is all, unfortunately, the age that we live in and the vulnerability we have.

There was a story in the Washington Post—I believe I talked about it before in this debate, but I will repeat it—about a young man on the other side of the world sitting at his computer at home. He was nothing special, but he was smart and computer savvy. He broke into the computer-controlled system—the cyber system controlling a small water utility in Texas. He had the ability to disrupt the functioning of that entire utility. He didn't do it, thank God. He posted online what he had done—a warning at least, perhaps a bit of bragging that he was able to do it. But think about an enemy who had hostile intent against the United States who would launch similar attacks against several small utilities around the country—or large utilities, for that matter.

Mr. President, last week, the people who are the real experts on cyber space gathered in Las Vegas at the annual—and this is an interesting title—Black Hat Computer Security Conference. They issued yet more warnings.

The conference opened with a very strong warning from Shawn Henry who, until recently, was the Assistant Director of the FBI in charge of the FBI's considerable cyber program. Some people call Shawn Henry the Nation's top cyber cop. He said this at the Black Hat Conference:

> The adversary knows that if you want to harm civilized society—take their water away, do away with their electricity. There are terrorist groups that are online now calling for the use of cyber as a weapon.

He went on:

> People will not truly get this until they see the real implications of a cyber attack. For example, people knew about Osama bin Laden prior to 9/11, but that awareness had risen by several orders of magnitude after the attacks.

Mr. Henry, former director of cyber programs at the FBI, concluded:

> I believe something like that will have to happen in the cyber world before people truly get it.

Obviously, we all hope and pray not, but at this moment in this debate, in the Senate's consideration of the Cybersecurity Act, there are a lot of inflexible positions that are being taken. People are not willing to come together across ideological and political divides to deal with a problem and a threat that faces us all. I fear that Mr. Henry may well have been right.

Mr. President, I urge my colleagues, don't run the risk that it will take a cyber 9/11 to bring us rushing back here to adopt cyber security legislation. It doesn't take much to imagine what will happen if we are the victims of a major cyber attack. Minor cyber attacks are happening every day. Major cyber thefts occur regularly in America every day. Let's heed the warning and come together over special interests to meet a national security interest and challenge.

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

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

Mr. NELSON of Florida. Mr. President, there is such an important subject that is looming over the country right now that Congress can do something about; that is, the possibility of

cyber attack. We have had this discussed by a number of people in very high and responsible positions and the threat is real.

What the threat means to all of us in our everyday lives is that electrical systems could be shut down, water systems could be shut down, the banking system could be shut down, sewer systems could go awry, and we can go on and on. For months we have been stymied from passing anything because of a disagreement in the business community, which is going to be one of the main recipients of a potential cyber attack.

I will choose my words very carefully as a member of the Senate Intelligence Committee and say this potential attack is real. It is real not only from rogue players but also some state actors, and we need to get this legislation up and going. I am most encouraged to think we are at a position to get agreement; that the chairman and vice chairman of our Intelligence Committee are going to come together in an agreement. We need to pass this—this week—because this is deadly serious.

I refer to a letter that has been made public from the commander of Cyber Command, a four-star general, GEN Keith Alexander. He is also the head of the National Security Agency. He has done a remarkable job. He sent a letter, dated today, to the majority leader imploring the Senate to move.

Whatever disagreements there have been over the concern of the Department of Homeland Security being the interfacing agency can be worked out. The National Security Agency—which almost all of us have enormous confidence in—is going to be directly involved.

It is my hope and I am expressing optimism that we are going to get this legislation out of here and to the House. If they can't pass it before this August recess, at least we can have some items over the August recess start to be informally conferenced to iron out any differences between the House and the Senate.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I am here this afternoon to speak about the Cybersecurity Act of 2012, the measure that is on the Senate floor right now. This important bill addresses a serious and immediate threat to our Nation's security. I served 4 years on the Intelligence Committee during which I worked hard to understand the cyber security threat. I helped Senator MIKULSKI and Senator SNOWE write the Senate Intelligence Committee Cyber Security Report. I am the chairman of the Judiciary Subcommittee on Crime and Terrorism that has jurisdiction over cyber security. As I have explained before on the floor of the Senate, the cyber threat against our Nation—against our intellectual property, against our privacy, and against our safety—is vast and it is upon us. It is a national security threat. It is a national economic threat. We cannot afford to wait to pass legislation to respond to this threat. The leading national security experts in each party agree: Now is the time to pass comprehensive cyber security legislation.

The Cybersecurity Act of 2012 is a strong, comprehensive bill that will make our Nation safer. It will provide for the sharing of threat information between the government and private sector, and it will provide for the hardening, for the protection of the networks of the private companies that operate America's critical infrastructure—that run our electric grid, that run our financial networks, that run our communications systems and the other infrastructure that is essential to conducting the day-to-day way of life Americans enjoy, that is essential to our national security and to our economic well-being.

The Senate voted to proceed to this bill in a very broad, bipartisan manner—84 votes, as I recall. It has been disappointing in the wake of that that some elements within the business community are failing to cooperate, are failing to, for instance, provide constructive suggestions in areas where they have disagreement with this important legislation. Indeed, some appear intent on just preventing the Senate from passing legislation that would make us all safer.

In some cases these interests are not negotiating to get a bill that protects their interests. They are blockading to stop a bill that will protect all of our interests. To put this blockade into context, consider the views of GEN Keith Alexander, the Director of the National Security Agency and of United States Cyber Command. General Alexander is the most senior and respected cyber security expert in our Nation's military. He runs our two most technically sophisticated and skilled cyber operations. Today he wrote:

> The cyber threat facing the Nation is real and demands immediate action. The time to act is now; we simply cannot afford further delay. Moreover, to be most effective in protecting against this threat to our national security, cyber security legislation should address both information sharing and core critical infrastructure hardening.

The Cybersecurity Act addresses both of those issues, information sharing and core critical infrastructure hardening. It does what our military's leading cyber security expert says is necessary to be done to protect the Nation.

That, then, is the view of the leader of our military cyber warriors and cyber defenders based on both deep experience and access to the most deeply classified information held by the U.S. Government.

In contrast, industry arguments against cyber security legislation appear to have been developed with little or no awareness of the threat facing our Nation. Kevin Mandia of the leading security firm Mandiant has explained, for example, that ''in over 90 percent of the cases we have responded to, government notification was required to alert the company that a security breach was underway. In our last 50 incidents, '' he said, ''48 of the victim companies learned they were breached from the Federal Bureau of Investigation, the Department of Defense, or some other third party.''

The FBI's experience was similar. When the FBI-led National Cyber Investigative Joint Task Force informs the corporation it has been hacked, 9 times out of 10, the FBI reports, the corporation had no idea.

In Operation Aurora, the cyber attack which targeted numerous companies, only 3 out of the approximately 300 companies attacked were aware that they had been attacked before they were contacted by the government.

These are not unique incidents. Globally, I have said, General Alexander has said, and others have said that America is right now on the losing end of the largest illicit transfer of wealth in human history through cyber attack and through the theft through cyber attack of our intellectual property. So this is an industrywide problem.

Even the U.S. Chamber of Commerce has been the completely unwitting victim of a long-term and extensive cyber intrusion. Just last year the Wall Street Journal reported that a group of hackers in China breached the computer defenses of the U.S. Chamber, gained access to everything stored on its systems, including information about its 3 million members, and remained on the U.S. Chamber of Commerce's network for at least 6 months and possibly more than a year. The chamber only learned of the break-in when the FBI told the group that servers in China were stealing its information.

Even after the chamber was notified and increased its cyber security, the article stated that the chamber continued to experience suspicious activity, including a ''thermostat at a townhouse the Chamber owns on Capitol Hill . . . communicating with an Internet address in China . . . and . . . a printer used by Chamber executives spontaneously . . . printing pages with Chinese characters.'' These are the people we are supposed to listen to about cyber security.

A recent Bloomberg News article makes it clear that this was not an isolated incident. It describes how hackers linked to China's army have been seen on the networks of a vast array of American businesses. The article describes how what started as assaults on military and defense contractors have widened into a rash of attacks from which no corporate entity is safe. Among other cyber attacks, Bloomberg News reported, the networks of major oil companies have been harvested for seismic maps charting oil reserves—it saves work if you can steal that information rather than find it yourself—

patent law firms have been hacked for their clients' trade secrets—again, free access to valuable information—and investment banks have been hacked into for market analysis that might impact the global ventures of certain state-owned—nation-state-owned, foreign-country-owned operations.

After having been victimized repeatedly by cyber attacks and having learned about them only when the government arrived to help them fix the problem, one would think critical infrastructure operators or their representatives would be keenly aware of the urgent need for cyber security legislation. One would think they might come to this issue with some sense of humility based on the patent inadequacy of their defenses. One would think that elected officials sworn to the protection of this country might view with some caution and some skepticism claims by folks who are hacked and penetrated virtually at will, usually without even knowing about it, that they can handle this just fine on their own. Yet industry opposition remains, even after the bill has been revised to include a very business-friendly, voluntary, incentive-based approach to hardening up critical infrastructure that we all depend on. Unfortunately, some colleagues can only hear the siren song of the industry lobbyists, even with plain and ominous national security threats staring them in the face.

Some in industry claim that a bill with only information sharing between the government and business would be sufficient and that protection of critical infrastructure is not necessary. This premise is wrong. Statements to the contrary are simply false. Such assertions have been repudiated by the people who lead the charge with our Nation's defense, and who have been confirmed in these roles by the Senate who have repeatedly, and as recently as today, emphasized the need to protect critical infrastructure. These officials include Secretary of Defense Panetta, Director of National Intelligence Clapper, Attorney General Holder, Secretary of Homeland Security Napolitano, and others.

Indeed, it is not just this administration that holds this view. A wide range of national security experts from previous Republican administrations have emphasized the vulnerability of our critical infrastructure, including former Director of National Intelligence and NSA Director ADM Mike McConnell, former Secretary of Homeland Security Michael Chertoff, and former assistant attorney general OLC, and now Harvard Law School professor Jack Goldsmith. These people know what they are talking about, they are not kidding around, and they deserve to be listened to.

Secretary Chertoff has explained that the existing status quo is not generating adequate cyber security for our critical infrastructure. The marketplace, former Homeland Security Secretary Chertoff has explained, is likely to fail in allocating the correct amount of investment to manage risk across the breadth of the networks on which our society relies. One example of this type of market failure is the decision of gas, electric power, and water utility industries to forgo implementation of a powerful new encryption system to shield substations, pipeline compressors, and other key infrastructure from cyber attack because of cost concerns. It should be noted the costs in this case would be approximately $500 per vulnerable device, and they still would not do it.

The unwillingness of industry to adopt necessary security standards is particularly troubling when we consider the scope and scale of the risks associated with a failure of critical infrastructure. The current electricity grid knocked down in India—leaving 600 million people without power—shows how bad things can get when critical infrastructure fails. The cause of this massive failure is not clear, and there is not yet any evidence that it was caused by a cyber attack, but it vividly illustrates the vulnerability of humankind when the critical infrastructure we depend on is knocked down and of the terrible possible consequences of the failure of that critical infrastructure.

The scale of the threat we face, the plain inadequacy of current safeguards in the corporate sector, and the consequences of failure in this area of critical infrastructure all join together to demand passage of comprehensive cyber security legislation. This is a matter of national security. It is our responsibility here in this building to do what we can to make the Nation safer regardless of any parochial interests. Now is the time for us all to come together to get this important job done.

I will conclude by saying we are tantalizingly close to having an agreement. If people will take one last step forward to get that agreement, I think we can do it. If people back away because of the urging of parochial interests, we will fail at this opportunity.

I want to conclude by expressing my congratulations to the chairman of the committee on Homeland Security and his ranking member who have worked hard and who have given an enormous amount. We began with a traditional government-run regulatory procedure, which is one that everybody is familiar with and has lots of checks and balances in it, but it is also a fairly mandatory and top-controlled procedure. As a result of considerable bipartisan discussions, a new model emerged that allows the industry immense independence and control in this area.

The regime it has been moved to is a huge step by the chairman and the ranking member and begins with the rule that originates in the private sector, has it vetted by experts from the private sector, has a national institute for science and technology review as well, ends up with an array of government agencies approving or disapproving that, and whatever standard is ultimately approved by the government council of agencies, the industry companies are free to opt in or opt out. If they think the regulation is unreasonable, they are at liberty to opt out entirely. A comprehensive liability protection structure has been created as an inducement for companies to participate, but it is a strong and powerful check on the standard-setting apparatus that ultimately the industry can choose to opt out if it is unreasonable. An enormous step has been taken by the authors of the current bill toward a compromise. We need a step coming back the other way in order to get this done.

I see my distinguished colleague from Tennessee is here. Let me take one moment as I yield to express my appreciation to Nick Patterson of the Department of Justice who has been on my staff on assignment from the national security division for months and months working on this issue. Today is his last day. I want to thank him for his work on this effort. I want to thank the Department of Justice for loaning him to me and having them lose this valuable member of their national security division to help us develop this legislation. He has been a valuable part of an immensely capable team in my office, led by Stephen Lilley, that has gotten us to at least where I am today on this legislation.

I thank the Presiding Officer, and I thank the Senator from Tennessee for his courtesy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, the majority leader is coming to the floor at 6:30, and I will yield to him at that time.

I would like to thank Neena Imam, who is sitting with me, for serving on my staff for the past two years as a fellow with the Oak Ridge National Laboratory. She has done a terrific job working for me on energy and environmental policy.

Mr. President, today is the 100th anniversary of Milton Friedman's birthday, the Nobel Prize Laureate. One of his most important statements, in my opinion, was this, ''Nothing is so permanent as a temporary government program.'' It was reported by several media outlets that Governor Mitt Romney has taken the position that the wind production tax credit should be allowed to expire at the end of the year. He must have known Milton Friedman's birthday was coming today. I wouldn't presume to speak for Milton Friedman, but I think he would applaud Governor Romney's position. It shows his seriousness about our fiscal problems in the United States. It's time to end a temporary tax credit that was put into law in 1992, when President George H.W. Bush was in office and when Milton Friedman was

only 80 years old. The wind production tax credit was a temporary tax break, in 1992 to encourage wind power. We give wind developers 2.2 cents for every kilowatt-hour of wind electricity produced. And now it's about to expire at the end of the year. It needs to be extended again the developers say. Nothing is so permanent as a temporary government program. They tell us just one more time. But it is an argument like this that has got us into the fiscal mess we have as a Nation.

The United States of America, according to the Joint Tax Committee and the U.S. Treasury, is spending $14 billion on subsidizing giant wind turbines over a five-year period, $6 billion of it is this production tax credit. That's why I am so pleased to see Governor Romney support the idea of more responsibility in our spending. We spend too much money in Washington that we do not have, and it has to stop. There are many reasons we don't need this particular provision of the tax code.

First, we can't afford it. From 2009 through 2013, the tax credit will cost taxpayers $6 billion over five years, and the grants will cost another $8 billion over that same five years. At a time when the federal government is borrowing 40 cents of every dollar it spends, we cannot justify such a subsidy, especially for what the U.S. Energy Secretary calls a ''mature technology.''

Second, despite all the money, it produces a relatively small amount of electricity, producing only 2.3 percent of our electricity in the United States. We're a big country. We use 25 percent of all the electricity in the world. We're not going to operate our country through windmills.

Third, these massive turbines too often destroy the environment in the name of saving the environment. Some are 50 stories high—taller than the Statue of Liberty—with blades as long as a football field, weighing seven tons and spinning at 150 miles an hour, with blinking lights visible for 20 miles. These aren't your grandma's windmills. These gigantic turbines are three times as tall as the sky boxes at University of Tennessee's Neyland Stadium in Knoxville. There is a new movie called ''Windfall'' about residents in upstate New York who are upset and have left their homes because of these big wind turbines.

Mr. President, the majority leader has come to the floor, and I will forgo my remarks at this time so he has a chance to say what he wishes to say.

Mr. REID. Mr. President, it is my understanding that the senior Senator from Tennessee wishes to speak for another 10 minutes, is that right?

Mr. ALEXANDER. Mr. President, 5 minutes would do it.

Mr. REID. Mr. President, I ask unanimous consent that the period for debate only on S. 3414, the Cybersecurity Act of 2012, be extended until 6:40, and that at 6:40 I be recognized.

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

The Senator from Tennessee.

Mr. ALEXANDER. I thank the majority leader for his courtesy, and I will continue.

The fourth reason that we don't need to allow these production tax credits for wind to be renewed is that they have not created as many American jobs as expected. An American University study reported in 2009 that the first $1 billion of stimulus grants to wind went to foreign manufacturing companies.

And what did we get in return for these billions of dollars of subsidies? A puny amount of unreliable electricity generated mostly at night when we don't use it.

I mentioned a little earlier that our country is a big country. It uses lots of electricity. The Senator from Rhode Island was talking about the problems in India that are being caused by failure of the grid. We need large amounts of reliable baseload electricity to power this country. We're very fortunate that we have, through unconventional natural gas discoveries, found that we're going to have a lot of cheap natural gas in the United States, and we can make electricity from natural gas power plants at a low cost and with very little air pollution.

Nuclear power produces 70 percent of our carbon-free electricity, and 20 percent of the total electricity generated in the U.S. It needs to be a part of our future energy mix. Coal should also be part of our energy future, as long as coal plants have pollution control equipment on them to reduce the sulfur, nitrogen and mercury. I was one of those senators who voted to require coal plants that operate in the future to have pollution control equipment on them. This means in a few years every operating coal plant in the United States will be clean except for carbon, and I am convinced that such programs as ARPA-E at the Department of Energy will find what I think is the holy grail of energy technologies.

One of the companies that ARPA-E invests federal research dollars in is experimenting with growing micro-organisms on electrodes. These bacteria can turn carbon dioxide into fuel. In other words, they create a commercial energy use for the carbon that comes from our coal plants. And when that happens, the United States will have massive amounts of cheap, clean, reliable electricity. And we won't be powering our country with windmills.

We should congratulate Dr. Friedman for his great career, for his wisdom in pointing out to us that nothing is so permanent as a temporary government program, and applaud Governor Romney for recognizing that and calling for the end of this tax credit.

We're coming upon something we call the fiscal cliff. I know the senator from Colorado is very interested in this, spending a lot of time working in a bipartisan way to try to find a way to deal with it. My friend, the Foreign Minister of Australia, is a great fan of the United States, and he said to the United States that we're one budget agreement away from restoring our global preeminence—One budget agreement away from restoring our global preeminence.

Now, to get that agreement what do we have to do? We have to deal with appropriations bills at the end of the year, a problem we may have solved today with a solution the leaders recommended. We have to deal with the Bush tax cuts, and multiple items that expire at the end of the year such as the tax extenders that need to be renewed or not, and the alternative minimum tax which started out as a tax on rich people and now threatens to impact millions of Americans. There's appropriate payment to doctors who provide medical care, we call this the doc fix. There is the sequester that none of us likes. There's the problem of the debt limit, the payroll tax cut and unemployment benefits. All of this is happening at the end of the year.

This is a good time to get serious about with dealing with the fiscal cliff, and let a 20 year, temporary tax break to encourage wind energy—which costs the American people $6 billion over five years—to expire and let wind stand on its own. I would suggest that for the $6 billion in savings we put $2 of every $3 we save into reducing the debt and $1 into energy research to see if we can find even more amounts of cheap, clean energy.

So it is a good occasion to celebrate Milton Friedman's 100th birthday, and it is a good occasion to applaud Governor Romney for following Milton Friedman's advice: ''Nothing is so permanent as a temporary government program.''

I thank the Presiding Officer. I thank the majority leader for his courtesy.

Mr. WHITEHOUSE. Mr. President, I rise to discuss three amendments to the Cybersecurity Act of 2012 that I am introducing today with Senator MIKULSKI. This important piece of legislation, which was introduced by Senators LIEBERMAN, COLLINS, FEINSTEIN, ROCKEFELLER, and CARPER, responds to the serious and growing cyber security threat facing our Nation. It will strengthen our national security, our economic well-being, the safety of our families, and our privacy. The three amendments Senator MIKULSKI and I are introducing today would ensure that the bill also harnesses law enforcement agencies' cyber authorities and capabilities as effectively as possible.

I am very honored that Senator MIKULSKI is introducing these amendments with me today. She has a long record of continued leadership on law enforcement and national security issues. It has been a privilege to work with her on the challenge of protecting Americans against cyber security threats, first on the Intelligence Committee and more recently in a series of

discussion and working groups. As the chairman for the Commerce, Justice, Science, and Related Agencies Subcommittee of the Appropriations Committee, her assessment of the right approach to law enforcement issues in cyberspace draws from a wealth of experience and expertise. I am very grateful to her for her leadership on these issues.

The first amendment we have introduced addresses the scale and structure of law enforcement's cyber resources. Law enforcement agencies have vital roles to play against cyber crime, cyber espionage, and other emerging and growing cyber threats. Congress must ensure that law enforcement agencies are organized and resourced in a manner that allows them to fulfill these important responsibilities. To date, investigatory responsibilities for cyber crime have been assigned within existing agencies, with some held by the FBI and others by the Secret Service or other agencies. Prosecutorial responsibilities have been distributed among the National Security Division, the Computer Crime and Intellectual Property Section, and U.S. attorneys' offices across the country. Law enforcement has had some important successes with this model, such as the FBI's takedown of the Coreflood botnet, but these successes need to be achieved with much greater frequency.

FBI Director Mueller stated that a ''substantial reorientation of the Bureau'' will be necessary to achieve that goal. It is Congress's responsibility to ensure that any reorientation of law enforcement maximizes law enforcement's effectiveness against the cyber threat and uses Federal resources as efficiently as possible. This will require Congress to consider important issues such as whether cyber crime should have a dedicated investigatory agency akin to the DEA or ATF, whether existing task force or strike force models are well suited for addressing the cyber threat, and how cyber resources should be scaled given the future threat.

To address these questions, our amendment would require an expert study of our current cyber law enforcement resources. This study will evaluate the scale and structure of these resources, identifying strengths and weaknesses in the current approach and providing recommendations for the future. This amendment thus will provide Congress a necessary expert assessment to guide our work in the years ahead.

The second amendment we have introduced would ensure that existing and effective cyber law enforcements efforts are not unintentionally disrupted by changes made in title II of the bill, which covers ''Federal Information Security Management and Consolidating Resources.'' This title makes a number of valuable changes and reforms to current law, including the creation of a center within the Department of Homeland Security that will lead efforts to protect Federal Government networks. The creation of this center is an important step forward in protecting Federal networks, but we must ensure that its operations do not disrupt law enforcement relationships and activities that currently are making our country safer. For example, the FBI-led National Cyber Investigative Joint Task Force, NCIJTF, must be allowed to continue its much needed and effective work on cyber law enforcement and intelligence.

Our amendment would clarify that the new center is focused on the protection of Federal networks and that its responsibilities do not extend to law enforcement. Specifically, the amendment would add a savings clause indicating that the title does not pertain to law enforcement or intelligence activities. It also would add definitions that help provide a clearer picture of the new center's role in protecting Federal Government networks and responding to cyber threats, vulnerabilities, or incidents.

The final amendment we are introducing today is to title VI, which covers international cooperation. This title, which incorporates legislation first introduced by Senator GILLIBRAND and Senator HATCH, will help clarify and strengthen the ability of the Federal Government and particularly the Department of State to develop international cyber security policy. Language in the title, however, could be read to disrupt existing and effective working relationships between American and foreign law enforcement agencies, interfere with the exercise of prosecutorial discretion, and to limit the Department of Justice's accountability to Congress for the law enforcement decisions it makes. Our amendment would ensure that the Department of Justice works collaboratively with the Department of State as it exercises its prosecutorial discretion and that it is accountable to Congress for cyber crime issues for which it is responsible and regarding which it has particular expertise.

I look forward to working with the managers of S. 3414 and any interested colleagues on these important issues. I thank Senator MIKULSKI for her cosponsorship.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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.

Mr. REID. Mr. President, to say I am disappointed is a tremendous understatement. This body is debating a measure that would prevent what national security experts on a bipartisan basis have called a serious threat to our Nation since the dawn of the nuclear age. Senator MCCAIN called this danger an existential threat to our Nation.

Democrats were prepared to work on a bipartisan basis to pass this legislation. I, personally, have convened many meetings, going back 2 years ago, to have a piece of legislation that we could pass through this body. In that 2 years' time, things have gotten worse, not better, as far as threats to our country. We have been prepared to address concerns raised by the private sector, and I think it is only fair to say that for the leaders of the committees involved in this issue, there has been real cooperation, from both Democrats and Republicans.

I have said on the Senate floor many times that the work of Senator LIEBERMAN and Senator COLLINS has been exemplary. The major part of this bill is within their jurisdiction dealing with homeland security. I have always envisioned they have been prepared to engage in a robust debate and to consider amendments designed to perfect the bill. I know that is how I feel. Above all, I thought we had all been prepared to put national security above partisan politics to address this urgent matter.

I was surprised this morning to hear Senator MCCONNELL say he would like a vote on repealing ObamaCare on this bill. That is really not appropriate. Some Republican Senators have said this matter is going to be filibustered unless they have the right to vote on an amendment to repeal health care reform. Obviously, that is it. The Republican leader said that, but then I thought that might fade away.

Every Tuesday after our caucuses—the Republicans have one and the Democrats have one—Senator MCCONNELL and I meet at the Ohio clock, as it is called, and both of us make a statement and answer questions the press gives us. It is not a jump ball, as in whoever gets there first gets to make the first presentation. We wait, and if one of us is not ready, the other goes first.

Sometimes he goes first; sometimes I go first. But the important point in the one today is that—and I am paraphrasing but the point is certainly valid—the Republican leader said out here, with the entire press corps and his leadership team with him, that cyber security—remember, I am paraphrasing—is something we should do, but it will take several weeks to do it. Not this week.

Compare that to the words of GEN Keith Alexander, commander of the U.S. Cyber Command, who wrote Senator MCCONNELL and I today. And here is what he said. This is a quote:

> The cyber threat facing this Nation is real and demands immediate action. The time to act is now. We simply cannot afford further delay.

I have tried to figure out a way of describing how I feel about this. I said ''disappointed,'' and that is certainly true; ''flummoxed,'' that is certainly true. I cannot understand why we are in this position. I am so disappointed that Leader MCCONNELL and his colleagues—some of his colleagues—would

prevent us from acting on this urgent threat. I am particularly astounded they would rather launch yet another attack, for example, on women's health than work to ensure the security of our Nation.

I have no choice but to file cloture on this matter. I would hope we could get cloture, but I am a realist, as I have learned after having tried to work through 85 different filibusters in this congressional session. I remain hopeful that they will come to their senses and realize the urgent need for action on this matter.

There was a really inspirational presentation made in our caucus today by Senator BARBARA MIKULSKI of Maryland. Again, I am paraphrasing, but I am pretty direct in remembering what she said. I was not present when Senator MCCONNELL made his statement. Senator MIKULSKI said: I have served on the Intelligence Committee for 10 years. And she said: This legislation creates a rendezvous with destiny for our country. We have to do something, and we have to do it soon.

I have stated to Senator LIEBERMAN, to Senator COLLINS—anyone who will listen—this is not a partisan piece of legislation. It should not be. I am happy to work on an agreement to consider relevant amendments, but this matter has been pending since last Thursday. Today is Tuesday, and basically the slow walk that I am so used to around here has taken place.

I hope we can find a final path forward. Senators from both sides of the aisle have come to me personally and said they have invested time—lots of time—in this matter, and they are trying to forge a consensus. I take them at their word, but they all seem powerless to buck the filibuster trend we have.

So I hope when the dust settles we can set aside crass politics and work together for the good of our Nation and can achieve a strong, effective, bipartisan cyber security bill.

Mr. President, Tom Donohue, head of the Chamber of Commerce, is my friend. He really is. But I am terribly disappointed in the Chamber of Commerce. We started out with having a requirement that businesses in the private sector would be required to do certain things. Senators LIEBERMAN and COLLINS backed off from that, and now it is kind of a voluntary deal. It is much weaker than I think it should be. Why in the world would they oppose that—''they'' meaning the Chamber of Commerce, which has sucked in most all of the Republicans on this. That is really unfortunate.

AMENDMENT NO. 2731

So, Mr. President, on behalf of Senators LIEBERMAN, COLLINS, and others, I call up amendment No. 2731, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. LIEBERMAN, for himself, Ms. COLLINS, Mr. ROCKEFELLER, Mrs. FEINSTEIN, and Mr. CARPER, proposes an amendment numbered 2731.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. REID. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2732 TO AMENDMENT NO. 2731

Mr. REID. Mr. President, on behalf of Senator FRANKEN, I call up amendment No. 2732, which is also at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. FRANKEN, proposes an amendment numbered 2732 to amendment No. 2731.

The amendment is as follows:

At the end, add the following new section:

SEC. ___.

Notwithstanding any other provision of this Act, section 701 and section 706(a)(1) shall have no effect.

AMENDMENT NO. 2733

Mr. REID. Mr. President, I have an amendment to the language proposed to be stricken.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2733 to the language proposed to be stricken by amendment No. 2731.

The amendment is as follows:

On page 20, line 5, strike ''180 days'' and insert ''170 days''.

Mr. REID. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2734 TO AMENDMENT NO. 2733

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2734 to amendment No. 2733.

The amendment is as follows:

In the amendment strike ''170'' and insert ''160''.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

Harry Reid, Joseph I. Lieberman, Barbara A. Mikulski, Thomas R. Carper, Richard J. Durbin, Christopher A. Coons, Mark Udall, Ben Nelson, Jeanne Shaheen, Tom Udall, Daniel K. Inouye, Carl Levin, John D. Rockefeller IV, Charles E. Schumer, Sheldon Whitehouse, John F. Kerry, Michael F. Bennet.

MOTION TO COMMIT WITH AMENDMENT NO. 2735

Mr. REID. Mr. President, I have a motion to commit the bill with instructions, which is at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill, S. 3414, to the Committee on Homeland Security and Governmental Affairs with instructions to report back forthwith with an amendment numbered 2735.

The amendment is as follows:

At the end, add the following new section:

SEC. _____.

This Act shall become effective 3 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2736

Mr. REID. Mr. President, I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2736 to the instructions (amendment No. 2735) of the motion to commit S. 3414.

The amendment is as follows:

In the amendment, strike ''3 days'' and insert ''2 days''.

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2737 TO AMENDMENT NO. 2736

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment No. 2737 to amendment No. 2736.

The amendment is as follows:

In the amendment, strike ''2 days'' and insert ''1 day''.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum required under rule XXII be waived with respect to the cloture motion that has just been filed.

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

VETERANS JOBS CORPS ACT OF 2012—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 473, S. 3429

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

Motion to proceed to Calendar No. 473, S. 3429, a bill to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CYBER SECURITY LEGISLATION

Mr. LIEBERMAN. Mr. President, I rise to respond to the statement of the majority leader—first, to say that I share his sadness and disappointment that he had to file a cloture motion on this Cybersecurity Act, but I totally agree with the decision he has made. I do not think he had any choice.

I think we are facing on the one hand an urgent, real, and growing threat to our security and our prosperity because we are vulnerable; that is, the privately owned cyber infrastructure of our country is vulnerable to attack from foreign enemies, from nonstate actors such as terrorist groups, from organized criminal gangs who are just out to steal billions of dollars over the Internet, and from hackers.

So we are dealing with a real problem that all the nonpolitical security experts from the last administration, the Bush administration, and this one, the Obama administration, say is rising rapidly to being the No. 1 threat to American security. Over the Internet now, because of our vulnerability over cyber space, a foreign enemy can do us more damage than the terrorists did to us on 9/11. It is that stark. So that is one reality.

The other reality is that Senator COLLINS and I, Senator ROCKEFELLER and Senator FEINSTEIN, have been working literally for years. As Senator REID said, because of the urgency of the problem, we decided we cannot just fight for 100 percent of what we thought was best to protect our security. We pulled back; we made it not mandatory. We have standards being set for the private sector to defend itself and us better, and we are creating carrots and not sticks to encourage them to opt into those cyber security standards. That is one reality.

The other reality is that in our government—notwithstanding controversy here—all the Departments are working like a team. As General Alexander, the head of Cyber Command at the Department of Defense says, cyber security is a team sport—the Department of Homeland Security, the Department of Defense, the FBI, the intelligence community all working together to protect our country. But they do not have the tools they need, and they urgently need this bill.

Yet the other reality is, in the Senate, where once again we are gridlocked, we cannot even get the consent necessary to take up amendments to vote on. Senator COLLINS and I have said all along: Just get this bill to the floor. Let the Chamber, the 100 Senators, work their will on germane and relevant amendments, and something good will result for the country. So here is the bill on the Senate floor, and yet Members are blocking us from taking up those amendments. And I am afraid the consequence is that they are running out the clock.

A lot of good work done by those of us who have sponsored the pending legislation, in a very constructive, bipartisan group, led by Senator KYL and Senator WHITEHOUSE—including three additional members of the Democratic Caucus and Republican Caucus—have worked very hard to bridge the gaps. We have come closer together, but we are not going to work this out unless we can vote.

I wish we had not come to this point, but Senator REID has made the correct and necessary decision, and it will confront the Members of the Senate on Thursday with a decision: Are you going to vote for cloture to at least allow the Chamber to consider all the amendments on this bill that are germane and relevant or are you going to say: No, I will only settle for exactly what I want, and I do not want this bill; therefore, I am going to vote against cloture and run the risk—which all the independent cyber security experts in our Nation tell us we will run if we do not do anything—that we will suffer a major attack or at least we will continue to suffer major cyber theft.

So I am saddened. We have worked very hard on this. But that is not the point. The point is, there is an urgent necessity to pass this legislation. It ought to be nonpartisan. It ought not to be the victim of special interest pleading. It ought to be all of us coming together, as we usually have on national security matters, to put the national security interests of the American people ahead of special interests, to resolve our differences, to settle for less than 100 percent, and to get something done to protect our country or is this going to be another case where the Senate fails to bridge the gaps, fails to be willing to make principled compromises and therefore fails not only to fix a problem but, in this case, to protect our country from a very clear and present danger of cyber attack and cyber theft?

So Thursday will be the day of decision. I hope perhaps meetings can occur tomorrow in which we can reconcile our differences and agree on a method to go forward. If not, every Member of the Senate is going to have to decide whether they want to block action on cyber security legislation or whether they want to go forward and consider the amendments on both sides that have been filed.

I thank the Presiding Officer and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. UDALL of Colorado.) Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, it strikes me, as I call you, Mr. President, that I once had the high honor to support a man who shared your name, indeed your father, for President of the United States. So it is nice to be able to call you Mr. President.

MORNING BUSINESS

Mr. LIEBERMAN. 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 NED MOORE

Mr. MCCONNELL. Mr. President, I rise to pay tribute to an honored Kentuckian and veteran of World War II, Mr. Ned Moore. Mr. Moore visited the Nation's capital several months ago with Honor Flight, the group that helps bring veterans to Washington, D.C., to see the memorials that were built in their honor. Mr. Moore was able to see the World War II Memorial that he and his fellow sailors inspired.

Ned's grandson, Mr. Tres Watson, is a good friend of mine, and when he made me aware of his grandfather's visit, I thought it worth a moment to share Ned's story with my colleagues. Ned Moore was born in Marydell, MS, on February 27, 1927. He joined the Navy in Jackson, MS, on August 1, 1944, at the age of 16, without his mother's consent. He was assigned to the USS *Coronis*, a landing-craft repair ship, on Christmas Day 1944.

While Ned was aboard the *Coronis*, it saw action throughout the Pacific Theater, including acting as a support ship during the battle of Okinawa.

In 1945, Ned was assigned to the United Nations, where among his duties he served as personal driver for UN delegates including Eleanor Roosevelt, who was a UN delegate at the time. She presented Ned with a Roosevelt dime after making his acquaintance.

In March 1946, Ned was assigned to the USS *Wright*, a *Saipan*-class light aircraft carrier, where he served as an aircraft mechanic. While the *Wright* was stationed in Pensacola, FL, functioning as a training ship, Ned married Margaret Daly in 1948.

In October 1952, Ned was assigned to the USS *Bennington*, an *Essex*-class aircraft carrier that had been

recomissioned as an attack carrier. While the *Bennington* was stationed in Guantanamo Bay, Cuba, in February 1953, then-U.S. Senator John F. Kennedy obtained leave for Ned to return to the United States for the birth of his first child.

In 1958, Ned was assigned to the USS *Wasp* in Boston after it had been overhauled to become the hub of a special anti-submarine group of the Sixth Fleet. While aboard the *Wasp*, Ned sailed through the Mediterranean and participated in Operation Blue Bat, a U.S. military intervention into Lebanon. The *Wasp* was responsible for transporting sick and injured Marines from Lebanon so they could receive care.

In 1960, Ned was transferred to NAS, Naval Air Station Memphis. While in Memphis, Ned established the Naval Air Maintenance Training Group Library. He was also a courier between Memphis and Washington, carrying plans for jets under design.

He retired from the Navy in Memphis on December 31, 1964, as a senior chief petty officer.

After leaving the Navy, Ned and his family moved to Mayfield, KY, where he worked as a maintenance manager at the General Tire manufacturing facility. There, he raised three children, Debbie, Richy, and Mike. After retiring from General Tire in 1983, Ned and his wife kept their house in Mayfield while traveling the country in a motor home in the spring, summer, and fall and wintering in Florida. They travelled to all 50 States. They moved to Lillian, AL, in 2005.

At this time I ask my U.S. Senate colleagues to join me in honoring Mr. Ned Moore for his service to country and his devotion to the defense of freedom. When World War II ended, he laid down his arms to become a productive, successful member of the community who was admired by his family, neighbors, and State. He has been a role model to Tres Watson and many other Kentuckians. I wish him all the best in his retirement and a happy future.

WOOL TRUST FUND

Mr. SCHUMER. Mr. President, I am happy to hear there is a commitment to pass the extension and modification of the Wool and Cotton Trust Funds this year. As my colleagues noted, the Wool Trust Fund compensates for the competitive damage caused by the fact that duties are higher on imports of raw materials, like wool fabric, than on imports of finished products, like trousers and suits. This ''tariff inversion'' gives foreign manufacturers a significant cost advantage over U.S. manufacturers like Rochester, NY's Hickey Freeman.

Hickey Freeman has been operating in Rochester, NY since 1899. Wool cloth imported by Hickey Freeman is cut and sewn into wool clothing which, in turn, is sold in stores across the United States and around the world. I am particularly proud to note—while our athlete's uniforms sadly were made in China, our announcers on NBC are wearing Hickey Freeman at the 2012 London Olympic Games.

The Wool Trust Fund is a successful program in curbing job losses and allowing American textile and apparel companies to expand their own export markets. Without the technical fix that we are asking for here today, the health of the Wool Trust Fund will be in peril.

I thank Senator MENENDEZ for his tireless leadership in extending and modifying the Wool and Cotton Trust Funds and the Leader and Chairman BAUCUS for agreeing to work with Senators MENENDEZ, CARDIN and myself to ensure these important programs are dealt with by the end of the year.

6-MONTH CONTINUING RESOLUTION

Mr. COCHRAN. Mr. President, agreeing to put the government on autopilot for 6 months is no great achievement. It simply means more drift. It means a longer period of uncertainty for government agencies and the people they serve, more spending on ineffective programs and outdated priorities, and inadequate investment in programs that merit additional resources.

My preference is that we complete our work and make specific spending choices based on the relative merits of government programs. There is no excuse for the Senate not to be considering the appropriations bills. Our committee members have done the work of scrutinizing budgets, holding hearings, and drafting bills. Those bills deserve to be considered by the Senate, negotiated with the House and sent to the President as soon as possible.

I congratulate the distinguished chairman of our Committee on Appropriations, Mr. INOUYE, for his dependable leadership on getting us to this point. I look forward to continuing our efforts to extend our appropriations authority for the balance of the fiscal year.

WEAR AMERICAN ACT OF 2012

Mr. BROWN of Ohio. Mr. President, in cities and towns across the Nation, workers have the proud tradition of manufacturing products that are made here at home.

Manufacturing helped us become an economic superpower and build a strong, vibrant middle class.

Ohio manufacturers and workers are some of the most industrious, innovative, and competitive in the Nation.

Our companies and the hard-working people who fill our factories can compete with anyone in the world.

But this competition is getting tougher as our Nation is facing ongoing and unfair competition from countries like China.

It does not help when U.S. companies and organizations either outsource jobs, production, and purchases overseas.

As has been reported in the news recently, the U.S. Olympic Committee's use of Chinese-made apparel was a missed opportunity to use domestic apparel manufacturers.

The public outrage about this decision created was predictable.

It is unconscionable that the U.S. Olympic Committee would hand over the production of uniforms worn by our proud athletes to a county that flouts international trade laws, manipulates its currency, and cheats on trade.

It makes no sense that an American organization would place a Chinese-made beret on the heads of our finest athletes when we have the capacity to make high-end apparel here.

I am encouraged that, after speaking with the chief executive and chair of the U.S. Olympic Committee, uniforms designed by Ralph Lauren for the 2014 Olympic Games will be made in the United States.

I also applaud USOC's decision to further ensure, as a matter of policy, that they are going to make Buying American a priority.

But this incident reminds us of the consequences of passing a trade deal without real accountability and enforcement.

Congress passed a trade deal with China more than 10 years ago, which has contributed to the loss of more than 5 million U.S. manufacturing jobs between 2000 and 2010.

While some lawmakers and economists have written off our manufacturing sector including textile and apparel production they need to think again.

According to the National Council of Textile Organizations, the United States is the third largest exporter of textile products in the world.

The textile sector put more than 500,000 people to work at plants in large cities and mills in rural towns.

Do some lawmakers and economists really think we should turn our backs these working Americans?

No. It is not right that U.S. workers get overlooked when it comes to showcasing that American apparel workers in Ohio towns like Brooklyn and Aracanum can make things.

We've seen this time and time again: whether it is Olympic uniforms or U.S. flags, products all too often are not made here.

We can and we must stop this disturbing trend.

That is why I am introducing the Wear American Act to make certain that the Federal Government purchases apparel that is 100 percent American-made.

That means all textiles and apparel purchased with U.S. tax dollars will be invested in U.S. businesses and communities not China.

The textile industry has been a staple of our Nation's economy since its founding and it will be important in the future.

The United States is the world leader in textile research and development.

American companies and universities are developing new textile materials such as conductive fabric with antistatic properties and high-tech textiles that monitor movement and heart rates.

When consumers in the United States and around the world demand our products, we deliver.

The United States textile industry is the third leading exporter of products worldwide. In fact, recently total textile and apparel exports reached a record $22.4 billion.

This legislation makes sense plain and clear. Why shouldn't our national policies support American companies and workers?

We should be in the business of creating policies that reward hard working Americans who work hard every day rather than supporting a Tax Code and trade policies that help big companies send U.S. jobs overseas.

Right now, the stakes couldn't be higher.

That is why the Wear American Act and supporting American workers is so important.

U.S.-MOROCCO PEACE AND FRIENDSHIP TREATY

Mr. CASEY. Mr. President: I would like to take this occasion to extend congratulations to His Majesty King Mohammed VI and the people of Morocco on the 225th anniversary of the Treaty of Peace and Friendship between the United States and the Kingdom of Morocco.

Negotiations for this treaty began in 1783 and the draft was signed in 1786. Future Presidents John Adams and Thomas Jefferson were the American signatories. The treaty was then presented to the Senate, which ratified it on July 18, 1787, making it the first treaty to receive U.S. Senate ratification.

The treaty represented the second time that Morocco and the United States affirmed diplomatic relations between the two countries. It is also worthy of mention that that Sultan, Mohammed III, was the first head of state, and Morocco the first country, to recognize the new United States as an independent country in 1777.

The Treaty of Peace and Friendship, whose anniversary we commemorate this month, provided for the United States' diplomatic representation in Morocco and open commerce at any Moroccan port on the basis of ''most favored nation.'' It also established the principle of non-hostility when either country was engaged in war with any other nation.

Most importantly, the treaty provided for the protection of U.S. shipping vessels at a time when American merchant ships were at risk of harassment by various European warships. The treaty specifically stated:

If any Vessel belonging to the United States shall be in any of the Ports of His Majesty's Dominions, or within Gunshot of his Forts, she shall he protected as much as possible and no Vessel whatever belonging either to Moorish or Christian Powers with whom the United States may be at War, shall be permitted to follow or engage her, as we now deem the Citizens of America our good Friends.

A further indication of the early and close relationship between the United States and Morocco can be seen in a letter President George Washington wrote to Sultan Mohammed III on December 1, 1789. President Washington wrote:

It gives me pleasure to have this opportunity of assuring your majesty that I shall not cease to promote every measure that may conduce to the friendship and harmony which so happily subsist between your empire and these . . . This young nation, just recovering from the waste and desolation of long war, has not, as yet, had time to acquire riches by agriculture or commerce. But our soil is beautiful, and our people industrious and we have reason to flatter ourselves that we shall gradually become useful to our friends.

United States relations with Morocco have strengthened in the decades and centuries following the historic treaty. For example, during World War I, Morocco was aligned with the Allied forces, and in 1917 and 1918, Moroccan soldiers fought valiantly alongside United States Marines at Chateau Thierry, Mont Blanc, and Soissons.

During World War II, Moroccan national defense forces aided American and British forces in the region. Morocco hosted one of the most pivotal meetings of the Allied leaders in World War II. In January 1943, United States President Franklin Roosevelt, British Prime Minister Winston Churchill and Free French commander Charles De Gaulle met for 4 days in the Casablanca neighborhood of Anfa to discuss strategy against the Axis powers. It was during this series of meetings that the Allies agreed to launch their continental counter push against Axis aggression through a beach head landing on the French Atlantic coast.

Following Morocco's independence in 1956, President Dwight Eisenhower communicated to King Mohammed V that ''my government renews its wishes for the peace and prosperity of Morocco.'' The King responded by reassuring President Eisenhower that Morocco would be a staunch ally in the fight against the proliferation of communism in the region.

The United States Agency for International Development, USAID, and its predecessor agencies, as well as the Peace Corps, have been active in Morocco since 1953. Currently, there are more than 200 volunteers in Morocco working in the areas of health, youth development, small business and the environment.

Following the September 11, 2001 attacks, Morocco was one of the first nations to express its solidarity with the United States and immediately renewed its commitment as a strong ally to combat terrorism. Cooperation between the United States and Morocco on these issues includes data sharing, law enforcement partnerships, improved capabilities to oversee strategic checkpoints, and joint efforts to terminate terrorist organization financing.

It is important to extend our warm congratulations to His Majesty King Mohammed VI as well as to the people of Morocco on the anniversary of the Treaty of Peace and Friendship, which set the stage for continued and sustained engagement between our two countries.

ADDITIONAL STATEMENTS

REMEMBERING JOHN W. MAHAN

• Mr. BAUCUS. Mr. President, today I wish to recognize a remarkable Montanan and American. John W. Mahan, or Jack as we all knew him, died peacefully on Independence Day, July 4, at his home in Helena, MT. He was my neighbor and friend. I ask my colleagues in the Senate to join me in honoring Jack and offering condolences to his family and loved ones.

The Fourth of July was a fitting day for this World War II veteran and lifelong national veterans' advocate to leave this world. Majority leader Mike Mansfield, a veteran of World War I, once said that Jack Mahan ''has done more for the veterans of Montana and the nation than any other man I know.''

Jack was born into a family dedicated to national service. His father, John Senior, served as the national commander of the Disabled American Veterans as a brigadier general. John Senior later served as Montana's adjutant general. Jack's mother Iola served as president of the American Legion Auxiliary in Helena.

After the Japanese attack on Pearl Harbor, Jack enlisted in the Navy Air Corps. Jack went on to bravely serve as a dive bomber pilot in the Pacific during World War II.

After the war, Jack took the lead on tackling challenges facing his fellow World War II veterans in Montana and across the country.

Jack fought for bonuses for WWII veterans—a practice that was done after WWI to help get returning troops back on their feet.

Although, the Montana Supreme Court declared these ''bonus'' payments unconstitutional, Jack worked with veterans groups and Montana officials to build popular support and eventually secured an ''honorarium'' payment instead of a ''bonus.'' Jack's ''honorarium,'' paid for by a 2-cent tax on cigarettes, raised $22 million for World War II veterans. In today's dollars, that is $226 million.

In the late 1950s, Jack led the way in establishing the veterans hospital at Fort Harrison, west of Helena.

Again, Jack worked with Montanans, veterans groups, and Members of Congress to raise $5.4 million to begin the first phase of building for the hospital.

Today, Montana veterans still rely on the hospital in Fort Harrison for their basic medical needs.

During his work, Jack met the acquaintance and earned the respect of Presidents Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, Richard Nixon, and Gerald Ford.

Jack had a truly remarkable life and career of service to our country. He served as the national commander-in-chief of Veterans of Foreign Wars from 1958 to 1959.

He served as the national chairman of the Veterans for John F. Kennedy's Presidential campaign committee in 1960. He also served as the under secretary to the VA Memorial Services and Director of the National Cemetery System in the Nixon administration.

On this very day, we have brave Americans patrolling the mountains of Afghanistan. May Jack's memory be a reminder of the obligation we owe to these brave warriors when they come home. His legacy is a reminder of what dedicated public service can deliver for our Nation's finest. We will miss you, Jack.●

TRIBUTE TO DES R. GOYAL

● Mr. BLUNT. Mr. President, I rise today to honor Des R. Goyal as he completes a long and distinguished career with the U.S. Army Corps of Engineers, USACE. Mr. Goyal was born and educated in India, where he eventually received his Bachelor's and Master's degrees in Mechanical Engineering. In 1970, he came to the United States to further his studies while earning his U.S. citizenship. Mr. Goyal started his career with the Corps in 1978 as a project engineer on navigation locks in the Corps of Engineers Huntington District. Since that time, he has held numerous assignments with the Corps of Engineers, including working on military construction projects in Saudi Arabia and serving in Germany as Chief of the Mechanical/Electrical design branch for the Corps of Engineers Europe Division. In 1999, he was assigned the job of Chief, Operations Division, Kansas City District of the Corps of Engineers.

2011 was arguably the most challenging year in the 114-plus-year history of the Corps of Engineers, Kansas City District. While executing the challenging Operations and Maintenance program, the District battled an epic 145-day flood in the Missouri River Basin and established a Recovery Field Office in Joplin, MO to respond to the fifth deadliest tornado in U.S. history. As an integral part of the Operations Division, Mr. Goyal led the effort to ensure his Emergency Management and Contingency Operations were fully manned by competent personnel from throughout the District. These additional missions comprised approximately 25 percent of the Kansas City District's workforce at various times, placing significant stress on the organization. However, Mr. Goyal remained poised and calm, responding with a plea for volunteers, and was instrumental in the success of these efforts. During these challenges, he clearly demonstrated strong leadership and technical competency. His past experiences significantly augmented the success of the mission during this timeframe.

Throughout his career, Des Goyal has promoted leadership and mission execution. He has mentored many USACE employees and military personnel while leading the efforts on large, complex projects and programs throughout the world. He has tremendous passion for the advancement of his colleagues and those they serve. He championed the use of the Student Career Employment Program, SCEP, in the Corps of Engineers Northwest District, which serves as a valuable tool in providing college students the critical experience and networking opportunities to encourage employment in a public service career. Mr. Goyal continues to press for positive change through a focus on good government, professional organizations and community service.

I thank Des Goyal for his service to his adopted country and wish Des and his wife, Usha, an enjoyable retirement.●

NORTHWEST KIDNEY CENTERS

● Ms. CANTWELL. Mr. President, today I wish to congratulate Northwest Kidney Centers on its 50th Anniversary. Northwest Kidney Centers was established as the first out-of-hospital dialysis program in the world, opening its doors in Seattle, WA, on January 8, 1962.

Just 2 years after the development of the Teflon shunt at the University of Washington, community leaders in Seattle came together to raise money and find a space to establish a center to deliver dialysis treatments outside of a hospital, which led to the creation of the community-based Northwest Kidney Centers.

Chronic kidney disease is now an epidemic, affecting one in seven American adults. Northwest Kidney Centers is working to reverse this trend, focusing on community education and prevention. Each year, Northwest Kidney Centers allocates funding toward public health education about kidney disease and organ donation, participating in outreach events and reaching more than 12,000 people with kidney information. It also developed a ''Living Well with CKD'' program which offers classes on treatment options and good nutrition. This program reaches nearly 1,000 pre-dialysis patients and family members each year, at no cost to the participants.

I take great pride in the fact that Seattle is the birthplace of chronic dialysis treatments and that Northwest Kidney Centers continues to take the lead on developments in the field. Northwest Kidney Centers hosted clinical trials to develop the anti-anemia drug Epogen, and set up the Northwest Organ Procurement Agency. In 2008, Northwest Kidney Centers spearheaded the creation of the Kidney Research Institute, a collaboration with the University of Washington Medical School which has become a scientific leader focusing on ways to prevent, detect, treat, and eventually cure kidney disease.

I applaud Northwest Kidney Centers for its contributions to the State of Washington and the kidney disease and dialysis field as a whole. As the organization celebrates its 50th Anniversary, I extend my congratulations to the entire Northwest Kidney Centers community—patients, physicians, employees, supporters and volunteers—and thank them for their dedication and commitment to improving the lives of kidney patients in my State.●

RECOGNIZING THE MIDCOAST AREA VETERANS MEMORIAL WALL

● Ms. SNOWE. Mr. President, today I wish to honor and recognize with the highest esteem the many volunteers, veterans' organizations and civic and municipal entities responsible for establishing the Midcoast Area Veterans Memorial Wall in Rockland, Maine, that honors the extraordinary service and sacrifice of all our Nation's military veterans.

Established and managed by the Midcoast Area Veterans Memorial Corporation, a nonprofit corporation comprised of members from the American Legion, the Veterans of Foreign Wars (VFW), the Marine Corps League, Rockland Rotary, Rockland Kiwanis, the Benevolent and Protective Order (BPO) of Elks, and the City of Rockland, the Memorial Wall is located on upper Limerock Street in Rockland on property owned by the American Legion Post No. 1. The location of the Memorial is, appropriately, also the site of an 1861 Civil War encampment of the local Fourth Regiment of Maine Volunteers.

Undeniably, nothing unites us more as Mainers and Americans than the limitless pride we take in our revered and noble veterans. Indeed, in Maine, we also cherish the tremendous distinction of having, on any given day, the second most veterans per capita of any State in the Nation. Such devotion to country is the embodiment of the self-sacrificing principles that Mainers live by and have passed down from one generation to the next. This selfless way of thinking also inspired and motivated a small group of individuals more than 16 years ago to begin formulating plans to establish a memorial to honor our veterans in Midcoast Maine. After a long, dedicated effort and several site location changes, the Midcoast Area Veterans Memorial Wall has finally secured a permanent home.

The Midcoast Area Veterans Memorial Wall is by all accounts a beautifully designed and landscaped tribute

to the unfathomable service and sacrifice of the many Americans exceptional enough to wear the uniform—not only the 21.8 million veterans alive today, including more than 134,000 from the State of Maine, but also those who are no longer with us. Featuring stunning black granite tiles etched with digitized pictures of veterans, the wall serves as a fitting and moving tribute to those who so ably and courageously served under the Stars and Stripes to protect and preserve the cherished principles that have made our nation the greatest on earth. And, while new tiles are added twice yearly—at Memorial Day and Veterans Day—the Midcoast Area Veterans Memorial Wall is always open and provides an opportunity for each of us to express our boundless gratitude to those who have placed service above self not just on national holidays, but on every day of every month of every year.

On August 3, 2012, the Midcoast Area Veterans Memorial Wall will officially be dedicated and will feature remarks from Maine's esteemed First Lady Ann LePage, as well as officers and representatives of USCGC *Abbie Burgess*, USCGC *Tackle*, USCGC *Thunder Bay*, USS *San Antonio*, the United States Marine Corps, and the Maine Army National Guard.

On the occasion of the official dedication of the Midcoast Area Veterans Memorial Wall, I convey my deep and abiding appreciation to the many dedicated volunteers who have worked tirelessly over the past 16 years to bring this day to fruition. This faithful and successful effort exemplifies the very best of what it means to be a Mainer and an American.●

TRIBUTE TO ALLYSON BURNS

● Mr. THUNE. Mr. President, today I recognize Allyson Burns, an intern in my Rapid City, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past couple of months.

Allyson is a graduate of Stevens High School in Rapid City, SD. Currently, she is attending Creighton University in Omaha, NE where she is majoring in psychology and creative writing. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I extend my sincere thanks and appreciation to Allyson for all of the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO TYLER FITZ

● Mr. THUNE. Mr. President, today I recognize Tyler Fitz, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Tyler is a graduate of Roosevelt High School in Sioux Falls, SD. He is also a graduate of South Dakota State University where he majored in history and Spanish. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I extend my sincere thanks and appreciation to Tyler for all of the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO STEPHEN GOODFELLOW

● Mr. THUNE. Mr. President, today I wish to recognize Stephen Goodfellow, an intern in my Sioux Falls, SD, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Stephen is a graduate of Boiling Springs High School in Boiling Springs, PA. Currently, he is attending the University of South Dakota where he is majoring in economics and finance. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Stephen for all of the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO ALEX HALL

● Mr. THUNE. Mr. President, today I recognize Alex Hall, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Alex is a graduate of Lincoln High School in Sioux Falls, SD. Currently, he is attending the University of New Mexico where he is majoring in philosophy and psychology. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I extend my sincere thanks and appreciation to Alex for all of the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO KODY KYRISS

● Mr. THUNE. Mr. President, today I wish to recognize Kody Kyriss, an intern in my Aberdeen, SD, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Kody is a native of Lesterville and a graduate of Menno High School. Currently, he is attending Northern State University, where he is pursuing degrees in English and political science. He is a very hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Kody for all of the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO MEGAN RAPOSA

● Mr. THUNE. Mr. President, today I wish to recognize Megan Raposa, an intern in my Sioux Falls, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several weeks.

Megan is a graduate of St. Thomas More High School in Rapid City, SD. Currently, she is attending Augustana College where she is majoring in business communications and government. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Megan for all of the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO BRENDAN SMITH

● Mr. THUNE. Mr. President, today I recognize Brendan Smith, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Brendan is a graduate of Lyman High School in Presho, SD. Currently, he is attending South Dakota School of Mines and Technology where he is majoring in chemical engineering. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I extend my sincere thanks and appreciation to Brendan for all of the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO JAMES WHITCHER

● Mr. THUNE. Mr. President, today I recognize James Whitcher, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

James is a graduate of Hot Springs High School in Hot Springs, SD. Currently, he is attending the University of Mary in Bismarck, ND, where he is majoring in athletic training. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I extend my sincere thanks and appreciation to James for all of the fine work he has done and wish him continued success in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Health, Education, Labor, and Pensions.

(The messages received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE ISSUANCE OF AN EXECUTIVE ORDER TO TAKE ADDITIONAL STEPS WITH RESPECT TO THE NATIONAL EMERGENCY ORIGINALLY DECLARED ON MARCH 15, 1995 IN EXECUTIVE ORDER 12957 WITH RESPECT TO IRAN—PM 60

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), I hereby report that I have issued an Executive Order (the ''order'') that takes additional steps with respect to the national emergency declared in Executive Order 12957 of March 15, 1995.

In Executive Order 12957, the President found that the actions and policies of the Government of Iran threaten the national security, foreign policy, and economy of the United States. To deal with that threat, the President in Executive Order 12957 declared a national emergency and imposed prohibitions on certain transactions with respect to the development of Iranian petroleum resources. To further respond to that threat, Executive Order 12959 of May 6, 1995, imposed comprehensive trade and financial sanctions on Iran. Executive Order 13059 of August 19, 1997, consolidated and clarified the previous orders. To take additional steps with respect to the national emergency declared in Executive Order 12957 and to implement section 105(a) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111–195) (22 U.S.C. 8501 *et seq.*) (CISADA), I issued Executive Order 553 on September 28, 2010, to impose sanctions on officials of the Government of Iran and other persons acting on behalf of the Government of Iran determined to be responsible for or complicit in certain serious human rights abuses. To take further additional steps with respect to the threat posed by Iran and to provide implementing authority for a number of the sanctions set forth in the Iran Sanctions Act of 1996 (Public Law 104–172) (50 U.S.C. 1701 note) (ISA), as amended by CISADA, I issued Executive Order 13574 on May 23, 2011, to authorize the Secretary of the Treasury to implement certain sanctions imposed by the Secretary of State pursuant to ISA, as amended by CISADA. I also issued Executive Order 13590 on November 20, 2011, to take additional steps with respect to this emergency by authorizing the Secretary of State to impose sanctions on persons providing certain goods, services, technology, or support that contribute either to Iran's development of petroleum resources or to Iran's production of petrochemicals, and to authorize the Secretary of the Treasury to implement some of those sanctions. On February 5, 2012, in order to take further additional steps pursuant to this emergency, and to implement section 1245(c) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81), I issued Executive Order 13599 blocking the property of the Government of Iran, all Iranian financial institutions, and persons determined to be owned or controlled by, or acting for or on behalf of, such parties. Most recently, on April 22, 2012, and May 1, 2012, I issued Executive Orders 13606 and 13608, respectively. Executive Orders 13606 and 13608 each take additional steps with respect to various emergencies, including the emergency declared in Executive Order 12957 concerning Iran, to address the use of computer and information technology to commit serious human rights abuses and efforts by foreign persons to evade sanctions.

The order takes additional steps with respect to the national emergency declared in Executive Order 12957, particularly in light of the Government of Iran's use of revenues from petroleum, petroleum products, and petrochemicals for illicit purposes; Iran's continued attempts to evade international sanctions through deceptive practices; and the unacceptable risk posed to the international financial system by Iran's activities. Subject to certain exceptions and conditions, the order authorizes the Secretary of the Treasury and the Secretary of State, as set forth in the order, to impose sanctions on persons as described in the order, all as more fully described below.

Section 1 of the order authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to impose financial sanctions on foreign financial institutions determined to have knowingly conducted or facilitated certain significant financial transactions with the National Iranian Oil Company (NIOC) or Naftiran Intertrade Company (NICO), or for the purchase or acquisition of petroleum, petroleum products, or petrochemical products from Iran.

Section 2 of the order authorizes the Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of Commerce, and the United States Trade Representative, and with the President of the Export-Import Bank, the Chairman of the Board of Governors of the Federal Reserve System, and other agencies and officials as appropriate, to impose any of a number of sanctions on a person upon determining that the person: knowingly engaged in a significant transaction for the purchase or acquisition of petroleum, petroleum products, or petrochemical products from Iran; is a successor entity to a person determined to meet the criterion above; owns or controls a person determined to meet the criterion above, and had knowledge that the person engaged in the activities referred to therein; or is owned or controlled by, or under common ownership or control with, a person determined to meet the criterion above, and knowingly participated in the activities referred to therein.

Sections 3 and 4 of the order provide that, for persons determined to meet any of the criteria specified in section 2 of the order, the heads of the relevant agencies, in consultation with the Secretary of State, shall implement the sanctions imposed by the Secretary of State. The sanctions provided for in sections 3 and 4 of the order include the following actions: the Board of Directors of the Export-Import Bank shall deny approval of the issuance of any guarantee, insurance, extension of credit, or participation in an extension of credit in connection with the export of any goods or services to the sanctioned person; agencies shall not issue any specific license or grant any other specific permission or authority under any statute that requires the prior review and approval of the United States Government as a condition for the export or reexport of goods or technology to the sanctioned person; for a sanctioned person that is a financial institution: the Chairman of the Board of Governors of the Federal Reserve System and the President of the Federal Reserve Bank of New York shall take such actions as they deem appropriate, including denying designation, or terminating the continuation of any prior designation of, the sanctioned person as a primary dealer in United States Government debt instruments; or agencies shall prevent the sanctioned person from serving as an agent of the United States Government or serving as a repository for United States Government funds; agencies shall not procure, or enter into a contract for the procurement of, any goods or services from the sanctioned person; the Secretary of the Treasury shall take actions where necessary to: prohibit any United States financial institution from making loans or providing credits to the sanctioned person totaling more than $10,000,000 in any 12-month period unless such person is engaged in activities to relieve human suffering and the loans or credits are provided for such activities; prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the sanctioned person has any interest; prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the sanctioned person; block all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any United States person, including any foreign branch, of the sanctioned person, and provide that such property and interests in property may not be transferred, paid, exported, withdrawn, or otherwise dealt in; or restrict or

prohibit imports of goods, technology, or services, directly or indirectly, into the United States from the sanctioned person.

Section 5 of the order authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to block all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any United States person, including any foreign branch, of any person upon determining that the person has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, NIOC, NICO, or the Central Bank of Iran, or the purchase or acquisition of U.S. bank notes or precious metals by the Government of Iran.

I have delegated to the Secretary of the Treasury the authority, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA, as may be necessary to carry out the purposes of sections 1, 4, and 5 of the order.

The order was effective at 12:01 a.m. eastern daylight time on July 31, 2012. All agencies of the United States Government are directed to take all appropriate measures within their authority to carry out the provisions of the order.

I am enclosing a copy of the Executive Order I have issued.

BARACK OBAMA.

THE WHITE HOUSE, *July 30, 2012*.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3457. A bill to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes.

H.R. 4078. An act to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs:

Special Report entitled ''Activities of the Committee on Homeland Security and Governmental Affairs During the 111th Congress'' (Rept. No. 112-193).

By Mr. KERRY, from the Committee on Foreign Relations, without amendment:

S. 641. A bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis within six years by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005 (Rept. No. 112-09194).

By Mr. AKAKA, from the Committee on Indian Affairs, without amendment:

H.R. 1560. A bill to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 792. A bill to authorize the waiver of certain debts relating to assistance provided to individuals and households since 2005.

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 3410. A bill to extend the Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers beyond Borders Act of 2006, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. ROCKEFELLER for the Committee on Commerce, Science, and Transportation.

*National Oceanic and Atmospheric Administration nomination of Gerd F. Glang, to be Rear Admiral (lower half).

*National Oceanic and Atmospheric Administration nomination of Michael S. Devany, to be Rear Admiral.

*National Oceanic and Atmospheric Administration nomination of David A. Score, to be Rear Admiral (lower half).

*William P. Doyle, of Pennsylvania, to be a Federal Maritime Commissioner for the term expiring June 30, 2013.

*Michael Peter Huerta, of the District of Columbia, to be Administrator of the Federal Aviation Administration for the term of five years.

*Patricia K. Falcone, of California, to be an Associate Director of the Office of Science and Technology Policy.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXECUTIVE REPORT OF COMMITTEE—TREATY

The following executive report of committee was submitted:

By Mr. KERRY, from the Committee on Foreign Relations:

Treaty Doc. 112–7 Convention on the Rights of Persons with Disabilities with 3 reservations, 8 understandings, and 2 declarations (Ex. Rept. 112–6)

TEXT OF THE COMMITTEE-RECOMMENDED RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION

Resolved, (two-thirds of the Senators present concurring therein),

That the Senate advises and consents to the ratification of the Convention on the Rights of Persons with Disabilities, adopted by the United Nations General Assembly on December 13, 2006, and signed by the United States of America on June 30, 2009 (''the Convention'') (Treaty Doc. 112–7), subject to the reservations of subsection (a), the understandings of subsection (b), and the declarations of subsection (c).

(a) Reservations.—The advice and consent of the Senate to the ratification of the Convention is subject to the following reservations, which shall be included in the instrument of ratification:

(1) This Convention shall be implemented by the Federal Government of the United States of America to the extent that it exercises legislative and judicial jurisdiction over the matters covered therein, and otherwise by the state and local governments; to the extent that state and local governments exercise jurisdiction over such matters, the obligations of the United States of America under the Convention are limited to the Federal Government's taking measures appropriate to the Federal system, which may include enforcement action against state and local actions that are inconsistent with the Constitution, the Americans with Disabilities Act, or other Federal laws, with the ultimate objective of fully implementing the Convention.

(2) The Constitution and laws of the United States of America establish extensive protections against discrimination, reaching all forms of governmental activity as well as significant areas of non-governmental activity. Individual privacy and freedom from governmental interference in certain private conduct are also recognized as among the fundamental values of our free and democratic society. The United States of America understands that by its terms the Convention can be read to require broad regulation of private conduct. To the extent it does, the United States of America does not accept any obligation under the Convention to enact legislation or take other measures with respect to private conduct except as mandated by the Constitution and laws of the United States of America.

(3) Article 15 of the Convention memorializes existing prohibitions on torture and other cruel, inhuman, or degrading treatment or punishment contained in Articles 2 and 16 of the United Nations Convention Against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT) and in Article 7 of the International Covenant on Civil and Political Rights (ICCPR), and further provides that such protections shall be extended on an equal basis with respect to persons with disabilities. To ensure consistency of application, the obligations of the United States of America under Article 15 shall be subject to the same reservations and understandings that apply for the United States of America with respect to Articles 1 and 16 of the CAT and Article 7 of the ICCPR.

(b) Understandings.—The advice and consent of the Senate to the ratification of the Convention is subject to the following understandings, which shall be included in the instrument of ratification:

(1) The United States of America understands that this Convention, including Article 8 thereof, does not authorize or require legislation or other action that would restrict the right of free speech, expression, and association protected by the Constitution and laws of the United States of America.

(2) Given that under Article 1 of the Convention ''[t]he purpose of the present Convention is to promote, protect, and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities,'' with respect to the application of the Convention to matters related to economic, social, and cultural rights, including in Articles 4(2), 24, 25, 27, 28 and 30, the United States of America understands that its obligations in this respect are to prevent discrimination on the basis of disability in the provision of any such rights insofar as they are recognized and implemented under U.S. Federal law.

(3) Current U.S. law provides strong protections for persons with disabilities against unequal pay, including the right to equal pay for equal work. The United States of America understands the Convention to require

the protection of rights of individuals with disabilities on an equal basis with others, including individuals in other protected groups, and does not require adoption of a comparable worth framework for persons with disabilities.

(4) Article 27 of the Convention provides that States Parties shall take appropriate steps to afford to individuals with disabilities the right to equal access to equal work, including nondiscrimination in hiring and promotion of employment of persons with disabilities in the public sector. Current interpretation of Section 501 of the Rehabilitation Act of 1973 exempts U.S. Military Departments charged with defense of the national security from liability with regard to members of the uniformed services. The United States of America understands the obligations of Article 27 to take appropriate steps as not affecting hiring, promotion, or other terms or conditions of employment of uniformed employees in the U.S. Military Departments, and that Article 27 does not recognize rights in this regard that exceed those rights available under U.S. Federal law.

(5) The United States of America understands that the terms ''disability,'' ''persons with disabilities,'' and ''undue burden'' (terms that are not defined in the Convention), ''discrimination on the basis of disability,'' and ''reasonable accommodation'' are defined for the United States of America coextensively with the definitions of such terms pursuant to relevant United States law.

(6) The United States of America understands that the Committee on the Rights of Persons with Disabilities, established under Article 34 of the Convention, is authorized under Article 36 to ''consider'' State Party Reports and to ''make such suggestions and general recommendations on the report as it may consider appropriate.'' Under Article 37, the committee ''shall give due consideration to ways and means of enhancing national capacities for the implementation of the present Convention.'' The United States of America understands that the Committee on the Rights of Persons with Disabilities has no authority to compel actions by states parties, and the United States of America does not consider conclusions, recommendations, or general comments issued by the committee as constituting customary international law or to be legally binding on the United States in any manner.

(7) The United States of America understands that the Convention is a non-discrimination instrument. Therefore, nothing in the Convention, including Article 25, addresses the provision of any particular health program or procedure. Rather, the Convention requires that health programs and procedures are provided to individuals with disabilities on a non-discriminatory basis.

(8) The United States of America understands that, for the United States of America, the term or principle of the ''best interests of the child'' as used in Article 7(2), will be applied and interpreted to be coextensive with its application and interpretation under United States law. Consistent with this understanding, nothing in Article 7 requires a change to existing United States law.

c. Declarations.—The advice and consent of the Senate to the ratification of the Convention is subject to the following declarations:

The United States of America declares that the provisions of the Convention are not self-executing.

The Senate declares that, in view of the reservations to be included in the instrument of ratification, current United States law fulfills or exceeds the obligations of the Convention for the United States of America.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BINGAMAN (for himself, Mr. ALEXANDER, and Mr. DURBIN):

S. 3459. A bill to amend the Department of Energy High-End Computing Revitalization Act of 2004 to improve the high-end computing research and development program of the Department of Energy, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COONS (for himself, Mr. ENZI, Mr. SCHUMER, and Mr. RUBIO):

S. 3460. A bill to amend the Internal Revenue Code of 1986 to provide for startup businesses to use a portion of the research and development credit to offset payroll taxes; to the Committee on Finance.

By Mr. BROWN of Ohio (for himself, Mr. WICKER, Mr. KERRY, Mr. BLUMENTHAL, Mr. WHITEHOUSE, and Mr. BEGICH):

S. 3461. A bill to amend title IV of the Public Health Service Act to provide for a National Pediatric Research Network, including with respect to pediatric rare diseases or conditions; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Mr. GRASSLEY, and Mr. KOHL):

S. 3462. A bill to provide anti-retaliation protections for antitrust whistleblowers; to the Committee on the Judiciary.

By Mr. FRANKEN (for himself, Mr. LUGAR, Mr. ROCKEFELLER, Ms. COLLINS, Mrs. SHAHEEN, Mr. WYDEN, Mr. BLUMENTHAL, and Mr. BROWN of Ohio):

S. 3463. A bill to amend title XVIII of the Social Security Act to reduce the incidence of diabetes among Medicare beneficiaries; to the Committee on Finance.

By Mr. JOHNSON of South Dakota:

S. 3464. A bill to amend the Mni Wiconi Project Act of 1988 to facilitate completion of the Mni Wiconi Rural Water Supply System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. JOHNSON of Wisconsin:

S.J. Res. 48. A joint resolution disapproving the rule submitted by the Internal Revenue Service relating to the health insurance premium tax credit; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MANCHIN:

S. Res. 534. A resolution congratulating the Navy Dental Corps on its 100th anniversary; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 19

At the request of Mr. HATCH, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 19, a bill to restore American's individual liberty by striking the Federal mandate to purchase insurance.

S. 202

At the request of Mr. PAUL, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 202, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States before the end of 2012, and for other purposes.

S. 225

At the request of Ms. KLOBUCHAR, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from New York (Mr. SCHUMER) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 225, a bill to permit the disclosure of certain information for the purpose of missing child investigations.

S. 339

At the request of Mr. BAUCUS, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 339, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 678

At the request of Mr. KOHL, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 678, a bill to increase the penalties for economic espionage.

S. 818

At the request of Mr. KERRY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 818, a bill to amend title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare.

S. 845

At the request of Mr. ENZI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 845, a bill to amend the Internal Revenue Code of 1986 to provide for the logical flow of return information between partnerships, corporations, trusts, estates, and individuals to better enable each party to submit timely, accurate returns and reduce the need for extended and amended returns, to provide for modified due dates by regulation, and to conform the automatic corporate extension period to longstanding regulatory rule.

S. 847

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 847, a bill to amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, and for other purposes.

S. 1269

At the request of Ms. SNOWE, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1269, a bill to amend the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to collect information from coeducational secondary schools on such schools' athletic programs, and for other purposes.

S. 1366

At the request of Ms. CANTWELL, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1366, a bill to amend the Internal Revenue Code of 1986 to broaden the special rules for certain governmental plans under section 105(j) to include plans established by political subdivisions.

S. 1878

At the request of Mr. MENENDEZ, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1878, a bill to assist low-income individuals in obtaining recommended dental care.

S. 1935

At the request of Ms. COLLINS, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 1990

At the request of Mr. LIEBERMAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1990, a bill to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act.

S. 2074

At the request of Mr. CARDIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2074, a bill to amend the Internal Revenue Code of 1986 to expand the rehabilitation credit, and for other purposes.

S. 2078

At the request of Mr. MENENDEZ, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 2078, a bill to enable Federal and State chartered banks and thrifts to meet the credit needs of the Nation's home builders, and to provide liquidity and ensure stable credit for meeting the Nation's need for new homes.

S. 2148

At the request of Mr. INHOFE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2148, a bill to amend the Toxic Substance Control Act relating to lead-based paint renovation and remodeling activities.

S. 2189

At the request of Mr. HARKIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 2189, a bill to amend the Age Discrimination in Employment Act of 1967 and other laws to clarify appropriate standards for Federal antidiscrimination and antiretaliation claims, and for other purposes.

S. 2245

At the request of Mr. BARRASSO, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2245, a bill to preserve existing rights and responsibilities with respect to waters of the United States.

S. 2268

At the request of Mrs. GILLIBRAND, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2268, a bill to ensure that all items offered for sale in any gift shop of the National Park Service or of the National Archives and Records Administration are produced in the United States, and for other purposes.

S. 2320

At the request of Ms. AYOTTE, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 2320, a bill to direct the American Battle Monuments Commission to provide for the ongoing maintenance of Clark Veterans Cemetery in the Republic of the Philippines, and for other purposes.

S. 2620

At the request of Mr. SCHUMER, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2620, a bill to amend title XVIII of the Social Security Act to provide for an extension of the Medicare-dependent hospital (MDH) program and the increased payments under the Medicare low-volume hospital program.

S. 3204

At the request of Mr. JOHANNS, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3236

At the request of Mr. PRYOR, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 3236, a bill to amend title 38, United States Code, to improve the protection and enforcement of employment and reemployment rights of members of the uniformed services, and for other purposes.

S. 3405

At the request of Mr. HELLER, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 3405, a bill to amend title 38, United States Code, to treat small businesses bequeathed to spouses and dependents by members of the Armed Forces killed in line of duty as small business concerns owned and controlled by veterans for purposes of Department of Veterans Affairs contracting goals and preferences, and for other purposes.

S. 3430

At the request of Mrs. SHAHEEN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3430, a bill to amend the Public Health Service Act to foster more effective implementation and coordination of clinical care for people with pre-diabetes and diabetes.

S. 3450

At the request of Mr. COATS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 3450, a bill to limit the authority of the Secretary of the Interior to issue regulations before December 31, 2013, under the Surface Mining Control and Reclamation Act of 1977.

S. 3458

At the request of Mr. LAUTENBERG, the names of the Senator from California (Mrs. BOXER) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 3458, a bill to require face to face purchases of ammunition, to require licensing of ammunition dealers, and to require reporting regarding bulk purchases of ammunition.

S.J. RES. 29

At the request of Mr. UDALL of New Mexico, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S.J. Res. 29, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S.J. RES. 43

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S.J. Res. 43, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S. CON. RES. 50

At the request of Mr. RUBIO, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. Con. Res. 50, a concurrent resolution expressing the sense of Congress regarding actions to preserve and advance the multistakeholder governance model under which the Internet has thrived.

S. RES. 490

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 490, a resolution designating the week of September 16, 2012, as ''Mitochondrial Disease Awareness Week'', reaffirming the importance of an enhanced and coordinated research effort on mitochondrial diseases, and commending the National Institutes of Health for its efforts to improve the understanding of mitochondrial diseases.

S. RES. 524

At the request of Mr. KERRY, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Res. 524, a resolution reaffirming the strong support of the

United States for the 2002 declaration of conduct of parties in the South China Sea among the member states of ASEAN and the People's Republic of China, and for other purposes.

AMENDMENT NO. 2574

At the request of Mrs. HUTCHISON, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of amendment No. 2574 intended to be proposed to S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

AMENDMENT NO. 2617

At the request of Mr. COONS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 2617 intended to be proposed to S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

AMENDMENT NO. 2618

At the request of Mr. AKAKA, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 2618 intended to be proposed to S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

AMENDMENT NO. 2636

At the request of Ms. SNOWE, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of amendment No. 2636 intended to be proposed to S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself, Mr. ALEXANDER, and Mr. DURBIN):

S. 3459. A bill to amend the Department of Energy High-End Computing Revitalization Act of 2004 to improve the high-end computing research and development program of the Department of Energy, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am pleased to introduce the Department of Energy High-End Computing Improvement Act of 2012, along with my cosponsors, Senators ALEXANDER and DURBIN. This bipartisan bill addresses the need for ongoing high performance computing and the establishment of an exascale program within the Department of Energy, DOE.

America's leadership in high performance computing, HPC, is essential to a vast range of national priorities in science, energy, environment, health, and national security. For decades the U.S. was the leader in HPC through collaborative efforts led by the DOE between national laboratories, academia, and industry. Investments in HPC have facilitated extraordinary scientific and technological advances that have enabled a wide range of simulation and analysis saving time, money, energy and fuel, which has strengthened the U.S. economy and contributed to national security.

U.S. leadership in HPC has recently been challenged through significant governmental investment in HPC programs in Japan, China, South Korea, Russia, and the European Union, and the race to exascale computing is on. Exascale computers will be able to perform 10 to the 18th power floating point operations per second making them 1000 times more powerful than the most advanced computers today. These new computers will require the development of new software and computer architectures with improved power consumption, memory, and reliability.

This bipartisan bill updates the Department of Energy High-End Computing Revitalization Act of 2004 to preserve DOE HPC and to distinguish the exascale initiative from other high-end computing efforts. Based on input from the DOE, appropriate funding levels are established through this bill to support the exascale initiative through fiscal year 2015. This bill will ensure that the U.S. remains competitive in the race to exascale and as with previous generations of HPC systems, the resulting technological advances will further support Federal priorities like research and national security and will be integrated into electronics industries strengthening high-tech competitiveness and driving economic growth.

I would like to conclude by taking a moment to acknowledge the exceptional efforts of a few staff members who have worked diligently to help craft this important piece of legislation. Jonathan Epstein, a former staff member on my Energy and Natural Resources Committee and current staff member on the Armed Services Committee and Jennifer Nekuda Malik, a AAAS Science Policy Fellow on my Energy and Natural Resources Committee worked with Neena Imam, a Legislative Fellow on Senator ALEXANDER's staff and Tom Craig, a staff member on the Appropriations Committee, to update the DOE's high-end computing program to account for changes since the Department of Energy High-End Computing Revitalization Act of 2004 and establish the exascale computing program. I appreciate the efforts of these staff members and I thank them for their work.

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. 3459

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 ''Department of Energy High-End Computing Improvement Act of 2012''.

SEC. 2. RENAMING OF ACT.

(a) IN GENERAL.—Section 1 of the Department of Energy High-End Computing Revitalization Act of 2004 (15 U.S.C. 5501 note; Public Law 108–423) is amended by striking ''Department of Energy High-End Computing Revitalization Act of 2004'' and inserting ''Department of Energy High-End Computing Act of 2012''.

(b) CONFORMING AMENDMENT.—Section 976(a)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16316(1)) is amended by striking ''Department of Energy High-End Computing Revitalization Act of 2004'' and inserting ''Department of Energy High-End Computing Act of 2012''.

SEC. 3. DEFINITIONS.

Section 2 of the Department of Energy High-End Computing Act of 2012 (15 U.S.C. 5541) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

(2) by striking paragraph (1) and inserting the following:

''(1) DEPARTMENT.—The term 'Department' means the Department of Energy.

''(2) EXASCALE COMPUTING.—The term 'exascale computing' means computing through the use of a computing machine that performs near or above 10 to the 18th power floating point operations per second.''; and

(3) in paragraph (6) (as redesignated by paragraph (1)), by striking '', acting through the Director of the Office of Science of the Department of Energy''.

SEC. 4. DEPARTMENT OF ENERGY HIGH-END COMPUTING RESEARCH AND DEVELOPMENT PROGRAM.

Section 3 of the Department of Energy High-End Computing Act of 2012 (15 U.S.C. 5542) is amended—

(1) in subsection (a)(1), by striking ''program'' and inserting ''coordinated program across the Department'';

(2) in subsection (b)(2), by striking '', which may'' and all that follows through ''architectures''; and

(3) by striking subsection (d) and inserting the following:

''(d) EXASCALE COMPUTING PROGRAM.—

''(1) IN GENERAL.—The Secretary shall conduct a research program (referred to in this subsection as the 'program') to develop 1 or more exascale computing machines to promote the missions of the Department.

''(2) COORDINATION.—In carrying out the program, the Secretary shall coordinate the development of 1 or more exascale computing machines across all applicable agencies of the Department.

''(3) CODESIGN.—The Secretary shall carry out the program through an integration of application, computer science, and computer hardware architecture using public-private partnerships to ensure that, to the maximum extent practicable, 1 or more exascale computing machines are capable of solving Department target applications and scientific problems.

''(4) MERIT REVIEW.—The development of 1 or more exascale computing machines shall be conducted through a merit review process.

''(5) ANNUAL REPORTS.—At the time of the budget submission of the Department for each fiscal year, the Secretary shall submit to Congress a report that describes funding for the exascale computing program as a whole by functional element of the Department and critical milestones.''.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 4 of the Department of Energy High-End Computing Act of 2012 (15 U.S.C. 5543) is amended—

(1) by striking ''this Act'' and inserting ''section 3(d)''; and

(2) by striking paragraphs (1) through (3) and inserting the following:

''(1) $110,000,000 for fiscal year 2013;

''(2) $220,000,000 for fiscal year 2014; and

''(3) $300,000,000 for fiscal year 2015.''.

By Mr. COONS (for himself, Mr. ENZI, Mr. SCHUMER, and Mr. RUBIO):

S. 3460. A bill to amend the Internal Revenue Code of 1986 to provide for startup businesses to use a portion of the research and development credit to offset payroll taxes; to the Committee on Finance.

Mr. COONS. Mr. President, to fuel American economic growth and job creation, we have to make sure our tax policy is as smart as the innovators who power our economy.

American ingenuity has always been at the core of our economic success. Behind nearly every game-changing innovation, from the light bulb to the search engine, has been critical research and development that transforms an idea into a market-ready product. The challenges of the global economy may be new, but the solution is the same—supporting and sustaining American innovators.

That is why I joined with my friend and colleague, the Senator from Wyoming, Senator ENZI, to draft legislation that gives innovative startup companies the opportunity to take advantage of the successful research and development tax credit, which would support their efforts to invest in innovation and create jobs.

Senator ENZI and I are proud to be joined by Senator SCHUMER of New York and Senator RUBIO of Florida in introducing the Startup Innovation Credit Act of 2012, which allows qualifying companies to claim the R&D tax credit against their employment taxes instead of their income taxes, thereby opening the credit to new companies who don't yet have an income tax liability. We are also grateful to our colleagues in the House, who are working to introduce a bipartisan companion bill this week.

Over the past three decades, the research and development tax credit has helped tens of thousands of successful American companies create jobs by incentivizing investment in innovation. But with America's global manufacturing competitiveness at stake, it is time Congress shows the same type of support for entrepreneurs and young companies.

Small and startup businesses are driving our Nation's economic recovery and creating jobs by taking risks to turn their ideas into marketable products. Over the past few decades, firms that were younger than 5 years old were responsible for the overwhelming majority of new jobs in this country.

The tax code is a powerful tool in the government's toolbox, but tax credits can't help emerging companies that don't yet have tax liabilities. That takes the R&D tax credit off the table for countless promising startups and small businesses.

Over the last two years, I have talked with dozens of business leaders and experts in tax policy to refine an idea to create a new small business innovation credit that would help those young companies. My commitment to this concept has only strengthened since I introduced a version of it in my very first bill as a Senator, the Job Creation Through Innovation Act. This work continued, along with Senator RUBIO, in the subsequent AGREE Act and Startup Act 2.0.

The reason I am so doggedly pursuing this idea is because it is critical for young, innovative companies in my home state of Delaware. Take, for example, DeNovix, a small company based in Wilmington. With just six employees, they design, manufacture and sell laboratory equipment that helps scientists innovate and achieve results. As a brand-new company, all of DeNovix' products are in the research and development phase. So at this point, they can't take advantage of the R&D tax credit. A new, innovative company, shut out of support they need at the time they need it most. That seems counterproductive for our economy. So let us fix it. Under the Startup Innovation Credit Act of 2012, DeNovix and companies like them across Delaware and across the country could grow and create jobs with the help of the R&D tax credit.

We can't let tough economic times slow down the power of American ingenuity, especially when history has taught us that now is exactly the time we need to be investing in our innovators. More than half of our Fortune 500 companies were launched during a recession or bear market, so a small business founded this year could become the next General Electric or DuPont if it gets the support it needs.

America's researchers, business leaders, innovators and entrepreneurs are already working to help create jobs and ensure American competitiveness in the global economy. We just have to support and sustain their hard work, and we cannot take the rest of the year off just because there is an election coming up. Even in this difficult, partisan atmosphere, we have to find ways to work together and get things done.

Innovation will drive American economic competitiveness for generations to come, and our job is to help our innovators and entrepreneurs do their jobs. I urge my colleagues to join Senators ENZI, SCHUMER, RUBIO and I in strong support of the Startup Innovation Credit Act of 2012.

By Mr. BROWN of Ohio (for himself, Mr. WICKER, Mr. KERRY, Mr. BLUMENTHAL, Mr. WHITEHOUSE, and Mr. BEGICH):

S. 3461. A bill to amend title IV of the Public Health Service Act to provide for a National Pediatric Research Network, including with respect to pediatric rare diseases or conditions; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWN of Ohio. Mr. President, over the last few years, our country has grappled with rising health care costs.

While we are making strides, there is one area of health care that is lagging behind: pediatric research.

Children comprise 20 percept of the U.S. population, but only about 5 percent of the National Institutes of Health, NIH, extramural research is dedicated to pediatric research.

If this rate of investment is not expanded, discoveries of new treatments and therapies for some of the most devastating childhood diseases and conditions will be hindered, and the next generation of researchers will be discouraged from entering into the field of pediatrics.

That is why I have introduced the National Pediatric Research Network Act. This act seeks to reverse this trend by strengthening and expanding NIH's investments into pediatric research.

This expanded investment will help accelerate new discoveries and directly affect the health and well-being of children throughout our Nation.

My home State of Ohio is home to world-class researchers at topnotch research hospitals and universities.

We must give these institutions, including Cincinnati Children's, Rainbow Babies, Children's Hospital, and Nationwide Children's Hospitals, the resources to partner with other leading researchers across the country.

This legislation creates such an opportunity.

The centerpiece of the legislation will be the authorization of up to 20 National Pediatric Research Consortia.

They are modeled after the exemplary National Cancer Institute, NCI, Centers to help finance efficient and effective, inter-institutional pediatric research.

While NIH is working to advance translational research through Clinical & Translational Science Awards, those centers are far-reaching and focused primarily on adult diseases and clinical research. In contrast, these pediatric centers would be solely dedicated toward pediatric research.

Unlike existing NIH initiatives in which only the largest research institutions receive funds, the legislation envisions that each center will operate in a ''hub and spoke'' framework with one central academic center coordinating research and/or clinical work at numerous auxiliary sites. Encouraging collaboration can help ensure efficiency.

Furthermore, this legislation will encourage research in pediatric rare diseases.

While each rare disease or disorder affects a small patient population, it is important to note that 7,000 rare diseases—such as epidermolysis bullosa, sickle cell anemia, spinal muscular atrophy, Down syndrome, Duchene's muscular dystrophy, and many childhood cancers—affect a combined 30 million Americans and their families.

What is even more devastating is the fact that children with rare genetic diseases account for more than half of the rare disease population in the United States.

As anyone with a rare disease or disorder knows, these patient populations face unique challenges.

It is my hope the National Pediatric Research Network Act will increase our understanding of pediatric diseases, improve treatment and therapies, and create better health care outcomes for our nation's children.

I thank Senators WICKER, WHITEHOUSE, KERRY, BLUMENTHAL, and BEGICH for joining me as original cosponsors.

By Mr. LEAHY (for himself, Mr. GRASSLEY, and Mr. KOHL):

S. 3462. A bill to provide anti-retaliation protections for antitrust whistleblowers; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to join with Senator GRASSLEY and today introduce the Criminal Antitrust Anti-Retaliation Act. This legislation will provide important protections to employees who come forward and disclose to law enforcement price fixing and other criminal antitrust behavior that harm consumers. Senator GRASSLEY and I have a long history of working together on whistleblower issues, and I am glad we can continue this partnership today.

Whistleblowers are instrumental in alerting the public, Congress, and law enforcement to wrongdoing. In many cases, their willingness to step forward has resulted in important reforms and even saved lives. Congress must encourage employees with reasonable beliefs about criminal activity to report such fraud or abuse by offering meaningful protection to those who blow the whistle rather than leaving them vulnerable to reprisals.

The legislation we introduce today was inspired by a recent report and recommendation from the Government Accountability Office which, based on interviews with key stakeholders, found widespread support for anti-retaliatory protection in criminal antitrust cases. It is modeled on the successful anti-retaliation provisions of the Sarbanes Oxley Act, and is carefully drafted to ensure that whistleblowers have no economic incentive to bring forth false claims.

I have long supported vigorous enforcement of the antitrust laws, which have been called the ''Magna Carta of free enterprise.'' Today's legislation is a necessary complement to them. It has bipartisan support and was recommended by the Government Accountability Office. I urge the Senate to quickly take up and pass this important legislation.

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. 3462

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 ''Criminal Antitrust Anti-Retaliation Act''.

SEC. 2. AMENDMENT TO ACPERA.

The Antitrust Criminal Penalty Enhancement and Reform Act of 2004 (Public Law 108–237; 15 U.S.C. 1 note) is amended by adding after section 215 the following:

''SEC. 216. ANTI-RETALIATION PROTECTION FOR WHISTLEBLOWERS.

''(a) WHISTLEBLOWER PROTECTIONS FOR EMPLOYEES, CONTRACTORS, SUBCONTRACTORS, AND AGENTS.—

''(1) IN GENERAL.—No person, or any officer, employee, contractor, subcontractor or agent of such person, may discharge, demote, suspend, threaten, harass, or in any other manner discriminate against a whistleblower in the terms and conditions of employment because—

''(A) the whistleblower provided or caused to be provided to the person or the Federal Government information relating to—

''(i) any violation of, or any act or omission the whistleblower reasonably believes to be a violation of the antitrust laws; or

''(ii) any violation of, or any act or omission the whistleblower reasonably believes to be a violation of another criminal law committed in conjunction with a potential violation of the antitrust laws or in conjunction with an investigation by the Department of Justice of a potential violation of the antitrust laws; or

''(B) the whistleblower filed, caused to be filed, testified, participated in, or otherwise assisted an investigation or a proceeding filed or about to be filed (with any knowledge of the employer) relating to—

''(i) any violation of, or any act or omission the whistleblower reasonably believes to be a violation of the antitrust laws; or

''(ii) any violation of, or any act or omission the whistleblower reasonably believes to be a violation of another criminal law committed in conjunction with a potential violation of the antitrust laws or in conjunction with an investigation by the Department of Justice of a potential violation of the antitrust laws.

''(2) LIMITATION ON PROTECTIONS.—Paragraph (1) shall not apply to any whistleblower if—

''(A) the whistleblower planned and initiated a violation or attempted violation of the antitrust laws;

''(B) the whistleblower planned and initiated a violation or attempted violation of another criminal law in conjunction with a violation or attempted violation of the antitrust laws; or

''(C) the whistleblower planned and initiated an obstruction or attempted obstruction of an investigation by the Department of Justice of a violation of the antitrust laws.

''(3) DEFINITIONS.—In the section:

''(A) PERSON.—The term 'person' has the same meaning as in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)).

''(B) ANTITRUST LAWS.—The term 'antitrust laws' means section 1 or 3 of the Sherman Act (15 U.S.C. 1, 3) or similar State law.

''(C) WHISTLEBLOWER.—The term 'whistleblower' means an employee, contractor, subcontractor, or agent protected from discrimination under paragraph (1).

''(b) ENFORCEMENT ACTION.—

''(1) IN GENERAL.—A whistleblower who alleges discharge or other discrimination by any person in violation of subsection (a) may seek relief under subsection (c) by—

''(A) filing a complaint with the Secretary of Labor; or

''(B) if the Secretary has not issued a final decision within 180 days of the filing of the complaint and there is no showing that such delay is due to the bad faith of the claimant, bringing an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy.

''(2) PROCEDURE.—

''(A) IN GENERAL.—A complaint filed with the Secretary of Labor under paragraph (1)(A) shall be governed under the rules and procedures set forth in section 42121(b)of title 49, United States Code.

''(B) EXCEPTION.—Notification made under section 42121(b)(1) of title 49, United States Code, shall be made to the person named in the complaint and to the employer.

''(C) BURDENS OF PROOF.—A complaint filed with the Secretary of Labor under paragraph (1) shall be governed by the legal burdens of proof set forth in section 42121(b) of title 49, United States Code.

''(D) STATUTE OF LIMITATIONS.—A complaint under paragraph (1)(A) shall be filed with the Secretary of Labor not later than 180 days after the date on which the violation occurs.

''(E) CIVIL ACTIONS TO ENFORCE.—If a person fails to comply with an order or preliminary order issued by the Secretary of Labor pursuant to the procedures in section 42121(b), the Secretary of Labor or the person on whose behalf the order was issued may bring a civil action to enforce the order in the district court of the United States for the judicial district in which the violation occurred.

''(c) REMEDIES.—

''(1) IN GENERAL.—A whistleblower prevailing in any action under subsection (b)(1) shall be entitled to all relief necessary to make the whistleblower whole.

''(2) COMPENSATORY DAMAGES.—Relief for any action under paragraph (1) shall include—

''(A) reinstatement with the same seniority status that the whistleblower would have had, but for the discrimination;

''(B) the amount of back pay, with interest; and

''(C) compensation for any special damages sustained as a result of the discrimination including litigation costs, expert witness fees, and reasonable attorney's fees.

''(d) RIGHTS RETAINED BY WHISTLEBLOWERS.—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any whistleblower under any Federal or State law, or under any collective bargaining agreement.''.

By Mr. FRANKEN (for himself, Mr. LUGAR, Mr. ROCKEFELLER, Ms. COLLINS, Mrs. SHAHEEN, Mr. WYDEN, Mr. BLUMENTHAL, and Mr. BROWN of Ohio):

S. 3463. A bill to amend title XVIII of the Social Security Act to reduce the incidence of diabetes among Medicare beneficiaries; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I am pleased to join today with my colleagues, Senator FRANKEN, Senator LUGAR, Senator COLLINS, Senator SHAHEEN, Senator WYDEN, Senator BLUMENTHAL, and Senator BROWN of Ohio, to introduce an important piece of bipartisan legislation, the Medicare Diabetes Prevention Act of 2012. Our legislation makes a wise investment in seniors' health by extending the proven

success of the National Diabetes Prevention Program to Medicare. Nearly 26 million American adults have diabetes, and if this disturbing trend doesn't stop, over half of the adult population will either have Type 2 diabetes or its precursor, ''prediabetes,'' by 2020.

Sadly, my home State of West Virginia has one of the highest diabetes rates in the Nation. In 2009, approximately 174,000 adults, which is 11 percent of West Virginia adults, had diabetes. According to Centers for Disease Control estimates, as many as 50 percent of the nearly 380,000 people with Medicare in West Virginia may be at risk of developing this serious, but preventable, illness. If current trends continue, one in three children born in West Virginia after the year 2000 will develop diabetes within his or her lifetime and people with diabetes risk developing terrible complications down the road, including heart disease, stroke, blindness, and amputations.

Diabetes is also one of the main cost drivers in our health care system. The direct economic burden of diabetes was $116 billion for medical expenses and indirect costs totaled $58 billion due to disability, work loss, or premature death in 2007. The costs associated with this preventable disease for Medicare beneficiaries are expected to grow to $2 trillion over the 2011 to 2020 period.

We simply cannot stand idly by in the face of such overwhelming statistics—and fortunately, there is a way to prevent Type 2 diabetes. The National Diabetes Prevention Program, NDPP, is an innovative approach that has demonstrated its effects in preventing the onset of Type 2 diabetes. The NDPP is a proven, community-based intervention that focuses on changing lifestyle behaviors of prediabetic overweight or obese adults through activities that improve dietary choices and increase physical activity in a group setting. In a large-scale clinical trial that has been replicated in community settings, NDPP successfully reduced the onset of diabetes by 58 percent overall and 71 percent in adults over 60.

Because of the impressive success of the National Diabetes Prevention Program, I believe our seniors should have access to its benefits. The Medicare Diabetes Prevention Act of 2012 will help seniors prevent Type 2 diabetes by allowing Medicare to provide the National Diabetes Prevention Program through community settings like the YMCA, local health departments, or even the local church, reaching people with Medicare wherever they live. In the past, physicians have had few tools for their patients who are found to be at risk of diabetes. Under this bill, if a senior is found at risk for diabetes, for example, through their annual wellness visit, their doctor will be able to refer them to an NDPP program in their area.

Unlike Medicare, which needs a Federal legislative change to cover this program, State Medicaid programs already have the authority to pay for this innovative initiative, and it is my hope that more states will do so. By 2020, Medicaid is expected to cover 13 million people with diabetes and about 9 million people who may have pre-diabetes, and states will spend an estimated $83 billion on individuals with diabetes or pre-diabetes. The National Diabetes Prevention program presents an opportunity for States to reduce the incidence of diabetes among individuals enrolled in their Medicaid programs, an especially strategic investment when combined with the expansion of the Medicaid program under health reform.

The coverage of proven solutions under Medicare is nothing new. Yet, rather than providing a traditional drug or procedure, NDPP allows at-risk individuals to change their lifestyles through a community intervention. Implementing NDPP is a unique response to the alarming and escalating rates of diabetes. This public health solution has demonstrated tangible results that can enable our country to prevent diabetes, while reducing health care costs. The NDPP is a strategic and cost-effective intervention that costs less than $500 per person to deliver, compared to the estimated $15,000 per year spent on each Medicare beneficiary with diabetes. According to the Urban Institute, implementing the NDPP nationally could save $191 billion over the next 10 years, with 75 percent of the savings, $142.9 billion, going to the Medicare and Medicaid programs.

Better yet, the National Diabetes Prevention Program is a job creator, bringing diabetes trainers to more communities nationwide to provide the program. West Virginia has already received funding from the Centers for Disease Control and Prevention through a Community Transformation Grant that will allow the State to train at least 100 community health workers to help disseminate the Diabetes Prevention Program in the State over the next 5 years.

The Medicare Diabetes Prevention Act has been endorsed by the American Diabetes Association, American Heart Association, American Public Health Association, National Association of Chronic Disease Directors, National Association of State Long-Term Care Ombudsman Programs, National Council on Aging, Novo Nordisk, Trust for America's Health, the YMCA of the USA, and State YMCA affiliates in over 45 States. With so many Americans at risk for developing diabetes and its potentially severe complications, today is the right time for Medicare to extend the proven National Diabetes Prevention Program as a covered benefit to seniors.

I urge my colleagues to support this timely and important piece of legislation.

By Mr. JOHNSON of South Dakota:

S. 3464. A bill to amend the Mni Wiconi Project Act of 1988 to facilitate completion of the Mni Wiconi Rural Water Supply System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. JOHNSON of South Dakota. Mr. President, today I introduced legislation to facilitate completion of the Mni Wiconi Rural Water System. The Mni Wiconi Project provides quality drinking water to three Indian Reservations and a non-tribal rural water system in western South Dakota that have historically faced insufficient and, in too many cases, unsafe drinking water.

I have been involved with this project for the entirety of my 25 year congressional career, including sponsoring authorizing legislation that was ultimately enacted in 1988. In authorizing the project, Congress found that the United States has a trust responsibility to ensure that adequate and safe water supplies are available to meet the economic, environmental, water supply, and public health needs of the Pine Ridge Indian Reservation, Rosebud Indian Reservation, and Lower Brule Indian Reservation. With treated drinking water from the Missouri River now reaching most of the three reservations, as well as the 7 county area of the West River/Lyman-Jones Rural Water System, we are very close to completing this critically important project.

Unfortunately, appropriations have failed to keep pace with projected timelines, and additional costs have cut into construction funding. Accordingly, the project requires an increase in the cost ceiling and extension of its authorization in order to be completed and serve the design population. Without an adjustment to the cost ceiling, some portions of the Oglala Sioux Rural Water Supply System and Rosebud Sioux Rural Water System will remain incomplete. The legislation I have introduced today addresses this shortfall and other important aspects of the project. The legislation also directs other Federal agencies that support rural water development to assist the Bureau of Reclamation in improving and repairing existing community water systems that are important components of the project.

Our Federal responsibility to address the tremendous need for adequate and safe drinking water supplies on the Pine Ridge, Rosebud and Lower Brule Indian Reservations remains as important today as it was 25 years ago. I look forward to working with my colleagues to advance this modest but important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 534—CONGRATULATING THE NAVY DENTAL CORPS ON ITS 100TH ANNIVERSARY

Mr. MANCHIN submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 534

Whereas on August 22, 1912, Congress passed an Act recognizing Navy dentistry as a distinct branch among naval medical professions;

Whereas throughout history, the Navy Dental Corps has supported the Navy by sustaining sailor and marine readiness and providing routine and emergency dental care, ashore and afloat, in peace and in war;

Whereas the Navy Dental Corps works continuously to improve the health of sailors, marines, and their families by supporting individual and community prevention initiatives, good oral hygiene practices, and treatment;

Whereas the Navy Dental Corps endeavors to improve oral health worldwide by participating in the spectrum of military combat, peacekeeping, and humanitarian operations and exercises;

Whereas the Navy Dental Corps, in collaboration with national and international dental organizations, promotes dental professionalism and quality of care;

Whereas the Navy Dental Corps supports the mission of the Federal dental research program and endorses improved dental technologies and therapies through research and adherence to sound scientific principles; and

Whereas the Navy Dental Corps recognizes the importance of continuing professional dental education, requiring and supporting specialty dental education and postgraduate residencies and fellowships for its members: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Navy Dental Corps on its 100th anniversary;

(2) commends the Navy Dental Corps for working to sustain the dental readiness and the oral health of a superb fighting force; and

(3) recognizes the thousands of dentists who have served in the Navy Dental Corps over the last 100 years, providing dental care to millions of members of the Armed Forces and their families.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2665. Mr. JOHNSON of Wisconsin submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table.

SA 2666. Mr. JOHNSON of Wisconsin submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2667. Mr. JOHNSON of Wisconsin submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2668. Mr. RUBIO (for himself, Mrs. MCCASKILL, Mr. TOOMEY, Mr. BARRASSO, Ms. AYOTTE, Mrs. SHAHEEN, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2669. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2670. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2671. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2672. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2673. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2674. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2675. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2645 submitted by Mr. BINGAMAN and intended to be proposed to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2676. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2677. Mr. WHITEHOUSE (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2678. Mr. WHITEHOUSE (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2679. Mr. WHITEHOUSE (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2680. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2681. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2682. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2683. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2684. Mr. MCCONNELL (for himself, Mr. HATCH, Mr. KYL, Mr. HOEVEN, Mr. RUBIO, Mrs. HUTCHISON, Mr. ROBERTS, Mr. VITTER, Mr. GRASSLEY, Mr. BARRASSO , Mr. COBURN, Mr. COATS, Mr. INHOFE, Mr. WICKER , and Mr. JOHANNS) submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2685. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2686. Mrs. GILLIBRAND (for herself and Mr. BENNET) submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2687. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2688. Mr. WYDEN (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2689. Mr. BENNET (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2690. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2691. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2692. Mrs. HUTCHISON (for herself, Mr. MCCAIN, Mr. CHAMBLISS, Mr. GRASSLEY, Ms. MURKOWSKI, Mr. COATS, Mr. BURR, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2693. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2694. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2695. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2696. Mr. MCCAIN (for himself, Mrs. HUTCHISON, Mr. CHAMBLISS, Mr. GRASSLEY, Ms. MURKOWSKI, Mr. COATS, Mr. BURR, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2697. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2698. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2699. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2700. Mr. ROCKEFELLER (for himself, Mrs. FEINSTEIN, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2701. Mr. FRANKEN (for himself, Mr. PAUL, Mr. WYDEN, Mr. AKAKA, Mr. COONS, Mr. BLUMENTHAL, Mr. SANDERS, Mr. UDALL of New Mexico, Mr. MERKLEY, Mr. SCHUMER, Ms. CANTWELL, Mrs. SHAHEEN, Mr. BEGICH, Mr. DURBIN, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2702. Mr. FRANKEN (for himself, Mr. PAUL, Mr. WYDEN, Mr. AKAKA, Mr. COONS, Mr. BLUMENTHAL, Mr. SANDERS, Mr. UDALL of New Mexico, Mr. MERKLEY, Mr. SCHUMER, Ms. CANTWELL, Mrs. SHAHEEN, Mr. BEGICH, Mr. DURBIN, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2703. Mr. FRANKEN (for himself, Mr. PAUL, Mr. WYDEN, Mr. AKAKA, Mr. COONS, Mr. BLUMENTHAL, Mr. SANDERS, Mr. UDALL of New Mexico, Mr. MERKLEY, Mr. SCHUMER, Ms. CANTWELL, Mrs. SHAHEEN, Mr. BEGICH, Mr. DURBIN, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2704. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2705. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2706. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2707. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2708. Ms. CANTWELL submitted an amendment intended to be proposed by her

to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2709. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2710. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2711. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2712. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2713. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2714. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2715. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2716. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2717. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2718. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2719. Mr. KOHL (for himself, Mr. WHITEHOUSE, and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2720. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2721. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2722. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2723. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2724. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2725. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2726. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2727. Mr. BLUMENTHAL (for himself, Mr. SCHUMER, Ms. KLOBUCHAR, Mr. WYDEN, Mr. AKAKA, Mr. SANDERS, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2728. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2729. Mr. WARNER (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2730. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2731. Mr. REID (for Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. ROCKEFELLER, Mrs. FEINSTEIN, and Mr. CARPER)) proposed an amendment to the bill S. 3414, supra.

SA 2732. Mr. REID (for Mr. FRANKEN) proposed an amendment to amendment SA 2731 proposed by Mr. REID (for Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. ROCKEFELLER, Mrs. FEINSTEIN, and Mr. CARPER)) to the bill S. 3414, supra.

SA 2733. Mr. REID proposed an amendment to the bill S. 3414, supra.

SA 2734. Mr. REID proposed an amendment to amendment SA 2733 proposed by Mr. REID to the bill S. 3414, supra.

SA 2735. Mr. REID proposed an amendment to the bill S. 3414, supra.

SA 2736. Mr. REID proposed an amendment to amendment SA 2735 proposed by Mr. REID to the bill S. 3414, supra.

SA 2737. Mr. REID proposed an amendment to amendment SA 2736 proposed by Mr. REID to the amendment SA 2735 proposed by Mr. REID to the bill S. 3414, supra.

SA 2738. Ms. SNOWE (for herself and Mr. WARNER) submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2739. Mrs. GILLIBRAND (for herself and Mr. BENNET) submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2740. Mr. LIEBERMAN (for Mr. NELSON of Florida) proposed an amendment to the resolution S. Res. 525, honoring the life and legacy of Oswaldo Paya Sardinas.

SA 2741. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table.

SA 2742. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2665. Mr. JOHNSON of Wisconsin submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LIMITATION ON REGULATIONS.

(a) IN GENERAL.—The head of a Federal agency may not issue regulations, standards, or practices that are applicable to the private sector under this Act or an amendment made by this Act until after the date on which the Comptroller General of the United States submits to Congress a report stating that the information infrastructure of the Federal agency is in compliance with the regulations, standards, or practices.

(b) GAO REVIEW.—Upon request by the head of a Federal agency, the Comptroller General of the United States shall—

(1) review the information infrastructure of the Federal agency to determine whether the information infrastructure is in compliance with proposed regulations, standards, or practices; and

(2) submit to Congress a report regarding the conclusion of the review under paragraph (1).

SA 2666. Mr. JOHNSON of Wisconsin submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 8, after line 22, insert the following:

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b)(2), this Act and the amendments made by this Act shall not take effect until 60 days after the date on which the Congressional Budget Office submits to Congress a report regarding the budgetary effects of this Act.

(b) CBO SCORE.—

(1) REPORT.—The Congressional Budget Office shall submit to Congress a report regarding the budgetary effects of this Act.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date of enactment of this Act

(c) PUBLIC HEARINGS.—Not later than 60 days after the date on which the Congressional Budget Office submits the report described in subsection (b)(1) to Congress, the head of each agency with responsibility for regulating the security of critical infrastructure under this Act shall hold a public hearing to allow members of the public and industry to comment on the impact of the budgetary effects of this Act.

SA 2667. Mr. JOHNSON of Wisconsin submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 8, after line 22, insert the following:

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b)(2), this Act and the amendments made by this Act shall not take effect until—

(1) the date on which the Congressional Budget Office submits to Congress a report regarding the budgetary effects of this Act; or

(2) if the report regarding the budgetary effects submitted under subsection (b)(1) determines that the cost of this Act is more than $100,000,000, 60 days after the date on which the determination is published in the Federal Register under subsection (b)(1)(B).

(b) CBO SCORE.—

(1) REPORT.—The Congressional Budget Office shall—

(A) submit to Congress a report regarding the budgetary effects of this Act; and

(B) if the report regarding the budgetary effects described in subparagraph (A) determines that the cost of this Act is more than $100,000,000, publish such determination in the Federal Register and allow public comment during the 60-day period beginning on the date on which such determination is published.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date of enactment of this Act.

SA 2668. Mr. RUBIO (for himself, Mrs. MCCASKILL, Mr. TOOMEY, Mr. BARRASSO, Ms. AYOTTE, Mrs. SHAHEEN, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance

the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 165, line 21, strike ''of the United States, including'' and all that follows through line 23 and insert the following:
of the United States.

(b) ADDITIONAL SENSE OF CONGRESS.—

(1) FINDINGS.—Congress finds the following:

(A) Given the importance of the Internet to the global economy, it is essential that the Internet remain stable, secure, and free from government control.

(B) The world deserves the access to knowledge, services, commerce, and communication, the accompanying benefits to economic development, education, and health care, and the informed discussion that is the bedrock of democratic self-government that the Internet provides.

(C) The structure of Internet governance has profound implications for competition and trade, democratization, free expression, and access to information.

(D) Countries have obligations to protect human rights, which are advanced by online activity as well as offline activity.

(E) The ability to innovate, develop technical capacity, grasp economic opportunities, and promote freedom of expression online is best realized in cooperation with all stakeholders.

(F) Proposals have been put forward for consideration at the 2012 World Conference on International Telecommunications that would fundamentally alter the governance and operation of the Internet.

(G) The proposals, in international bodies such as the United Nations General Assembly, the United Nations Commission on Science and Technology for Development, and the International Telecommunication Union, would attempt to justify increased government control over the Internet and would undermine the current multistakeholder model that has enabled the Internet to flourish and under which the private sector, civil society, academia, and individual users play an important role in charting its direction.

(H) The proposals would diminish the freedom of expression on the Internet in favor of government control over content.

(I) The position of the United States Government has been and is to advocate for the flow of information free from government control.

(J) This and past Administrations have made a strong commitment to the multistakeholder model of Internet governance and the promotion of the global benefits of the Internet.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of State, in consultation with the Secretary of Commerce, should continue working to implement the position of the United States on Internet governance that clearly articulates the consistent and unequivocal policy of the United States to promote a global Internet free from government control and preserve and advance the successful multistakeholder model that governs the Internet today.

SA 2669. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Beginning on page 154, strike line 9 and all that follows through page 156, line 13.

SA 2670. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Strike paragraph (10) of section 707(a).

SA 2671. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Beginning on page 124, strike line 7 and all that follows through page 128, line 14.

SA 2672. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 115, between lines 8 and 9, insert the following:

''(10) assist the development and demonstration of technologies designed to increase the security and resiliency of the electricity transmission and distribution grid;

SA 2673. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CAPPING AND REDUCING THE BALANCE SHEET OF THE FEDERAL RESERVE SYSTEM.

(a) IN GENERAL.—Notwithstanding any other provision of law, no action may be taken by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee on or after the date of enactment of this Act that would result in the total of the factors affecting reserve balances of depository institutions exceeding the balance as of July 27, 2012.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Federal Reserve System should expeditiously take substantial steps to reduce the size of its balance sheet to levels below those that prevailed prior to the financial crisis of 2008.

SA 2674. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPEAL OF DODD-FRANK ACT.

The Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203) is repealed, and the provisions of law amended by such Act are revived or restored as if such Act had not been enacted.

SA 2675. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2645 submitted by Mr. BINGAMAN and intended to be proposed to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. EMERGENCY AUTHORITY RELATING TO CYBER SECURITY THREATS.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding at the end the following:

''SEC. 224. EMERGENCY AUTHORITY RELATING TO CYBER SECURITY THREATS.

''(a) DEFINITIONS.—In this section:

''(1) CRITICAL ELECTRIC INFRASTRUCTURE.—The term 'critical electric infrastructure' means systems and assets, whether physical or virtual, used for the generation, transmission, or distribution of electric energy affecting interstate commerce that, as determined by the Commission or the Secretary (as appropriate), are so vital to the United States that the incapacity or destruction of the systems and assets would have a debilitating impact on national security, national economic security, or national public health or safety.

''(2) CYBER SECURITY THREAT.—The term 'cyber security threat' means the imminent danger of an act that disrupts, attempts to disrupt, or poses a significant risk of disrupting the operation of programmable electronic devices or communications networks (including hardware, software, and data) essential to the reliable operation of critical electric infrastructure.

''(3) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

''(b) EMERGENCY AUTHORITY OF SECRETARY.—

''(1) IN GENERAL.—If the Secretary determines that immediate action is necessary to protect critical electric infrastructure from a cyber security threat, the Secretary may require, by order, with or without notice, persons subject to the jurisdiction of the Commission to take such actions as the Secretary determines will best avert or mitigate the cyber security threat.

''(2) COORDINATION WITH CANADA AND MEXICO.—In exercising the authority granted under this subsection, the Secretary is encouraged to consult and coordinate with the appropriate officials in Canada and Mexico responsible for the protection of cyber security of the interconnected North American electricity grid.

''(3) CONSULTATION.—Before exercising the authority granted under this subsection, to the extent practicable, taking into account the nature of the threat and urgency of need for action, the Secretary shall consult with any entity that owns, controls, or operates critical electric infrastructure and with officials at other Federal agencies, as appropriate, regarding implementation of actions that will effectively address the identified cyber security threat.

''(4) COST RECOVERY.—The Commission shall establish a mechanism that permits public utilities to recover prudently incurred costs required to implement immediate actions ordered by the Secretary under this subsection.

''(c) DURATION OF EXPEDITED OR EMERGENCY RULES OR ORDERS.—Any order issued by the Secretary under subsection (b) shall remain effective for not more than 90 days unless, during the 90 day-period, the Secretary—

''(1) gives interested persons an opportunity to submit written data, views, or arguments; and

''(2) affirms, amends, or repeals the rule or order.''.

SA 2676. Ms. MURKOWSKI submitted an amendment intended to be proposed

by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Beginning on page 153, strike line 15 and all that follows through page 154, line 8, and insert the following:

SEC. 414. REPORT ON PROTECTING THE ELECTRICAL GRID OF THE UNITED STATES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy, in consultation with the Federal Energy Regulatory Commission, the Secretary, the Director of National Intelligence, and the electric sector coordinating council shall submit to Congress a report on—

(1) the threat of a cyber attack disrupting the electrical grid of the United States;

(2) the existing standards, alerts, and mitigation strategies in place;

(3) the implications for the national security of the United States if the electrical grid is disrupted;

(4)(A) the interdependency of critical infrastructures; and

(B) the options available to the United States and private sector entities to reconstitute—

(i) as soon as practicable after the disruption, electrical service to provide for the national security of the United States; and

(ii) within a reasonable time frame after the disruption, all electrical service within the United States; and

(5) a plan, building on existing efforts, to prevent disruption of the electric grid of the United States caused by a cyber attack.

(b) REQUIREMENTS.—In preparing the report under subsection (a), the Secretary of Energy shall use any existing studies or reports to avoid duplication of effort.

SA 2677. Mr. WHITEHOUSE (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 166, line 19, strike ''coordinate'' and insert ''collaborate''.

On page 166, line 23, strike ''to develop'' and insert ''on''.

On page 166, beginning on line 24, strike ''cyberspace, cybersecurity, and cybercrime issues'' and insert ''cyber issues''.

On page 167, line 11, after ''State'' insert ''and the Attorney General''.

On page 168, line 15, after ''State'' insert ''and the Attorney General''.

On page 168, line 17, after ''State'' insert ''and the Attorney General''.

SA 2678. Mr. WHITEHOUSE (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 91, between lines 12 and 13, insert the following:

''(16) PROTECT.—The term 'protect' means the action of securing, defending, or reducing the vulnerabilities of an information system, or otherwise enhancing information security or the resiliency of information systems or assets.

''(17) PROTECTION.—The term 'protection' means the actions undertaken to secure, defend, or reduce the vulnerabilities of an information system, or otherwise enhance information security or the resiliency of information systems or assets.

''(18) RESPOND AND RESPONSE.—The terms 'respond' and 'response' in relation to cybersecurity threats, vulnerabilities, or incidents do not include directing cybersecurity threat and incident law enforcement investigations or prosecutions.

On page 95, line 10, strike ''security'' and insert ''protection''.

On page 99, after line 25, insert the following:

''(m) LAW ENFORCEMENT AND INTELLIGENCE AUTHORITIES.—Nothing in this section shall be construed to alter or amend the law enforcement or intelligence authorities of any Federal agency.

SA 2679. Mr. WHITEHOUSE (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

SEC. 416. REPORT ON FEDERAL LAW ENFORCEMENT CYBERSECURITY AND CYBERCRIME RESOURCES.

(a) DEFINITIONS.—In this section—

(1) the term ''covered law enforcement agency'' means each law enforcement component of—

(A) the Department of Justice; and

(B) the Department of Homeland Security; and

(2) the term ''mission'' means the portion of a cybersecurity mission that encompasses law enforcement and intelligence activities.

(b) REPORT.—

(1) IN GENERAL.—The Attorney General shall enter into a contract with the National Research Council, or another federally funded research and development corporation, under which the National Research Council or other corporation shall submit to Congress a report on the current and optimal level and structure of cybersecurity and cybercrime resources of each covered law enforcement agency.

(2) CONTENTS.—The report described in paragraph (1) shall—

(A) identify the elements of the mission of each covered law enforcement agency;

(B) describe the challenges involved in the mission of each covered law enforcement agency, including—

(i) any challenges in cybercrime prosecutions, such as the need for advanced forensics expertise and resources;

(ii) the complexity of relevant Federal laws, State laws, international laws, and treaty obligations of the United States;

(iii) the need to coordinate with members of the intelligence community;

(iv) the need to protect classified or sensitive information while abiding by relevant law regarding the disclosure of exculpatory evidence and other discoverable information to a criminal defendant; and

(v) any other challenges that the report may identify;

(C) identify the current resources brought to bear by each covered law enforcement agency in pursuing the mission of that agency, differentiating between—

(i)(I) personnel who focus exclusively on supporting the mission; and

(II) personnel who hold multiple or competing responsibilities;

(ii)(I) operational personnel; and

(II) personnel who hold primarily management, policy making, or support responsibilities;

(iii)(I) personnel working at headquarters; and

(II) personnel working in the field; and

(iv)(I) personnel with specialized training and duties relating to national cybersecurity; and

(II) personnel with general technical training;

(D) identify areas in which the level and structure of current resources is inadequate for any covered law enforcement agency to perform the mission of that agency;

(E) identify the optimal level of resources that would enable each covered law enforcement agency to perform the mission of that agency most effectively without unnecessary government waste;

(F) identify the optimal structure of the cybersecurity and cybercrime resources of each covered law enforcement agency, considering existing models within—

(i) the Department of Justice, including task forces and strike forces; and

(ii) agencies such as the Drug Enforcement Administration and the Bureau of Alcohol, Tobacco, Firearms, and Explosives; and

(G) evaluate the future or developing needs of each covered law enforcement agency, including the resources that the agency will need to perform the mission of that agency in the future.

(3) TIMING.—The contract entered into under paragraph (1) shall require that the report described in this subsection be submitted not later than 1 year after the date of enactment of this Act.

SA 2680. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

SEC. 606. RULE OF CONSTRUCTION.

Nothing in this Act may be construed as authorizing the President to enter the United States into a treaty or binding international agreement on cybersecurity unless such treaty or agreement is approved with the advice and consent of the Senate pursuant to Article II, section 2, clause 2 of the Constitution.

SA 2681. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Beginning on page 46, strike line 6 and all that follows through page 57, line 3, and insert the following:

''(4) provide a mechanism to improve and continuously monitor the security of agency information security programs and systems, subject to the protection of the privacy of individual or customer-specific data, through a focus on continuous monitoring of agency information systems and streamlined reporting requirements rather than overly prescriptive manual reporting.

''SEC. 3552. DEFINITIONS.

''(a) IN GENERAL.—Except as provided under subsection (b), the definitions under section 3502 (including the definitions of the terms 'agency' and 'information system') shall apply to this subchapter.

''(b) OTHER TERMS.—In this subchapter:

''(1) ADEQUATE SECURITY.—The term 'adequate security' means security commensurate with the risk and impact resulting from the unauthorized access to or loss, misuse, destruction, or modification of information.

''(2) CONTINUOUS MONITORING.—The term 'continuous monitoring' means the ongoing real time or near real time process used to determine if the complete set of planned, required, and deployed security controls within an agency information system continue to be effective over time in light of rapidly changing information technology and threat development. To the maximum extent possible, subject to the protection of the privacy of individual or customer-specific data, this also requires automation of that process to enable cost effective, efficient, and consistent monitoring and provide a more dynamic view of the security state of those deployed controls.

''(3) COUNTERMEASURE.—The term 'countermeasure' means automated or manual actions with defensive intent to modify or block data packets associated with electronic or wire communications, Internet traffic, program code, or other system traffic transiting to or from or stored on an information system for the purpose of protecting the information system from cybersecurity threats, conducted on an information system owned or operated by or on behalf of the party to be protected or operated by a private entity acting as a provider of electronic communication services, remote computing services, or cybersecurity services to the party to be protected.

''(4) INCIDENT.—The term 'incident' means an occurrence that—

''(A) actually or imminently jeopardizes, without lawful authority, the integrity, confidentiality, or availability of agency information or an agency information system; or

''(B) constitutes a violation or imminent threat of violation of law, security policies, security procedures, or acceptable use policies.

''(5) INFORMATION SECURITY.—The term 'information security' means protecting agency information and information systems from unauthorized access, use, disclosure, disruption, modification, or destruction in order to provide—

''(A) integrity, which means guarding against improper information modification or destruction, and includes ensuring nonrepudiation and authenticity;

''(B) confidentiality, which means preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; and

''(C) availability, which means ensuring timely and reliable access to and use of information.

''(6) INFORMATION TECHNOLOGY.—The term 'information technology' has the meaning given that term in section 11101 of title 40.

''(7) NATIONAL SECURITY SYSTEM.—

''(A) IN GENERAL.—The term 'national security system' means any information system (including any telecommunications system) used or operated by an agency or by a contractor of an agency, or other organization on behalf of an agency—

''(i) the function, operation, or use of which—

''(I) involves intelligence activities;

''(II) involves cryptologic activities related to national security;

''(III) involves command and control of military forces;

''(IV) involves equipment that is an integral part of a weapon or weapons system; or

''(V) subject to subparagraph (B), is critical to the direct fulfillment of military or intelligence missions; or

''(ii) that is protected at all times by procedures established for information that have been specifically authorized under criteria established by an Executive order or an Act of Congress to be kept classified in the interest of national defense or foreign policy.

''(B) EXCLUSION.—Subparagraph (A)(i)(V) does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

''(8) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

''SEC. 3553. FEDERAL INFORMATION SECURITY AUTHORITY AND COORDINATION.

''(a) IN GENERAL.—Except as provided in subsections (f) and (g), the Secretary shall oversee agency information security policies and practices, including the development and oversight of information security policies and directives and compliance with this subchapter.

''(b) DUTIES.—The Secretary shall—

''(1) develop, issue, and oversee the implementation of information security policies and directives, which shall be compulsory and binding on agencies to the extent determined appropriate by the Secretary, including—

''(A) policies and directives consistent with the standards promulgated under section 11331 of title 40 to identify and provide information security protections that are commensurate with the risk and impact resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of—

''(i) information collected, created, processed, stored, disseminated, or otherwise used or maintained by or on behalf of an agency; or

''(ii) information systems used or operated by an agency or by a contractor of an agency or other organization, such as a State government entity, on behalf of an agency;

''(B) minimum operational requirements for network operations centers and security operations centers of agencies to facilitate the protection of and provide common situational awareness for all agency information and information systems;

''(C) reporting requirements, consistent with relevant law, regarding information security incidents;

''(D) requirements for agencywide information security programs, including continuous monitoring of agency information systems;

''(E) performance requirements and metrics for the security of agency information systems;

''(F) training requirements to ensure that agencies are able to fully and timely comply with directions issued by the Secretary under this subchapter;

''(G) training requirements regarding privacy, civil rights, civil liberties, and information oversight for agency information security employees;

''(H) requirements for the annual reports to the Secretary under section 3554(c); and

''(I) any other information security requirements as determined by the Secretary;

''(2) review agency information security programs required to be developed under section 3554(b);

''(3) develop and conduct targeted risk assessments and operational evaluations for agency information and information systems in consultation with the heads of other agencies or governmental and private entities that own and operate such systems, that may include threat, vulnerability, and impact assessments and penetration testing;

''(4) operate consolidated intrusion detection, prevention, or other protective capabilities and use associated countermeasures for the purpose of protecting agency information and information systems from information security threats;

''(5) in conjunction with other agencies and the private sector, assess and foster the development of information security technologies and capabilities for use across multiple agencies;

''(6) designate an entity to receive reports and information about information security incidents, threats, and vulnerabilities affecting agency information systems;

''(7) provide incident detection, analysis, mitigation, and response information and remote or on-site technical assistance to the heads of agencies;

''(8) coordinate with appropriate agencies and officials to ensure, to the maximum extent feasible, that policies and directives issued under paragraph (1) are complementary with—

''(A) standards and guidelines developed for national security systems; and

''(B) policies and directives issues by the Secretary of Defense, Director of the Central Intelligence Agency, and Director of National Intelligence under subsection (g)(1);

''(9) not later than March 1 of each year, submit to Congress a report on agency compliance with the requirements of this subchapter, which shall include—

''(A) a summary of the incidents described by the reports required in section 3554(c);

''(B) a summary of the results of assessments required by section 3555;

''(C) a summary of the results of evaluations required by section 3556;

''(D) significant deficiencies in agency information security practices as identified in the reports, assessments, and evaluations referred to in subparagraphs (A), (B), and (C), or otherwise; and

''(E) planned remedial action to address any deficiencies identified under subparagraph (D); and

''(10) with respect to continuous monitoring reporting, allow operators of agency information systems to use processes that will protect the privacy of individual or nongovernment customer specific data.

''(c) ISSUING POLICIES AND DIRECTIVES.—When issuing policies and directives under subsection (b), the Secretary shall consider any applicable standards or guidelines developed by the National Institute of Standards and Technology and issued by the Secretary of Commerce under section 11331 of title 40. The Secretary shall consult with the Director of the National Institute of Standards and Technology when such policies and directives implement standards or guidelines developed by National Institute of Standards and Technology. To the maximum extent feasible, such standards and guidelines shall be complementary with standards and guidelines developed for national security systems.

''(d) COMMUNICATIONS AND SYSTEM TRAFFIC.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, in carrying out the responsibilities under paragraphs (3) and (4) of subsection (b), if the Secretary makes a certification described in paragraph (2), the Secretary may acquire, intercept, retain, use, and disclose communications and other system traffic that are transiting to or from or stored on agency information systems and deploy countermeasures with regard to the communications and system traffic, unless the head of an agency determines within a reasonable time, and reports to the President, that such acquisition, interception, retention, use, or disclosure is contrary to the public interest and would seriously undermine important agency goals, activities, or programs.

''(2) CERTIFICATION.—A certification described in this paragraph is a certification by the Secretary that—

''(A) the acquisitions, interceptions, and countermeasures are reasonably necessary

for the purpose of protecting agency information systems from information security threats;

''(B) the content of communications will be collected and retained only when the communication is associated with a known or reasonably suspected information security threat, and communications and system traffic will not be subject to the operation of a countermeasure unless associated with the threats;

''(C) information obtained under activities authorized under this subsection will only be retained, used, or disclosed to protect agency information systems from information security threats, mitigate against such threats, or, with the approval of the Attorney General, for law enforcement purposes when—

''(i) the information is evidence of a cybersecurity crime that has been, is being, or is about to be committed; and

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SA 2682. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ANNUAL REPORT ON FOREIGN GOVERNMENT SPONSORS OF ECONOMIC OR INDUSTRIAL ESPIONAGE.

(a) IN GENERAL.—Subject to subsection (c), not later than 180 days after the date of enactment of this Act, and annually thereafter, the National Counterintelligence Executive shall submit to Congress, the President, the National Security Council, the Secretary of State, the Secretary of Defense, the Secretary of the Treasury, and the Secretary of Commerce—

(1) an unclassified report that contains a list of foreign governments that the National Counterintelligence Executive determines engage in, sponsor, or condone economic or industrial espionage against United States businesses or other persons; and

(2) a classified report that includes—

(A) the report submitted under paragraph (1); and

(B) the information upon which the determinations of the National Counterintelligence Executive under paragraph (1) are based.

(b) INFORMATION.—In preparing a report under subsection (a), the National Counterintelligence Executive shall rely primarily on information available to the United States Government.

(c) REVIEW BY SECRETARY OF STATE.—

(1) SUBMISSION OF REPORT FOR REVIEW.—Not later than 30 days before the date on which the National Counterintelligence Executive submits a report required under subsection (a), the National Counterintelligence Executive shall submit the report to the Secretary of State.

(2) FEEDBACK.—The Secretary of State may provide feedback to the National Counterintelligence Executive with respect to a report submitted to the Secretary of State under paragraph (1).

(3) DELAY.—Upon the request of the Secretary of State, the National Counterintelligence Executive shall delay the submission of a report under subsection (a) for a period of not more than 60 days.

SA 2683. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 503. DEPARTMENT OF DEFENSE PROVISION FOR THE COMMON DEFENSE OF FEDERAL INFORMATION INFRASTRUCTURE IN FEDERAL CYBER EMERGENCIES.

(a) AUTHORITY FOR PRESIDENT TO DIRECT.—The President shall have the authority to direct the Department of Defense to provide for the common defense of Federal information infrastructure in the event of a Federal cyber emergency.

(b) FEDERAL CYBER EMERGENCY.—For purposes of this section, a Federal cyber emergency is an incident that threatens the viability of Federal information infrastructure necessary for maintaining critical Federal government functions or operations.

(c) SCOPE.—The authorities exercised by the Department of Defense pursuant to subsection (a) may, as directed by the President under that subsection, including the authorities in section 3553 of title 44, United States Code (as amended by section 201 of this Act).

(d) DURATION OF AUTHORITY.—Any direction of the Department of Defense to provide for the common defense of Federal information infrastructure in the event of a Federal cyber emergency under subsection (a) shall be for such period, not to exceed seven days, as the President shall direct under that subsection.

(e) NOTICE TO CONGRESS.—The President shall notify Congress immediately upon directing the Department of Defense to provide for the common defense of Federal information infrastructure under subsection (a), and shall provide daily updates to Congress thereafter until the authority to provide for such defense expires.

(f) CONSTRUCTION.—Nothing in this section shall be construed to grant the Department of Defense authority, jurisdiction, or control over any non-Federal information infrastructure.

SA 2684. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE __—REPEAL OF OBAMACARE

SEC. ___. REPEAL OF OBAMACARE.

(a) FINDINGS.—Congress finds the following with respect to the impact of Public Law 111–148 and related provisions of Public Law 111–152 (collectively referred to in this section as ''the law''):

(1) President Obama promised the American people that if they liked their current health coverage, they could keep it. But even the Obama Administration admits that tens of millions of Americans are at risk of losing their health care coverage, including as many as 8 in 10 plans offered by small businesses.

(2) Despite projected spending of more than two trillion dollars over the next 10 years, cutting Medicare by more than one-half trillion dollars over that period, and increasing taxes by over $800 billion dollars over that period, the law does not lower health care costs. In fact, the law actually makes coverage more expensive for millions of Americans. The average American family already paid a premium increase of approximately $1,200 in the year following passage of the law. The Congressional Budget Office (CBO) predicts that health insurance premiums for individuals buying private health coverage on their own will increase by $2,100 in 2016 compared to what the premiums would have been in 2016 if the law had not passed.

(3) The law cuts more than one-half trillion dollars in Medicare and uses the funds to create a new entitlement program rather than to protect and strengthen the Medicare program. Actuaries at the Centers for Medicare & Medicaid Services (CMS) warn that the Medicare cuts contained in the law are so drastic that ''providers might end their participation in the program (possibly jeopardizing access to care for beneficiaries)''. CBO cautioned that the Medicare cuts ''might be difficult to sustain over a long period of time''. According to the CMS actuaries, 7.4 million Medicare beneficiaries who would have been enrolled in a Medicare Advantage plan in 2017 will lose access to their plan because the law cuts $206 billion in payments to Medicare Advantage plans. The Trustees of the Medicare Trust Funds predict that the law will result in a substantial decline in employer-sponsored retiree drug coverage, and 90 percent of seniors will no longer have access to retiree drug coverage by 2016 as a result of the law.

(4) The law creates a 15-member, unelected Independent Payment Advisory Board that is empowered to make binding decisions regarding what treatments Medicare will cover and how much Medicare will pay for treatments solely to cut spending, restricting access to health care for seniors.

(5) The law and the more than 13,000 pages of related regulations issued before July 11, 2012, are causing great uncertainty, slowing economic growth, and limiting hiring opportunities for the approximately 13 million Americans searching for work. Imposing higher costs on businesses will lead to lower wages, fewer workers, or both.

(6) The law imposes 21 new or higher taxes on American families and businesses, including 12 taxes on families making less than $250,000 a year.

(7) While President Obama promised that nothing in the law would fund elective abortion, the law expands the role of the Federal Government in funding and facilitating abortion and plans that cover abortion. The law appropriates billions of dollars in new funding without explicitly prohibiting the use of these funds for abortion, and it provides Federal subsidies for health plans covering elective abortions. Moreover, the law effectively forces millions of individuals to personally pay a separate abortion premium in violation of their sincerely held religious, ethical, or moral beliefs.

(8) Until enactment of the law, the Federal Government has not sought to impose specific coverage or care requirements that infringe on the rights of conscience of insurers, purchasers of insurance, plan sponsors, beneficiaries, and other stakeholders, such as individual or institutional health care providers. The law creates a new nationwide requirement for health plans to cover ''essential health benefits'' and ''preventive services'', but does not allow stakeholders to opt out of covering items or services to which they have a religious or moral objection, in violation of the Religious Freedom Restoration Act (Public Law 103–141). By creating new barriers to health insurance and causing the loss of existing insurance arrangements, these inflexible mandates jeopardize the ability of institutions and individuals to exercise their rights of conscience and their ability to freely participate in the health insurance and health care marketplace.

(9) The law expands government control over health care, adds trillions of dollars to existing liabilities, drives costs up even further, and too often put Federal bureaucrats, instead of doctors and patients, in charge of health care decisionmaking.

(10) The path to patient-centered care and lower costs for all Americans must begin with a full repeal of the law.

(b) REPEAL.—

(1) PPACA.—Effective as of the enactment of Public Law 111–148, such Act (other than subsection (d) of section 1899A of the Social Security Act, as added and amended by sections 3403 and 10320 of such Public Law) is repealed, and the provisions of law amended or repealed by such Act (other than such subsection (d)) are restored or revived as if such Act had not been enacted.

(2) HEALTH CARE-RELATED PROVISIONS IN THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010.—Effective as of the enactment of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), title I and subtitle B of title II of such Act are repealed, and the provisions of law amended or repealed by such title or subtitle, respectively, are restored or revived as if such title and subtitle had not been enacted.

SEC. ___. BUDGETARY EFFECTS OF THIS ACT.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 2685. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 110, lines 17 and 18, after ''research laboratories'' insert the following: ''(including the defense laboratories (as defined in section 2199 of title 10, United States Code) and the national laboratories of the Department of Energy)''.

SA 2686. Mrs. GILLIBRAND (for herself and Mr. BENNET) submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of title IV, insert the following:

SEC. 416. SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) A report from the Bipartisan Policy Center's Cyber Security Task Force, published in July 2012, found that—

(A) 50,000 cyber attacks were reported to the Department of Homeland Security between October 2011 and February 2012; and

(B) 86 of the attacks described in subparagraph (A) took place on critical infrastructure networks.

(2) The report of the Commission on Cybersecurity for the 44th President from the Center for Strategic and International Studies (referred to in this subsection as ''CSIS''), published in November 2010, concluded that the United States is facing an imminent crisis in cybersecurity human capital.

(3) The November 2010 CSIS report cited another CSIS report, entitled ''A Human Capital Crisis in Cybersecurity'', which estimated that 1,000 specialists who had the specialized cybersecurity skills needed to defend the United States effectively in cyberspace existed in the United States, but the number of cybersecurity specialists needed that year was between 10,000 and 30,000.

(4) Another report published by CSIS, entitled ''Cybersecurity Two Years Later'', noted that ''there has been slow progress in changing the situation from where we were two years ago''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, recognizing that the United States is currently facing a human capital crisis in cybersecurity, the President should—

(1) develop model standards, in coordination with any existing standards, for nonprofit institutions that provide training programs to develop advanced technical proficiency for individuals seeking careers in computer network defense;

(2) emphasize experiential learning and the opportunity to take on significant real-world casework as essential parts of training and development programs for cybersecurity professions;

(3) recognize institutions which develop advanced technical proficiency and provide real-world casework for individuals seeking careers in computer network defense as examples of excellence in specialized cybersecurity training;

(4) employ resources to support nonprofit institutions to expand the cybersecurity human capital capacity of the United States, particularly by supporting or establishing education and training programs which—

(A) demonstrate current and projected caseload of sufficient, important system and network defense activity to provide real-world training opportunities for trainees, with a heavy emphasis on real-life, hands-on, high-level cybersecurity work;

(B) demonstrate practical computer network defense skills and up-to-date cybersecurity experience of the senior staff proposing to lead the education and training programs;

(C) demonstrate access to hands-on training programs in the most up-to-date computer network defense technologies and techniques; and

(D) collaborate with the Federal Government and private sector companies in the United States in such programs; and

(5) establish a program recognizing citizens who have demonstrated outstanding leadership and service as mentors in the field of cybersecurity.

SA 2687. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of section 301, add the following:

(i) COORDINATION WITH DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY LABORATORIES.—It is the sense of Congress that to avoid duplication of Federal efforts in developing and executing a national cybersecurity research and development plan, the Director should ensure that coordination with other research initiatives under subsection (e) includes coordination with the defense laboratories (as defined in section 2199 of title 10, United States Code) and the national laboratories of the Department of Energy that are addressing challenges similar to the challenges described in subsection (b).

SA 2688. Mr. WYDEN (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—GEOLOCATION INFORMATION

SEC. 801. SHORT TITLES.

This title may be cited as the ''Geolocational Privacy and Surveillance Act'' or the ''GPS Act''.

SEC. 802. PROTECTION OF GEOLOCATION INFORMATION.

(a) IN GENERAL.—Part 1 of title 18, United States Code, is amended by inserting after chapter 119 the following:

''CHAPTER 120—GEOLOCATION INFORMATION

''§ 2601. Definitions

''In this chapter:

''(1) COVERED SERVICE.—The term 'covered service' means an electronic communication service, a geolocation information service, or a remote computing service.

''(2) ELECTRONIC COMMUNICATION SERVICE.—The term 'electronic communication service' has the meaning given that term in section 2510.

''(3) ELECTRONIC SURVEILLANCE.—The term 'electronic surveillance' has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

''(4) GEOLOCATION INFORMATION.—The term 'geolocation information' means, with respect to a person, any information, that is not the content of a communication, concerning the location of a wireless communication device or tracking device (as that term is defined section 3117) that, in whole or in part, is generated by or derived from the operation of that device and that could be used to determine or infer information regarding the location of the person.

''(5) GEOLOCATION INFORMATION SERVICE.—The term 'geolocation information service' means the provision of a global positioning service or other mapping, locational, or directional information service to the public, or to such class of users as to be effectively available to the public, by or through the operation of any wireless communication device, including any mobile telephone, global positioning system receiving device, mobile computer, or other similar or successor device.

''(6) INTERCEPT.—The term 'intercept' means the acquisition of geolocation information through the use of any electronic, mechanical, or other device.

''(7) INVESTIGATIVE OR LAW ENFORCEMENT OFFICER.—The term 'investigative or law enforcement officer' means any officer of the United States or of a State or political subdivision thereof, who is empowered by law to conduct investigations of, or to make arrests for, offenses enumerated in this chapter, and any attorney authorized by law to prosecute or participate in the prosecution of such offenses.

''(8) PERSON.—The term 'person' means any employee or agent of the United States, or any State or political subdivision thereof, and any individual, partnership, association, joint stock company, trust, or corporation.

''(9) REMOTE COMPUTING SERVICE.—The term 'remote computing service' has the meaning given that term in section 2711.

''(10) STATE.—The term 'State' means any State of the United States, the District of

Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

''(11) WIRELESS COMMUNICATION DEVICE.—The term 'wireless communication device' means any device that enables access to, or use of, an electronic communication system or service or a covered service, if that device utilizes a radio or other wireless connection to access such system or service.

''§ 2602. Interception and disclosure of geolocation information

''(a) IN GENERAL.—

''(1) PROHIBITION ON DISCLOSURE OR USE.—Except as otherwise specifically provided in this chapter, it shall be unlawful for any person to—

''(A) intentionally intercept, endeavor to intercept, or procure any other person to intercept or endeavor to intercept, geolocation information pertaining to another person;

''(B) intentionally disclose, or endeavor to disclose, to any other person geolocation information pertaining to another person, knowing or having reason to know that the information was obtained through the interception of such information in violation of this paragraph;

''(C) intentionally use, or endeavor to use, any geolocation information, knowing or having reason to know that the information was obtained through the interception of such information in violation of this paragraph; or

''(D)(i) intentionally disclose, or endeavor to disclose, to any other person the geolocation information pertaining to another person intercepted by means authorized by subsections (b) through (h), except as provided in such subsections;

''(ii) knowing or having reason to know that the information was obtained through the interception of such information in connection with a criminal investigation;

''(iii) having obtained or received the information in connection with a criminal investigation; and

''(iv) with intent to improperly obstruct, impede, or interfere with a duly authorized criminal investigation.

''(2) PENALTY.—Any person who violates paragraph (1) shall be fined under this title, imprisoned not more than five years, or both.

''(b) EXCEPTION FOR INFORMATION ACQUIRED IN THE NORMAL COURSE OF BUSINESS.—It shall not be unlawful under this chapter for an officer, employee, or agent of a provider of a covered service, whose facilities are used in the transmission of geolocation information, to intercept, disclose, or use that information in the normal course of the officer, employee, or agent's employment while engaged in any activity which is a necessary incident to the rendition of service or to the protection of the rights or property of the provider of that service, except that a provider of a geolocation information service to the public shall not utilize service observing or random monitoring except for mechanical or service quality control checks.

''(c) EXCEPTION FOR CONDUCTING FOREIGN INTELLIGENCE SURVEILLANCE.—Notwithstanding any other provision of this chapter, it shall not be unlawful for an officer, employee, or agent of the United States in the normal course of the official duty of the officer, employee, or agent to conduct electronic surveillance, as authorized by the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

''(d) EXCEPTION FOR CONSENT.—

''(1) IN GENERAL.—It shall not be unlawful under this chapter for a person to intercept geolocation information pertaining to another person if such other person has given prior consent to such interception unless such information is intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of any State.

''(2) CHILDREN.—The exception in paragraph (1) permits a parent or legal guardian of a child to intercept geolocation information pertaining to that child or to give consent for another person to intercept such information.

''(e) EXCEPTION FOR PUBLIC INFORMATION.—It shall not be unlawful under this chapter for any person to intercept or access geolocation information relating to another person through any system that is configured so that such information is readily accessible to the general public.

''(f) EXCEPTION FOR EMERGENCY INFORMATION.—It shall not be unlawful under this chapter for any investigative or law enforcement officer or other emergency responder to intercept or access geolocation information relating to a person if such information is used—

''(1) to respond to a request made by such person for assistance; or

''(2) in circumstances in which it is reasonable to believe that the life or safety of the person is threatened, to assist the person.

''(g) EXCEPTION FOR THEFT OR FRAUD.—It shall not be unlawful under this chapter for a person acting under color of law to intercept geolocation information pertaining to the location of another person who has unlawfully taken the device sending the geolocation information if—

''(1) the owner or operator of such device authorizes the interception of the person's geolocation information;

''(2) the person acting under color of law is lawfully engaged in an investigation; and

''(3) the person acting under color of law has reasonable grounds to believe that the geolocation information of the other person will be relevant to the investigation.

''(h) EXCEPTION FOR WARRANT.—

''(1) DEFINITIONS.—In this subsection:

''(A) COURT OF COMPETENT JURISDICTION.—The term 'court of competent jurisdiction' includes—

''(i) any district court of the United States (including a magistrate judge of such a court) or any United States court of appeals that—

''(I) has jurisdiction over the offense being investigated;

''(II) is in or for a district in which the provider of a geolocation information service is located or in which the geolocation information is stored; or

''(III) is acting on a request for foreign assistance pursuant to section 3512; or

''(ii) a court of general criminal jurisdiction of a State authorized by the law of that State to issue search warrants.

''(B) GOVERNMENTAL ENTITY.—The term 'governmental entity' means a department or agency of the United States or any State or political subdivision thereof.

''(2) WARRANT.—A governmental entity may intercept geolocation information or require the disclosure by a provider of a covered service of geolocation information only pursuant to a warrant issued using the procedures described in the Federal Rules of Criminal Procedure (or, in the case of a State court, issued using State warrant procedures) by a court of competent jurisdiction, or as otherwise provided in this chapter or the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

''(i) PROHIBITION ON DIVULGING GEOLOCATION INFORMATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a person providing a covered service shall not intentionally divulge geolocation information pertaining to another person.

''(2) EXCEPTIONS.—A person providing a covered service may divulge geolocation information—

''(A) as otherwise authorized in subsections (b) through (h);

''(B) with the lawful consent of such other person;

''(C) to another person employed or authorized, or whose facilities are used, to forward such geolocation information to its destination; or

''(D) which was inadvertently obtained by the provider of the covered service and which appears to pertain to the commission of a crime, if such divulgence is made to a law enforcement agency.

''§ 2603. Prohibition of use as evidence of acquired geolocation information

''Whenever any geolocation information has been acquired, no part of such information and no evidence derived therefrom may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the United States, a State, or a political subdivision thereof if the disclosure of that information would be in violation of this chapter.

''§ 2604. Emergency situation exception

''(a) EMERGENCY SITUATION EXCEPTION.—Notwithstanding any other provision of this chapter, any investigative or law enforcement officer, specially designated by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or by the principal prosecuting attorney of any State or subdivision thereof acting pursuant to a statute of that State, may intercept geolocation information if—

''(1) such officer reasonably determines that an emergency situation exists that—

''(A) involves—

''(i) immediate danger of death or serious physical injury to any person;

''(ii) conspiratorial activities threatening the national security interest; or

''(iii) conspiratorial activities characteristic of organized crime; and

''(B) requires geolocation information be intercepted before an order authorizing such interception can, with due diligence, be obtained;

''(2) there are grounds upon which an order could be entered to authorize such interception; and

''(3) an application for an order approving such interception is made within 48 hours after the interception has occurred or begins to occur.

''(b) FAILURE TO OBTAIN COURT ORDER.—

''(1) TERMINATION OF ACQUISITION.—In the absence of an order, an interception of geolocation information carried out under subsection (a) shall immediately terminate when the information sought is obtained or when the application for the order is denied, whichever is earlier.

''(2) PROHIBITION ON USE AS EVIDENCE.—In the event such application for approval is denied, the geolocation information shall be treated as having been obtained in violation of this chapter and an inventory shall be served on the person named in the application.

''§ 2605. Recovery of civil damages authorized

''(a) IN GENERAL.—Any person whose geolocation information is intercepted, disclosed, or intentionally used in violation of this chapter may in a civil action recover from the person, other than the United States, which engaged in that violation such relief as may be appropriate.

''(b) RELIEF.—In an action under this section, appropriate relief includes—

''(1) such preliminary and other equitable or declaratory relief as may be appropriate;

''(2) damages under subsection (c) and punitive damages in appropriate cases; and

''(3) a reasonable attorney's fee and other litigation costs reasonably incurred.

''(c) COMPUTATION OF DAMAGES.—The court may assess as damages under this section whichever is the greater of—

''(1) the sum of the actual damages suffered by the plaintiff and any profits made by the violator as a result of the violation; or

''(2) statutory damages of whichever is the greater of $100 a day for each day of violation or $10,000.

''(d) DEFENSE.—It is a complete defense against any civil or criminal action brought against an individual for conduct in violation of this chapter if such individual acted in a good faith reliance on—

''(1) a court warrant or order, a grand jury subpoena, a legislative authorization, or a statutory authorization;

''(2) a request of an investigative or law enforcement officer under section 2604; or

''(3) a good-faith determination that an exception under section 2602 permitted the conduct complained of.

''(e) LIMITATION.—A civil action under this section may not be commenced later than two years after the date upon which the claimant first has a reasonable opportunity to discover the violation.

''(f) ADMINISTRATIVE DISCIPLINE.—If a court or appropriate department or agency determines that the United States or any of its departments or agencies has violated any provision of this chapter, and the court or appropriate department or agency finds that the circumstances surrounding the violation raise serious questions about whether or not an officer or employee of the United States acted willfully or intentionally with respect to the violation, the department or agency shall, upon receipt of a true and correct copy of the decision and findings of the court or appropriate department or agency promptly initiate a proceeding to determine whether disciplinary action against the officer or employee is warranted. If the head of the department or agency involved determines that disciplinary action is not warranted, such head shall notify the Inspector General with jurisdiction over the department or agency concerned and shall provide the Inspector General with the reasons for such determination.

''(g) IMPROPER DISCLOSURE IS VIOLATION.—Any willful disclosure or use by an investigative or law enforcement officer or governmental entity of information beyond the extent permitted by this chapter is a violation of this chapter for purposes of this section.

''(h) CONSTRUCTION.—Nothing in this section may be construed to establish a new cause of action against any electronic communication service provider, remote computing service provider, geolocation service provider, or law enforcement or investigative officer, or eliminate or affect any cause of action that exists under section 2520, section 2707, or any other provision of law.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part 1 of title 18, United States Code, is amended by inserting after the item relating to chapter 119 the following:

''120. Geolocation information ..... 2601''.

(c) CONFORMING AMENDMENTS.—Section 3512(a) of title 18, United States Code, is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively; and

(B) by inserting after subparagraph (A) the following:

''(B) a warrant or order for geolocation information or records related thereto, as provided under section 2602 of this title;''.

SEC. 803. REQUIREMENT FOR SEARCH WARRANTS TO ACQUIRE GEOLOCATION INFORMATION.

Rule 41(a) of the Federal Rules of Criminal Procedure is amended—

(1) in paragraph (2)(A), by striking the period at the end and inserting a comma and ''including geolocation information.''; and

(2) by adding at the end the following:

''(F) 'Geolocation information' has the meaning given that term in section 2601 of title 18, United States Code.''.

SEC. 804. FRAUD AND RELATED ACTIVITY IN CONNECTION WITH OBTAINING GEOLOCATION INFORMATION.

(a) CRIMINAL VIOLATION.—Section 1039(h) of title 18, United States Code, is amended—

(1) in paragraph (2)—

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

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

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

''(C) includes any geolocation information service.'';

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

''(4) GEOLOCATION INFORMATION SERVICE.—The term 'geolocation information service' has the meaning given that term in section 2601.''.

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION AMENDMENTS.—Section 1039(h)(1) of title 18, United States Code, is amended—

(A) in the paragraph heading, by inserting ''OR GPS'' after ''PHONE''; and

(B) in the matter preceding subparagraph (A), by inserting ''or GPS'' after ''phone''.

(2) CONFORMING AMENDMENTS.—Section 1039 of title 18, United States Code, is amended—

(A) in the section heading by inserting ''**or GPS**'' after ''**phone**'';

(B) in subsection (a)—

(i) in the matter preceding paragraph (1), by inserting ''or GPS'' after ''phone''; and

(ii) in paragraph (4), by inserting ''or GPS'' after ''phone'';

(C) in subsection (b)—

(i) in the subsection heading, by inserting ''OR GPS'' after ''PHONE'';

(ii) in paragraph (1), by inserting ''or GPS'' after ''phone'' both places that term appears; and

(iii) in paragraph (2), by inserting ''or GPS'' after ''phone''; and

(D) in subsection (c)—

(i) in the subsection heading, by inserting ''OR GPS'' after ''PHONE'';

(ii) in paragraph (1), by inserting ''or GPS'' after ''phone'' both places that term appears; and

(iii) in paragraph (2), by inserting ''or GPS'' after ''phone''.

(3) CHAPTER ANALYSIS.—The table of sections for chapter 47 of title 18, United States Code, is amended by striking the item relating to section 1039 and inserting the following:

''1039. Fraud and related activity in connection with obtaining confidential phone or GPS records information of a covered entity.''.

(c) SENTENCING GUIDELINES.—

(1) REVIEW AND AMENDMENT.—Not later than 180 days after the date of enactment of this Act, the United States Sentencing Commission, pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of any offense under section 1039 of title 18, United States Code, as amended by this section.

(2) AUTHORIZATION.—The United States Sentencing Commission may amend the Federal sentencing guidelines in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note) as though the authority under that section had not expired.

SEC. 805. STATEMENT OF EXCLUSIVE MEANS OF ACQUIRING GEOLOCATION INFORMATION.

(a) IN GENERAL.—No person may acquire the geolocation information of a person for protective activities or law enforcement or intelligence purposes except pursuant to a warrant issued pursuant to rule 41 of the Federal Rules of Criminal Procedure, as amended by section 803, or the amendments made by this Act, or the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

(b) GEOLOCATION INFORMATION DEFINED.—In this section, the term ''geolocation information'' has the meaning given that term in section 2601 of title 18, United States Code, as amended by section 802.

SA 2689. Mr. BENNET (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—FEDERAL DATA CENTER CONSOLIDATION INITIATIVE

SEC. 801. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator for the Office of E-Government and Information Technology within the Office of Management and Budget.

(2) CHIEF INFORMATION OFFICERS COUNCIL.—The term ''Chief Information Officers Council'' means the Chief Information Officers Council established under section 3603 of title 44, United States Code.

(3) DATA CENTER.—

(A) DEFINITION.—The term ''data center'' means a closet, room, floor, or building for the storage, management, and dissemination of data and information, as defined by the Administrator in the ''Implementation Guidance for the Federal Data Center Consolidation Initiative'' memorandum, issued on March 19, 2012.

(B) AUTHORITY TO MODIFY DEFINITION.—The Administrator may promulgate guidance or other clarifications to modify the definition in subparagraph (A) in a manner consistent with this Act, as the Administrator determines necessary.

SEC. 802. FEDERAL DATA CENTER CONSOLIDATION INVENTORIES AND PLANS.

(a) REQUIRED SUBMISSIONS.—

(1) IN GENERAL.—

(A) ANNUAL REPORTS.—Each year, beginning in fiscal year 2013 through the end of fiscal year 2017, the head of each agency that is described in paragraph (2), assisted by the chief information officer of the agency, shall submit to the Administrator—

(i) by June 30th of each year, a comprehensive asset inventory of the data centers owned, operated, or maintained by or on behalf of the agency, even if the center is administered by a third party; and

(ii) by September 30th of each year, an updated consolidation plan that includes—

(I) a technical roadmap and approach for achieving the agency's targets for infrastructure utilization, energy efficiency, cost savings and efficiency;

(II) a detailed timeline for implementation of the data center consolidation plan;

(III) quantitative utilization and efficiency goals for reducing assets and improving use of information technology infrastructure;

(IV) performance metrics by which the progress of the agency toward data center consolidation goals can be measured, including metrics to track any gains in energy utilization as a result of this initiative;

(V) an aggregation of year-by-year investment and cost savings calculations for 5 years past the date of submission of the cost saving assessment, including a description of any initial costs for data center consolidation;

(VI) quantitative progress towards previously stated goals including cost savings and increases in operational efficiencies and utilization; and

(VII) any additional information required by the Administrator.

(B) CERTIFICATION.—Each year, beginning in fiscal year 2013 through the end of fiscal year 2017, the head of an agency, acting through the chief information officer of the agency, shall submit a statement to the Administrator certifying that the agency has complied with the requirements of this section.

(C) INSPECTOR GENERAL REPORT.—

(i) IN GENERAL.—The Inspector General for each agency described in paragraph (2) shall release a public report not later than 6 months after the date on which the agency releases the first updated asset inventory in fiscal year 2013 under subparagraph (A)(i), which shall evaluate the completeness of the inventory of the agency; and

(ii) AGENCY RESPONSE.—The head of each agency shall respond to the report completed by the Inspector General for the agency under clause (i), and complete any inventory identified by the Inspector General for the agency as incomplete, by the time the agency submits the required inventory update for fiscal year 2014.

(D) RESPONSIBILITY OF THE ADMINISTRATOR.—The Administrator shall ensure that each certification submitted under subparagraph (B) and each agency consolidation plan submitted under subparagraph (A)(ii), is made available in a timely fashion to the general public.

(2) AGENCIES DESCRIBED.—The agencies (including all associated components of the agency) described in this paragraph are the—

(A) Department of Agriculture;

(B) Department of Commerce;

(C) Department of Defense;

(D) Department of Education;

(E) Department of Energy;

(F) Department of Health and Human Services;

(G) Department of Homeland Security;

(H) Department of Housing and Urban Development;

(I) Department of the Interior;

(J) Department of Justice;

(K) Department of Labor;

(L) Department of State;

(M) Department of Transportation;

(N) Department of Treasury;

(O) Department of Veterans Affairs;

(P) Environmental Protection Agency;

(Q) General Services Administration;

(R) National Aeronautics and Space Administration;

(S) National Science Foundation;

(T) Nuclear Regulatory Commission;

(U) Office of Personnel Management;

(V) Small Business Administration;

(W) Social Security Administration; and

(X) United States Agency for International Development.

(3) AGENCY IMPLEMENTATION OF CONSOLIDATION PLANS.—Each agency described in paragraph (2), under the direction of the chief information officer of the agency, shall—

(A) implement the consolidation plan required under paragraph (1)(A)(ii); and

(B) provide to the Administrator annual updates on implementation and cost savings realized through such consolidation plan.

(b) ADMINISTRATOR REVIEW.—The Administrator shall—

(1) review the plans submitted under subsection (a) to determine whether each plan is comprehensive and complete;

(2) monitor the implementation of the data center consolidation plan of each agency described in subsection (a)(2); and

(3) update the cumulative cost savings projection on an annual basis as the savings are realized through the implementation of the agency plans.

(c) COST SAVING GOAL AND UPDATES FOR CONGRESS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, or by September 30th of fiscal year 2013, whichever is later, the Administrator shall develop and publish a goal for the total amount of planned cost savings by the Federal Government through the Federal Data Center Consolidation Initiative during the 5-year period beginning on the date of enactment of this Act, which shall include a breakdown on a year-by-year basis of the projected savings.

(2) ANNUAL UPDATE.—

(A) IN GENERAL.—Not later than 1 year after the date on which the goal described in paragraph (1) is determined and each year thereafter until the end of 2017, the Administrator shall publish a report on the actual savings achieved through the Federal Data Center Consolidation Initiative as compared to the projected savings developed under paragraph (1) (based on data collected from each affected agency under subsection (a)(1)).

(B) UPDATE FOR CONGRESS.—The report required under subparagraph (A) shall be submitted to Congress and shall include an update on the progress made by each agency described in subsection (a)(2) on—

(i) whether each agency has in fact submitted a comprehensive asset inventory;

(ii) whether each agency has submitted a comprehensive consolidation plan with the key elements described in (a)(1)(A)(ii); and

(iii) the progress, if any, of each agency on implementing the consolidation plan of the agency.

(d) GAO REVIEW.—The Comptroller General of the United States shall, on an annual basis, publish a report on—

(1) the quality and completeness of each agency's asset inventory and consolidation plans required under subsection (a)(1)(A);

(2) each agency's progress on implementation of the consolidation plans submitted under subsection (a)(1)(A);

(3) overall planned and actual cost savings realized through implementation of the consolidation plans submitted under subsection (a)(1)(A);

(4) any steps that the Administrator could take to improve implementation of the data center consolidation initiative; and

(5) any matters for Congressional consideration in order to improve or accelerate the implementation of the data center consolidation initiative.

(e) RESPONSE TO GAO.—

(1) IN GENERAL.—If a report required under subsection (d) identifies any deficiencies or delays in any of the elements described in paragraphs (1) through (5) of subsection (d) for an agency, the head of the agency shall respond in writing to the Comptroller General of the United State, not later than 90 days after the date on which the report is published under subsection (d), with a detailed explanation of how the agency will address the deficiency.

(2) ADDITIONAL REQUIREMENTS.—If the Comptroller General identifies an agency that has repeatedly lagged in implementing the data center consolidation initiative, the Comptroller General may require that the head of the agency submit a statement explaining—

(A) why the agency is having difficulty implementing the initiative; and

(B) what structural or personnel changes are needed within the agency to address the problem.

SEC. 803. ENSURING CYBERSECURITY STANDARDS FOR DATA CENTER CONSOLIDATION AND CLOUD COMPUTING.

An agency required to implement a data center consolidation plan under this title and migrate to cloud computing shall do so in a manner that is consistent with Federal guidelines on cloud computing security, including—

(1) applicable provisions found within the Federal Risk and Authorization Management Program of the General Service Administration; and

(2) guidance published by the National Institute of Standards and Technology.

SEC. 804. CLASSIFIED INFORMATION.

The Director of National Intelligence may waive the requirements of this title for any element (or component of an element) of the intelligence community.

SEC. 805. SUNSET.

This title is repealed effective on October 1, 2017.

SA 2690. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of section 104, add the following:

(d) APPLICATION OF BENEFITS OF CYBERSECURITY PROGRAM TO ENTITIES SUBJECT TO MANDATORY REQUIREMENTS.—

(1) IN GENERAL.—Subject to paragraphs (2) through (4), any entity subject to the jurisdiction of the Federal Energy Regulatory Commission under section 215 of the Federal Power Act (16 U.S.C. 824o) or to any facility subject to cybersecurity measures required by the Nuclear Regulatory Commission under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) shall be entitled to the benefits of certification provided under subsection (c) (other than subsection (c)(1)).

(2) ELIGIBILITY.—To be eligible for the benefits of certification described in paragraph (1), an entity or facility shall demonstrate to the Secretary of Energy that it is an entity or facility described in paragraph (1).

(3) CERTIFIED OWNER OR OPERATOR.—If the Secretary of Energy determines that an entity or facility is an entity or facility described in paragraph (1), the entity or facility shall be considered a certified owner or operator under this section (other than subsection (c)(1)).

(4) EFFECT ON OTHER LAWS.—Nothing in this subsection limits the applicability of any exemption from or limitation of liability or damages that a certified owner may have under any other Federal or State law (including regulations).

(e) FEDERAL ENERGY LAWS.—Except as provided in subsection (d), nothing in this Act authorizes the imposition or modification of requirements relating to—

(1)(A) the bulk-power system;

(B) the promulgation or enforcement of reliability standards for the bulk power system (including for cybersecurity protection) by the certified Electric Reliability Organization; or

(C) the approval or enforcement of the standards by the Federal Energy Regulatory Commission under section 215 of the Federal Power Act (16 U.S.C. 824o); or

(2) nuclear facilities subject to cybersecurity measures required by the Nuclear Regulatory Commission under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

SA 2691. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Strike title I.

SA 2692. Mrs. HUTCHISON (for herself, Mr. MCCAIN, Mr. CHAMBLISS, Mr. GRASSLEY, Ms. MURKOWSKI, Mr. COATS, Mr. BURR, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 4 and all that follows and insert the following:

(a) SHORT TITLE.—This Act may be cited as the ''Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012'' or ''SECURE IT''.

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

TITLE I—FACILITATING SHARING OF CYBER THREAT INFORMATION

SEC. 101. DEFINITIONS.

In this title:

(1) AGENCY.—The term ''agency'' has the meaning given the term in section 3502 of title 44, United States Code.

(2) ANTITRUST LAWS.—The term ''antitrust laws''—

(A) has the meaning given the term in section 1(a) of the Clayton Act (15 U.S.C. 12(a));

(B) includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that section 5 of that Act applies to unfair methods of competition; and

(C) includes any State law that has the same intent and effect as the laws under subparagraphs (A) and (B).

(3) COUNTERMEASURE.—The term ''countermeasure'' means an automated or a manual action with defensive intent to mitigate cyber threats.

(4) CYBER THREAT INFORMATION.—The term ''cyber threat information'' means information that indicates or describes—

(A) a technical or operation vulnerability or a cyber threat mitigation measure;

(B) an action or operation to mitigate a cyber threat;

(C) malicious reconnaissance, including anomalous patterns of network activity that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat;

(D) a method of defeating a technical control;

(E) a method of defeating an operational control;

(F) network activity or protocols known to be associated with a malicious cyber actor or that signify malicious cyber intent;

(G) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to inadvertently enable the defeat of a technical or operational control;

(H) any other attribute of a cybersecurity threat or cyber defense information that would foster situational awareness of the United States cybersecurity posture, if disclosure of such attribute or information is not otherwise prohibited by law;

(I) the actual or potential harm caused by a cyber incident, including information exfiltrated when it is necessary in order to identify or describe a cybersecurity threat; or

(J) any combination of subparagraphs (A) through (I).

(5) CYBERSECURITY CENTER.—The term ''cybersecurity center'' means the Department of Defense Cyber Crime Center, the Intelligence Community Incident Response Center, the United States Cyber Command Joint Operations Center, the National Cyber Investigative Joint Task Force, the National Security Agency/Central Security Service Threat Operations Center, the National Cybersecurity and Communications Integration Center, and any successor center.

(6) CYBERSECURITY SYSTEM.—The term ''cybersecurity system'' means a system designed or employed to ensure the integrity, confidentiality, or availability of, or to safeguard, a system or network, including measures intended to protect a system or network from—

(A) efforts to degrade, disrupt, or destroy such system or network; or

(B) theft or misappropriations of private or government information, intellectual property, or personally identifiable information.

(7) ENTITY.—

(A) IN GENERAL.—The term ''entity'' means any private entity, non-Federal government agency or department, or State, tribal, or local government agency or department (including an officer, employee, or agent thereof).

(B) INCLUSIONS.—The term ''entity'' includes a government agency or department (including an officer, employee, or agent thereof) of the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

(8) FEDERAL INFORMATION SYSTEM.—The term ''Federal information system'' means an information system of a Federal department or agency used or operated by an executive agency, by a contractor of an executive agency, or by another organization on behalf of an executive agency.

(9) INFORMATION SECURITY.—The term ''information security'' means protecting information and information systems from disruption or unauthorized access, use, disclosure, modification, or destruction in order to provide—

(A) integrity, by guarding against improper information modification or destruction, including by ensuring information nonrepudiation and authenticity;

(B) confidentiality, by preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; or

(C) availability, by ensuring timely and reliable access to and use of information.

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

(11) LOCAL GOVERNMENT.—The term ''local government'' means any borough, city, county, parish, town, township, village, or other general purpose political subdivision of a State.

(12) MALICIOUS RECONNAISSANCE.—The term ''malicious reconnaissance'' means a method for actively probing or passively monitoring an information system for the purpose of discerning technical vulnerabilities of the information system, if such method is associated with a known or suspected cybersecurity threat.

(13) OPERATIONAL CONTROL.—The term ''operational control'' means a security control for an information system that primarily is implemented and executed by people.

(14) OPERATIONAL VULNERABILITY.—The term ''operational vulnerability'' means any attribute of policy, process, or procedure that could enable or facilitate the defeat of an operational control.

(15) PRIVATE ENTITY.—The term ''private entity'' means any individual or any private group, organization, or corporation, including an officer, employee, or agent thereof.

(16) SIGNIFICANT CYBER INCIDENT.—The term ''significant cyber incident'' means a cyber incident resulting in, or an attempted

cyber incident that, if successful, would have resulted in—

(A) the exfiltration from a Federal information system of data that is essential to the operation of the Federal information system; or

(B) an incident in which an operational or technical control essential to the security or operation of a Federal information system was defeated.

(17) TECHNICAL CONTROL.—The term ''technical control'' means a hardware or software restriction on, or audit of, access or use of an information system or information that is stored on, processed by, or transiting an information system that is intended to ensure the confidentiality, integrity, or availability of that system.

(18) TECHNICAL VULNERABILITY.—The term ''technical vulnerability'' means any attribute of hardware or software that could enable or facilitate the defeat of a technical control.

(19) TRIBAL.—The term ''tribal'' has the meaning given the term ''Indian tribe'' in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 102. AUTHORIZATION TO SHARE CYBER THREAT INFORMATION.

(a) VOLUNTARY DISCLOSURE.—

(1) PRIVATE ENTITIES.—Notwithstanding any other provision of law, a private entity may, for the purpose of preventing, investigating, or otherwise mitigating threats to information security, on its own networks, or as authorized by another entity, on such entity's networks, employ countermeasures and use cybersecurity systems in order to obtain, identify, or otherwise possess cyber threat information.

(2) ENTITIES.—Notwithstanding any other provision of law, an entity may disclose cyber threat information to—

(A) a cybersecurity center; or

(B) any other entity in order to assist with preventing, investigating, or otherwise mitigating threats to information security.

(3) INFORMATION SECURITY PROVIDERS.—If the cyber threat information described in paragraph (1) is obtained, identified, or otherwise possessed in the course of providing information security products or services under contract to another entity, that entity shall be given, at any time prior to disclosure of such information, a reasonable opportunity to authorize or prevent such disclosure, to request anonymization of such information, or to request that reasonable efforts be made to safeguard such information that identifies specific persons from unauthorized access or disclosure.

(b) SIGNIFICANT CYBER INCIDENTS INVOLVING FEDERAL INFORMATION SYSTEMS.—

(1) IN GENERAL.—An entity providing electronic communication services, remote computing services, or information security services to a Federal department or agency shall inform the Federal department or agency of a significant cyber incident involving the Federal information system of that Federal department or agency that—

(A) is directly known to the entity as a result of providing such services;

(B) is directly related to the provision of such services by the entity; and

(C) as determined by the entity, has impeded or will impede the performance of a critical mission of the Federal department or agency.

(2) ADVANCE COORDINATION.—A Federal department or agency receiving the services described in paragraph (1) shall coordinate in advance with an entity described in paragraph (1) to develop the parameters of any information that may be provided under paragraph (1), including clarification of the type of significant cyber incident that will impede the performance of a critical mission of the Federal department or agency.

(3) REPORT.—A Federal department or agency shall report information provided under this subsection to a cybersecurity center.

(4) CONSTRUCTION.—Any information provided to a cybersecurity center under paragraph (3) shall be treated in the same manner as information provided to a cybersecurity center under subsection (a).

(c) INFORMATION SHARED WITH OR PROVIDED TO A CYBERSECURITY CENTER.—Cyber threat information provided to a cybersecurity center under this section—

(1) may be disclosed to, retained by, and used by, consistent with otherwise applicable Federal law, any Federal agency or department, component, officer, employee, or agent of the Federal government for a cybersecurity purpose, a national security purpose, or in order to prevent, investigate, or prosecute any of the offenses listed in section 2516 of title 18, United States Code, and such information shall not be disclosed to, retained by, or used by any Federal agency or department for any use not permitted under this paragraph;

(2) may, with the prior written consent of the entity submitting such information, be disclosed to and used by a State, tribal, or local government or government agency for the purpose of protecting information systems, or in furtherance of preventing, investigating, or prosecuting a criminal act, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent;

(3) shall be considered the commercial, financial, or proprietary information of the entity providing such information to the Federal government and any disclosure outside the Federal government may only be made upon the prior written consent by such entity and shall not constitute a waiver of any applicable privilege or protection provided by law, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent;

(4) shall be deemed voluntarily shared information and exempt from disclosure under section 552 of title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records;

(5) shall be, without discretion, withheld from the public under section 552(b)(3)(B) of title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records;

(6) shall not be subject to the rules of any Federal agency or department or any judicial doctrine regarding ex parte communications with a decision-making official;

(7) shall not, if subsequently provided to a State, tribal, or local government or government agency, otherwise be disclosed or distributed to any entity by such State, tribal, or local government or government agency without the prior written consent of the entity submitting such information, notwithstanding any State, tribal, or local law requiring disclosure of information or records, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent; and

(8) shall not be directly used by any Federal, State, tribal, or local department or agency to regulate the lawful activities of an entity, including activities relating to obtaining, identifying, or otherwise possessing cyber threat information, except that the procedures required to be developed and implemented under this title shall not be considered regulations within the meaning of this paragraph.

(d) PROCEDURES RELATING TO INFORMATION SHARING WITH A CYBERSECURITY CENTER.—Not later than 60 days after the date of enactment of this Act, the heads of each department or agency containing a cybersecurity center shall jointly develop, promulgate, and submit to Congress procedures to ensure that cyber threat information shared with or provided to—

(1) a cybersecurity center under this section—

(A) may be submitted to a cybersecurity center by an entity, to the greatest extent possible, through a uniform, publicly available process or format that is easily accessible on the website of such cybersecurity center, and that includes the ability to provide relevant details about the cyber threat information and written consent to any subsequent disclosures authorized by this paragraph;

(B) shall immediately be further shared with each cybersecurity center in order to prevent, investigate, or otherwise mitigate threats to information security across the Federal government;

(C) is handled by the Federal government in a reasonable manner, including consideration of the need to protect the privacy and civil liberties of individuals through anonymization or other appropriate methods, while fully accomplishing the objectives of this title, and the Federal government may undertake efforts consistent with this subparagraph to limit the impact on privacy and civil liberties of the sharing of cyber threat information with the Federal government; and

(D) except as provided in this section, shall only be used, disclosed, or handled in accordance with the provisions of subsection (c); and

(2) a Federal agency or department under subsection (b) is provided immediately to a cybersecurity center in order to prevent, investigate, or otherwise mitigate threats to information security across the Federal government.

(e) INFORMATION SHARED BETWEEN ENTITIES.—

(1) IN GENERAL.—An entity sharing cyber threat information with another entity under this title may restrict the use or sharing of such information by such other entity.

(2) FURTHER SHARING.—Cyber threat information shared by any entity with another entity under this title—

(A) shall only be further shared in accordance with any restrictions placed on the sharing of such information by the entity authorizing such sharing, such as appropriate anonymization of such information; and

(B) may not be used by any entity to gain an unfair competitive advantage to the detriment of the entity authorizing the sharing of such information, except that the conduct described in paragraph (3) shall not constitute unfair competitive conduct.

(3) INFORMATION SHARED WITH STATE, TRIBAL, OR LOCAL GOVERNMENT OR GOVERNMENT AGENCY.—Cyber threat information shared with a State, tribal, or local government or government agency under this title—

(A) may, with the prior written consent of the entity sharing such information, be disclosed to and used by a State, tribal, or local government or government agency for the purpose of protecting information systems, or in furtherance of preventing, investigating, or prosecuting a criminal act, except if the need for immediate disclosure prevents obtaining written consent, consent may be provided orally with subsequent documentation of the consent;

(B) shall be deemed voluntarily shared information and exempt from disclosure under any State, tribal, or local law requiring disclosure of information or records;

(C) shall not be disclosed or distributed to any entity by the State, tribal, or local government or government agency without the prior written consent of the entity submitting such information, notwithstanding any State, tribal, or local law requiring disclosure of information or records, except if the need for immediate disclosure prevents obtaining written consent, consent may be provided orally with subsequent documentation of the consent; and

(D) shall not be directly used by any State, tribal, or local department or agency to regulate the lawful activities of an entity, including activities relating to obtaining, identifying, or otherwise possessing cyber threat information, except that the procedures required to be developed and implemented under this title shall not be considered regulations within the meaning of this subparagraph.

(4) ANTITRUST EXEMPTION.—The exchange or provision of cyber threat information or assistance between 2 or more private entities under this title shall not be considered a violation of any provision of antitrust laws if exchanged or provided in order to assist with—

(A) facilitating the prevention, investigation, or mitigation of threats to information security; or

(B) communicating or disclosing of cyber threat information to help prevent, investigate or otherwise mitigate the effects of a threat to information security.

(5) NO RIGHT OR BENEFIT.—The provision of cyber threat information to an entity under this section shall not create a right or a benefit to similar information by such entity or any other entity.

(f) FEDERAL PREEMPTION.—

(1) IN GENERAL.—This section supersedes any statute or other law of a State or political subdivision of a State that restricts or otherwise expressly regulates an activity authorized under this section.

(2) STATE LAW ENFORCEMENT.—Nothing in this section shall be construed to supersede any statute or other law of a State or political subdivision of a State concerning the use of authorized law enforcement techniques.

(3) PUBLIC DISCLOSURE.—No information shared with or provided to a State, tribal, or local government or government agency pursuant to this section shall be made publicly available pursuant to any State, tribal, or local law requiring disclosure of information or records.

(g) CIVIL AND CRIMINAL LIABILITY.—

(1) GENERAL PROTECTIONS.—

(A) PRIVATE ENTITIES.—No cause of action shall lie or be maintained in any court against any private entity for—

(i) the use of countermeasures and cybersecurity systems as authorized by this title;

(ii) the use, receipt, or disclosure of any cyber threat information as authorized by this title; or

(iii) the subsequent actions or inactions of any lawful recipient of cyber threat information provided by such private entity.

(B) ENTITIES.—No cause of action shall lie or be maintained in any court against any entity for—

(i) the use, receipt, or disclosure of any cyber threat information as authorized by this title; or

(ii) the subsequent actions or inactions of any lawful recipient of cyber threat information provided by such entity.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed as creating any immunity against, or otherwise affecting, any action brought by the Federal government, or any agency or department thereof, to enforce any law, executive order, or procedure governing the appropriate handling, disclosure, and use of classified information.

(h) OTHERWISE LAWFUL DISCLOSURES.—Nothing in this section shall be construed to limit or prohibit otherwise lawful disclosures of communications, records, or other information by a private entity to any other governmental or private entity not covered under this section.

(i) WHISTLEBLOWER PROTECTION.—Nothing in this Act shall be construed to preempt or preclude any employee from exercising rights currently provided under any whistleblower law, rule, or regulation.

(j) RELATIONSHIP TO OTHER LAWS.—The submission of cyber threat information under this section to a cybersecurity center shall not affect any requirement under any other provision of law for an entity to provide information to the Federal government.

SEC. 103. INFORMATION SHARING BY THE FEDERAL GOVERNMENT.

(a) CLASSIFIED INFORMATION.—

(1) PROCEDURES.—Consistent with the protection of intelligence sources and methods, and as otherwise determined appropriate, the Director of National Intelligence and the Secretary of Defense, in consultation with the heads of the appropriate Federal departments or agencies, shall develop and promulgate procedures to facilitate and promote—

(A) the immediate sharing, through the cybersecurity centers, of classified cyber threat information in the possession of the Federal government with appropriately cleared representatives of any appropriate entity; and

(B) the declassification and immediate sharing, through the cybersecurity centers, with any entity or, if appropriate, public availability of cyber threat information in the possession of the Federal government;

(2) HANDLING OF CLASSIFIED INFORMATION.—The procedures developed under paragraph (1) shall ensure that each entity receiving classified cyber threat information pursuant to this section has acknowledged in writing the ongoing obligation to comply with all laws, executive orders, and procedures concerning the appropriate handling, disclosure, or use of classified information.

(b) UNCLASSIFIED CYBER THREAT INFORMATION.—The heads of each department or agency containing a cybersecurity center shall jointly develop and promulgate procedures that ensure that, consistent with the provisions of this section, unclassified, including controlled unclassified, cyber threat information in the possession of the Federal government—

(1) is shared, through the cybersecurity centers, in an immediate and adequate manner with appropriate entities; and

(2) if appropriate, is made publicly available.

(c) DEVELOPMENT OF PROCEDURES.—

(1) IN GENERAL.—The procedures developed under this section shall incorporate, to the greatest extent possible, existing processes utilized by sector specific information sharing and analysis centers.

(2) COORDINATION WITH ENTITIES.—In developing the procedures required under this section, the Director of National Intelligence and the heads of each department or agency containing a cybersecurity center shall coordinate with appropriate entities to ensure that protocols are implemented that will facilitate and promote the sharing of cyber threat information by the Federal government.

(d) ADDITIONAL RESPONSIBILITIES OF CYBERSECURITY CENTERS.—Consistent with section 102, a cybersecurity center shall—

(1) facilitate information sharing, interaction, and collaboration among and between cybersecurity centers and—

(A) other Federal entities;

(B) any entity; and

(C) international partners, in consultation with the Secretary of State;

(2) disseminate timely and actionable cybersecurity threat, vulnerability, mitigation, and warning information, including alerts, advisories, indicators, signatures, and mitigation and response measures, to improve the security and protection of information systems; and

(3) coordinate with other Federal entities, as appropriate, to integrate information from across the Federal government to provide situational awareness of the cybersecurity posture of the United States.

(e) SHARING WITHIN THE FEDERAL GOVERNMENT.—The heads of appropriate Federal departments and agencies shall ensure that cyber threat information in the possession of such Federal departments or agencies that relates to the prevention, investigation, or mitigation of threats to information security across the Federal government is shared effectively with the cybersecurity centers.

(f) SUBMISSION TO CONGRESS.—Not later than 60 days after the date of enactment of this Act, the Director of National Intelligence, in coordination with the appropriate head of a department or an agency containing a cybersecurity center, shall submit the procedures required by this section to Congress.

SEC. 104. CONSTRUCTION.

(a) INFORMATION SHARING RELATIONSHIPS.—Nothing in this title shall be construed—

(1) to limit or modify an existing information sharing relationship;

(2) to prohibit a new information sharing relationship;

(3) to require a new information sharing relationship between any entity and the Federal government, except as specified under section 102(b); or

(4) to modify the authority of a department or agency of the Federal government to protect sources and methods and the national security of the United States.

(b) ANTI-TASKING RESTRICTION.—Nothing in this title shall be construed to permit the Federal government—

(1) to require an entity to share information with the Federal government, except as expressly provided under section 102(b); or

(2) to condition the sharing of cyber threat information with an entity on such entity's provision of cyber threat information to the Federal government.

(c) NO LIABILITY FOR NON-PARTICIPATION.—Nothing in this title shall be construed to subject any entity to liability for choosing not to engage in the voluntary activities authorized under this title.

(d) USE AND RETENTION OF INFORMATION.—Nothing in this title shall be construed to authorize, or to modify any existing authority of, a department or agency of the Federal government to retain or use any information shared under section 102 for any use other than a use permitted under section 102(c)(1).

(e) NO NEW FUNDING.—An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

SEC. 105. REPORT ON IMPLEMENTATION.

(a) CONTENT OF REPORT.—Not later than 1 year after the date of enactment of this Act, and biennially thereafter, the heads of each department or agency containing a cybersecurity center shall jointly submit, in coordination with the privacy and civil liberties officials of such departments or agencies and the Privacy and Civil Liberties Oversight

Board, a detailed report to Congress concerning the implementation of this title, including—

(1) an assessment of the sufficiency of the procedures developed under section 103 of this Act in ensuring that cyber threat information in the possession of the Federal government is provided in an immediate and adequate manner to appropriate entities or, if appropriate, is made publicly available;

(2) an assessment of whether information has been appropriately classified and an accounting of the number of security clearances authorized by the Federal government for purposes of this title;

(3) a review of the type of cyber threat information shared with a cybersecurity center under section 102 of this Act, including whether such information meets the definition of cyber threat information under section 101, the degree to which such information may impact the privacy and civil liberties of individuals, any appropriate metrics to determine any impact of the sharing of such information with the Federal government on privacy and civil liberties, and the adequacy of any steps taken to reduce such impact;

(4) a review of actions taken by the Federal government based on information provided to a cybersecurity center under section 102 of this Act, including the appropriateness of any subsequent use under section 102(c)(1) of this Act and whether there was inappropriate stovepiping within the Federal government of any such information;

(5) a description of any violations of the requirements of this title by the Federal government;

(6) a classified list of entities that received classified information from the Federal government under section 103 of this Act and a description of any indication that such information may not have been appropriately handled;

(7) a summary of any breach of information security, if known, attributable to a specific failure by any entity or the Federal government to act on cyber threat information in the possession of such entity or the Federal government that resulted in substantial economic harm or injury to a specific entity or the Federal government; and

(8) any recommendation for improvements or modifications to the authorities under this title.

(b) FORM OF REPORT.—The report under subsection (a) shall be submitted in unclassified form, but shall include a classified annex.

SEC. 106. INSPECTOR GENERAL REVIEW.

(a) IN GENERAL.—The Council of the Inspectors General on Integrity and Efficiency are authorized to review compliance by the cybersecurity centers, and by any Federal department or agency receiving cyber threat information from such cybersecurity centers, with the procedures required under section 102 of this Act.

(b) SCOPE OF REVIEW.—The review under subsection (a) shall consider whether the Federal government has handled such cyber threat information in a reasonable manner, including consideration of the need to protect the privacy and civil liberties of individuals through anonymization or other appropriate methods, while fully accomplishing the objectives of this title.

(c) REPORT TO CONGRESS.—Each review conducted under this section shall be provided to Congress not later than 30 days after the date of completion of the review.

SEC. 107. TECHNICAL AMENDMENTS.

Section 552(b) of title 5, United States Code, is amended—

(1) in paragraph (8), by striking ''or'';

(2) in paragraph (9), by striking ''wells.'' and inserting ''wells; or''; and

(3) by adding at the end the following:

''(10) information shared with or provided to a cybersecurity center under section 102 of title I of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012.''.

SEC. 108. ACCESS TO CLASSIFIED INFORMATION.

(a) AUTHORIZATION REQUIRED.—No person shall be provided with access to classified information (as defined in section 6.1 of Executive Order 13526 (50 U.S.C. 435 note; relating to classified national security information)) relating to cyber security threats or cyber security vulnerabilities under this title without the appropriate security clearances.

(b) SECURITY CLEARANCES.—The appropriate Federal agencies or departments shall, consistent with applicable procedures and requirements, and if otherwise deemed appropriate, assist an individual in timely obtaining an appropriate security clearance where such individual has been determined to be eligible for such clearance and has a need-to-know (as defined in section 6.1 of that Executive Order) classified information to carry out this title.

TITLE II—COORDINATION OF FEDERAL INFORMATION SECURITY POLICY

SEC. 201. COORDINATION OF FEDERAL INFORMATION SECURITY POLICY.

(a) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended by striking subchapters II and III and inserting the following:

''SUBCHAPTER II—INFORMATION SECURITY

''§ 3551. Purposes

''The purposes of this subchapter are—

''(1) to provide a comprehensive framework for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets;

''(2) to recognize the highly networked nature of the current Federal computing environment and provide effective government-wide management of policies, directives, standards, and guidelines, as well as effective and nimble oversight of and response to information security risks, including coordination of information security efforts throughout the Federal civilian, national security, and law enforcement communities;

''(3) to provide for development and maintenance of controls required to protect agency information and information systems and contribute to the overall improvement of agency information security posture;

''(4) to provide for the development of tools and methods to assess and respond to real-time situational risk for Federal information system operations and assets; and

''(5) to provide a mechanism for improving agency information security programs through continuous monitoring of agency information systems and streamlined reporting requirements rather than overly prescriptive manual reporting.

''§ 3552. Definitions

''In this subchapter:

''(1) ADEQUATE SECURITY.—The term 'adequate security' means security commensurate with the risk and magnitude of the harm resulting from the unauthorized access to or loss, misuse, destruction, or modification of information.

''(2) AGENCY.—The term 'agency' has the meaning given the term in section 3502 of title 44.

''(3) CYBERSECURITY CENTER.—The term 'cybersecurity center' means the Department of Defense Cyber Crime Center, the Intelligence Community Incident Response Center, the United States Cyber Command Joint Operations Center, the National Cyber Investigative Joint Task Force, the National Security Agency/Central Security Service Threat Operations Center, the National Cybersecurity and Communications Integration Center, and any successor center.

''(4) CYBER THREAT INFORMATION.—The term 'cyber threat information' means information that indicates or describes—

''(A) a technical or operation vulnerability or a cyber threat mitigation measure;

''(B) an action or operation to mitigate a cyber threat;

''(C) malicious reconnaissance, including anomalous patterns of network activity that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat;

''(D) a method of defeating a technical control;

''(E) a method of defeating an operational control;

''(F) network activity or protocols known to be associated with a malicious cyber actor or that signify malicious cyber intent;

''(G) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to inadvertently enable the defeat of a technical or operational control;

''(H) any other attribute of a cybersecurity threat or cyber defense information that would foster situational awareness of the United States cybersecurity posture, if disclosure of such attribute or information is not otherwise prohibited by law;

''(I) the actual or potential harm caused by a cyber incident, including information exfiltrated when it is necessary in order to identify or describe a cybersecurity threat; or

''(J) any combination of subparagraphs (A) through (I).

''(5) DIRECTOR.—The term 'Director' means the Director of the Office of Management and Budget unless otherwise specified.

''(6) ENVIRONMENT OF OPERATION.—The term 'environment of operation' means the information system and environment in which those systems operate, including changing threats, vulnerabilities, technologies, and missions and business practices.

''(7) FEDERAL INFORMATION SYSTEM.—The term 'Federal information system' means an information system used or operated by an executive agency, by a contractor of an executive agency, or by another organization on behalf of an executive agency.

''(8) INCIDENT.—The term 'incident' means an occurrence that—

''(A) actually or imminently jeopardizes the integrity, confidentiality, or availability of an information system or the information that system controls, processes, stores, or transmits; or

''(B) constitutes a violation of law or an imminent threat of violation of a law, a security policy, a security procedure, or an acceptable use policy.

''(9) INFORMATION RESOURCES.—The term 'information resources' has the meaning given the term in section 3502 of title 44.

''(10) INFORMATION SECURITY.—The term 'information security' means protecting information and information systems from disruption or unauthorized access, use, disclosure, modification, or destruction in order to provide—

''(A) integrity, by guarding against improper information modification or destruction, including by ensuring information nonrepudiation and authenticity;

''(B) confidentiality, by preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; or

''(C) availability, by ensuring timely and reliable access to and use of information.

''(11) INFORMATION SYSTEM.—The term 'information system' has the meaning given the term in section 3502 of title 44.

''(12) INFORMATION TECHNOLOGY.—The term 'information technology' has the meaning given the term in section 11101 of title 40.

''(13) MALICIOUS RECONNAISSANCE.—The term 'malicious reconnaissance' means a method for actively probing or passively monitoring an information system for the purpose of discerning technical vulnerabilities of the information system, if such method is associated with a known or suspected cybersecurity threat.

''(14) NATIONAL SECURITY SYSTEM.—

''(A) IN GENERAL.—The term 'national security system' means any information system (including any telecommunications system) used or operated by an agency or by a contractor of an agency, or other organization on behalf of an agency—

''(i) the function, operation, or use of which—

''(I) involves intelligence activities;

''(II) involves cryptologic activities related to national security;

''(III) involves command and control of military forces;

''(IV) involves equipment that is an integral part of a weapon or weapons system; or

''(V) subject to subparagraph (B), is critical to the direct fulfillment of military or intelligence missions; or

''(ii) is protected at all times by procedures established for information that have been specifically authorized under criteria established by an Executive Order or an Act of Congress to be kept classified in the interest of national defense or foreign policy.

''(B) LIMITATION.—Subparagraph (A)(i)(V) does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

''(15) OPERATIONAL CONTROL.—The term 'operational control' means a security control for an information system that primarily is implemented and executed by people.

''(16) PERSON.—The term 'person' has the meaning given the term in section 3502 of title 44.

''(17) SECRETARY.—The term 'Secretary' means the Secretary of Commerce unless otherwise specified.

''(18) SECURITY CONTROL.—The term 'security control' means the management, operational, and technical controls, including safeguards or countermeasures, prescribed for an information system to protect the confidentiality, integrity, and availability of the system and its information.

''(19) SIGNIFICANT CYBER INCIDENT.—The term 'significant cyber incident' means a cyber incident resulting in, or an attempted cyber incident that, if successful, would have resulted in—

''(A) the exfiltration from a Federal information system of data that is essential to the operation of the Federal information system; or

''(B) an incident in which an operational or technical control essential to the security or operation of a Federal information system was defeated.

''(20) TECHNICAL CONTROL.—The term 'technical control' means a hardware or software restriction on, or audit of, access or use of an information system or information that is stored on, processed by, or transiting an information system that is intended to ensure the confidentiality, integrity, or availability of that system.

''§ 3553. Federal information security authority and coordination

''(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Homeland Security, shall—

''(1) issue compulsory and binding policies and directives governing agency information security operations, and require implementation of such policies and directives, including—

''(A) policies and directives consistent with the standards and guidelines promulgated under section 11331 of title 40 to identify and provide information security protections prioritized and commensurate with the risk and impact resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of—

''(i) information collected or maintained by or on behalf of an agency; or

''(ii) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

''(B) minimum operational requirements for Federal Government to protect agency information systems and provide common situational awareness across all agency information systems;

''(C) reporting requirements, consistent with relevant law, regarding information security incidents and cyber threat information;

''(D) requirements for agencywide information security programs;

''(E) performance requirements and metrics for the security of agency information systems;

''(F) training requirements to ensure that agencies are able to fully and timely comply with the policies and directives issued by the Secretary under this subchapter;

''(G) training requirements regarding privacy, civil rights, and civil liberties, and information oversight for agency information security personnel;

''(H) requirements for the annual reports to the Secretary under section 3554(d);

''(I) any other information security operations or information security requirements as determined by the Secretary in coordination with relevant agency heads; and

''(J) coordinating the development of standards and guidelines under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) with agencies and offices operating or exercising control of national security systems (including the National Security Agency) to assure, to the maximum extent feasible, that such standards and guidelines are complementary with standards and guidelines developed for national security systems;

''(2) review the agencywide information security programs under section 3554; and

''(3) designate an individual or an entity at each cybersecurity center, among other responsibilities—

''(A) to receive reports and information about information security incidents, cyber threat information, and deterioration of security control affecting agency information systems; and

''(B) to act on or share the information under subparagraph (A) in accordance with this subchapter.

''(b) CONSIDERATIONS.—When issuing policies and directives under subsection (a), the Secretary shall consider any applicable standards or guidelines developed by the National Institute of Standards and Technology under section 11331 of title 40.

''(c) LIMITATION OF AUTHORITY.—The authorities of the Secretary under this section shall not apply to national security systems. Information security policies, directives, standards and guidelines for national security systems shall be overseen as directed by the President and, in accordance with that direction, carried out under the authority of the heads of agencies that operate or exercise authority over such national security systems.

''(d) STATUTORY CONSTRUCTION.—Nothing in this subchapter shall be construed to alter or amend any law regarding the authority of any head of an agency over such agency.

''§ 3554. Agency responsibilities

''(a) IN GENERAL.—The head of each agency shall—

''(1) be responsible for—

''(A) complying with the policies and directives issued under section 3553;

''(B) providing information security protections commensurate with the risk resulting from unauthorized access, use, disclosure, disruption, modification, or destruction of—

''(i) information collected or maintained by the agency or by a contractor of an agency or other organization on behalf of an agency; and

''(ii) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

''(C) complying with the requirements of this subchapter, including—

''(i) information security standards and guidelines promulgated under section 11331 of title 40;

''(ii) for any national security systems operated or controlled by that agency, information security policies, directives, standards and guidelines issued as directed by the President; and

''(iii) for any non-national security systems operated or controlled by that agency, information security policies, directives, standards and guidelines issued under section 3553;

''(D) ensuring that information security management processes are integrated with agency strategic and operational planning processes;

''(E) reporting and sharing, for an agency operating or exercising control of a national security system, information about information security incidents, cyber threat information, and deterioration of security controls to the individual or entity designated at each cybersecurity center and to other appropriate entities consistent with policies and directives for national security systems issued as directed by the President; and

''(F) reporting and sharing, for those agencies operating or exercising control of non-national security systems, information about information security incidents, cyber threat information, and deterioration of security controls to the individual or entity designated at each cybersecurity center and to other appropriate entities consistent with policies and directives for non-national security systems as prescribed under section 3553(a), including information to assist the entity designated under section 3555(a) with the ongoing security analysis under section 3555;

''(2) ensure that each senior agency official provides information security for the information and information systems that support the operations and assets under the senior agency official's control, including by—

''(A) assessing the risk and impact that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of such information or information systems;

''(B) determining the level of information security appropriate to protect such information and information systems in accordance with policies and directives issued under section 3553(a), and standards and guidelines promulgated under section 11331 of title 40 for information security classifications and related requirements;

''(C) implementing policies, procedures, and capabilities to reduce risks to an acceptable level in a cost-effective manner;

''(D) actively monitoring the effective implementation of information security controls and techniques; and

''(E) reporting information about information security incidents, cyber threat information, and deterioration of security controls in a timely and adequate manner to the entity designated under section 3553(a)(3) in accordance with paragraph (1);

''(3) assess and maintain the resiliency of information technology systems critical to agency mission and operations;

''(4) designate the agency Inspector General (or an independent entity selected in consultation with the Director and the Council of Inspectors General on Integrity and Efficiency if the agency does not have an Inspector General) to conduct the annual independent evaluation required under section 3556, and allow the agency Inspector General to contract with an independent entity to perform such evaluation;

''(5) delegate to the Chief Information Officer or equivalent (or to a senior agency official who reports to the Chief Information Officer or equivalent)—

''(A) the authority and primary responsibility to implement an agencywide information security program; and

''(B) the authority to provide information security for the information collected and maintained by the agency (or by a contractor, other agency, or other source on behalf of the agency) and for the information systems that support the operations, assets, and mission of the agency (including any information system provided or managed by a contractor, other agency, or other source on behalf of the agency);

''(6) delegate to the appropriate agency official (who is responsible for a particular agency system or subsystem) the responsibility to ensure and enforce compliance with all requirements of the agency's agencywide information security program in coordination with the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5);

''(7) ensure that an agency has trained personnel who have obtained any necessary security clearances to permit them to assist the agency in complying with this subchapter;

''(8) ensure that the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5), in coordination with other senior agency officials, reports to the agency head on the effectiveness of the agencywide information security program, including the progress of any remedial actions; and

''(9) ensure that the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5) has the necessary qualifications to administer the functions described in this subchapter and has information security duties as a primary duty of that official.

''(b) CHIEF INFORMATION OFFICERS.—Each Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under subsection (a)(5) shall—

''(1) establish and maintain an enterprise security operations capability that on a continuous basis—

''(A) detects, reports, contains, mitigates, and responds to information security incidents that impair adequate security of the agency's information or information system in a timely manner and in accordance with the policies and directives under section 3553; and

''(B) reports any information security incident under subparagraph (A) to the entity designated under section 3555;

''(2) develop, maintain, and oversee an agencywide information security program;

''(3) develop, maintain, and oversee information security policies, procedures, and control techniques to address applicable requirements, including requirements under section 3553 of this title and section 11331 of title 40; and

''(4) train and oversee the agency personnel who have significant responsibility for information security with respect to that responsibility.

''(c) AGENCYWIDE INFORMATION SECURITY PROGRAMS.—

''(1) IN GENERAL.—Each agencywide information security program under subsection (b)(2) shall include—

''(A) relevant security risk assessments, including technical assessments and others related to the acquisition process;

''(B) security testing commensurate with risk and impact;

''(C) mitigation of deterioration of security controls commensurate with risk and impact;

''(D) risk-based continuous monitoring and threat assessment of the operational status and security of agency information systems to enable evaluation of the effectiveness of and compliance with information security policies, procedures, and practices, including a relevant and appropriate selection of security controls of information systems identified in the inventory under section 3505(c);

''(E) operation of appropriate technical capabilities in order to detect, mitigate, report, and respond to information security incidents, cyber threat information, and deterioration of security controls in a manner that is consistent with the policies and directives under section 3553, including—

''(i) mitigating risks associated with such information security incidents;

''(ii) notifying and consulting with the entity designated under section 3555; and

''(iii) notifying and consulting with, as appropriate—

''(I) law enforcement and the relevant Office of the Inspector General; and

''(II) any other entity, in accordance with law and as directed by the President;

''(F) a process to ensure that remedial action is taken to address any deficiencies in the information security policies, procedures, and practices of the agency; and

''(G) a plan and procedures to ensure the continuity of operations for information systems that support the operations and assets of the agency.

''(2) RISK MANAGEMENT STRATEGIES.—Each agencywide information security program under subsection (b)(2) shall include the development and maintenance of a risk management strategy for information security. The risk management strategy shall include—

''(A) consideration of information security incidents, cyber threat information, and deterioration of security controls; and

''(B) consideration of the consequences that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of information and information systems that support the operations and assets of the agency, including any information system provided or managed by a contractor, other agency, or other source on behalf of the agency;

''(3) POLICIES AND PROCEDURES.—Each agencywide information security program under subsection (b)(2) shall include policies and procedures that—

''(A) are based on the risk management strategy under paragraph (2);

''(B) reduce information security risks to an acceptable level in a cost-effective manner;

''(C) ensure that cost-effective and adequate information security is addressed as part of the acquisition and ongoing management of each agency information system; and

''(D) ensure compliance with—

''(i) this subchapter; and

''(ii) any other applicable requirements.

''(4) TRAINING REQUIREMENTS.—Each agencywide information security program under subsection (b)(2) shall include information security, privacy, civil rights, civil liberties, and information oversight training that meets any applicable requirements under section 3553. The training shall inform each information security personnel that has access to agency information systems (including contractors and other users of information systems that support the operations and assets of the agency) of—

''(A) the information security risks associated with the information security personnel's activities; and

''(B) the individual's responsibility to comply with the agency policies and procedures that reduce the risks under subparagraph (A).

''(d) ANNUAL REPORT.—Each agency shall submit a report annually to the Secretary of Homeland Security on its agencywide information security program and information systems.

''§ 3555. Multiagency ongoing threat assessment

''(a) IMPLEMENTATION.—The Director of the Office of Management and Budget, in coordination with the Secretary of Homeland Security, shall designate an entity to implement ongoing security analysis concerning agency information systems—

''(1) based on cyber threat information;

''(2) based on agency information system and environment of operation changes, including—

''(A) an ongoing evaluation of the information system security controls; and

''(B) the security state, risk level, and environment of operation of an agency information system, including—

''(i) a change in risk level due to a new cyber threat;

''(ii) a change resulting from a new technology;

''(iii) a change resulting from the agency's mission; and

''(iv) a change resulting from the business practice; and

''(3) using automated processes to the maximum extent possible—

''(A) to increase information system security;

''(B) to reduce paper-based reporting requirements; and

''(C) to maintain timely and actionable knowledge of the state of the information system security.

''(b) STANDARDS.—The National Institute of Standards and Technology may promulgate standards, in coordination with the Secretary of Homeland Security, to assist an agency with its duties under this section.

''(c) COMPLIANCE.—The head of each appropriate department and agency shall be responsible for ensuring compliance and implementing necessary procedures to comply with this section. The head of each appropriate department and agency, in consultation with the Director of the Office of Management and Budget and the Secretary of Homeland Security, shall—

''(1) monitor compliance under this section;

''(2) develop a timeline and implement for the department or agency—

''(A) adoption of any technology, system, or method that facilitates continuous monitoring and threat assessments of an agency information system;

''(B) adoption or updating of any technology, system, or method that prevents, detects, or remediates a significant cyber incident to a Federal information system of the department or agency that has impeded, or is reasonably likely to impede, the performance of a critical mission of the department or agency; and

''(C) adoption of any technology, system, or method that satisfies a requirement under this section.

''(d) LIMITATION OF AUTHORITY.—The authorities of the Director of the Office of Management and Budget and of the Secretary of Homeland Security under this section shall not apply to national security systems.

''(e) REPORT.—Not later than 6 months after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Government Accountability Office shall issue a report evaluating each agency's status toward implementing this section.

''§ 3556. Independent evaluations

''(a) IN GENERAL.—The Council of the Inspectors General on Integrity and Efficiency, in consultation with the Director and the Secretary of Homeland Security, the Secretary of Commerce, and the Secretary of Defense, shall issue and maintain criteria for the timely, cost-effective, risk-based, and independent evaluation of each agencywide information security program (and practices) to determine the effectiveness of the agencywide information security program (and practices). The criteria shall include measures to assess any conflicts of interest in the performance of the evaluation and whether the agencywide information security program includes appropriate safeguards against disclosure of information where such disclosure may adversely affect information security.

''(b) ANNUAL INDEPENDENT EVALUATIONS.—Each agency shall perform an annual independent evaluation of its agencywide information security program (and practices) in accordance with the criteria under subsection (a).

''(c) DISTRIBUTION OF REPORTS.—Not later than 30 days after receiving an independent evaluation under subsection (b), each agency head shall transmit a copy of the independent evaluation to the Secretary of Homeland Security, the Secretary of Commerce, and the Secretary of Defense.

''(d) NATIONAL SECURITY SYSTEMS.—Evaluations involving national security systems shall be conducted as directed by President.

''§ 3557. National security systems.

''The head of each agency operating or exercising control of a national security system shall be responsible for ensuring that the agency—

''(1) provides information security protections commensurate with the risk and magnitude of the harm resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of the information contained in such system; and

''(2) implements information security policies and practices as required by standards and guidelines for national security systems, issued in accordance with law and as directed by the President.''.

(b) SAVINGS PROVISIONS.—

(1) POLICY AND COMPLIANCE GUIDANCE.—Policy and compliance guidance issued by the Director before the date of enactment of this Act under section 3543(a)(1) of title 44, United States Code (as in effect on the day before the date of enactment of this Act), shall continue in effect, according to its terms, until modified, terminated, superseded, or repealed pursuant to section 3553(a)(1) of title 44, United States Code.

(2) STANDARDS AND GUIDELINES.—Standards and guidelines issued by the Secretary of Commerce or by the Director before the date of enactment of this Act under section 11331(a)(1) of title 40, United States Code, (as in effect on the day before the date of enactment of this Act) shall continue in effect, according to their terms, until modified, terminated, superseded, or repealed pursuant to section 11331(a)(1) of title 40, United States Code, as amended by this Act.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The chapter analysis for chapter 35 of title 44, United States Code, is amended—

(A) by striking the items relating to sections 3531 through 3538;

(B) by striking the items relating to sections 3541 through 3549; and

(C) by inserting the following:

''3551. Purposes.
''3552. Definitions.
''3553. Federal information security authority and coordination.
''3554. Agency responsibilities.
''3555. Multiagency ongoing threat assessment.
''3556. Independent evaluations.
''3557. National security systems.''.

(2) OTHER REFERENCES.—

(A) Section 1001(c)(1)(A) of the Homeland Security Act of 2002 (6 U.S.C. 511(1)(A)) is amended by striking ''section 3532(3)'' and inserting ''section 3552''.

(B) Section 2222(j)(5) of title 10, United States Code, is amended by striking ''section 3542(b)(2)'' and inserting ''section 3552''.

(C) Section 2223(c)(3) of title 10, United States Code, is amended, by striking ''section 3542(b)(2)'' and inserting ''section 3552''.

(D) Section 2315 of title 10, United States Code, is amended by striking ''section 3542(b)(2)'' and inserting ''section 3552''.

(E) Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is amended—

(i) in subsection (a)(2), by striking ''section 3532(b)(2)'' and inserting ''section 3552'';

(ii) in subsection (c)(3), by striking ''Director of the Office of Management and Budget'' and inserting ''Secretary of Commerce'';

(iii) in subsection (d)(1), by striking ''Director of the Office of Management and Budget'' and inserting ''Secretary of Commerce'';

(iv) in subsection (d)(8) by striking ''Director of the Office of Management and Budget'' and inserting ''Secretary of Commerce'';

(v) in subsection (d)(8), by striking ''submitted to the Director'' and inserting ''submitted to the Secretary'';

(vi) in subsection (e)(2), by striking ''section 3532(1) of such title'' and inserting ''section 3552 of title 44''; and

(vii) in subsection (e)(5), by striking ''section 3532(b)(2) of such title'' and inserting ''section 3552 of title 44''.

(F) Section 8(d)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7406(d)(1)) is amended by striking ''section 3534(b)'' and inserting ''section 3554(b)(2)''.

SEC. 202. MANAGEMENT OF INFORMATION TECHNOLOGY.

(a) IN GENERAL.—Section 11331 of title 40, United States Code, is amended to read as follows:

''§ 11331. Responsibilities for Federal information systems standards

''(a) STANDARDS AND GUIDELINES.—

''(1) AUTHORITY TO PRESCRIBE.—Except as provided under paragraph (2), the Secretary of Commerce shall prescribe standards and guidelines pertaining to Federal information systems—

''(A) in consultation with the Secretary of Homeland Security; and

''(B) on the basis of standards and guidelines developed by the National Institute of Standards and Technology under paragraphs (2) and (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a)(2) and (a)(3)).

''(2) NATIONAL SECURITY SYSTEMS.—Standards and guidelines for national security systems shall be developed, prescribed, enforced, and overseen as otherwise authorized by law and as directed by the President.

''(b) MANDATORY STANDARDS AND GUIDELINES.—

''(1) AUTHORITY TO MAKE MANDATORY STANDARDS AND GUIDELINES.—The Secretary of Commerce shall make standards and guidelines under subsection (a)(1) compulsory and binding to the extent determined necessary by the Secretary of Commerce to improve the efficiency of operation or security of Federal information systems.

''(2) REQUIRED MANDATORY STANDARDS AND GUIDELINES.—

''(A) IN GENERAL.—Standards and guidelines under subsection (a)(1) shall include information security standards that—

''(i) provide minimum information security requirements as determined under section 20(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(b)); and

''(ii) are otherwise necessary to improve the security of Federal information and information systems.

''(B) BINDING EFFECT.—Information security standards under subparagraph (A) shall be compulsory and binding.

''(c) EXERCISE OF AUTHORITY.—To ensure fiscal and policy consistency, the Secretary of Commerce shall exercise the authority conferred by this section subject to direction by the President and in coordination with the Director.

''(d) APPLICATION OF MORE STRINGENT STANDARDS AND GUIDELINES.—The head of an executive agency may employ standards for the cost-effective information security for information systems within or under the supervision of that agency that are more stringent than the standards and guidelines the Secretary of Commerce prescribes under this section if the more stringent standards and guidelines—

''(1) contain at least the applicable standards and guidelines made compulsory and binding by the Secretary of Commerce; and

''(2) are otherwise consistent with the policies, directives, and implementation memoranda issued under section 3553(a) of title 44.

''(e) DECISIONS ON PROMULGATION OF STANDARDS AND GUIDELINES.—The decision by the Secretary of Commerce regarding the promulgation of any standard or guideline under this section shall occur not later than 6 months after the date of submission of the proposed standard to the Secretary of Commerce by the National Institute of Standards and Technology under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3).

''(f) NOTICE AND COMMENT.—A decision by the Secretary of Commerce to significantly modify, or not promulgate, a proposed standard submitted to the Secretary by the National Institute of Standards and Technology under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) shall be made after the public is given an opportunity to comment on the Secretary's proposed decision.

''(g) DEFINITIONS.—In this section:

''(1) FEDERAL INFORMATION SYSTEM.—The term 'Federal information system' has the meaning given the term in section 3552 of title 44.

''(2) INFORMATION SECURITY.—The term 'information security' has the meaning given the term in section 3552 of title 44.

''(3) NATIONAL SECURITY SYSTEM.—The term 'national security system' has the meaning given the term in section 3552 of title 44.''.

SEC. 203. NO NEW FUNDING.

An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

SEC. 204. TECHNICAL AND CONFORMING AMENDMENTS.

Section 21(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–4(b)) is amended—

(1) in paragraph (2), by striking ''and the Director of the Office of Management and Budget'' and inserting '', the Secretary of Commerce, and the Secretary of Homeland Security''; and

(2) in paragraph (3), by inserting '', the Secretary of Homeland Security,'' after ''the Secretary of Commerce''.

SEC. 205. CLARIFICATION OF AUTHORITIES.

Nothing in this title shall be construed to convey any new regulatory authority to any government entity implementing or complying with any provision of this title.

TITLE III—CRIMINAL PENALTIES

SEC. 301. PENALTIES FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

Section 1030(c) of title 18, United States Code, is amended to read as follows:

''(c) The punishment for an offense under subsection (a) or (b) of this section is—

''(1) a fine under this title or imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(1) of this section;

''(2)(A) except as provided in subparagraph (B), a fine under this title or imprisonment for not more than 3 years, or both, in the case of an offense under subsection (a)(2); or

''(B) a fine under this title or imprisonment for not more than ten years, or both, in the case of an offense under subsection (a)(2) of this section, if—

''(i) the offense was committed for purposes of commercial advantage or private financial gain;

''(ii) the offense was committed in the furtherance of any criminal or tortious act in violation of the Constitution or laws of the United States, or of any State; or

''(iii) the value of the information obtained, or that would have been obtained if the offense was completed, exceeds $5,000;

''(3) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(3) of this section;

''(4) a fine under this title or imprisonment of not more than 20 years, or both, in the case of an offense under subsection (a)(4) of this section;

''(5)(A) except as provided in subparagraph (C), a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(A) of this section, if the offense caused—

''(i) loss to 1 or more persons during any 1-year period (and, for purposes of an investigation, prosecution, or other proceeding brought by the United States only, loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least $5,000 in value;

''(ii) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

''(iii) physical injury to any person;

''(iv) a threat to public health or safety;

''(v) damage affecting a computer used by, or on behalf of, an entity of the United States Government in furtherance of the administration of justice, national defense, or national security; or

''(vi) damage affecting 10 or more protected computers during any 1-year period;

''(B) a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(B), if the offense caused a harm provided in clause (i) through (vi) of subparagraph (A) of this subsection;

''(C) if the offender attempts to cause or knowingly or recklessly causes death from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for any term of years or for life, or both;

''(D) a fine under this title, imprisonment for not more than 10 years, or both, for any other offense under subsection (a)(5);

''(E) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(6) of this section; or

''(F) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(7) of this section.''.

SEC. 302. TRAFFICKING IN PASSWORDS.

Section 1030(a)(6) of title 18, United States Code, is amended to read as follows:

''(6) knowingly and with intent to defraud traffics (as defined in section 1029) in any password or similar information or means of access through which a protected computer (as defined in subparagraphs (A) and (B) of subsection (e)(2)) may be accessed without authorization.''.

SEC. 303. CONSPIRACY AND ATTEMPTED COMPUTER FRAUD OFFENSES.

Section 1030(b) of title 18, United States Code, is amended by inserting ''as if for the completed offense'' after ''punished as provided''.

SEC. 304. CRIMINAL AND CIVIL FORFEITURE FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

Section 1030 of title 18, United States Code, is amended by striking subsections (i) and (j) and inserting the following:

''(i) CRIMINAL FORFEITURE.—

''(1) The court, in imposing sentence on any person convicted of a violation of this section, or convicted of conspiracy to violate this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

''(A) such persons interest in any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of such violation; and

''(B) any property, real or personal, constituting or derived from any gross proceeds, or any property traceable to such property, that such person obtained, directly or indirectly, as a result of such violation.

''(2) The criminal forfeiture of property under this subsection, including any seizure and disposition of the property, and any related judicial or administrative proceeding, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except subsection (d) of that section.

''(j) CIVIL FORFEITURE.—

''(1) The following shall be subject to forfeiture to the United States and no property right, real or personal, shall exist in them:

''(A) Any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of any violation of this section, or a conspiracy to violate this section.

''(B) Any property, real or personal, constituting or derived from any gross proceeds obtained directly or indirectly, or any property traceable to such property, as a result of the commission of any violation of this section, or a conspiracy to violate this section.

''(2) Seizures and forfeitures under this subsection shall be governed by the provisions in chapter 46 relating to civil forfeitures, except that such duties as are imposed on the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents and other persons as may be designated for that purpose by the Secretary of Homeland Security or the Attorney General.''.

SEC. 305. DAMAGE TO CRITICAL INFRASTRUCTURE COMPUTERS.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1030 the following:

''§ 1030A. Aggravated damage to a critical infrastructure computer

''(a) DEFINITIONS.—In this section—

''(1) the term 'computer' has the meaning given the term in section 1030;

''(2) the term 'critical infrastructure computer' means a computer that manages or controls systems or assets vital to national defense, national security, national economic security, public health or safety, or any combination of those matters, whether publicly or privately owned or operated, including—

''(A) oil and gas production, storage, conversion, and delivery systems;

''(B) water supply systems;

''(C) telecommunication networks;

''(D) electrical power generation and delivery systems;

''(E) finance and banking systems;

''(F) emergency services;

''(G) transportation systems and services; and

''(H) government operations that provide essential services to the public; and

''(3) the term 'damage' has the meaning given the term in section 1030.

''(b) OFFENSE.—It shall be unlawful, during and in relation to a felony violation of section 1030, to knowingly cause or attempt to cause damage to a critical infrastructure computer if the damage results in (or, in the case of an attempt, if completed, would have resulted in) the substantial impairment—

''(1) of the operation of the critical infrastructure computer; or

''(2) of the critical infrastructure associated with the computer.

''(c) PENALTY.—Any person who violates subsection (b) shall be—

''(1) fined under this title;

''(2) imprisoned for not less than 3 years but not more than 20 years; or

''(3) penalized under paragraphs (1) and (2).

''(d) CONSECUTIVE SENTENCE.—Notwithstanding any other provision of law—

''(1) a court shall not place on probation any person convicted of a violation of this section;

''(2) except as provided in paragraph (4), no term of imprisonment imposed on a person under this section shall run concurrently with any other term of imprisonment, including any term of imprisonment imposed on the person under any other provision of law, including any term of imprisonment imposed for a felony violation of section 1030;

''(3) in determining any term of imprisonment to be imposed for a felony violation of section 1030, a court shall not in any way reduce the term to be imposed for such crime so as to compensate for, or otherwise take into account, any separate term of imprisonment imposed or to be imposed for a violation of this section; and

''(4) a term of imprisonment imposed on a person for a violation of this section may, in the discretion of the court, run concurrently, in whole or in part, only with another term of imprisonment that is imposed by the

court at the same time on that person for an additional violation of this section, provided that such discretion shall be exercised in accordance with any applicable guidelines and policy statements issued by the United States Sentencing Commission pursuant to section 994 of title 28.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1030 the following:

''1030A. Aggravated damage to a critical infrastructure computer.''.

SEC. 306. LIMITATION ON ACTIONS INVOLVING UNAUTHORIZED USE.

Section 1030(e)(6) of title 18, United States Code, is amended by striking ''alter;'' and inserting ''alter, but does not include access in violation of a contractual obligation or agreement, such as an acceptable use policy or terms of service agreement, with an Internet service provider, Internet website, or non-government employer, if such violation constitutes the sole basis for determining that access to a protected computer is unauthorized;''.

SEC. 307. NO NEW FUNDING.

An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

TITLE IV—CYBERSECURITY RESEARCH AND DEVELOPMENT

SEC. 401. NATIONAL HIGH-PERFORMANCE COMPUTING PROGRAM PLANNING AND COORDINATION.

(a) GOALS AND PRIORITIES.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

''(d) GOALS AND PRIORITIES.—The goals and priorities for Federal high-performance computing research, development, networking, and other activities under subsection (a)(2)(A) shall include—

''(1) encouraging and supporting mechanisms for interdisciplinary research and development in networking and information technology, including—

''(A) through collaborations across agencies;

''(B) through collaborations across Program Component Areas;

''(C) through collaborations with industry;

''(D) through collaborations with institutions of higher education;

''(E) through collaborations with Federal laboratories (as defined in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703)); and

''(F) through collaborations with international organizations;

''(2) addressing national, multi-agency, multi-faceted challenges of national importance; and

''(3) fostering the transfer of research and development results into new technologies and applications for the benefit of society.''.

(b) DEVELOPMENT OF STRATEGIC PLAN.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

''(e) STRATEGIC PLAN.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the agencies under subsection (a)(3)(B), working through the National Science and Technology Council and with the assistance of the Office of Science and Technology Policy shall develop a 5-year strategic plan to guide the activities under subsection (a)(1).

''(2) CONTENTS.—The strategic plan shall specify—

''(A) the near-term objectives for the Program;

''(B) the long-term objectives for the Program;

''(C) the anticipated time frame for achieving the near-term objectives;

''(D) the metrics that will be used to assess any progress made toward achieving the near-term objectives and the long-term objectives; and

''(E) how the Program will achieve the goals and priorities under subsection (d).

''(3) IMPLEMENTATION ROADMAP.—

''(A) IN GENERAL.—The agencies under subsection (a)(3)(B) shall develop and annually update an implementation roadmap for the strategic plan.

''(B) REQUIREMENTS.—The information in the implementation roadmap shall be coordinated with the database under section 102(c) and the annual report under section 101(a)(3). The implementation roadmap shall—

''(i) specify the role of each Federal agency in carrying out or sponsoring research and development to meet the research objectives of the strategic plan, including a description of how progress toward the research objectives will be evaluated, with consideration of any relevant recommendations of the advisory committee;

''(ii) specify the funding allocated to each major research objective of the strategic plan and the source of funding by agency for the current fiscal year; and

''(iii) estimate the funding required for each major research objective of the strategic plan for the next 3 fiscal years.

''(4) RECOMMENDATIONS.—The agencies under subsection (a)(3)(B) shall take into consideration when developing the strategic plan under paragraph (1) the recommendations of—

''(A) the advisory committee under subsection (b); and

''(B) the stakeholders under section 102(a)(3).

''(5) REPORT TO CONGRESS.—The Director of the Office of Science and Technology Policy shall transmit the strategic plan under this subsection, including the implementation roadmap and any updates under paragraph (3), to—

''(A) the advisory committee under subsection (b);

''(B) the Committee on Commerce, Science, and Transportation of the Senate; and

''(C) the Committee on Science and Technology of the House of Representatives.''.

(c) PERIODIC REVIEWS.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

''(f) PERIODIC REVIEWS.—The agencies under subsection (a)(3)(B) shall—

''(1) periodically assess the contents and funding levels of the Program Component Areas and restructure the Program when warranted, taking into consideration any relevant recommendations of the advisory committee under subsection (b); and

''(2) ensure that the Program includes national, multi-agency, multi-faceted research and development activities, including activities described in section 104.''.

(d) ADDITIONAL RESPONSIBILITIES OF DIRECTOR.—Section 101(a)(2) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(2)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (G) and (H), respectively; and

(2) by inserting after subparagraph (D) the following:

''(E) encourage and monitor the efforts of the agencies participating in the Program to allocate the level of resources and management attention necessary—

''(i) to ensure that the strategic plan under subsection (e) is developed and executed effectively; and

''(ii) to ensure that the objectives of the Program are met;

''(F) working with the Office of Management and Budget and in coordination with the creation of the database under section 102(c), direct the Office of Science and Technology Policy and the agencies participating in the Program to establish a mechanism (consistent with existing law) to track all ongoing and completed research and development projects and associated funding;''.

(e) ADVISORY COMMITTEE.—Section 101(b) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(b)) is amended—

(1) in paragraph (1)—

(A) by inserting after the first sentence the following: ''The co-chairs of the advisory committee shall meet the qualifications of committee members and may be members of the Presidents Council of Advisors on Science and Technology.''; and

(B) by striking ''high-performance'' in subparagraph (D) and inserting ''high-end''; and

(2) by amending paragraph (2) to read as follows:

''(2) In addition to the duties under paragraph (1), the advisory committee shall conduct periodic evaluations of the funding, management, coordination, implementation, and activities of the Program. The advisory committee shall report its findings and recommendations not less frequently than once every 3 fiscal years to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives. The report shall be submitted in conjunction with the update of the strategic plan.''.

(f) REPORT.—Section 101(a)(3) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(3)) is amended—

(1) in subparagraph (C)—

(A) by striking ''is submitted,'' and inserting ''is submitted, the levels for the previous fiscal year,''; and

(B) by striking ''each Program Component Area'' and inserting ''each Program Component Area and each research area supported in accordance with section 104'';

(2) in subparagraph (D)—

(A) by striking ''each Program Component Area,'' and inserting ''each Program Component Area and each research area supported in accordance with section 104,'';

(B) by striking ''is submitted,'' and inserting ''is submitted, the levels for the previous fiscal year,''; and

(C) by striking ''and'' after the semicolon;

(3) by redesignating subparagraph (E) as subparagraph (G); and

(4) by inserting after subparagraph (D) the following:

''(E) include a description of how the objectives for each Program Component Area, and the objectives for activities that involve multiple Program Component Areas, relate to the objectives of the Program identified in the strategic plan under subsection (e);

''(F) include—

''(i) a description of the funding required by the Office of Science and Technology Policy to perform the functions under subsections (a) and (c) of section 102 for the next fiscal year by category of activity;

''(ii) a description of the funding required by the Office of Science and Technology Policy to perform the functions under subsections (a) and (c) of section 102 for the current fiscal year by category of activity; and

''(iii) the amount of funding provided for the Office of Science and Technology Policy for the current fiscal year by each agency participating in the Program; and''.

(g) DEFINITIONS.—Section 4 of the High-Performance Computing Act of 1991 (15 U.S.C. 5503) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(2) by redesignating paragraph (3) as paragraph (6);

(3) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively;

(4) by inserting before paragraph (2), as redesignated, the following:

''(1) 'cyber-physical systems' means physical or engineered systems whose networking and information technology functions and physical elements are deeply integrated and are actively connected to the physical world through sensors, actuators, or other means to perform monitoring and control functions;'';

(5) in paragraph (3), as redesignated, by striking ''high-performance computing'' and inserting ''networking and information technology'';

(6) in paragraph (6), as redesignated—

(A) by striking ''high-performance computing'' and inserting ''networking and information technology''; and

(B) by striking ''supercomputer'' and inserting ''high-end computing'';

(7) in paragraph (5), by striking ''network referred to as'' and all that follows through the semicolon and inserting ''network, including advanced computer networks of Federal agencies and departments''; and

(8) in paragraph (7), as redesignated, by striking ''National High-Performance Computing Program'' and inserting ''networking and information technology research and development program''.

SEC. 402. RESEARCH IN AREAS OF NATIONAL IMPORTANCE.

(a) RESEARCH IN AREAS OF NATIONAL IMPORTANCE.—Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.) is amended by adding at the end the following:

''SEC. 104. RESEARCH IN AREAS OF NATIONAL IMPORTANCE.

''(a) IN GENERAL.—The Program shall encourage agencies under section 101(a)(3)(B) to support, maintain, and improve national, multi-agency, multi-faceted, research and development activities in networking and information technology directed toward application areas that have the potential for significant contributions to national economic competitiveness and for other significant societal benefits.

''(b) TECHNICAL SOLUTIONS.—An activity under subsection (a) shall be designed to advance the development of research discoveries by demonstrating technical solutions to important problems in areas including—

''(1) cybersecurity;

''(2) health care;

''(3) energy management and low-power systems and devices;

''(4) transportation, including surface and air transportation;

''(5) cyber-physical systems;

''(6) large-scale data analysis and modeling of physical phenomena;

''(7) large scale data analysis and modeling of behavioral phenomena;

''(8) supply chain quality and security; and

''(9) privacy protection and protected disclosure of confidential data.

''(c) RECOMMENDATIONS.—The advisory committee under section 101(b) shall make recommendations to the Program for candidate research and development areas for support under this section.

''(d) CHARACTERISTICS.—

''(1) IN GENERAL.—Research and development activities under this section—

''(A) shall include projects selected on the basis of applications for support through a competitive, merit-based process;

''(B) shall leverage, when possible, Federal investments through collaboration with related State initiatives;

''(C) shall include a plan for fostering the transfer of research discoveries and the results of technology demonstration activities, including from institutions of higher education and Federal laboratories, to industry for commercial development;

''(D) shall involve collaborations among researchers in institutions of higher education and industry; and

''(E) may involve collaborations among nonprofit research institutions and Federal laboratories, as appropriate.

''(2) COST-SHARING.—In selecting applications for support, the agencies under section 101(a)(3)(B) shall give special consideration to projects that include cost sharing from non-Federal sources.

''(3) MULTIDISCIPLINARY RESEARCH CENTERS.—Research and development activities under this section shall be supported through multidisciplinary research centers, including Federal laboratories, that are organized to investigate basic research questions and carry out technology demonstration activities in areas described in subsection (a). Research may be carried out through existing multidisciplinary centers, including those authorized under section 7024(b)(2) of the America COMPETES Act (42 U.S.C. 1862o–10(2)).''.

(b) CYBER-PHYSICAL SYSTEMS.—Section 101(a)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(1)) is amended—

(1) in subparagraph (H), by striking ''and'' after the semicolon;

(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) provide for increased understanding of the scientific principles of cyber-physical systems and improve the methods available for the design, development, and operation of cyber-physical systems that are characterized by high reliability, safety, and security; and

''(K) provide for research and development on human-computer interactions, visualization, and big data.''.

(c) TASK FORCE.—Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.), as amended by section 402(a) of this Act, is amended by adding at the end the following:

''SEC. 105. TASK FORCE.

''(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Director of the Office of Science and Technology Policy under section 102 shall convene a task force to explore mechanisms for carrying out collaborative research and development activities for cyber-physical systems (including the related technologies required to enable these systems) through a consortium or other appropriate entity with participants from institutions of higher education, Federal laboratories, and industry.

''(b) FUNCTIONS.—The task force shall—

''(1) develop options for a collaborative model and an organizational structure for such entity under which the joint research and development activities could be planned, managed, and conducted effectively, including mechanisms for the allocation of resources among the participants in such entity for support of such activities;

''(2) propose a process for developing a research and development agenda for such entity, including guidelines to ensure an appropriate scope of work focused on nationally significant challenges and requiring collaboration and to ensure the development of related scientific and technological milestones;

''(3) define the roles and responsibilities for the participants from institutions of higher education, Federal laboratories, and industry in such entity;

''(4) propose guidelines for assigning intellectual property rights and for transferring research results to the private sector; and

''(5) make recommendations for how such entity could be funded from Federal, State, and non-governmental sources.

''(c) COMPOSITION.—In establishing the task force under subsection (a), the Director of the Office of Science and Technology Policy shall appoint an equal number of individuals from institutions of higher education and from industry with knowledge and expertise in cyber-physical systems, and may appoint not more than 2 individuals from Federal laboratories.

''(d) REPORT.—Not later than 1 year after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Director of the Office of Science and Technology Policy shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a report describing the findings and recommendations of the task force.

''(e) TERMINATION.—The task force shall terminate upon transmittal of the report required under subsection (d).

''(f) COMPENSATION AND EXPENSES.—Members of the task force shall serve without compensation.''.

SEC. 403. PROGRAM IMPROVEMENTS.

Section 102 of the High-Performance Computing Act of 1991 (15 U.S.C. 5512) is amended to read as follows:

''SEC. 102. PROGRAM IMPROVEMENTS.

''(a) FUNCTIONS.—The Director of the Office of Science and Technology Policy shall continue—

''(1) to provide technical and administrative support to—

''(A) the agencies participating in planning and implementing the Program, including support needed to develop the strategic plan under section 101(e); and

''(B) the advisory committee under section 101(b);

''(2) to serve as the primary point of contact on Federal networking and information technology activities for government agencies, academia, industry, professional societies, State computing and networking technology programs, interested citizen groups, and others to exchange technical and programmatic information;

''(3) to solicit input and recommendations from a wide range of stakeholders during the development of each strategic plan under section 101(e) by convening at least 1 workshop with invitees from academia, industry, Federal laboratories, and other relevant organizations and institutions;

''(4) to conduct public outreach, including the dissemination of the advisory committee's findings and recommendations, as appropriate;

''(5) to promote access to and early application of the technologies, innovations, and expertise derived from Program activities to agency missions and systems across the Federal Government and to United States industry;

''(6) to ensure accurate and detailed budget reporting of networking and information technology research and development investment; and

''(7) to encourage agencies participating in the Program to use existing programs and

resources to strengthen networking and information technology education and training, and increase participation in such fields, including by women and underrepresented minorities.

''(b) SOURCE OF FUNDING.—

''(1) IN GENERAL.—The functions under this section shall be supported by funds from each agency participating in the Program.

''(2) SPECIFICATIONS.—The portion of the total budget of the Office of Science and Technology Policy that is provided by each agency participating in the Program for each fiscal year shall be in the same proportion as each agency's share of the total budget for the Program for the previous fiscal year, as specified in the database under section 102(c).

''(c) DATABASE.—

''(1) IN GENERAL.—The Director of the Office of Science and Technology Policy shall develop and maintain a database of projects funded by each agency for the fiscal year for each Program Component Area.

''(2) PUBLIC ACCESSIBILITY.—The Director of the Office of Science and Technology Policy shall make the database accessible to the public.

''(3) DATABASE CONTENTS.—The database shall include, for each project in the database—

''(A) a description of the project;

''(B) each agency, industry, institution of higher education, Federal laboratory, or international institution involved in the project;

''(C) the source funding of the project (set forth by agency);

''(D) the funding history of the project; and

''(E) whether the project has been completed.''.

SEC. 404. IMPROVING EDUCATION OF NETWORKING AND INFORMATION TECHNOLOGY, INCLUDING HIGH PERFORMANCE COMPUTING.

Section 201(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5521(a)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) the National Science Foundation shall use its existing programs, in collaboration with other agencies, as appropriate, to improve the teaching and learning of networking and information technology at all levels of education and to increase participation in networking and information technology fields;''.

SEC. 405. CONFORMING AND TECHNICAL AMENDMENTS TO THE HIGH-PERFORMANCE COMPUTING ACT OF 1991.

(a) SECTION 3.—Section 3 of the High-Performance Computing Act of 1991 (15 U.S.C. 5502) is amended—

(1) in the matter preceding paragraph (1), by striking ''high-performance computing'' and inserting ''networking and information technology'';

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''high-performance computing'' and inserting ''networking and information technology'';

(B) in subparagraphs (A), (F), and (G), by striking ''high-performance computing'' each place it appears and inserting ''networking and information technology''; and

(C) in subparagraph (H), by striking ''high-performance'' and inserting ''high-end''; and

(3) in paragraph (2)—

(A) by striking ''high-performance computing and'' and inserting ''networking and information technology, and''; and

(B) by striking ''high-performance computing network'' and inserting ''networking and information technology''.

(b) TITLE HEADING.—The heading of title I of the High-Performance Computing Act of 1991 (105 Stat. 1595) is amended by striking ''**HIGH-PERFORMANCE COMPUTING**'' and inserting ''**NETWORKING AND INFORMATION TECHNOLOGY**''.

(c) SECTION 101.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended—

(1) in the section heading, by striking ''**HIGH-PERFORMANCE COMPUTING**'' and inserting ''**NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT**'';

(2) in subsection (a)—

(A) in the subsection heading, by striking ''NATIONAL HIGH-PERFORMANCE COMPUTING'' and inserting ''NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT'';

(B) in paragraph (1)—

(i) by striking ''National High-Performance Computing Program'' and inserting ''networking and information technology research and development program'';

(ii) in subparagraph (A), by striking ''high-performance computing, including networking'' and inserting ''networking and information technology'';

(iii) in subparagraphs (B) and (G), by striking ''high-performance'' each place it appears and inserting ''high-end''; and

(iv) in subparagraph (C), by striking ''high-performance computing and networking'' and inserting ''high-end computing, distributed, and networking''; and

(C) in paragraph (2)—

(i) in subparagraphs (A) and (C)—

(I) by striking ''high-performance computing'' each place it appears and inserting ''networking and information technology''; and

(II) by striking ''development, networking,'' each place it appears and inserting ''development,''; and

(ii) in subparagraphs (G) and (H), as redesignated by section 401(d) of this Act, by striking ''high-performance'' each place it appears and inserting ''high-end'';

(3) in subsection (b)(1), in the matter preceding subparagraph (A), by striking ''high-performance computing'' each place it appears and inserting ''networking and information technology''; and

(4) in subsection (c)(1)(A), by striking ''high-performance computing'' and inserting ''networking and information technology''.

(d) SECTION 201.—Section 201(a)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5521(a)(1)) is amended by striking ''high-performance computing and advanced high-speed computer networking'' and inserting ''networking and information technology research and development''.

(e) SECTION 202.—Section 202(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5522(a)) is amended by striking ''high-performance computing'' and inserting ''networking and information technology''.

(f) SECTION 203.—Section 203(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(a)) is amended—

(1) in paragraph (1), by striking ''high-performance computing and networking'' and inserting ''networking and information technology''; and

(2) in paragraph (2)(A), by striking ''high-performance'' and inserting ''high-end''.

(g) SECTION 204.—Section 204 of the High-Performance Computing Act of 1991 (15 U.S.C. 5524) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking ''high-performance computing systems and networks'' and inserting ''networking and information technology systems and capabilities'';

(B) in subparagraph (B), by striking ''interoperability of high-performance computing systems in networks and for common user interfaces to systems'' and inserting ''interoperability and usability of networking and information technology systems''; and

(C) in subparagraph (C), by striking ''high-performance computing'' and inserting ''networking and information technology''; and

(2) in subsection (b)—

(A) by striking ''HIGH-PERFORMANCE COMPUTING AND NETWORK'' in the heading and inserting ''NETWORKING AND INFORMATION TECHNOLOGY''; and

(B) by striking ''sensitive''.

(h) SECTION 205.—Section 205(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5525(a)) is amended by striking ''computational'' and inserting ''networking and information technology''.

(i) SECTION 206.—Section 206(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5526(a)) is amended by striking ''computational research'' and inserting ''networking and information technology research''.

(j) SECTION 207.—Section 207 of the High-Performance Computing Act of 1991 (15 U.S.C. 5527) is amended by striking ''high-performance computing'' and inserting ''networking and information technology''.

(k) SECTION 208.—Section 208 of the High-Performance Computing Act of 1991 (15 U.S.C. 5528) is amended—

(1) in the section heading, by striking ''**HIGH-PERFORMANCE COMPUTING**'' and inserting ''**NETWORKING AND INFORMATION TECHNOLOGY**''; and

(2) in subsection (a)—

(A) in paragraph (1), by striking ''High-performance computing and associated'' and inserting ''Networking and information'';

(B) in paragraph (2), by striking ''high-performance computing'' and inserting ''networking and information technologies'';

(C) in paragraph (3), by striking ''high-performance'' and inserting ''high-end'';

(D) in paragraph (4), by striking ''high-performance computers and associated'' and inserting ''networking and information''; and

(E) in paragraph (5), by striking ''high-performance computing and associated'' and inserting ''networking and information''.

SEC. 406. FEDERAL CYBER SCHOLARSHIP-FOR-SERVICE PROGRAM.

(a) IN GENERAL.—The Director of the National Science Foundation, in coordination with the Secretary of Homeland Security, shall carry out a Federal cyber scholarship-for-service program to recruit and train the next generation of information technology professionals and security managers to meet the needs of the cybersecurity mission for the Federal government.

(b) PROGRAM DESCRIPTION AND COMPONENTS.—The program shall—

(1) annually assess the workforce needs of the Federal government for cybersecurity professionals, including network engineers, software engineers, and other experts in order to determine how many scholarships should be awarded annually to ensure that the workforce needs following graduation match the number of scholarships awarded;

(2) provide scholarships for up to 1,000 students per year in their pursuit of undergraduate or graduate degrees in the cybersecurity field, in an amount that may include coverage for full tuition, fees, and a stipend;

(3) require each scholarship recipient, as a condition of receiving a scholarship under the program, to serve in a Federal information technology workforce for a period equal to one and one-half times each year, or partial year, of scholarship received, in addition to an internship in the cybersecurity field, if applicable, following graduation;

(4) provide a procedure for the National Science Foundation or a Federal agency, consistent with regulations of the Office of

Personnel Management, to request and fund a security clearance for a scholarship recipient, including providing for clearance during a summer internship and upon graduation; and

(5) provide opportunities for students to receive temporary appointments for meaningful employment in the Federal information technology workforce during school vacation periods and for internships.

(c) HIRING AUTHORITY.—

(1) IN GENERAL.—For purposes of any law or regulation governing the appointment of an individual in the Federal civil service, upon the successful completion of the student's studies, a student receiving a scholarship under the program may—

(A) be hired under section 213.3102(r) of title 5, Code of Federal Regulations; and

(B) be exempt from competitive service.

(2) COMPETITIVE SERVICE.—Upon satisfactory fulfillment of the service term under paragraph (1), an individual may be converted to a competitive service position without competition if the individual meets the requirements for that position.

(d) ELIGIBILITY.—The eligibility requirements for a scholarship under this section shall include that a scholarship applicant—

(1) be a citizen of the United States;

(2) be eligible to be granted a security clearance;

(3) maintain a grade point average of 3.2 or above on a 4.0 scale for undergraduate study or a 3.5 or above on a 4.0 scale for postgraduate study;

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

(5) has demonstrated a level of proficiency in math or computer sciences.

(e) FAILURE TO COMPLETE SERVICE OBLIGATION.—

(1) IN GENERAL.—A scholarship recipient under this section shall be liable to the United States under paragraph (2) if the scholarship recipient—

(A) fails to maintain an acceptable level of academic standing in the educational institution in which the individual is enrolled, as determined by the Director;

(B) is dismissed from such educational institution for disciplinary reasons;

(C) withdraws from the program for which the award was made before the completion of such program;

(D) declares that the individual does not intend to fulfill the service obligation under this section;

(E) fails to fulfill the service obligation of the individual under this section; or

(F) loses a security clearance or becomes ineligible for a security clearance.

(2) REPAYMENT AMOUNTS.—

(A) LESS THAN 1 YEAR OF SERVICE.—If a circumstance under paragraph (1) occurs before the completion of 1 year of a service obligation under this section, the total amount of awards received by the individual under this section shall be repaid.

(B) ONE OR MORE YEARS OF SERVICE.—If a circumstance described in subparagraph (D) or (E) of paragraph (1) occurs after the completion of 1 year of a service obligation under this section, the total amount of scholarship awards received by the individual under this section, reduced by the ratio of the number of years of service completed divided by the number of years of service required, shall be repaid.

(f) EVALUATION AND REPORT.—The Director of the National Science Foundation shall—

(1) evaluate the success of recruiting individuals for scholarships under this section and of hiring and retaining those individuals in the public sector workforce, including the annual cost and an assessment of how the program actually improves the Federal workforce; and

(2) periodically report the findings under paragraph (1) to Congress.

(g) AUTHORIZATION OF APPROPRIATIONS.—From amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), the Director may use funds to carry out the requirements of this section for fiscal years 2012 through 2013.

SEC. 407. STUDY AND ANALYSIS OF CERTIFICATION AND TRAINING OF INFORMATION INFRASTRUCTURE PROFESSIONALS.

(a) STUDY.—The President shall enter into an agreement with the National Academies to conduct a comprehensive study of government, academic, and private-sector accreditation, training, and certification programs for personnel working in information infrastructure. The agreement shall require the National Academies 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 personnel working in information infrastructure should possess in order to secure information systems;

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

(3) 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

(4) 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 Academies 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 accreditation, training, and certification programs, including specific areas of deficiency and demonstrable progress; and

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

SEC. 408. INTERNATIONAL CYBERSECURITY TECHNICAL STANDARDS.

(a) IN GENERAL.—The Director of the National Institute of Standards and Technology, in coordination with appropriate Federal authorities, shall—

(1) as appropriate, ensure coordination of Federal agencies engaged in the development of international technical standards related to information system security; and

(2) not later than 1 year after the date of enactment of this Act, develop and transmit to Congress a plan for ensuring such Federal agency coordination.

(b) CONSULTATION WITH THE PRIVATE SECTOR.—In carrying out the activities under subsection (a)(1), the Director shall ensure consultation with appropriate private sector stakeholders.

SEC. 409. IDENTITY MANAGEMENT RESEARCH AND DEVELOPMENT.

The Director of the National Institute of Standards and Technology shall continue a program to support the development of technical standards, metrology, testbeds, and conformance criteria, taking into account appropriate user concerns—

(1) to improve interoperability among identity management technologies;

(2) to strengthen authentication methods of identity management systems;

(3) to improve privacy protection in identity management systems, including health information technology systems, through authentication and security protocols; and

(4) to improve the usability of identity management systems.

SEC. 410. FEDERAL CYBERSECURITY RESEARCH AND DEVELOPMENT.

(a) 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'' after the semicolon;

(2) in subparagraph (I), by striking ''property.'' and inserting ''property;''; and

(3) by adding at the end the following:

''(J) secure fundamental protocols that are at the heart of inter-network communications and data exchange;

''(K) system security that addresses the building of secure systems from trusted and untrusted components;

''(L) monitoring and detection; and

''(M) resiliency and rapid recovery methods.''.

(b) NATIONAL SCIENCE FOUNDATION COMPUTER AND NETWORK SECURITY GRANTS.—Section 4(a)(3) of the Cyber Security Research and Development Act (15 U.S.C. 7403(a)(3)) is amended—

(1) in subparagraph (D), by striking ''and'';

(2) in subparagraph (E), by striking ''2007.'' and inserting ''2007;''; and

(3) by adding at the end the following:

''(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.''.

(c) COMPUTER AND NETWORK SECURITY CENTERS.—Section 4(b)(7) of the Cyber Security Research and Development Act (15 U.S.C. 7403(b)(7)) is amended—

(1) in subparagraph (D), by striking ''and'';

(2) in subparagraph (E), by striking ''2007.'' and inserting ''2007;''; and

(3) by adding at the end the following:

''(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.''.

(d) COMPUTER AND NETWORK SECURITY CAPACITY BUILDING GRANTS.—Section 5(a)(6) of the Cyber Security Research and Development Act (15 U.S.C. 7404(a)(6)) is amended—

(1) in subparagraph (D), by striking ''and'';

(2) in subparagraph (E), by striking ''2007.'' and inserting ''2007;''; and

(3) by adding at the end the following:

''(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.''.

(e) SCIENTIFIC AND ADVANCED TECHNOLOGY ACT GRANTS.—Section 5(b)(2) of the Cyber Security Research and Development Act (15 U.S.C. 7404(b)(2)) is amended—

(1) in subparagraph (D), by striking ''and'';

(2) in subparagraph (E), by striking ''2007.'' and inserting ''2007;''; and

(3) by adding at the end the following:

''(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.''.

(f) GRADUATE TRAINEESHIPS IN COMPUTER AND NETWORK SECURITY RESEARCH.—Section 5(c)(7) of the Cyber Security Research and Development Act (15 U.S.C. 7404(c)(7)) is amended—

(1) in subparagraph (D), by striking ''and'';

(2) in subparagraph (E), by striking ''2007.'' and inserting ''2007;''; and

(3) by adding at the end the following:

''(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.''.

SA 2693. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 118, line 16, insert '', including legal and behavioral impediments to deployment of proven security policies'' before the semicolon.

SA 2694. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 118, line 25, strike ''and'' and all that follows through page 119, line 2, and insert the following:

(7) affiliation with existing research programs of the Federal Government;

(8) demonstrated expertise in cybersecurity law, including the legal impediments to adoption of proven security processes; and

(9) demonstrated expertise in social and behavioral research that can assist in developing policies and incentives to help protect against cyber attacks.

SA 2695. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NOTICE REQUIRED PRIOR TO TRANSFER OF CERTAIN INDIVIDUALS DETAINED AT THE DETENTION FACILITY AT PARWAN, AFGHANISTAN.

(a) NOTICE REQUIRED.—The Secretary of Defense shall submit to the appropriate congressional committees notice in writing of the proposed transfer of any individual detained pursuant to the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) who is a national of a country other than the United States or Afghanistan from detention at the Detention Facility at Parwan, Afghanistan, to the custody of the Government of Afghanistan or of any other country. Such notice shall be provided not later than 10 days before such a transfer may take place.

(b) ADDITIONAL ASSESSMENTS AND CERTIFICATIONS.—As part of the notice required under subsection (a), the Secretary shall include the following:

(1) In the case of the proposed transfer of such an individual by reason of the individual being released, an assessment of the threat posed by the individual and the security environment of the country to which the individual is to be transferred.

(2) In the case of the proposed transfer of such an individual to a country other than Afghanistan for the purpose of the prosecution of the individual, a certification that an assessment has been conducted regarding the capacity, willingness, and historical track record of the country with respect to prosecuting similar cases, including a description of the evidence against the individual that is likely to be admissible as part of the prosecution.

(3) In the case of the proposed transfer of such an individual for reintegration or rehabilitation in a country other than Afghanistan, a certification that an assessment has been conducted regarding the capacity, willingness, and historical track record of the country for reintegrating or rehabilitating similar individuals.

(4) In the case of the proposed transfer of such an individual to the custody of the government of Afghanistan for prosecution or detention, a certification that an assessment has been conducted regarding the capacity, willingness, and historical track record of Afghanistan to prosecute or detain long-term such individuals.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SA 2696. Mr. MCCAIN (for himself, Mrs. HUTCHISON, Mr. CHAMBLISS, Mr. GRASSLEY, Ms. MURKOWSKI, Mr. COATS, Mr. BURR, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 4 and all that follows and insert the following:

(a) SHORT TITLE.—This Act may be cited as the ''Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012'' or ''SECURE IT''.

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

TITLE I—FACILITATING SHARING OF CYBER THREAT INFORMATION

SEC. 101. DEFINITIONS.

In this title:

(1) AGENCY.—The term ''agency'' has the meaning given the term in section 3502 of title 44, United States Code.

(2) ANTITRUST LAWS.—The term ''antitrust laws''—

(A) has the meaning given the term in section 1(a) of the Clayton Act (15 U.S.C. 12(a));

(B) includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that section 5 of that Act applies to unfair methods of competition; and

(C) includes any State law that has the same intent and effect as the laws under subparagraphs (A) and (B).

(3) COUNTERMEASURE.—The term ''countermeasure'' means an automated or a manual action with defensive intent to mitigate cyber threats.

(4) CYBER THREAT INFORMATION.—The term ''cyber threat information'' means information that indicates or describes—

(A) a technical or operation vulnerability or a cyber threat mitigation measure;

(B) an action or operation to mitigate a cyber threat;

(C) malicious reconnaissance, including anomalous patterns of network activity that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat;

(D) a method of defeating a technical control;

(E) a method of defeating an operational control;

(F) network activity or protocols known to be associated with a malicious cyber actor or that signify malicious cyber intent;

(G) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to inadvertently enable the defeat of a technical or operational control;

(H) any other attribute of a cybersecurity threat or cyber defense information that would foster situational awareness of the United States cybersecurity posture, if disclosure of such attribute or information is not otherwise prohibited by law;

(I) the actual or potential harm caused by a cyber incident, including information exfiltrated when it is necessary in order to identify or describe a cybersecurity threat; or

(J) any combination of subparagraphs (A) through (I).

(5) CYBERSECURITY CENTER.—The term ''cybersecurity center'' means the Department of Defense Cyber Crime Center, the Intelligence Community Incident Response Center, the United States Cyber Command Joint Operations Center, the National Cyber Investigative Joint Task Force, the National Security Agency/Central Security Service Threat Operations Center, the National Cybersecurity and Communications Integration Center, and any successor center.

(6) CYBERSECURITY SYSTEM.—The term ''cybersecurity system'' means a system designed or employed to ensure the integrity, confidentiality, or availability of, or to safeguard, a system or network, including measures intended to protect a system or network from—

(A) efforts to degrade, disrupt, or destroy such system or network; or

(B) theft or misappropriations of private or government information, intellectual property, or personally identifiable information.

(7) ENTITY.—

(A) IN GENERAL.—The term ''entity'' means any private entity, non-Federal government agency or department, or State, tribal, or local government agency or department (including an officer, employee, or agent thereof).

(B) INCLUSIONS.—The term ''entity'' includes a government agency or department (including an officer, employee, or agent thereof) of the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

(8) FEDERAL INFORMATION SYSTEM.—The term ''Federal information system'' means an information system of a Federal department or agency used or operated by an executive agency, by a contractor of an executive agency, or by another organization on behalf of an executive agency.

(9) INFORMATION SECURITY.—The term ''information security'' means protecting information and information systems from disruption or unauthorized access, use, disclosure, modification, or destruction in order to provide—

(A) integrity, by guarding against improper information modification or destruction, including by ensuring information nonrepudiation and authenticity;

(B) confidentiality, by preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; or

(C) availability, by ensuring timely and reliable access to and use of information.

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

(11) LOCAL GOVERNMENT.—The term ''local government'' means any borough, city, county, parish, town, township, village, or other general purpose political subdivision of a State.

(12) MALICIOUS RECONNAISSANCE.—The term ''malicious reconnaissance'' means a method for actively probing or passively monitoring an information system for the purpose of discerning technical vulnerabilities of the information system, if such method is associated with a known or suspected cybersecurity threat.

(13) OPERATIONAL CONTROL.—The term ''operational control'' means a security control for an information system that primarily is implemented and executed by people.

(14) OPERATIONAL VULNERABILITY.—The term ''operational vulnerability'' means any attribute of policy, process, or procedure that could enable or facilitate the defeat of an operational control.

(15) PRIVATE ENTITY.—The term ''private entity'' means any individual or any private group, organization, or corporation, including an officer, employee, or agent thereof.

(16) SIGNIFICANT CYBER INCIDENT.—The term ''significant cyber incident'' means a cyber incident resulting in, or an attempted cyber incident that, if successful, would have resulted in—

(A) the exfiltration from a Federal information system of data that is essential to the operation of the Federal information system; or

(B) an incident in which an operational or technical control essential to the security or operation of a Federal information system was defeated.

(17) TECHNICAL CONTROL.—The term ''technical control'' means a hardware or software restriction on, or audit of, access or use of an information system or information that is stored on, processed by, or transiting an information system that is intended to ensure the confidentiality, integrity, or availability of that system.

(18) TECHNICAL VULNERABILITY.—The term ''technical vulnerability'' means any attribute of hardware or software that could enable or facilitate the defeat of a technical control.

(19) TRIBAL.—The term ''tribal'' has the meaning given the term ''Indian tribe'' in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 102. AUTHORIZATION TO SHARE CYBER THREAT INFORMATION.

(a) VOLUNTARY DISCLOSURE.—

(1) PRIVATE ENTITIES.—Notwithstanding any other provision of law, a private entity may, for the purpose of preventing, investigating, or otherwise mitigating threats to information security, on its own networks, or as authorized by another entity, on such entity's networks, employ countermeasures and use cybersecurity systems in order to obtain, identify, or otherwise possess cyber threat information.

(2) ENTITIES.—Notwithstanding any other provision of law, an entity may disclose cyber threat information to—

(A) a cybersecurity center; or

(B) any other entity in order to assist with preventing, investigating, or otherwise mitigating threats to information security.

(3) INFORMATION SECURITY PROVIDERS.—If the cyber threat information described in paragraph (1) is obtained, identified, or otherwise possessed in the course of providing information security products or services under contract to another entity, that entity shall be given, at any time prior to disclosure of such information, a reasonable opportunity to authorize or prevent such disclosure, to request anonymization of such information, or to request that reasonable efforts be made to safeguard such information that identifies specific persons from unauthorized access or disclosure.

(b) SIGNIFICANT CYBER INCIDENTS INVOLVING FEDERAL INFORMATION SYSTEMS.—

(1) IN GENERAL.—An entity providing electronic communication services, remote computing services, or information security services to a Federal department or agency shall inform the Federal department or agency of a significant cyber incident involving the Federal information system of that Federal department or agency that—

(A) is directly known to the entity as a result of providing such services;

(B) is directly related to the provision of such services by the entity; and

(C) as determined by the entity, has impeded or will impede the performance of a critical mission of the Federal department or agency.

(2) ADVANCE COORDINATION.—A Federal department or agency receiving the services described in paragraph (1) shall coordinate in advance with an entity described in paragraph (1) to develop the parameters of any information that may be provided under paragraph (1), including clarification of the type of significant cyber incident that will impede the performance of a critical mission of the Federal department or agency.

(3) REPORT.—A Federal department or agency shall report information provided under this subsection to a cybersecurity center.

(4) CONSTRUCTION.—Any information provided to a cybersecurity center under paragraph (3) shall be treated in the same manner as information provided to a cybersecurity center under subsection (a).

(c) INFORMATION SHARED WITH OR PROVIDED TO A CYBERSECURITY CENTER.—Cyber threat information provided to a cybersecurity center under this section—

(1) may be disclosed to, retained by, and used by, consistent with otherwise applicable Federal law, any Federal agency or department, component, officer, employee, or agent of the Federal government for a cybersecurity purpose, a national security purpose, or in order to prevent, investigate, or prosecute any of the offenses listed in section 2516 of title 18, United States Code, and such information shall not be disclosed to, retained by, or used by any Federal agency or department for any use not permitted under this paragraph;

(2) may, with the prior written consent of the entity submitting such information, be disclosed to and used by a State, tribal, or local government or government agency for the purpose of protecting information systems, or in furtherance of preventing, investigating, or prosecuting a criminal act, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent;

(3) shall be considered the commercial, financial, or proprietary information of the entity providing such information to the Federal government and any disclosure outside the Federal government may only be made upon the prior written consent by such entity and shall not constitute a waiver of any applicable privilege or protection provided by law, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent;

(4) shall be deemed voluntarily shared information and exempt from disclosure under section 552 of title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records;

(5) shall be, without discretion, withheld from the public under section 552(b)(3)(B) of title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records;

(6) shall not be subject to the rules of any Federal agency or department or any judicial doctrine regarding ex parte communications with a decision-making official;

(7) shall not, if subsequently provided to a State, tribal, or local government or government agency, otherwise be disclosed or distributed to any entity by such State, tribal, or local government or government agency without the prior written consent of the entity submitting such information, notwithstanding any State, tribal, or local law requiring disclosure of information or records, except that if the need for immediate disclosure prevents obtaining written consent, such consent may be provided orally with subsequent documentation of such consent; and

(8) shall not be directly used by any Federal, State, tribal, or local department or agency to regulate the lawful activities of an entity, including activities relating to obtaining, identifying, or otherwise possessing cyber threat information, except that the procedures required to be developed and implemented under this title shall not be considered regulations within the meaning of this paragraph.

(d) PROCEDURES RELATING TO INFORMATION SHARING WITH A CYBERSECURITY CENTER.—Not later than 60 days after the date of enactment of this Act, the heads of each department or agency containing a cybersecurity center shall jointly develop, promulgate, and submit to Congress procedures to ensure that cyber threat information shared with or provided to—

(1) a cybersecurity center under this section—

(A) may be submitted to a cybersecurity center by an entity, to the greatest extent possible, through a uniform, publicly available process or format that is easily accessible on the website of such cybersecurity center, and that includes the ability to provide relevant details about the cyber threat information and written consent to any subsequent disclosures authorized by this paragraph;

(B) shall immediately be further shared with each cybersecurity center in order to prevent, investigate, or otherwise mitigate threats to information security across the Federal government;

(C) is handled by the Federal government in a reasonable manner, including consideration of the need to protect the privacy and civil liberties of individuals through anonymization or other appropriate methods, while fully accomplishing the objectives of this title, and the Federal government may undertake efforts consistent with this subparagraph to limit the impact on privacy and civil liberties of the sharing of cyber threat information with the Federal government; and

(D) except as provided in this section, shall only be used, disclosed, or handled in accordance with the provisions of subsection (c); and

(2) a Federal agency or department under subsection (b) is provided immediately to a cybersecurity center in order to prevent, investigate, or otherwise mitigate threats to information security across the Federal government.

(e) INFORMATION SHARED BETWEEN ENTITIES.—

(1) IN GENERAL.—An entity sharing cyber threat information with another entity under this title may restrict the use or sharing of such information by such other entity.

(2) FURTHER SHARING.—Cyber threat information shared by any entity with another entity under this title—

(A) shall only be further shared in accordance with any restrictions placed on the sharing of such information by the entity authorizing such sharing, such as appropriate anonymization of such information; and

(B) may not be used by any entity to gain an unfair competitive advantage to the detriment of the entity authorizing the sharing of such information, except that the conduct described in paragraph (3) shall not constitute unfair competitive conduct.

(3) INFORMATION SHARED WITH STATE, TRIBAL, OR LOCAL GOVERNMENT OR GOVERNMENT AGENCY.—Cyber threat information shared with a State, tribal, or local government or government agency under this title—

(A) may, with the prior written consent of the entity sharing such information, be disclosed to and used by a State, tribal, or local government or government agency for the purpose of protecting information systems, or in furtherance of preventing, investigating, or prosecuting a criminal act, except if the need for immediate disclosure prevents obtaining written consent, consent may be provided orally with subsequent documentation of the consent;

(B) shall be deemed voluntarily shared information and exempt from disclosure under any State, tribal, or local law requiring disclosure of information or records;

(C) shall not be disclosed or distributed to any entity by the State, tribal, or local government or government agency without the prior written consent of the entity submitting such information, notwithstanding any State, tribal, or local law requiring disclosure of information or records, except if the need for immediate disclosure prevents obtaining written consent, consent may be provided orally with subsequent documentation of the consent; and

(D) shall not be directly used by any State, tribal, or local department or agency to regulate the lawful activities of an entity, including activities relating to obtaining, identifying, or otherwise possessing cyber threat information, except that the procedures required to be developed and implemented under this title shall not be considered regulations within the meaning of this subparagraph.

(4) ANTITRUST EXEMPTION.—The exchange or provision of cyber threat information or assistance between 2 or more private entities under this title shall not be considered a violation of any provision of antitrust laws if exchanged or provided in order to assist with—

(A) facilitating the prevention, investigation, or mitigation of threats to information security; or

(B) communicating or disclosing of cyber threat information to help prevent, investigate or otherwise mitigate the effects of a threat to information security.

(5) NO RIGHT OR BENEFIT.—The provision of cyber threat information to an entity under this section shall not create a right or a benefit to similar information by such entity or any other entity.

(f) FEDERAL PREEMPTION.—

(1) IN GENERAL.—This section supersedes any statute or other law of a State or political subdivision of a State that restricts or otherwise expressly regulates an activity authorized under this section.

(2) STATE LAW ENFORCEMENT.—Nothing in this section shall be construed to supersede any statute or other law of a State or political subdivision of a State concerning the use of authorized law enforcement techniques.

(3) PUBLIC DISCLOSURE.—No information shared with or provided to a State, tribal, or local government or government agency pursuant to this section shall be made publicly available pursuant to any State, tribal, or local law requiring disclosure of information or records.

(g) CIVIL AND CRIMINAL LIABILITY.—

(1) GENERAL PROTECTIONS.—

(A) PRIVATE ENTITIES.—No cause of action shall lie or be maintained in any court against any private entity for—

(i) the use of countermeasures and cybersecurity systems as authorized by this title;

(ii) the use, receipt, or disclosure of any cyber threat information as authorized by this title; or

(iii) the subsequent actions or inactions of any lawful recipient of cyber threat information provided by such private entity.

(B) ENTITIES.—No cause of action shall lie or be maintained in any court against any entity for—

(i) the use, receipt, or disclosure of any cyber threat information as authorized by this title; or

(ii) the subsequent actions or inactions of any lawful recipient of cyber threat information provided by such entity.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed as creating any immunity against, or otherwise affecting, any action brought by the Federal government, or any agency or department thereof, to enforce any law, executive order, or procedure governing the appropriate handling, disclosure, and use of classified information.

(h) OTHERWISE LAWFUL DISCLOSURES.—Nothing in this section shall be construed to limit or prohibit otherwise lawful disclosures of communications, records, or other information by a private entity to any other governmental or private entity not covered under this section.

(i) WHISTLEBLOWER PROTECTION.—Nothing in this Act shall be construed to preempt or preclude any employee from exercising rights currently provided under any whistleblower law, rule, or regulation.

(j) RELATIONSHIP TO OTHER LAWS.—The submission of cyber threat information under this section to a cybersecurity center shall not affect any requirement under any other provision of law for an entity to provide information to the Federal government.

SEC. 103. INFORMATION SHARING BY THE FEDERAL GOVERNMENT.

(a) CLASSIFIED INFORMATION.—

(1) PROCEDURES.—Consistent with the protection of intelligence sources and methods, and as otherwise determined appropriate, the Director of National Intelligence and the Secretary of Defense, in consultation with the heads of the appropriate Federal departments or agencies, shall develop and promulgate procedures to facilitate and promote—

(A) the immediate sharing, through the cybersecurity centers, of classified cyber threat information in the possession of the Federal government with appropriately cleared representatives of any appropriate entity; and

(B) the declassification and immediate sharing, through the cybersecurity centers, with any entity or, if appropriate, public availability of cyber threat information in the possession of the Federal government;

(2) HANDLING OF CLASSIFIED INFORMATION.—The procedures developed under paragraph (1) shall ensure that each entity receiving classified cyber threat information pursuant to this section has acknowledged in writing the ongoing obligation to comply with all laws, executive orders, and procedures concerning the appropriate handling, disclosure, or use of classified information.

(b) UNCLASSIFIED CYBER THREAT INFORMATION.—The heads of each department or agency containing a cybersecurity center shall jointly develop and promulgate procedures that ensure that, consistent with the provisions of this section, unclassified, including controlled unclassified, cyber threat information in the possession of the Federal government—

(1) is shared, through the cybersecurity centers, in an immediate and adequate manner with appropriate entities; and

(2) if appropriate, is made publicly available.

(c) DEVELOPMENT OF PROCEDURES.—

(1) IN GENERAL.—The procedures developed under this section shall incorporate, to the greatest extent possible, existing processes utilized by sector specific information sharing and analysis centers.

(2) COORDINATION WITH ENTITIES.—In developing the procedures required under this section, the Director of National Intelligence and the heads of each department or agency containing a cybersecurity center shall coordinate with appropriate entities to ensure that protocols are implemented that will facilitate and promote the sharing of cyber threat information by the Federal government.

(d) ADDITIONAL RESPONSIBILITIES OF CYBERSECURITY CENTERS.—Consistent with section 102, a cybersecurity center shall—

(1) facilitate information sharing, interaction, and collaboration among and between cybersecurity centers and—

(A) other Federal entities;

(B) any entity; and

(C) international partners, in consultation with the Secretary of State;

(2) disseminate timely and actionable cybersecurity threat, vulnerability, mitigation, and warning information, including alerts, advisories, indicators, signatures, and mitigation and response measures, to improve the security and protection of information systems; and

(3) coordinate with other Federal entities, as appropriate, to integrate information from across the Federal government to provide situational awareness of the cybersecurity posture of the United States.

(e) SHARING WITHIN THE FEDERAL GOVERNMENT.—The heads of appropriate Federal departments and agencies shall ensure that cyber threat information in the possession of such Federal departments or agencies that relates to the prevention, investigation, or mitigation of threats to information security across the Federal government is shared effectively with the cybersecurity centers.

(f) SUBMISSION TO CONGRESS.—Not later than 60 days after the date of enactment of this Act, the Director of National Intelligence, in coordination with the appropriate head of a department or an agency containing a cybersecurity center, shall submit the procedures required by this section to Congress.

SEC. 104. CONSTRUCTION.

(a) INFORMATION SHARING RELATIONSHIPS.—Nothing in this title shall be construed—

(1) to limit or modify an existing information sharing relationship;

(2) to prohibit a new information sharing relationship;

(3) to require a new information sharing relationship between any entity and the Federal government, except as specified under section 102(b); or

(4) to modify the authority of a department or agency of the Federal government to protect sources and methods and the national security of the United States.

(b) ANTI-TASKING RESTRICTION.—Nothing in this title shall be construed to permit the Federal government—

(1) to require an entity to share information with the Federal government, except as expressly provided under section 102(b); or

(2) to condition the sharing of cyber threat information with an entity on such entity's provision of cyber threat information to the Federal government.

(c) NO LIABILITY FOR NON-PARTICIPATION.—Nothing in this title shall be construed to subject any entity to liability for choosing not to engage in the voluntary activities authorized under this title.

(d) USE AND RETENTION OF INFORMATION.—Nothing in this title shall be construed to authorize, or to modify any existing authority of, a department or agency of the Federal government to retain or use any information shared under section 102 for any use other than a use permitted under section 102(c)(1).

(e) NO NEW FUNDING.—An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

SEC. 105. REPORT ON IMPLEMENTATION.

(a) CONTENT OF REPORT.—Not later than 1 year after the date of enactment of this Act, and biennially thereafter, the heads of each department or agency containing a cybersecurity center shall jointly submit, in coordination with the privacy and civil liberties officials of such departments or agencies and the Privacy and Civil Liberties Oversight Board, a detailed report to Congress concerning the implementation of this title, including—

(1) an assessment of the sufficiency of the procedures developed under section 103 of this Act in ensuring that cyber threat information in the possession of the Federal government is provided in an immediate and adequate manner to appropriate entities or, if appropriate, is made publicly available;

(2) an assessment of whether information has been appropriately classified and an accounting of the number of security clearances authorized by the Federal government for purposes of this title;

(3) a review of the type of cyber threat information shared with a cybersecurity center under section 102 of this Act, including whether such information meets the definition of cyber threat information under section 101, the degree to which such information may impact the privacy and civil liberties of individuals, any appropriate metrics to determine any impact of the sharing of such information with the Federal government on privacy and civil liberties, and the adequacy of any steps taken to reduce such impact;

(4) a review of actions taken by the Federal government based on information provided to a cybersecurity center under section 102 of this Act, including the appropriateness of any subsequent use under section 102(c)(1) of this Act and whether there was inappropriate stovepiping within the Federal government of any such information;

(5) a description of any violations of the requirements of this title by the Federal government;

(6) a classified list of entities that received classified information from the Federal government under section 103 of this Act and a description of any indication that such information may not have been appropriately handled;

(7) a summary of any breach of information security, if known, attributable to a specific failure by any entity or the Federal government to act on cyber threat information in the possession of such entity or the Federal government that resulted in substantial economic harm or injury to a specific entity or the Federal government; and

(8) any recommendation for improvements or modifications to the authorities under this title.

(b) FORM OF REPORT.—The report under subsection (a) shall be submitted in unclassified form, but shall include a classified annex.

SEC. 106. INSPECTOR GENERAL REVIEW.

(a) IN GENERAL.—The Council of the Inspectors General on Integrity and Efficiency are authorized to review compliance by the cybersecurity centers, and by any Federal department or agency receiving cyber threat information from such cybersecurity centers, with the procedures required under section 102 of this Act.

(b) SCOPE OF REVIEW.—The review under subsection (a) shall consider whether the Federal government has handled such cyber threat information in a reasonable manner, including consideration of the need to protect the privacy and civil liberties of individuals through anonymization or other appropriate methods, while fully accomplishing the objectives of this title.

(c) REPORT TO CONGRESS.—Each review conducted under this section shall be provided to Congress not later than 30 days after the date of completion of the review.

SEC. 107. TECHNICAL AMENDMENTS.

Section 552(b) of title 5, United States Code, is amended—

(1) in paragraph (8), by striking ''or'';

(2) in paragraph (9), by striking ''wells.'' and inserting ''wells; or''; and

(3) by adding at the end the following:

''(10) information shared with or provided to a cybersecurity center under section 102 of title I of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012.''.

SEC. 108. ACCESS TO CLASSIFIED INFORMATION.

(a) AUTHORIZATION REQUIRED.—No person shall be provided with access to classified information (as defined in section 6.1 of Executive Order 13526 (50 U.S.C. 435 note; relating to classified national security information)) relating to cyber security threats or cyber security vulnerabilities under this title without the appropriate security clearances.

(b) SECURITY CLEARANCES.—The appropriate Federal agencies or departments shall, consistent with applicable procedures and requirements, and if otherwise deemed appropriate, assist an individual in timely obtaining an appropriate security clearance where such individual has been determined to be eligible for such clearance and has a need-to-know (as defined in section 6.1 of that Executive Order) classified information to carry out this title.

TITLE II—COORDINATION OF FEDERAL INFORMATION SECURITY POLICY

SEC. 201. COORDINATION OF FEDERAL INFORMATION SECURITY POLICY.

(a) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended by striking subchapters II and III and inserting the following:

''SUBCHAPTER II—INFORMATION SECURITY

''§ 3551. Purposes

''The purposes of this subchapter are—

''(1) to provide a comprehensive framework for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets;

''(2) to recognize the highly networked nature of the current Federal computing environment and provide effective government-wide management of policies, directives, standards, and guidelines, as well as effective and nimble oversight of and response to information security risks, including coordination of information security efforts throughout the Federal civilian, national security, and law enforcement communities;

''(3) to provide for development and maintenance of controls required to protect agency information and information systems and contribute to the overall improvement of agency information security posture;

''(4) to provide for the development of tools and methods to assess and respond to real-time situational risk for Federal information system operations and assets; and

''(5) to provide a mechanism for improving agency information security programs

through continuous monitoring of agency information systems and streamlined reporting requirements rather than overly prescriptive manual reporting.

"§ 3552. Definitions

''In this subchapter:

''(1) ADEQUATE SECURITY.—The term 'adequate security' means security commensurate with the risk and magnitude of the harm resulting from the unauthorized access to or loss, misuse, destruction, or modification of information.

''(2) AGENCY.—The term 'agency' has the meaning given the term in section 3502 of title 44.

''(3) CYBERSECURITY CENTER.—The term 'cybersecurity center' means the Department of Defense Cyber Crime Center, the Intelligence Community Incident Response Center, the United States Cyber Command Joint Operations Center, the National Cyber Investigative Joint Task Force, the National Security Agency/Central Security Service Threat Operations Center, the National Cybersecurity and Communications Integration Center, and any successor center.

''(4) CYBER THREAT INFORMATION.—The term 'cyber threat information' means information that indicates or describes—

''(A) a technical or operation vulnerability or a cyber threat mitigation measure;

''(B) an action or operation to mitigate a cyber threat;

''(C) malicious reconnaissance, including anomalous patterns of network activity that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat;

''(D) a method of defeating a technical control;

''(E) a method of defeating an operational control;

''(F) network activity or protocols known to be associated with a malicious cyber actor or that signify malicious cyber intent;

''(G) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to inadvertently enable the defeat of a technical or operational control;

''(H) any other attribute of a cybersecurity threat or cyber defense information that would foster situational awareness of the United States cybersecurity posture, if disclosure of such attribute or information is not otherwise prohibited by law;

''(I) the actual or potential harm caused by a cyber incident, including information exfiltrated when it is necessary in order to identify or describe a cybersecurity threat; or

''(J) any combination of subparagraphs (A) through (I).

''(5) DIRECTOR.—The term 'Director' means the Director of the Office of Management and Budget unless otherwise specified.

''(6) ENVIRONMENT OF OPERATION.—The term 'environment of operation' means the information system and environment in which those systems operate, including changing threats, vulnerabilities, technologies, and missions and business practices.

''(7) FEDERAL INFORMATION SYSTEM.—The term 'Federal information system' means an information system used or operated by an executive agency, by a contractor of an executive agency, or by another organization on behalf of an executive agency.

''(8) INCIDENT.—The term 'incident' means an occurrence that—

''(A) actually or imminently jeopardizes the integrity, confidentiality, or availability of an information system or the information that system controls, processes, stores, or transmits; or

''(B) constitutes a violation of law or an imminent threat of violation of a law, a security policy, a security procedure, or an acceptable use policy.

''(9) INFORMATION RESOURCES.—The term 'information resources' has the meaning given the term in section 3502 of title 44.

''(10) INFORMATION SECURITY.—The term 'information security' means protecting information and information systems from disruption or unauthorized access, use, disclosure, modification, or destruction in order to provide—

''(A) integrity, by guarding against improper information modification or destruction, including by ensuring information nonrepudiation and authenticity;

''(B) confidentiality, by preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; or

''(C) availability, by ensuring timely and reliable access to and use of information.

''(11) INFORMATION SYSTEM.—The term 'information system' has the meaning given the term in section 3502 of title 44.

''(12) INFORMATION TECHNOLOGY.—The term 'information technology' has the meaning given the term in section 11101 of title 40.

''(13) MALICIOUS RECONNAISSANCE.—The term 'malicious reconnaissance' means a method for actively probing or passively monitoring an information system for the purpose of discerning technical vulnerabilities of the information system, if such method is associated with a known or suspected cybersecurity threat.

''(14) NATIONAL SECURITY SYSTEM.—

''(A) IN GENERAL.—The term 'national security system' means any information system (including any telecommunications system) used or operated by an agency or by a contractor of an agency, or other organization on behalf of an agency—

''(i) the function, operation, or use of which—

''(I) involves intelligence activities;

''(II) involves cryptologic activities related to national security;

''(III) involves command and control of military forces;

''(IV) involves equipment that is an integral part of a weapon or weapons system; or

''(V) subject to subparagraph (B), is critical to the direct fulfillment of military or intelligence missions; or

''(ii) is protected at all times by procedures established for information that have been specifically authorized under criteria established by an Executive Order or an Act of Congress to be kept classified in the interest of national defense or foreign policy.

''(B) LIMITATION.—Subparagraph (A)(i)(V) does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

''(15) OPERATIONAL CONTROL.—The term 'operational control' means a security control for an information system that primarily is implemented and executed by people.

''(16) PERSON.—The term 'person' has the meaning given the term in section 3502 of title 44.

''(17) SECRETARY.—The term 'Secretary' means the Secretary of Commerce unless otherwise specified.

''(18) SECURITY CONTROL.—The term 'security control' means the management, operational, and technical controls, including safeguards or countermeasures, prescribed for an information system to protect the confidentiality, integrity, and availability of the system and its information.

''(19) SIGNIFICANT CYBER INCIDENT.—The term 'significant cyber incident' means a cyber incident resulting in, or an attempted cyber incident that, if successful, would have resulted in—

''(A) the exfiltration from a Federal information system of data that is essential to the operation of the Federal information system; or

''(B) an incident in which an operational or technical control essential to the security or operation of a Federal information system was defeated.

''(20) TECHNICAL CONTROL.—The term 'technical control' means a hardware or software restriction on, or audit of, access or use of an information system or information that is stored on, processed by, or transiting an information system that is intended to ensure the confidentiality, integrity, or availability of that system.

"§ 3553. Federal information security authority and coordination

''(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Homeland Security, shall—

''(1) issue compulsory and binding policies and directives governing agency information security operations, and require implementation of such policies and directives, including—

''(A) policies and directives consistent with the standards and guidelines promulgated under section 11331 of title 40 to identify and provide information security protections prioritized and commensurate with the risk and impact resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of—

''(i) information collected or maintained by or on behalf of an agency; or

''(ii) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

''(B) minimum operational requirements for Federal Government to protect agency information systems and provide common situational awareness across all agency information systems;

''(C) reporting requirements, consistent with relevant law, regarding information security incidents and cyber threat information;

''(D) requirements for agencywide information security programs;

''(E) performance requirements and metrics for the security of agency information systems;

''(F) training requirements to ensure that agencies are able to fully and timely comply with the policies and directives issued by the Secretary under this subchapter;

''(G) training requirements regarding privacy, civil rights, and civil liberties, and information oversight for agency information security personnel;

''(H) requirements for the annual reports to the Secretary under section 3554(d);

''(I) any other information security operations or information security requirements as determined by the Secretary in coordination with relevant agency heads; and

''(J) coordinating the development of standards and guidelines under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) with agencies and offices operating or exercising control of national security systems (including the National Security Agency) to assure, to the maximum extent feasible, that such standards and guidelines are complementary with standards and guidelines developed for national security systems;

''(2) review the agencywide information security programs under section 3554; and

''(3) designate an individual or an entity at each cybersecurity center, among other responsibilities—

''(A) to receive reports and information about information security incidents, cyber

threat information, and deterioration of security control affecting agency information systems; and

''(B) to act on or share the information under subparagraph (A) in accordance with this subchapter.

''(b) CONSIDERATIONS.—When issuing policies and directives under subsection (a), the Secretary shall consider any applicable standards or guidelines developed by the National Institute of Standards and Technology under section 11331 of title 40.

''(c) LIMITATION OF AUTHORITY.—The authorities of the Secretary under this section shall not apply to national security systems. Information security policies, directives, standards and guidelines for national security systems shall be overseen as directed by the President and, in accordance with that direction, carried out under the authority of the heads of agencies that operate or exercise authority over such national security systems.

''(d) STATUTORY CONSTRUCTION.—Nothing in this subchapter shall be construed to alter or amend any law regarding the authority of any head of an agency over such agency.

''§ 3554. Agency responsibilities

''(a) IN GENERAL.—The head of each agency shall—

''(1) be responsible for—

''(A) complying with the policies and directives issued under section 3553;

''(B) providing information security protections commensurate with the risk resulting from unauthorized access, use, disclosure, disruption, modification, or destruction of—

''(i) information collected or maintained by the agency or by a contractor of an agency or other organization on behalf of an agency; and

''(ii) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

''(C) complying with the requirements of this subchapter, including—

''(i) information security standards and guidelines promulgated under section 11331 of title 40;

''(ii) for any national security systems operated or controlled by that agency, information security policies, directives, standards and guidelines issued as directed by the President; and

''(iii) for any non-national security systems operated or controlled by that agency, information security policies, directives, standards and guidelines issued under section 3553;

''(D) ensuring that information security management processes are integrated with agency strategic and operational planning processes;

''(E) reporting and sharing, for an agency operating or exercising control of a national security system, information about information security incidents, cyber threat information, and deterioration of security controls to the individual or entity designated at each cybersecurity center and to other appropriate entities consistent with policies and directives for national security systems issued as directed by the President; and

''(F) reporting and sharing, for those agencies operating or exercising control of non-national security systems, information about information security incidents, cyber threat information, and deterioration of security controls to the individual or entity designated at each cybersecurity center and to other appropriate entities consistent with policies and directives for non-national security systems as prescribed under section 3553(a), including information to assist the entity designated under section 3555(a) with the ongoing security analysis under section 3555;

''(2) ensure that each senior agency official provides information security for the information and information systems that support the operations and assets under the senior agency official's control, including by—

''(A) assessing the risk and impact that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of such information or information systems;

''(B) determining the level of information security appropriate to protect such information and information systems in accordance with policies and directives issued under section 3553(a), and standards and guidelines promulgated under section 11331 of title 40 for information security classifications and related requirements;

''(C) implementing policies, procedures, and capabilities to reduce risks to an acceptable level in a cost-effective manner;

''(D) actively monitoring the effective implementation of information security controls and techniques; and

''(E) reporting information about information security incidents, cyber threat information, and deterioration of security controls in a timely and adequate manner to the entity designated under section 3553(a)(3) in accordance with paragraph (1);

''(3) assess and maintain the resiliency of information technology systems critical to agency mission and operations;

''(4) designate the agency Inspector General (or an independent entity selected in consultation with the Director and the Council of Inspectors General on Integrity and Efficiency if the agency does not have an Inspector General) to conduct the annual independent evaluation required under section 3556, and allow the agency Inspector General to contract with an independent entity to perform such evaluation;

''(5) delegate to the Chief Information Officer or equivalent (or to a senior agency official who reports to the Chief Information Officer or equivalent)—

''(A) the authority and primary responsibility to implement an agencywide information security program; and

''(B) the authority to provide information security for the information collected and maintained by the agency (or by a contractor, other agency, or other source on behalf of the agency) and for the information systems that support the operations, assets, and mission of the agency (including any information system provided or managed by a contractor, other agency, or other source on behalf of the agency);

''(6) delegate to the appropriate agency official (who is responsible for a particular agency system or subsystem) the responsibility to ensure and enforce compliance with all requirements of the agency's agencywide information security program in coordination with the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5);

''(7) ensure that an agency has trained personnel who have obtained any necessary security clearances to permit them to assist the agency in complying with this subchapter;

''(8) ensure that the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5), in coordination with other senior agency officials, reports to the agency head on the effectiveness of the agencywide information security program, including the progress of any remedial actions; and

''(9) ensure that the Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under paragraph (5) has the necessary qualifications to administer the functions described in this subchapter and has information security duties as a primary duty of that official.

''(b) CHIEF INFORMATION OFFICERS.—Each Chief Information Officer or equivalent (or the senior agency official who reports to the Chief Information Officer or equivalent) under subsection (a)(5) shall—

''(1) establish and maintain an enterprise security operations capability that on a continuous basis—

''(A) detects, reports, contains, mitigates, and responds to information security incidents that impair adequate security of the agency's information or information system in a timely manner and in accordance with the policies and directives under section 3553; and

''(B) reports any information security incident under subparagraph (A) to the entity designated under section 3555;

''(2) develop, maintain, and oversee an agencywide information security program;

''(3) develop, maintain, and oversee information security policies, procedures, and control techniques to address applicable requirements, including requirements under section 3553 of this title and section 11331 of title 40; and

''(4) train and oversee the agency personnel who have significant responsibility for information security with respect to that responsibility.

''(c) AGENCYWIDE INFORMATION SECURITY PROGRAMS.—

''(1) IN GENERAL.—Each agencywide information security program under subsection (b)(2) shall include—

''(A) relevant security risk assessments, including technical assessments and others related to the acquisition process;

''(B) security testing commensurate with risk and impact;

''(C) mitigation of deterioration of security controls commensurate with risk and impact;

''(D) risk-based continuous monitoring and threat assessment of the operational status and security of agency information systems to enable evaluation of the effectiveness of and compliance with information security policies, procedures, and practices, including a relevant and appropriate selection of security controls of information systems identified in the inventory under section 3505(c);

''(E) operation of appropriate technical capabilities in order to detect, mitigate, report, and respond to information security incidents, cyber threat information, and deterioration of security controls in a manner that is consistent with the policies and directives under section 3553, including—

''(i) mitigating risks associated with such information security incidents;

''(ii) notifying and consulting with the entity designated under section 3555; and

''(iii) notifying and consulting with, as appropriate—

''(I) law enforcement and the relevant Office of the Inspector General; and

''(II) any other entity, in accordance with law and as directed by the President;

''(F) a process to ensure that remedial action is taken to address any deficiencies in the information security policies, procedures, and practices of the agency; and

''(G) a plan and procedures to ensure the continuity of operations for information systems that support the operations and assets of the agency.

''(2) RISK MANAGEMENT STRATEGIES.—Each agencywide information security program under subsection (b)(2) shall include the development and maintenance of a risk management strategy for information security. The risk management strategy shall include—

''(A) consideration of information security incidents, cyber threat information, and deterioration of security controls; and

''(B) consideration of the consequences that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of information and information systems that support the operations and assets of the agency, including any information system provided or managed by a contractor, other agency, or other source on behalf of the agency;

''(3) POLICIES AND PROCEDURES.—Each agencywide information security program under subsection (b)(2) shall include policies and procedures that—

''(A) are based on the risk management strategy under paragraph (2);

''(B) reduce information security risks to an acceptable level in a cost-effective manner;

''(C) ensure that cost-effective and adequate information security is addressed as part of the acquisition and ongoing management of each agency information system; and

''(D) ensure compliance with—

''(i) this subchapter; and

''(ii) any other applicable requirements.

''(4) TRAINING REQUIREMENTS.—Each agencywide information security program under subsection (b)(2) shall include information security, privacy, civil rights, civil liberties, and information oversight training that meets any applicable requirements under section 3553. The training shall inform each information security personnel that has access to agency information systems (including contractors and other users of information systems that support the operations and assets of the agency) of—

''(A) the information security risks associated with the information security personnel's activities; and

''(B) the individual's responsibility to comply with the agency policies and procedures that reduce the risks under subparagraph (A).

''(d) ANNUAL REPORT.—Each agency shall submit a report annually to the Secretary of Homeland Security on its agencywide information security program and information systems.

''§ 3555. Multiagency ongoing threat assessment

''(a) IMPLEMENTATION.—The Director of the Office of Management and Budget, in coordination with the Secretary of Homeland Security, shall designate an entity to implement ongoing security analysis concerning agency information systems—

''(1) based on cyber threat information;

''(2) based on agency information system and environment of operation changes, including—

''(A) an ongoing evaluation of the information system security controls; and

''(B) the security state, risk level, and environment of operation of an agency information system, including—

''(i) a change in risk level due to a new cyber threat;

''(ii) a change resulting from a new technology;

''(iii) a change resulting from the agency's mission; and

''(iv) a change resulting from the business practice; and

''(3) using automated processes to the maximum extent possible—

''(A) to increase information system security;

''(B) to reduce paper-based reporting requirements; and

''(C) to maintain timely and actionable knowledge of the state of the information system security.

''(b) STANDARDS.—The National Institute of Standards and Technology may promulgate standards, in coordination with the Secretary of Homeland Security, to assist an agency with its duties under this section.

''(c) COMPLIANCE.—The head of each appropriate department and agency shall be responsible for ensuring compliance and implementing necessary procedures to comply with this section. The head of each appropriate department and agency, in consultation with the Director of the Office of Management and Budget and the Secretary of Homeland Security, shall—

''(1) monitor compliance under this section;

''(2) develop a timeline and implement for the department or agency—

''(A) adoption of any technology, system, or method that facilitates continuous monitoring and threat assessments of an agency information system;

''(B) adoption or updating of any technology, system, or method that prevents, detects, or remediates a significant cyber incident to a Federal information system of the department or agency that has impeded, or is reasonably likely to impede, the performance of a critical mission of the department or agency; and

''(C) adoption of any technology, system, or method that satisfies a requirement under this section.

''(d) LIMITATION OF AUTHORITY.—The authorities of the Director of the Office of Management and Budget and of the Secretary of Homeland Security under this section shall not apply to national security systems.

''(e) REPORT.—Not later than 6 months after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Government Accountability Office shall issue a report evaluating each agency's status toward implementing this section.

''§ 3556. Independent evaluations

''(a) IN GENERAL.—The Council of the Inspectors General on Integrity and Efficiency, in consultation with the Director and the Secretary of Homeland Security, the Secretary of Commerce, and the Secretary of Defense, shall issue and maintain criteria for the timely, cost-effective, risk-based, and independent evaluation of each agencywide information security program (and practices) to determine the effectiveness of the agencywide information security program (and practices). The criteria shall include measures to assess any conflicts of interest in the performance of the evaluation and whether the agencywide information security program includes appropriate safeguards against disclosure of information where such disclosure may adversely affect information security.

''(b) ANNUAL INDEPENDENT EVALUATIONS.—Each agency shall perform an annual independent evaluation of its agencywide information security program (and practices) in accordance with the criteria under subsection (a).

''(c) DISTRIBUTION OF REPORTS.—Not later than 30 days after receiving an independent evaluation under subsection (b), each agency head shall transmit a copy of the independent evaluation to the Secretary of Homeland Security, the Secretary of Commerce, and the Secretary of Defense.

''(d) NATIONAL SECURITY SYSTEMS.—Evaluations involving national security systems shall be conducted as directed by President.

''§ 3557. National security systems.

''The head of each agency operating or exercising control of a national security system shall be responsible for ensuring that the agency—

''(1) provides information security protections commensurate with the risk and magnitude of the harm resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of the information contained in such system; and

''(2) implements information security policies and practices as required by standards and guidelines for national security systems, issued in accordance with law and as directed by the President.''.

(b) SAVINGS PROVISIONS.—

(1) POLICY AND COMPLIANCE GUIDANCE.—Policy and compliance guidance issued by the Director before the date of enactment of this Act under section 3543(a)(1) of title 44, United States Code (as in effect on the day before the date of enactment of this Act), shall continue in effect, according to its terms, until modified, terminated, superseded, or repealed pursuant to section 3553(a)(1) of title 44, United States Code.

(2) STANDARDS AND GUIDELINES.—Standards and guidelines issued by the Secretary of Commerce or by the Director before the date of enactment of this Act under section 11331(a)(1) of title 40, United States Code, (as in effect on the day before the date of enactment of this Act) shall continue in effect, according to their terms, until modified, terminated, superseded, or repealed pursuant to section 11331(a)(1) of title 40, United States Code, as amended by this Act.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The chapter analysis for chapter 35 of title 44, United States Code, is amended—

(A) by striking the items relating to sections 3531 through 3538;

(B) by striking the items relating to sections 3541 through 3549; and

(C) by inserting the following:

''3551. Purposes.
''3552. Definitions.
''3553. Federal information security authority and coordination.
''3554. Agency responsibilities.
''3555. Multiagency ongoing threat assessment.
''3556. Independent evaluations.
''3557. National security systems.''.

(2) OTHER REFERENCES.—

(A) Section 1001(c)(1)(A) of the Homeland Security Act of 2002 (6 U.S.C. 511(1)(A)) is amended by striking ''section 3532(3)'' and inserting ''section 3552''.

(B) Section 2222(j)(5) of title 10, United States Code, is amended by striking ''section 3542(b)(2)'' and inserting ''section 3552''.

(C) Section 2223(c)(3) of title 10, United States Code, is amended, by striking ''section 3542(b)(2)'' and inserting ''section 3552''.

(D) Section 2315 of title 10, United States Code, is amended by striking ''section 3542(b)(2)'' and inserting ''section 3552''.

(E) Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is amended—

(i) in subsection (a)(2), by striking ''section 3532(b)(2)'' and inserting ''section 3552'';

(ii) in subsection (c)(3), by striking ''Director of the Office of Management and Budget'' and inserting ''Secretary of Commerce'';

(iii) in subsection (d)(1), by striking ''Director of the Office of Management and Budget'' and inserting ''Secretary of Commerce'';

(iv) in subsection (d)(8) by striking ''Director of the Office of Management and Budget'' and inserting ''Secretary of Commerce'';

(v) in subsection (d)(8), by striking ''submitted to the Director'' and inserting ''submitted to the Secretary'';

(vi) in subsection (e)(2), by striking ''section 3532(1) of such title'' and inserting ''section 3552 of title 44''; and

(vii) in subsection (e)(5), by striking ''section 3532(b)(2) of such title'' and inserting ''section 3552 of title 44''.

(F) Section 8(d)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7406(d)(1)) is amended by striking ''section 3534(b)'' and inserting ''section 3554(b)(2)''.

SEC. 202. MANAGEMENT OF INFORMATION TECHNOLOGY.

(a) IN GENERAL.—Section 11331 of title 40, United States Code, is amended to read as follows:

''§ 11331. Responsibilities for Federal information systems standards

''(a) STANDARDS AND GUIDELINES.—

''(1) AUTHORITY TO PRESCRIBE.—Except as provided under paragraph (2), the Secretary of Commerce shall prescribe standards and guidelines pertaining to Federal information systems—

''(A) in consultation with the Secretary of Homeland Security; and

''(B) on the basis of standards and guidelines developed by the National Institute of Standards and Technology under paragraphs (2) and (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a)(2) and (a)(3)).

''(2) NATIONAL SECURITY SYSTEMS.—Standards and guidelines for national security systems shall be developed, prescribed, enforced, and overseen as otherwise authorized by law and as directed by the President.

''(b) MANDATORY STANDARDS AND GUIDELINES.—

''(1) AUTHORITY TO MAKE MANDATORY STANDARDS AND GUIDELINES.—The Secretary of Commerce shall make standards and guidelines under subsection (a)(1) compulsory and binding to the extent determined necessary by the Secretary of Commerce to improve the efficiency of operation or security of Federal information systems.

''(2) REQUIRED MANDATORY STANDARDS AND GUIDELINES.—

''(A) IN GENERAL.—Standards and guidelines under subsection (a)(1) shall include information security standards that—

''(i) provide minimum information security requirements as determined under section 20(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(b)); and

''(ii) are otherwise necessary to improve the security of Federal information and information systems.

''(B) BINDING EFFECT.—Information security standards under subparagraph (A) shall be compulsory and binding.

''(c) EXERCISE OF AUTHORITY.—To ensure fiscal and policy consistency, the Secretary of Commerce shall exercise the authority conferred by this section subject to direction by the President and in coordination with the Director.

''(d) APPLICATION OF MORE STRINGENT STANDARDS AND GUIDELINES.—The head of an executive agency may employ standards for the cost-effective information security for information systems within or under the supervision of that agency that are more stringent than the standards and guidelines the Secretary of Commerce prescribes under this section if the more stringent standards and guidelines—

''(1) contain at least the applicable standards and guidelines made compulsory and binding by the Secretary of Commerce; and

''(2) are otherwise consistent with the policies, directives, and implementation memoranda issued under section 3553(a) of title 44.

''(e) DECISIONS ON PROMULGATION OF STANDARDS AND GUIDELINES.—The decision by the Secretary of Commerce regarding the promulgation of any standard or guideline under this section shall occur not later than 6 months after the date of submission of the proposed standard to the Secretary of Commerce by the National Institute of Standards and Technology under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3).

''(f) NOTICE AND COMMENT.—A decision by the Secretary of Commerce to significantly modify, or not promulgate, a proposed standard submitted to the Secretary by the National Institute of Standards and Technology under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) shall be made after the public is given an opportunity to comment on the Secretary's proposed decision.

''(g) DEFINITIONS.—In this section:

''(1) FEDERAL INFORMATION SYSTEM.—The term 'Federal information system' has the meaning given the term in section 3552 of title 44.

''(2) INFORMATION SECURITY.—The term 'information security' has the meaning given the term in section 3552 of title 44.

''(3) NATIONAL SECURITY SYSTEM.—The term 'national security system' has the meaning given the term in section 3552 of title 44.''.

SEC. 203. NO NEW FUNDING.

An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

SEC. 204. TECHNICAL AND CONFORMING AMENDMENTS.

Section 21(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–4(b)) is amended—

(1) in paragraph (2), by striking ''and the Director of the Office of Management and Budget'' and inserting '', the Secretary of Commerce, and the Secretary of Homeland Security''; and

(2) in paragraph (3), by inserting '', the Secretary of Homeland Security,'' after ''the Secretary of Commerce''.

SEC. 205. CLARIFICATION OF AUTHORITIES.

Nothing in this title shall be construed to convey any new regulatory authority to any government entity implementing or complying with any provision of this title.

TITLE III—CRIMINAL PENALTIES

SEC. 301. PENALTIES FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

Section 1030(c) of title 18, United States Code, is amended to read as follows:

''(c) The punishment for an offense under subsection (a) or (b) of this section is—

''(1) a fine under this title or imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(1) of this section;

''(2)(A) except as provided in subparagraph (B), a fine under this title or imprisonment for not more than 3 years, or both, in the case of an offense under subsection (a)(2); or

''(B) a fine under this title or imprisonment for not more than ten years, or both, in the case of an offense under subsection (a)(2) of this section, if—

''(i) the offense was committed for purposes of commercial advantage or private financial gain;

''(ii) the offense was committed in the furtherance of any criminal or tortious act in violation of the Constitution or laws of the United States, or of any State; or

''(iii) the value of the information obtained, or that would have been obtained if the offense was completed, exceeds $5,000;

''(3) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(3) of this section;

''(4) a fine under this title or imprisonment of not more than 20 years, or both, in the case of an offense under subsection (a)(4) of this section;

''(5)(A) except as provided in subparagraph (C), a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(A) of this section, if the offense caused—

''(i) loss to 1 or more persons during any 1-year period (and, for purposes of an investigation, prosecution, or other proceeding brought by the United States only, loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least $5,000 in value;

''(ii) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

''(iii) physical injury to any person;

''(iv) a threat to public health or safety;

''(v) damage affecting a computer used by, or on behalf of, an entity of the United States Government in furtherance of the administration of justice, national defense, or national security; or

''(vi) damage affecting 10 or more protected computers during any 1-year period;

''(B) a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(B), if the offense caused a harm provided in clause (i) through (vi) of subparagraph (A) of this subsection;

''(C) if the offender attempts to cause or knowingly or recklessly causes death from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for any term of years or for life, or both;

''(D) a fine under this title, imprisonment for not more than 10 years, or both, for any other offense under subsection (a)(5);

''(E) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(6) of this section; or

''(F) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(7) of this section.''.

SEC. 302. TRAFFICKING IN PASSWORDS.

Section 1030(a)(6) of title 18, United States Code, is amended to read as follows:

''(6) knowingly and with intent to defraud traffics (as defined in section 1029) in any password or similar information or means of access through which a protected computer (as defined in subparagraphs (A) and (B) of subsection (e)(2)) may be accessed without authorization.''.

SEC. 303. CONSPIRACY AND ATTEMPTED COMPUTER FRAUD OFFENSES.

Section 1030(b) of title 18, United States Code, is amended by inserting ''as if for the completed offense'' after ''punished as provided''.

SEC. 304. CRIMINAL AND CIVIL FORFEITURE FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

Section 1030 of title 18, United States Code, is amended by striking subsections (i) and (j) and inserting the following:

''(i) CRIMINAL FORFEITURE.—

''(1) The court, in imposing sentence on any person convicted of a violation of this section, or convicted of conspiracy to violate this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

''(A) such persons interest in any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of such violation; and

''(B) any property, real or personal, constituting or derived from any gross proceeds, or any property traceable to such property, that such person obtained, directly or indirectly, as a result of such violation.

''(2) The criminal forfeiture of property under this subsection, including any seizure

and disposition of the property, and any related judicial or administrative proceeding, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except subsection (d) of that section.

''(j) CIVIL FORFEITURE.—

''(1) The following shall be subject to forfeiture to the United States and no property right, real or personal, shall exist in them:

''(A) Any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of any violation of this section, or a conspiracy to violate this section.

''(B) Any property, real or personal, constituting or derived from any gross proceeds obtained directly or indirectly, or any property traceable to such property, as a result of the commission of any violation of this section, or a conspiracy to violate this section.

''(2) Seizures and forfeitures under this subsection shall be governed by the provisions in chapter 46 relating to civil forfeitures, except that such duties as are imposed on the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents and other persons as may be designated for that purpose by the Secretary of Homeland Security or the Attorney General.''.

SEC. 305. DAMAGE TO CRITICAL INFRASTRUCTURE COMPUTERS.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1030 the following:

''§ 1030A. Aggravated damage to a critical infrastructure computer

''(a) DEFINITIONS.—In this section—

''(1) the term 'computer' has the meaning given the term in section 1030;

''(2) the term 'critical infrastructure computer' means a computer that manages or controls systems or assets vital to national defense, national security, national economic security, public health or safety, or any combination of those matters, whether publicly or privately owned or operated, including—

''(A) oil and gas production, storage, conversion, and delivery systems;

''(B) water supply systems;

''(C) telecommunication networks;

''(D) electrical power generation and delivery systems;

''(E) finance and banking systems;

''(F) emergency services;

''(G) transportation systems and services; and

''(H) government operations that provide essential services to the public; and

''(3) the term 'damage' has the meaning given the term in section 1030.

''(b) OFFENSE.—It shall be unlawful, during and in relation to a felony violation of section 1030, to knowingly cause or attempt to cause damage to a critical infrastructure computer if the damage results in (or, in the case of an attempt, if completed, would have resulted in) the substantial impairment—

''(1) of the operation of the critical infrastructure computer; or

''(2) of the critical infrastructure associated with the computer.

''(c) PENALTY.—Any person who violates subsection (b) shall be—

''(1) fined under this title;

''(2) imprisoned for not less than 3 years but not more than 20 years; or

''(3) penalized under paragraphs (1) and (2).

''(d) CONSECUTIVE SENTENCE.—Notwithstanding any other provision of law—

''(1) a court shall not place on probation any person convicted of a violation of this section;

''(2) except as provided in paragraph (4), no term of imprisonment imposed on a person under this section shall run concurrently with any other term of imprisonment, including any term of imprisonment imposed on the person under any other provision of law, including any term of imprisonment imposed for a felony violation of section 1030;

''(3) in determining any term of imprisonment to be imposed for a felony violation of section 1030, a court shall not in any way reduce the term to be imposed for such crime so as to compensate for, or otherwise take into account, any separate term of imprisonment imposed or to be imposed for a violation of this section; and

''(4) a term of imprisonment imposed on a person for a violation of this section may, in the discretion of the court, run concurrently, in whole or in part, only with another term of imprisonment that is imposed by the court at the same time on that person for an additional violation of this section, provided that such discretion shall be exercised in accordance with any applicable guidelines and policy statements issued by the United States Sentencing Commission pursuant to section 994 of title 28.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1030 the following:

''1030A. Aggravated damage to a critical infrastructure computer.''.

SEC. 306. LIMITATION ON ACTIONS INVOLVING UNAUTHORIZED USE.

Section 1030(e)(6) of title 18, United States Code, is amended by striking ''alter;'' and inserting ''alter, but does not include access in violation of a contractual obligation or agreement, such as an acceptable use policy or terms of service agreement, with an Internet service provider, Internet website, or non-government employer, if such violation constitutes the sole basis for determining that access to a protected computer is unauthorized;''.

SEC. 307. NO NEW FUNDING.

An applicable Federal agency shall carry out the provisions of this title with existing facilities and funds otherwise available, through such means as the head of the agency considers appropriate.

TITLE IV—CYBERSECURITY RESEARCH AND DEVELOPMENT

SEC. 401. NATIONAL HIGH-PERFORMANCE COMPUTING PROGRAM PLANNING AND COORDINATION.

(a) GOALS AND PRIORITIES.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

''(d) GOALS AND PRIORITIES.—The goals and priorities for Federal high-performance computing research, development, networking, and other activities under subsection (a)(2)(A) shall include—

''(1) encouraging and supporting mechanisms for interdisciplinary research and development in networking and information technology, including—

''(A) through collaborations across agencies;

''(B) through collaborations across Program Component Areas;

''(C) through collaborations with industry;

''(D) through collaborations with institutions of higher education;

''(E) through collaborations with Federal laboratories (as defined in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703)); and

''(F) through collaborations with international organizations;

''(2) addressing national, multi-agency, multi-faceted challenges of national importance; and

''(3) fostering the transfer of research and development results into new technologies and applications for the benefit of society.''.

(b) DEVELOPMENT OF STRATEGIC PLAN.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

''(e) STRATEGIC PLAN.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the agencies under subsection (a)(3)(B), working through the National Science and Technology Council and with the assistance of the Office of Science and Technology Policy shall develop a 5-year strategic plan to guide the activities under subsection (a)(1).

''(2) CONTENTS.—The strategic plan shall specify—

''(A) the near-term objectives for the Program;

''(B) the long-term objectives for the Program;

''(C) the anticipated time frame for achieving the near-term objectives;

''(D) the metrics that will be used to assess any progress made toward achieving the near-term objectives and the long-term objectives; and

''(E) how the Program will achieve the goals and priorities under subsection (d).

''(3) IMPLEMENTATION ROADMAP.—

''(A) IN GENERAL.—The agencies under subsection (a)(3)(B) shall develop and annually update an implementation roadmap for the strategic plan.

''(B) REQUIREMENTS.—The information in the implementation roadmap shall be coordinated with the database under section 102(c) and the annual report under section 101(a)(3). The implementation roadmap shall—

''(i) specify the role of each Federal agency in carrying out or sponsoring research and development to meet the research objectives of the strategic plan, including a description of how progress toward the research objectives will be evaluated, with consideration of any relevant recommendations of the advisory committee;

''(ii) specify the funding allocated to each major research objective of the strategic plan and the source of funding by agency for the current fiscal year; and

''(iii) estimate the funding required for each major research objective of the strategic plan for the next 3 fiscal years.

''(4) RECOMMENDATIONS.—The agencies under subsection (a)(3)(B) shall take into consideration when developing the strategic plan under paragraph (1) the recommendations of—

''(A) the advisory committee under subsection (b); and

''(B) the stakeholders under section 102(a)(3).

''(5) REPORT TO CONGRESS.—The Director of the Office of Science and Technology Policy shall transmit the strategic plan under this subsection, including the implementation roadmap and any updates under paragraph (3), to—

''(A) the advisory committee under subsection (b);

''(B) the Committee on Commerce, Science, and Transportation of the Senate; and

''(C) the Committee on Science and Technology of the House of Representatives.''.

(c) PERIODIC REVIEWS.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

''(f) PERIODIC REVIEWS.—The agencies under subsection (a)(3)(B) shall—

''(1) periodically assess the contents and funding levels of the Program Component

Areas and restructure the Program when warranted, taking into consideration any relevant recommendations of the advisory committee under subsection (b); and

''(2) ensure that the Program includes national, multi-agency, multi-faceted research and development activities, including activities described in section 104.''.

(d) ADDITIONAL RESPONSIBILITIES OF DIRECTOR.—Section 101(a)(2) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(2)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (G) and (H), respectively; and

(2) by inserting after subparagraph (D) the following:

''(E) encourage and monitor the efforts of the agencies participating in the Program to allocate the level of resources and management attention necessary—

''(i) to ensure that the strategic plan under subsection (e) is developed and executed effectively; and

''(ii) to ensure that the objectives of the Program are met;

''(F) working with the Office of Management and Budget and in coordination with the creation of the database under section 102(c), direct the Office of Science and Technology Policy and the agencies participating in the Program to establish a mechanism (consistent with existing law) to track all ongoing and completed research and development projects and associated funding;''.

(e) ADVISORY COMMITTEE.—Section 101(b) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(b)) is amended—

(1) in paragraph (1)—

(A) by inserting after the first sentence the following: ''The co-chairs of the advisory committee shall meet the qualifications of committee members and may be members of the Presidents Council of Advisors on Science and Technology.''; and

(B) by striking ''high-performance'' in subparagraph (D) and inserting ''high-end''; and

(2) by amending paragraph (2) to read as follows:

''(2) In addition to the duties under paragraph (1), the advisory committee shall conduct periodic evaluations of the funding, management, coordination, implementation, and activities of the Program. The advisory committee shall report its findings and recommendations not less frequently than once every 3 fiscal years to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives. The report shall be submitted in conjunction with the update of the strategic plan.''.

(f) REPORT.—Section 101(a)(3) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(3)) is amended—

(1) in subparagraph (C)—

(A) by striking ''is submitted,'' and inserting ''is submitted, the levels for the previous fiscal year,''; and

(B) by striking ''each Program Component Area'' and inserting ''each Program Component Area and each research area supported in accordance with section 104'';

(2) in subparagraph (D)—

(A) by striking ''each Program Component Area,'' and inserting ''each Program Component Area and each research area supported in accordance with section 104,'';

(B) by striking ''is submitted,'' and inserting ''is submitted, the levels for the previous fiscal year,''; and

(C) by striking ''and'' after the semicolon;

(3) by redesignating subparagraph (E) as subparagraph (G); and

(4) by inserting after subparagraph (D) the following:

''(E) include a description of how the objectives for each Program Component Area, and the objectives for activities that involve multiple Program Component Areas, relate to the objectives of the Program identified in the strategic plan under subsection (e);

''(F) include—

''(i) a description of the funding required by the Office of Science and Technology Policy to perform the functions under subsections (a) and (c) of section 102 for the next fiscal year by category of activity;

''(ii) a description of the funding required by the Office of Science and Technology Policy to perform the functions under subsections (a) and (c) of section 102 for the current fiscal year by category of activity; and

''(iii) the amount of funding provided for the Office of Science and Technology Policy for the current fiscal year by each agency participating in the Program; and''.

(g) DEFINITIONS.—Section 4 of the High-Performance Computing Act of 1991 (15 U.S.C. 5503) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(2) by redesignating paragraph (3) as paragraph (6);

(3) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively;

(4) by inserting before paragraph (2), as redesignated, the following:

''(1) 'cyber-physical systems' means physical or engineered systems whose networking and information technology functions and physical elements are deeply integrated and are actively connected to the physical world through sensors, actuators, or other means to perform monitoring and control functions;'';

(5) in paragraph (3), as redesignated, by striking ''high-performance computing'' and inserting ''networking and information technology'';

(6) in paragraph (6), as redesignated—

(A) by striking ''high-performance computing'' and inserting ''networking and information technology''; and

(B) by striking ''supercomputer'' and inserting ''high-end computing'';

(7) in paragraph (5), by striking ''network referred to as'' and all that follows through the semicolon and inserting ''network, including advanced computer networks of Federal agencies and departments''; and

(8) in paragraph (7), as redesignated, by striking ''National High-Performance Computing Program'' and inserting ''networking and information technology research and development program''.

SEC. 402. RESEARCH IN AREAS OF NATIONAL IMPORTANCE.

(a) RESEARCH IN AREAS OF NATIONAL IMPORTANCE.—Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.) is amended by adding at the end the following:

''SEC. 104. RESEARCH IN AREAS OF NATIONAL IMPORTANCE.

''(a) IN GENERAL.—The Program shall encourage agencies under section 101(a)(3)(B) to support, maintain, and improve national, multi-agency, multi-faceted, research and development activities in networking and information technology directed toward application areas that have the potential for significant contributions to national economic competitiveness and for other significant societal benefits.

''(b) TECHNICAL SOLUTIONS.—An activity under subsection (a) shall be designed to advance the development of research discoveries by demonstrating technical solutions to important problems in areas including—

''(1) cybersecurity;

''(2) health care;

''(3) energy management and low-power systems and devices;

''(4) transportation, including surface and air transportation;

''(5) cyber-physical systems;

''(6) large-scale data analysis and modeling of physical phenomena;

''(7) large scale data analysis and modeling of behavioral phenomena;

''(8) supply chain quality and security; and

''(9) privacy protection and protected disclosure of confidential data.

''(c) RECOMMENDATIONS.—The advisory committee under section 101(b) shall make recommendations to the Program for candidate research and development areas for support under this section.

''(d) CHARACTERISTICS.—

''(1) IN GENERAL.—Research and development activities under this section—

''(A) shall include projects selected on the basis of applications for support through a competitive, merit-based process;

''(B) shall leverage, when possible, Federal investments through collaboration with related State initiatives;

''(C) shall include a plan for fostering the transfer of research discoveries and the results of technology demonstration activities, including from institutions of higher education and Federal laboratories, to industry for commercial development;

''(D) shall involve collaborations among researchers in institutions of higher education and industry; and

''(E) may involve collaborations among nonprofit research institutions and Federal laboratories, as appropriate.

''(2) COST-SHARING.—In selecting applications for support, the agencies under section 101(a)(3)(B) shall give special consideration to projects that include cost sharing from non-Federal sources.

''(3) MULTIDISCIPLINARY RESEARCH CENTERS.—Research and development activities under this section shall be supported through multidisciplinary research centers, including Federal laboratories, that are organized to investigate basic research questions and carry out technology demonstration activities in areas described in subsection (a). Research may be carried out through existing multidisciplinary centers, including those authorized under section 7024(b)(2) of the America COMPETES Act (42 U.S.C. 1862o–10(2)).''.

(b) CYBER-PHYSICAL SYSTEMS.—Section 101(a)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(1)) is amended—

(1) in subparagraph (H), by striking ''and'' after the semicolon;

(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) provide for increased understanding of the scientific principles of cyber-physical systems and improve the methods available for the design, development, and operation of cyber-physical systems that are characterized by high reliability, safety, and security; and

''(K) provide for research and development on human-computer interactions, visualization, and big data.''.

(c) TASK FORCE.—Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.), as amended by section 402(a) of this Act, is amended by adding at the end the following:

''SEC. 105. TASK FORCE.

''(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Director of the Office of Science and Technology Policy under section 102 shall convene a task force

to explore mechanisms for carrying out collaborative research and development activities for cyber-physical systems (including the related technologies required to enable these systems) through a consortium or other appropriate entity with participants from institutions of higher education, Federal laboratories, and industry.

''(b) FUNCTIONS.—The task force shall—

''(1) develop options for a collaborative model and an organizational structure for such entity under which the joint research and development activities could be planned, managed, and conducted effectively, including mechanisms for the allocation of resources among the participants in such entity for support of such activities;

''(2) propose a process for developing a research and development agenda for such entity, including guidelines to ensure an appropriate scope of work focused on nationally significant challenges and requiring collaboration and to ensure the development of related scientific and technological milestones;

''(3) define the roles and responsibilities for the participants from institutions of higher education, Federal laboratories, and industry in such entity;

''(4) propose guidelines for assigning intellectual property rights and for transferring research results to the private sector; and

''(5) make recommendations for how such entity could be funded from Federal, State, and non-governmental sources.

''(c) COMPOSITION.—In establishing the task force under subsection (a), the Director of the Office of Science and Technology Policy shall appoint an equal number of individuals from institutions of higher education and from industry with knowledge and expertise in cyber-physical systems, and may appoint not more than 2 individuals from Federal laboratories.

''(d) REPORT.—Not later than 1 year after the date of enactment of the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012, the Director of the Office of Science and Technology Policy shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a report describing the findings and recommendations of the task force.

''(e) TERMINATION.—The task force shall terminate upon transmittal of the report required under subsection (d).

''(f) COMPENSATION AND EXPENSES.—Members of the task force shall serve without compensation.''.

SEC. 403. PROGRAM IMPROVEMENTS.

Section 102 of the High-Performance Computing Act of 1991 (15 U.S.C. 5512) is amended to read as follows:

''SEC. 102. PROGRAM IMPROVEMENTS.

''(a) FUNCTIONS.—The Director of the Office of Science and Technology Policy shall continue—

''(1) to provide technical and administrative support to—

''(A) the agencies participating in planning and implementing the Program, including support needed to develop the strategic plan under section 101(e); and

''(B) the advisory committee under section 101(b);

''(2) to serve as the primary point of contact on Federal networking and information technology activities for government agencies, academia, industry, professional societies, State computing and networking technology programs, interested citizen groups, and others to exchange technical and programmatic information;

''(3) to solicit input and recommendations from a wide range of stakeholders during the development of each strategic plan under section 101(e) by convening at least 1 workshop with invitees from academia, industry, Federal laboratories, and other relevant organizations and institutions;

''(4) to conduct public outreach, including the dissemination of the advisory committee's findings and recommendations, as appropriate;

''(5) to promote access to and early application of the technologies, innovations, and expertise derived from Program activities to agency missions and systems across the Federal Government and to United States industry;

''(6) to ensure accurate and detailed budget reporting of networking and information technology research and development investment; and

''(7) to encourage agencies participating in the Program to use existing programs and resources to strengthen networking and information technology education and training, and increase participation in such fields, including by women and underrepresented minorities.

''(b) SOURCE OF FUNDING.—

''(1) IN GENERAL.—The functions under this section shall be supported by funds from each agency participating in the Program.

''(2) SPECIFICATIONS.—The portion of the total budget of the Office of Science and Technology Policy that is provided by each agency participating in the Program for each fiscal year shall be in the same proportion as each agency's share of the total budget for the Program for the previous fiscal year, as specified in the database under section 102(c).

''(c) DATABASE.—

''(1) IN GENERAL.—The Director of the Office of Science and Technology Policy shall develop and maintain a database of projects funded by each agency for the fiscal year for each Program Component Area.

''(2) PUBLIC ACCESSIBILITY.—The Director of the Office of Science and Technology Policy shall make the database accessible to the public.

''(3) DATABASE CONTENTS.—The database shall include, for each project in the database—

''(A) a description of the project;

''(B) each agency, industry, institution of higher education, Federal laboratory, or international institution involved in the project;

''(C) the source funding of the project (set forth by agency);

''(D) the funding history of the project; and

''(E) whether the project has been completed.''.

SEC. 404. IMPROVING EDUCATION OF NETWORKING AND INFORMATION TECHNOLOGY, INCLUDING HIGH PERFORMANCE COMPUTING.

Section 201(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5521(a)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) the National Science Foundation shall use its existing programs, in collaboration with other agencies, as appropriate, to improve the teaching and learning of networking and information technology at all levels of education and to increase participation in networking and information technology fields;''.

SEC. 405. CONFORMING AND TECHNICAL AMENDMENTS TO THE HIGH-PERFORMANCE COMPUTING ACT OF 1991.

(a) SECTION 3.—Section 3 of the High-Performance Computing Act of 1991 (15 U.S.C. 5502) is amended—

(1) in the matter preceding paragraph (1), by striking ''high-performance computing'' and inserting ''networking and information technology'';

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''high-performance computing'' and inserting ''networking and information technology'';

(B) in subparagraphs (A), (F), and (G), by striking ''high-performance computing'' each place it appears and inserting ''networking and information technology''; and

(C) in subparagraph (H), by striking ''high-performance'' and inserting ''high-end''; and

(3) in paragraph (2)—

(A) by striking ''high-performance computing and'' and inserting ''networking and information technology, and''; and

(B) by striking ''high-performance computing network'' and inserting ''networking and information technology''.

(b) TITLE HEADING.—The heading of title I of the High-Performance Computing Act of 1991 (105 Stat. 1595) is amended by striking ''**HIGH-PERFORMANCE COMPUTING**'' and inserting ''**NETWORKING AND INFORMATION TECHNOLOGY**''.

(c) SECTION 101.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended—

(1) in the section heading, by striking ''**HIGH-PERFORMANCE COMPUTING**'' and inserting ''**NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT**'';

(2) in subsection (a)—

(A) in the subsection heading, by striking ''NATIONAL HIGH-PERFORMANCE COMPUTING'' and inserting ''NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT'';

(B) in paragraph (1)—

(i) by striking ''National High-Performance Computing Program'' and inserting ''networking and information technology research and development program'';

(ii) in subparagraph (A), by striking ''high-performance computing, including networking'' and inserting ''networking and information technology'';

(iii) in subparagraphs (B) and (G), by striking ''high-performance'' each place it appears and inserting ''high-end''; and

(iv) in subparagraph (C), by striking ''high-performance computing and networking'' and inserting ''high-end computing, distributed, and networking''; and

(C) in paragraph (2)—

(i) in subparagraphs (A) and (C)—

(I) by striking ''high-performance computing'' each place it appears and inserting ''networking and information technology''; and

(II) by striking ''development, networking,'' each place it appears and inserting ''development,''; and

(ii) in subparagraphs (G) and (H), as redesignated by section 401(d) of this Act, by striking ''high-performance'' each place it appears and inserting ''high-end'';

(3) in subsection (b)(1), in the matter preceding subparagraph (A), by striking ''high-performance computing'' each place it appears and inserting ''networking and information technology''; and

(4) in subsection (c)(1)(A), by striking ''high-performance computing'' and inserting ''networking and information technology''.

(d) SECTION 201.—Section 201(a)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5521(a)(1)) is amended by striking ''high-performance computing and advanced high-speed computer networking'' and inserting ''networking and information technology research and development''.

(e) SECTION 202.—Section 202(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5522(a)) is amended by striking ''high-

performance computing'' and inserting ''networking and information technology''.

(f) SECTION 203.—Section 203(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(a)) is amended—

(1) in paragraph (1), by striking ''high-performance computing and networking'' and inserting ''networking and information technology''; and

(2) in paragraph (2)(A), by striking ''high-performance'' and inserting ''high-end''.

(g) SECTION 204.—Section 204 of the High-Performance Computing Act of 1991 (15 U.S.C. 5524) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking ''high-performance computing systems and networks'' and inserting ''networking and information technology systems and capabilities'';

(B) in subparagraph (B), by striking ''interoperability of high-performance computing systems in networks and for common user interfaces to systems'' and inserting ''interoperability and usability of networking and information technology systems''; and

(C) in subparagraph (C), by striking ''high-performance computing'' and inserting ''networking and information technology''; and

(2) in subsection (b)—

(A) by striking ''HIGH-PERFORMANCE COMPUTING AND NETWORK'' in the heading and inserting ''NETWORKING AND INFORMATION TECHNOLOGY''; and

(B) by striking ''sensitive''.

(h) SECTION 205.—Section 205(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5525(a)) is amended by striking ''computational'' and inserting ''networking and information technology''.

(i) SECTION 206.—Section 206(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5526(a)) is amended by striking ''computational research'' and inserting ''networking and information technology research''.

(j) SECTION 207.—Section 207 of the High-Performance Computing Act of 1991 (15 U.S.C. 5527) is amended by striking ''high-performance computing'' and inserting ''networking and information technology''.

(k) SECTION 208.—Section 208 of the High-Performance Computing Act of 1991 (15 U.S.C. 5528) is amended—

(1) in the section heading, by striking ''**HIGH-PERFORMANCE COMPUTING**'' and inserting ''**NETWORKING AND INFORMATION TECHNOLOGY**''; and

(2) in subsection (a)—

(A) in paragraph (1), by striking ''High-performance computing and associated'' and inserting ''Networking and information'';

(B) in paragraph (2), by striking ''high-performance computing'' and inserting ''networking and information technologies'';

(C) in paragraph (3), by striking ''high-performance'' and inserting ''high-end'';

(D) in paragraph (4), by striking ''high-performance computers and associated'' and inserting ''networking and information''; and

(E) in paragraph (5), by striking ''high-performance computing and associated'' and inserting ''networking and information''.

SEC. 406. FEDERAL CYBER SCHOLARSHIP-FOR-SERVICE PROGRAM.

(a) IN GENERAL.—The Director of the National Science Foundation, in coordination with the Secretary of Homeland Security, shall carry out a Federal cyber scholarship-for-service program to recruit and train the next generation of information technology professionals and security managers to meet the needs of the cybersecurity mission for the Federal government.

(b) PROGRAM DESCRIPTION AND COMPONENTS.—The program shall—

(1) annually assess the workforce needs of the Federal government for cybersecurity professionals, including network engineers, software engineers, and other experts in order to determine how many scholarships should be awarded annually to ensure that the workforce needs following graduation match the number of scholarships awarded;

(2) provide scholarships for up to 1,000 students per year in their pursuit of undergraduate or graduate degrees in the cybersecurity field, in an amount that may include coverage for full tuition, fees, and a stipend;

(3) require each scholarship recipient, as a condition of receiving a scholarship under the program, to serve in a Federal information technology workforce for a period equal to one and one-half times each year, or partial year, of scholarship received, in addition to an internship in the cybersecurity field, if applicable, following graduation;

(4) provide a procedure for the National Science Foundation or a Federal agency, consistent with regulations of the Office of Personnel Management, to request and fund a security clearance for a scholarship recipient, including providing for clearance during a summer internship and upon graduation; and

(5) provide opportunities for students to receive temporary appointments for meaningful employment in the Federal information technology workforce during school vacation periods and for internships.

(c) HIRING AUTHORITY.—

(1) IN GENERAL.—For purposes of any law or regulation governing the appointment of an individual in the Federal civil service, upon the successful completion of the student's studies, a student receiving a scholarship under the program may—

(A) be hired under section 213.3102(r) of title 5, Code of Federal Regulations; and

(B) be exempt from competitive service.

(2) COMPETITIVE SERVICE.—Upon satisfactory fulfillment of the service term under paragraph (1), an individual may be converted to a competitive service position without competition if the individual meets the requirements for that position.

(d) ELIGIBILITY.—The eligibility requirements for a scholarship under this section shall include that a scholarship applicant—

(1) be a citizen of the United States;

(2) be eligible to be granted a security clearance;

(3) maintain a grade point average of 3.2 or above on a 4.0 scale for undergraduate study or a 3.5 or above on a 4.0 scale for post-graduate study;

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

(5) has demonstrated a level of proficiency in math or computer sciences.

(e) FAILURE TO COMPLETE SERVICE OBLIGATION.—

(1) IN GENERAL.—A scholarship recipient under this section shall be liable to the United States under paragraph (2) if the scholarship recipient—

(A) fails to maintain an acceptable level of academic standing in the educational institution in which the individual is enrolled, as determined by the Director;

(B) is dismissed from such educational institution for disciplinary reasons;

(C) withdraws from the program for which the award was made before the completion of such program;

(D) declares that the individual does not intend to fulfill the service obligation under this section;

(E) fails to fulfill the service obligation of the individual under this section; or

(F) loses a security clearance or becomes ineligible for a security clearance.

(2) REPAYMENT AMOUNTS.—

(A) LESS THAN 1 YEAR OF SERVICE.—If a circumstance under paragraph (1) occurs before the completion of 1 year of a service obligation under this section, the total amount of awards received by the individual under this section shall be repaid.

(B) ONE OR MORE YEARS OF SERVICE.—If a circumstance described in subparagraph (D) or (E) of paragraph (1) occurs after the completion of 1 year of a service obligation under this section, the total amount of scholarship awards received by the individual under this section, reduced by the ratio of the number of years of service completed divided by the number of years of service required, shall be repaid.

(f) EVALUATION AND REPORT.—The Director of the National Science Foundation shall—

(1) evaluate the success of recruiting individuals for scholarships under this section and of hiring and retaining those individuals in the public sector workforce, including the annual cost and an assessment of how the program actually improves the Federal workforce; and

(2) periodically report the findings under paragraph (1) to Congress.

(g) AUTHORIZATION OF APPROPRIATIONS.—From amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), the Director may use funds to carry out the requirements of this section for fiscal years 2012 through 2013.

SEC. 407. STUDY AND ANALYSIS OF CERTIFICATION AND TRAINING OF INFORMATION INFRASTRUCTURE PROFESSIONALS.

(a) STUDY.—The President shall enter into an agreement with the National Academies to conduct a comprehensive study of government, academic, and private-sector accreditation, training, and certification programs for personnel working in information infrastructure. The agreement shall require the National Academies 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 personnel working in information infrastructure should possess in order to secure information systems;

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

(3) 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

(4) 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 Academies 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 accreditation, training, and certification programs, including specific areas of deficiency and demonstrable progress; and

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

SEC. 408. INTERNATIONAL CYBERSECURITY TECHNICAL STANDARDS.

(a) IN GENERAL.—The Director of the National Institute of Standards and Technology, in coordination with appropriate Federal authorities, shall—

(1) as appropriate, ensure coordination of Federal agencies engaged in the development of international technical standards related to information system security; and

(2) not later than 1 year after the date of enactment of this Act, develop and transmit to Congress a plan for ensuring such Federal agency coordination.

(b) CONSULTATION WITH THE PRIVATE SECTOR.—In carrying out the activities under subsection (a)(1), the Director shall ensure consultation with appropriate private sector stakeholders.

SEC. 409. IDENTITY MANAGEMENT RESEARCH AND DEVELOPMENT.

The Director of the National Institute of Standards and Technology shall continue a program to support the development of technical standards, metrology, testbeds, and conformance criteria, taking into account appropriate user concerns—

(1) to improve interoperability among identity management technologies;

(2) to strengthen authentication methods of identity management systems;

(3) to improve privacy protection in identity management systems, including health information technology systems, through authentication and security protocols; and

(4) to improve the usability of identity management systems.

SEC. 410. FEDERAL CYBERSECURITY RESEARCH AND DEVELOPMENT.

(a) 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'' after the semicolon;

(2) in subparagraph (I), by striking ''property.'' and inserting ''property;''; and

(3) by adding at the end the following:

''(J) secure fundamental protocols that are at the heart of inter-network communications and data exchange;

''(K) system security that addresses the building of secure systems from trusted and untrusted components;

''(L) monitoring and detection; and

''(M) resiliency and rapid recovery methods.''.

(b) NATIONAL SCIENCE FOUNDATION COMPUTER AND NETWORK SECURITY GRANTS.—Section 4(a)(3) of the Cyber Security Research and Development Act (15 U.S.C. 7403(a)(3)) is amended—

(1) in subparagraph (D), by striking ''and'';

(2) in subparagraph (E), by striking ''2007.'' and inserting ''2007;''; and

(3) by adding at the end the following:

''(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.''.

(c) COMPUTER AND NETWORK SECURITY CENTERS.—Section 4(b)(7) of the Cyber Security Research and Development Act (15 U.S.C. 7403(b)(7)) is amended—

(1) in subparagraph (D), by striking ''and'';

(2) in subparagraph (E), by striking ''2007.'' and inserting ''2007;''; and

(3) by adding at the end the following:

''(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.''.

(d) COMPUTER AND NETWORK SECURITY CAPACITY BUILDING GRANTS.—Section 5(a)(6) of the Cyber Security Research and Development Act (15 U.S.C. 7404(a)(6)) is amended—

(1) in subparagraph (D), by striking ''and'';

(2) in subparagraph (E), by striking ''2007.'' and inserting ''2007;''; and

(3) by adding at the end the following:

''(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.''.

(e) SCIENTIFIC AND ADVANCED TECHNOLOGY ACT GRANTS.—Section 5(b)(2) of the Cyber Security Research and Development Act (15 U.S.C. 7404(b)(2)) is amended—

(1) in subparagraph (D), by striking ''and'';

(2) in subparagraph (E), by striking ''2007.'' and inserting ''2007;''; and

(3) by adding at the end the following:

''(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.''.

(f) GRADUATE TRAINEESHIPS IN COMPUTER AND NETWORK SECURITY RESEARCH.—Section 5(c)(7) of the Cyber Security Research and Development Act (15 U.S.C. 7404(c)(7)) is amended—

(1) in subparagraph (D), by striking ''and'';

(2) in subparagraph (E), by striking ''2007.'' and inserting ''2007;''; and

(3) by adding at the end the following:

''(F) such funds from amounts made available under section 503 of the America COMPETES Reauthorization Act of 2010 (124 Stat. 4005), as the Director finds necessary to carry out the requirements of this subsection for fiscal years 2012 through 2013.''.

SA 2697. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF SENATE ON APPOINTMENT BY THE ATTORNEY GENERAL OF AN OUTSIDE SPECIAL COUNSEL TO INVESTIGATE CERTAIN RECENT LEAKS OF APPARENTLY CLASSIFIED AND HIGHLY SENSITIVE INFORMATION ON UNITED STATES MILITARY AND INTELLIGENCE PLANS, PROGRAMS, AND OPERATIONS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Over the past few weeks, several publications have been released that cite several highly sensitive United States military and intelligence counterterrorism plans, programs, and operations.

(2) These publications appear to be based in substantial part on unauthorized disclosures of classified information.

(3) The unauthorized disclosure of classified information is a felony under Federal law.

(4) The identity of the sources in these publications include senior administration officials, participants in these reported plans, programs, and operations, and current American officials who spoke anonymously about these reported plans, programs, and operations because they remain classified, parts of them are ongoing, or both.

(5) Such unauthorized disclosures may inhibit the ability of the United States to employ the same or similar plans, programs, or operations in the future; put at risk the national security of the United States and the safety of the men and women sworn to protect it; and dismay our allies.

(6) Under Federal law, the Attorney General may appoint an outside special counsel when an investigation or prosecution would present a conflict of interest or other extraordinary circumstances and when doing so would serve the public interest.

(7) Investigations of unauthorized disclosures of classified information are ordinarily conducted by the Federal Bureau of Investigation with assistance from prosecutors in the National Security Division of the Department of Justice.

(8) There is precedent for officials in the National Security Division of the Department of Justice to recuse itself from such investigations to avoid even the appearance of impropriety or undue influence, and it appears that there have been such recusals with respect to the investigation of at least one of these unauthorized disclosures.

(9) Such recusals are indicative of the serious complications already facing the Department of Justice in investigating these matters.

(10) The severity of the national security implications of these disclosures; the imperative for investigations of these disclosures to be conducted independently so as to avoid even the appearance of impropriety or undue influence; and the need to conduct these investigations expeditiously to ensure timely mitigation constitute extraordinary circumstances.

(11) For the foregoing reasons, the appointment of an outside special counsel would serve the public interest.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Attorney General should—

(A) delegate to an outside special counsel all of the authority of the Attorney General with respect to investigations by the Department of Justice of any and all unauthorized disclosures of classified and highly sensitive information related to various United States military and intelligence plans, programs, and operations reported in recent publications; and

(B) direct an outside special counsel to exercise that authority independently of the supervision or control of any officer of the Department of Justice;

(2) under such authority, the outside special counsel should investigate any and all unauthorized disclosures of classified and highly sensitive information on which such recent publications were based and, where appropriate, prosecute those responsible; and

(3) the President should assess—

(A) whether any such unauthorized disclosures of classified and highly sensitive information damaged the national security of the United States; and

(B) how such damage can be mitigated.

SA 2698. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ___—RESPONSE TO CONGRESSIONAL INQUIRIES

SEC. ___1. RESPONSE TO CONGRESSIONAL INQUIRIES REGARDING PUBLIC RELATIONS SPENDING BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

Not later than 7 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall respond in full to the following congressional inquiries:

(1) The letter dated February 28, 2012, from the Chairman and Ranking Member of the Subcommittee on Contracting Oversight of

the Committee on Homeland Security and Governmental Affairs of the Senate, requesting certain information regarding Department of Health and Human Services contracts for the acquisition of public relations, publicity, advertising, communications, or similar services.

(2) The follow-up letter dated May 22, 2012, from the Ranking Member of the Subcommittee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs of the Senate, requesting information regarding a reported $20,000,000 Department of Health and Human Services contract with a public relations firm.

SA 2699. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—REPEAL OF PPACA

SEC. __01. SHORT TITLE.

This title may be cited as the ''Repealing the Job-Killing Health Care Law Act''.

SEC. __02. REPEAL OF THE JOB-KILLING HEALTH CARE LAW AND HEALTH CARE-RELATED PROVISIONS IN THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010.

(a) JOB-KILLING HEALTH CARE LAW.—Effective as of the enactment of Public Law 111–148, such Act is repealed, and the provisions of law amended or repealed by such Act are restored or revived as if such Act had not been enacted.

(b) HEALTH CARE-RELATED PROVISIONS IN THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010.—Effective as of the enactment of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), title I and subtitle B of title II of such Act are repealed, and the provisions of law amended or repealed by such title or subtitle, respectively, are restored or revived as if such title and subtitle had not been enacted.

SEC. __03. BUDGETARY EFFECTS OF THIS ACT.

The budgetary effects of this title, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this title, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, as long as such statement has been submitted prior to the vote on passage of this Act.

SA 2700. Mr. ROCKEFELLER (for himself, Mrs. FEINSTEIN, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 212, after line 6, add the following:

TITLE VIII—DATA SECURITY AND BREACH NOTIFICATION

SEC. 801. SHORT TITLE.

This title may be cited as the ''Data Security and Breach Notification Act of 2012''.

SEC. 802. REQUIREMENTS FOR INFORMATION SECURITY.

(a) GENERAL SECURITY POLICIES AND PROCEDURES.—

(1) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Commission shall promulgate regulations under section 553 of title 5, United States Code, to require each covered entity that owns or possesses data containing personal information, or contracts to have any third-party entity maintain such data for such covered entity, to establish and implement policies and procedures regarding information security practices for the treatment and protection of personal information taking into consideration—

(A) the size of, and the nature, scope, and complexity of the activities engaged in by such covered entity;

(B) the current state of the art in administrative, technical, and physical safeguards for protecting such information;

(C) the cost of implementing the safeguards under subparagraph (B); and

(D) the impact on small businesses and nonprofits.

(2) REQUIREMENTS.—The regulations shall require the policies and procedures to include the following:

(A) A security policy with respect to the collection, use, sale, other dissemination, and maintenance of personal information.

(B) The identification of an officer or other individual as the point of contact with responsibility for the management of information security.

(C) A process for identifying and assessing any reasonably foreseeable vulnerabilities in each system maintained by the covered entity that contains such personal information, which shall include regular monitoring for a breach of security of each such system.

(D) A process for taking preventive and corrective action to mitigate any vulnerabilities identified in the process required by subparagraph (C), which may include implementing any changes to security practices and the architecture, installation, or implementation of network or operating software.

(E) A process for disposing of data in electronic form containing personal information by shredding, permanently erasing, or otherwise modifying the personal information contained in such data to make such personal information permanently unreadable or indecipherable.

(F) A standard method or methods for the destruction of paper documents and other non-electronic data containing personal information.

(b) LIMITATIONS.—

(1) COVERED ENTITIES SUBJECT TO THE GRAMM-LEACH-BLILEY ACT.—Notwithstanding section 805 of this Act, this section (and any regulations issued pursuant to this section) shall not apply to any financial institution that is subject to title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.) with respect to covered information under that Act.

(2) APPLICABILITY OF OTHER INFORMATION SECURITY REQUIREMENTS.—To the extent that the information security requirements of section 13401 of the Health Information Technology for Economic and Clinical Health Act (42 U.S.C. 17931) or of section 1173(d) of title XI, part C of the Social Security Act (42 U.S.C. 1320d-2(d)) apply in any circumstance to a person who is subject to either of those Acts, and to the extent the person is acting as an entity subject to either of those Acts, the person shall be exempt from the requirements of this section with respect to any data governed by section 13401 of the Health Information Technology for Economic and Clinical Health Act (42 U.S.C. 17931) or by the Health Insurance Portability and Accountability Act of 1996 Security Rule (45 C.F.R. 160.103 and Part 164).

(3) CERTAIN SERVICE PROVIDERS.—Nothing in this section shall apply to a service provider for any electronic communication by a third party to the extent that the service provider is engaged in the transmission, routing, or temporary, intermediate, or transient storage of that communication.

SEC. 803. NOTIFICATION OF BREACH OF SECURITY.

(a) NATIONWIDE NOTIFICATION.—A covered entity that owns or possesses data in electronic form containing personal information, following the discovery of a breach of security of the system maintained by the covered entity that contains such data, shall notify—

(1) each individual who is a citizen or resident of the United States and whose personal information was or is reasonably believed to have been acquired or accessed from the covered entity as a result of the breach of security; and

(2) the Commission, unless the covered entity has notified the designated entity under section 804.

(b) SPECIAL NOTIFICATION REQUIREMENTS.—

(1) THIRD-PARTY ENTITIES.—In the event of a breach of security of a system maintained by a third-party entity that has been contracted to maintain or process data in electronic form containing personal information on behalf of any other covered entity who owns or possesses such data, the third-party entity shall notify the covered entity of the breach of security. Upon receiving notification from the third party entity, such covered entity shall provide the notification required under subsection (a).

(2) SERVICE PROVIDERS.—If a service provider becomes aware of a breach of security of data in electronic form containing personal information that is owned or possessed by another covered entity that connects to or uses a system or network provided by the service provider for the purpose of transmitting, routing, or providing intermediate or transient storage of such data, the service provider shall notify of the breach of security only the covered entity who initiated such connection, transmission, routing, or storage if such covered entity can be reasonably identified. Upon receiving the notification from the service provider, the covered entity shall provide the notification required under subsection (a).

(3) COORDINATION OF NOTIFICATION WITH CREDIT REPORTING AGENCIES.—If a covered entity is required to provide notification to more than 5,000 individuals under subsection (a)(1), the covered entity also shall notify each major credit reporting agency of the timing and distribution of the notices, except when the only personal information that is the subject of the breach of security is the individual's first name or initial and last name, or address, or phone number, in combination with a credit or debit card number, and any required security code. Such notice shall be given to each credit reporting agency without unreasonable delay and, if it will not delay notice to the affected individuals, prior to the distribution of notices to the affected individuals.

(c) TIMELINESS OF NOTIFICATION.—Notification under subsection (a) shall be made—

(1) not later than 45 days after the date of discovery of a breach of security; or

(2) as promptly as possible if the covered entity providing notice can show that providing notice within the time frame under paragraph (1) is not feasible due to circumstances necessary—

(A) to accurately identify affected consumers;

(B) to prevent further breach or unauthorized disclosures; or

(C) to reasonably restore the integrity of the data system.

(d) METHOD AND CONTENT OF NOTIFICATION.—

(1) DIRECT NOTIFICATION.—

(A) METHOD OF DIRECT NOTIFICATION.—A covered entity shall be in compliance with the notification requirement under subsection (a)(1) if—

(i) the covered entity provides conspicuous and clearly identified notification—

(I) in writing; or

(II) by e-mail or other electronic means if—

(aa) the covered entity's primary method of communication with the individual is by e-mail or such other electronic means; or

(bb) the individual has consented to receive notification by e-mail or such other electronic means and such notification is provided in a manner that is consistent with the provisions permitting electronic transmission of notices under section 101 of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001); and

(ii) the method of notification selected under clause (i) can reasonably be expected to reach the intended individual.

(B) CONTENT OF DIRECT NOTIFICATION.—Each method of direct notification under subparagraph (A) shall include—

(i) the date, estimated date, or estimated date range of the breach of security;

(ii) a description of the personal information that was or is reasonably believed to have been acquired or accessed as a result of the breach of security;

(iii) a telephone number that an individual can use at no cost to the individual to contact the covered entity to inquire about the breach of security or the information the covered entity maintained about that individual;

(iv) notice that the individual may be entitled to consumer credit reports under subsection (e)(1);

(v) instructions how an individual can request consumer credit reports under subsection (e)(1);

(vi) a telephone number, that an individual can use at no cost to the individual, and an address to contact each major credit reporting agency; and

(vii) a telephone number, that an individual can use at no cost to the individual, and an Internet Web site address to obtain information regarding identity theft from the Commission.

(2) SUBSTITUTE NOTIFICATION.—

(A) CIRCUMSTANCES GIVING RISE TO SUBSTITUTE NOTIFICATION.—A covered entity required to provide notification to individuals under subsection (a)(1) may provide substitute notification instead of direct notification under paragraph (1)—

(i) if direct notification is not feasible due to lack of sufficient contact information for the individual required to be notified; or

(ii) if the covered entity owns or possesses data in electronic form containing personal information of fewer than 10,000 individuals and direct notification is not feasible due to excessive cost to the covered entity required to provide such notification relative to the resources of such covered entity, as determined in accordance with the regulations issued by the Commission under paragraph (3)(A).

(B) METHOD OF SUBSTITUTE NOTIFICATION.—Substitute notification under this paragraph shall include—

(i) conspicuous and clearly identified notification by e-mail to the extent the covered entity has an e-mail address for an individual who is entitled to notification under subsection (a)(1);

(ii) conspicuous and clearly identified notification on the Internet Web site of the covered entity if the covered entity maintains an Internet Web site; and

(iii) notification to print and to broadcast media, including major media in metropolitan and rural areas where the individuals whose personal information was acquired reside.

(C) CONTENT OF SUBSTITUTE NOTIFICATION.—Each method of substitute notification under this paragraph shall include—

(i) the date, estimated date, or estimated date range of the breach of security;

(ii) a description of the types of personal information that were or are reasonably believed to have been acquired or accessed as a result of the breach of security;

(iii) notice that an individual may be entitled to consumer credit reports under subsection (e)(1);

(iv) instructions how an individual can request consumer credit reports under subsection (e)(1);

(v) a telephone number that an individual can use at no cost to the individual to learn whether the individual's personal information is included in the breach of security;

(vi) a telephone number, that an individual can use at no cost to the individual, and an address to contact each major credit reporting agency; and

(vii) a telephone number, that an individual can use at no cost to the individual, and an Internet Web site address to obtain information regarding identity theft from the Commission.

(3) REGULATIONS AND GUIDANCE.—

(A) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Commission shall, by regulation under section 553 of title 5, United States Code, establish criteria for determining circumstances under which substitute notification may be provided under section 803(d)(2) of this Act, including criteria for determining if direct notification under section 803(d)(1) of this Act is not feasible due to excessive costs to the covered entity required to provided such notification relative to the resources of such covered entity. The regulations may also identify other circumstances where substitute notification would be appropriate for any covered entity, including circumstances under which the cost of providing direct notification exceeds the benefits to consumers.

(B) GUIDANCE.—In addition, the Commission, in consultation with the Small Business Administration, shall provide and publish general guidance with respect to compliance with this subsection. The guidance shall include—

(i) a description of written or e-mail notification that complies with paragraph (1); and

(ii) guidance on the content of substitute notification under paragraph (2), including the extent of notification to print and broadcast media that complies with paragraph (2)(B)(iii).

(e) OTHER OBLIGATIONS FOLLOWING BREACH.—

(1) IN GENERAL.—Not later than 60 days after the date of request by an individual whose personal information was included in a breach of security and quarterly thereafter for 2 years, a covered entity required to provide notification under subsection (a)(1) shall provide, or arrange for the provision of, to the individual at no cost, consumer credit reports from at least 1 major credit reporting agency.

(2) LIMITATION.—Paragraph (1) shall not apply if the only personal information that is the subject of the breach of security is the individual's first name or initial and last name, or address, or phone number, in combination with a credit or debit card number, and any required security code.

(3) RULEMAKING.—The Commission's rulemaking under subsection (d)(3) shall include—

(A) determination of the circumstances under which a covered entity required to provide notification under subsection (a) must provide or arrange for the provision of free consumer credit reports; and

(B) establishment of a simple process under which a covered entity that is a small business or small non-profit organization may request a full or a partial waiver or a modified or an alternative means of complying with this subsection if providing free consumer credit reports is not feasible due to excessive costs relative to the resources of such covered entity and relative to the level of harm, to affected individuals, caused by the breach of security.

(f) DELAY OF NOTIFICATION AUTHORIZED FOR NATIONAL SECURITY AND LAW ENFORCEMENT PURPOSES.—

(1) IN GENERAL.—If the United States Secret Service or the Federal Bureau of Investigation determines that notification under this section would impede a criminal investigation or a national security activity, notification shall be delayed upon written notice from the United States Secret Service or the Federal Bureau of Investigation to the covered entity that experienced the breach of security. Written notice from the United States Secret Service or the Federal Bureau of Investigation shall specify the period of delay requested for national security or law enforcement purposes.

(2) SUBSEQUENT DELAY OF NOTIFICATION.—

(A) IN GENERAL.—A covered entity shall provide notification under this section not later than 30 days after the day that the delay was invoked unless a Federal law enforcement or intelligence agency provides subsequent written notice to the covered entity that further delay is necessary.

(B) WRITTEN JUSTIFICATION REQUIREMENTS.—

(i) UNITED STATES SECRET SERVICE.—If the United States Secret Service instructs a covered entity to delay notification under this section beyond the 30 day period under subparagraph (A) (''subsequent delay''), the United States Secret Service shall submit written justification for the subsequent delay to the Secretary of Homeland Security before the subsequent delay begins.

(ii) FEDERAL BUREAU OF INVESTIGATION.—If the Federal Bureau of Investigation instructs a covered entity to delay notification under this section beyond the 30 day period under subparagraph (A) (''subsequent delay''), the Federal Bureau of Investigation shall submit written justification for the subsequent delay to the U.S. Attorney General before the subsequent delay begins.

(3) LAW ENFORCEMENT IMMUNITY.—No cause of action shall lie in any court against any Federal agency for acts relating to the delay of notification for national security or law enforcement purposes under this title.

(g) GENERAL EXEMPTION.—

(1) IN GENERAL.—A covered entity shall be exempt from the requirements under this section if, following a breach of security, the covered entity determines that there is no reasonable risk of identity theft, fraud, or other unlawful conduct.

(2) PRESUMPTION.—

(A) IN GENERAL.—There shall be a presumption that no reasonable risk of identity theft, fraud, or other unlawful conduct exists following a breach of security if—

(i) the data is rendered unusable, unreadable, or indecipherable through a security technology or methodology; and

(ii) the security technology or methodology under clause (i) is generally accepted by experts in the information security field.

(B) REBUTTAL.—The presumption under subparagraph (A) may be rebutted by facts demonstrating that the security technology or methodology in a specific case has been or is reasonably likely to be compromised.

(3) TECHNOLOGIES OR METHODOLOGIES.—Not later than 1 year after the date of enactment

of this Act, and biannually thereafter, the Commission, after consultation with the National Institute of Standards and Technology, shall issue rules (pursuant to section 553 of title 5, United States Code) or guidance to identify each security technology and methodology under paragraph (2). In issuing the rules or guidance, the Commission shall—

(A) consult with relevant industries, consumer organizations, data security and identity theft prevention experts, and established standards setting bodies; and

(B) consider whether and in what circumstances a security technology or methodology currently in use, such as encryption, complies with the standards under paragraph (2).

(4) FTC GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Commission, after consultation with the National Institute of Standards and Technology, shall issue guidance regarding the application of the exemption under paragraph (1).

(h) EXEMPTIONS FOR NATIONAL SECURITY AND LAW ENFORCEMENT PURPOSES.—

(1) IN GENERAL.—A covered entity shall be exempt from the requirements under this section if—

(A) a determination is made—

(i) by the United States Secret Service or the Federal Bureau of Investigation that notification of the breach of security could be reasonably expected to reveal sensitive sources and methods or similarly impede the ability of the Government to conduct law enforcement or intelligence investigations; or

(ii) by the Federal Bureau of Investigation that notification of the breach of security could be reasonably expected to cause damage to the national security; and

(B) the United States Secret Service or the Federal Bureau of Investigation, as the case may be, provides written notice of its determination under subparagraph (A) to the covered entity.

(2) UNITED STATES SECRET SERVICE.—If the United States Secret Service invokes an exemption under paragraph (1), the United States Secret Service shall submit written justification for invoking the exemption to the Secretary of Homeland Security before the exemption is invoked.

(3) FEDERAL BUREAU OF INVESTIGATION.—If the Federal Bureau of Investigation invokes an exemption under paragraph (1), the Federal Bureau of Investigation shall submit written justification for invoking the exemption to the U.S. Attorney General before the exemption is invoked.

(4) IMMUNITY.—No cause of action shall lie in any court against any Federal agency for acts relating to the exemption from notification for national security or law enforcement purposes under this title.

(5) REPORTS.—Not later than 18 months after the date of enactment of this Act, and upon request by Congress thereafter, the United States Secret Service and Federal Bureau of Investigation shall submit to Congress a report on the number and nature of breaches of security subject to the exemptions for national security and law enforcement purposes under this subsection.

(i) FINANCIAL FRAUD PREVENTION EXEMPTION.—

(1) IN GENERAL.—A covered entity shall be exempt from the requirements under this section if the covered entity utilizes or participates in a security program that—

(A) effectively blocks the use of the personal information to initiate an unauthorized financial transaction before it is charged to the account of the individual; and

(B) provides notice to each affected individual after a breach of security that resulted in attempted fraud or an attempted unauthorized transaction.

(2) LIMITATIONS.—An exemption under paragraph (1) shall not apply if—

(A) the breach of security includes personal information, other than a credit card number or credit card security code, of any type; or

(B) the breach of security includes both the individual's credit card number and the individual's first and last name.

(j) FINANCIAL INSTITUTIONS REGULATED BY FEDERAL FUNCTIONAL REGULATORS.—

(1) IN GENERAL.—Nothing in this section shall apply to a covered financial institution if the Federal functional regulator with jurisdiction over the covered financial institution has issued a standard by regulation or guideline under title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.) that—

(A) requires financial institutions within its jurisdiction to provide notification to individuals following a breach of security; and

(B) provides protections substantially similar to, or greater than, those required under this title.

(2) DEFINITIONS.—In this subsection—

(A) the term ''covered financial institution'' means a financial institution that is subject to—

(i) the data security requirements of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.);

(ii) any implementing standard issued by regulation or guideline issued under that Act; and

(iii) the jurisdiction of a Federal functional regulator under that Act;

(B) the term ''Federal functional regulator'' has the meaning given the term in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809); and

(C) the term ''financial institution'' has the meaning given the term in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809).

(k) EXEMPTION; HEALTH PRIVACY.—

(1) COVERED ENTITY OR BUSINESS ASSOCIATE UNDER HITECH ACT.—To the extent that a covered entity under this title acts as a covered entity or a business associate under section 13402 of the Health Information Technology for Economic and Clinical Health Act (42 U.S.C. 17932), and has the obligation to provide breach notification under that Act or its implementing regulations, the requirements of this section shall not apply.

(2) ENTITY SUBJECT TO HITECH ACT.—To the extent that a covered entity under this title acts as a vendor of personal health records, a third party service provider, or other entity subject to section 13407 of the Health Information Technology for Economical and Clinical Health Act (42 U.S.C. 17937), and has the obligation to provide breach notification under that Act or its implementing regulations, the requirements of this section shall not apply.

(3) LIMITATION OF STATUTORY CONSTRUCTION.—Nothing in this Act may be construed in any way to give effect to the sunset provision under section 13407(g)(2) of the Health Information Technology for Economic and Clinical Health Act (42 U.S.C. 17937(g)(2)) or to otherwise limit or affect the applicability, under section 13407 of that Act, of the breach notification requirement for vendors of personal health records and each entity described in clause (ii), (iii), or (iv) of section 13424(b)(1)(A) of that Act (42 U.S.C. 17953(b)(1)(A)) .

(l) WEB SITE NOTICE OF FEDERAL TRADE COMMISSION.—If the Commission, upon receiving notification of any breach of security that is reported to the Commission, finds that notification of the breach of security via the Commission's Internet Web site would be in the public interest or for the protection of consumers, the Commission shall place such a notice in a clear and conspicuous location on its Internet Web site.

(m) FTC STUDY ON NOTIFICATION IN LANGUAGES IN ADDITION TO ENGLISH.—Not later than 1 year after the date of enactment of this Act, the Commission shall conduct a study on the practicality and cost effectiveness of requiring the direct notification required by subsection (d)(1) to be provided in a language in addition to English to individuals known to speak only such other language.

(n) GENERAL RULEMAKING AUTHORITY.—The Commission may promulgate regulations necessary under section 553 of title 5, United States Code, to effectively enforce the requirements of this section.

SEC. 804. NOTICE TO LAW ENFORCEMENT.

(a) DESIGNATION OF GOVERNMENT ENTITY TO RECEIVE NOTICE.—Not later than 60 days after the date of enactment of this Act, the Secretary of the Department of Homeland Security shall designate a Federal Government entity to receive notice under this section.

(b) NOTICE.—A covered entity shall notify the designated entity of a breach of security if—

(1) the number of individuals whose personal information was, or is reasonably believed to have been, acquired or assessed as a result of the breach of security exceeds 10,000;

(2) the breach of security involves a database, networked or integrated databases, or other data system containing the personal information of more than 1,000,000 individuals;

(3) the breach of security involves databases owned by the Federal Government; or

(4) the breach of security involves primarily personal information of individuals known to the covered entity to be employees or contractors of the Federal Government involved in national security or law enforcement.

(c) CONTENT OF NOTICES.—

(1) IN GENERAL.—Each notice under subsection (b) shall contain—

(A) the date, estimated date, or estimated date range of the breach of security;

(B) a description of the nature of the breach of security;

(C) a description of each type of personal information that was or is reasonably believed to have been acquired or accessed as a result of the breach of security; and

(D) a statement of each paragraph under subsection (b) that applies to the breach of security.

(2) CONSTRUCTION.—Nothing in this section shall be construed to require a covered entity to reveal specific or identifying information about an individual as part of the notice under paragraph (1).

(d) RESPONSIBILITIES OF THE DESIGNATED ENTITY.—The designated entity shall promptly provide each notice it receives under subsection (b) to—

(1) the United States Secret Service;

(2) the Federal Bureau of Investigation;

(3) the Federal Trade Commission;

(4) the United States Postal Inspection Service, if the breach of security involves mail fraud;

(5) the attorney general of each State affected by the breach of security; and

(6) as appropriate, other Federal agencies for law enforcement, national security, or data security purposes.

(e) TIMING OF NOTICES.—Notice under this section shall be delivered as follows:

(1) Notice under subsection (b) shall be delivered as promptly as possible, but—

(A) not less than 3 business days before notification to an individual pursuant to section 803; and

(B) not later than 10 days after the date of discovery of the events requiring notice.

(2) Notice under subsection (d) shall be delivered as promptly as possible, but not later than 1 business day after the date that the designated entity receives notice of a breach of security from a covered entity.

SEC. 805. APPLICATION AND ENFORCEMENT.

(a) GENERAL APPLICATION.—The requirements of sections 802 and 803 apply to—

(1) those persons, partnerships, or corporations over which the Commission has authority pursuant to section 5(a)(2) of the Federal Trade Commission Act (15 U.S.C. 45(a)(2)); and

(2) notwithstanding sections 4 and 5(a)(2) of the Federal Trade Commission Act (15 U.S.C. 44 and 45(a)(2)), any non-profit organization, including any organization described in section 501(c) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.

(b) OPT-IN FOR CERTAIN OTHER ENTITIES.—

(1) IN GENERAL.—Section 803 shall apply to any other person or entity that enters into an agreement with the Commission under which section 803 would apply to that person or entity, with respect to any acts or omissions that occur while the agreement is in effect and that may constitute a violation of section 803, if—

(A) not less than 30 days prior to entering into the agreement with the person or entity, the Commission publishes notice in the Federal Register of the Commission's intent to enter into the agreement; and

(B) not later than 14 business days after entering into the agreement with the person or entity, the Commission publishes in the Federal Register—

(i) notice of the agreement;

(ii) the identify of each person or entity covered by the agreement; and

(iii) the effective date of the agreement.

(2) CONSTRUCTION.—

(A) OTHER FEDERAL LAW.—An agreement under paragraph (1) shall not effect a person's obligation or an entity's obligation to provide notice of a breach of security or similar event under any other Federal law.

(B) NO PREEMPTION PRIOR TO VALID AGREEMENT.—Subsections (a)(2) and (b) of section 807 shall not apply to a breach of security that occurs before a valid agreement under paragraph (1) is in effect.

(c) ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of section 802 or 803 of this Act shall be treated as an unfair and deceptive act or practice in violation of a regulation under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) regarding unfair or deceptive acts or practices.

(2) POWERS OF COMMISSION.—The Commission shall enforce this title in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this title. Any covered entity who violates such regulations shall be subject to the penalties and entitled to the privileges and immunities provided in that Act.

(3) LIMITATION.—In promulgating rules under this title, the Commission shall not require the deployment or use of any specific products or technologies, including any specific computer software or hardware.

(d) ENFORCEMENT BY STATE ATTORNEYS GENERAL.—

(1) CIVIL ACTION.—In any case in which the attorney general of a State, or an official or agency of a State, has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by any covered entity who violates section 802 or 803 of this Act, the attorney general, official, or agency of the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction—

(A) to enjoin further violation of such section by the defendant;

(B) to compel compliance with such section; or

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

(2) CIVIL PENALTIES.—

(A) CALCULATION.—

(i) TREATMENT OF VIOLATIONS OF SECTION 802.—For purposes of paragraph (1)(C) with regard to a violation of section 802, the amount determined under this paragraph is the amount calculated by multiplying the number of days that a covered entity is not in compliance with such section by an amount not greater than $11,000.

(ii) TREATMENT OF VIOLATIONS OF SECTION 803.—For purposes of paragraph (1)(C) with regard to a violation of section 803, the amount determined under this paragraph is the amount calculated by multiplying the number of violations of such section by an amount not greater than $11,000. Each failure to send notification as required under section 803 to a resident of the State shall be treated as a separate violation.

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

(C) MAXIMUM TOTAL LIABILITY.—Notwithstanding the number of actions which may be brought against a covered entity under this subsection, the maximum civil penalty for which any covered entity may be liable under this subsection shall not exceed—

(i) $5,000,000 for each violation of section 802; and

(ii) $5,000,000 for all violations of section 803 resulting from a single breach of security.

(3) INTERVENTION BY THE FTC.—

(A) NOTICE AND INTERVENTION.—The State shall provide prior written notice of any action under paragraph (1) to the Commission and provide the Commission with a copy of its complaint, except in any case in which such prior notice is not feasible, in which case the State shall serve such notice immediately upon commencing such action. The Commission shall have the right—

(i) to intervene in the action;

(ii) upon so intervening, to be heard on all matters arising therein; and

(iii) to file petitions for appeal.

(B) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission has instituted a civil action for violation of this title, no State attorney general, or official or agency of a State, may bring an action under this subsection during the pendency of that action against any defendant named in the complaint of the Commission for any violation of this title alleged in the complaint.

(4) CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this title shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State—

(A) to conduct investigations;

(B) to administer oaths or affirmations; or

(C) to compel the attendance of witnesses or the production of documentary and other evidence.

(e) AFFIRMATIVE DEFENSE FOR A VIOLATION OF SECTION 803.—It shall be an affirmative defense to an enforcement action brought under subsection (c), or a civil action brought under subsection (d), based on a violation of section 803, that all of the personal information contained in the data in electronic form that was acquired or accessed as a result of a breach of security of the defendant is public record information that is lawfully made available to the general public from Federal, State, or local government records and was acquired by the defendant from such records.

(f) NOTICE TO LAW ENFORCEMENT; CIVIL ENFORCEMENT BY ATTORNEY GENERAL.—

(1) IN GENERAL.—The Attorney General may bring a civil action in the appropriate United States district court against any covered entity that engages in conduct constituting a violation of section 804.

(2) PENALTIES.—

(A) IN GENERAL.—Upon proof of such conduct by a preponderance of the evidence, a covered entity shall be subject to a civil penalty of not more than $1,000 per individual whose personal information was or is reasonably believed to have been accessed or acquired as a result of the breach of security that is the basis of the violation, up to a maximum of $100,000 per day while such violation persists.

(B) LIMITATIONS.—The total amount of the civil penalty assessed under this subsection against a covered entity for acts or omissions relating to a single breach of security shall not exceed $1,000,000, unless the conduct constituting a violation of section 804 was willful or intentional, in which case an additional civil penalty of up to $1,000,000 may be imposed.

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

(3) INJUNCTIVE ACTIONS.—If it appears that a covered entity has engaged, or is engaged, in any act or practice that constitutes a violation of section 804, the Attorney General may petition an appropriate United States district court for an order enjoining such practice or enforcing compliance with section 804.

(4) ISSUANCE OF ORDER.—A court may issue such an order under paragraph (3) if it finds that the conduct in question constitutes a violation of section 804.

(g) CONCEALMENT OF BREACHES OF SECURITY.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§ 1041. Concealment of breaches of security involving personal information

''(a) IN GENERAL.—Any person who, having knowledge of a breach of security and of the fact that notification of the breach of security is required under the Data Security and Breach Notification Act of 2012, intentionally and willfully conceals the fact of the breach of security, shall, in the event that the breach of security results in economic harm to any individual in the amount of $1,000 or more, be fined under this title, imprisoned for not more than 5 years, or both.

''(b) PERSON DEFINED.—For purposes of subsection (a), the term 'person' has the same meaning as in section 1030(e)(12) of this title.

''(c) ENFORCEMENT AUTHORITY.—

''(1) IN GENERAL.—The United States Secret Service and the Federal Bureau of Investigation shall have the authority to investigate offenses under this section.

''(2) CONSTRUCTION.—The authority granted in paragraph (1) shall not be exclusive of any existing authority held by any other Federal agency.''.

(2) CONFORMING AND TECHNICAL AMENDMENTS.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''1041. Concealment of breaches of security involving personal information.''.

SEC. 806. DEFINITIONS.

In this title:

(1) BREACH OF SECURITY.—

(A) IN GENERAL.—The term ''breach of security'' means compromise of the security, confidentiality, or integrity of, or loss of, data in electronic form that results in, or there is a reasonable basis to conclude has resulted in, unauthorized access to or acquisition of personal information from a covered entity.

(B) EXCLUSIONS.—The term'' breach of security'' does not include—

(i) a good faith acquisition of personal information by a covered entity, or an employee or agent of a covered entity, if the personal information is not subject to further use or unauthorized disclosure;

(ii) any lawfully authorized investigative, protective, or intelligence activity of a law enforcement or an intelligence agency of the United States, a State, or a political subdivision of a State; or

(iii) the release of a public record not otherwise subject to confidentiality or nondisclosure requirements.

(2) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(3) COVERED ENTITY.—The term ''covered entity'' means a sole proprietorship, partnership, corporation, trust, estate, cooperative, association, or other commercial entity, and any charitable, educational, or nonprofit organization, that acquires, maintains, or utilizes personal information.

(4) DATA IN ELECTRONIC FORM.—The term ''data in electronic form'' means any data stored electronically or digitally on any computer system or other database, including recordable tapes and other mass storage devices.

(5) DESIGNATED ENTITY.—The term ''designated entity'' means the Federal Government entity designated by the Secretary of Homeland Security under section 804.

(6) ENCRYPTION.—The term ''encryption'' means the protection of data in electronic form in storage or in transit using an encryption technology that has been adopted by an established standards setting body which renders such data indecipherable in the absence of associated cryptographic keys necessary to enable decryption of such data. Such encryption must include appropriate management and safeguards of such keys to protect the integrity of the encryption.

(7) IDENTITY THEFT.—The term ''identity theft'' means the unauthorized use of another person's personal information for the purpose of engaging in commercial transactions under the identity of such other person, including any contact that violates section 1028A of title 18, United States Code.

(8) MAJOR CREDIT REPORTING AGENCY.—The term ''major credit reporting agency'' means a consumer reporting agency that compiles and maintains files on consumers on a nationwide basis within the meaning of section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)).

(9) PERSONAL INFORMATION.—

(A) DEFINITION.—The term ''personal information'' means any information or compilation of information in electronic or digital form that includes—

(i) a financial account number or credit or debit card number in combination with any security code, access code, or password that is required for an individual to obtain credit, withdraw funds, or engage in a financial transaction; or

(ii) an individual's first and last name or first initial and last name in combination with—

(I) a non-truncated social security number, driver's license number, passport number, or alien registration number, or other similar number issued on a government document used to verify identity;

(II) unique biometric data such as a finger print, voice print, retina or iris image, or any other unique physical representation;

(III) a unique account identifier, electronic identification number, user name, or routing code in combination with any associated security code, access code, or password that is required for an individual to obtain money, goods, services, or any other thing of value; or

(IV) 2 of the following:

(aa) Home address or telephone number.

(bb) Mother's maiden name, if identified as such.

(cc) Month, day, and year of birth.

(B) MODIFIED DEFINITION BY RULEMAKING.—If the Commission determines that the definition under subparagraph (A) is not reasonably sufficient to protect individuals from identify theft, fraud, or other unlawful conduct, the Commission by rule promulgated under section 553 of title 5, United States Code, may modify the definition of ''personal information'' under subparagraph (A) to the extent the modification will not unreasonably impede interstate commerce.

(10) PUBLIC RECORD INFORMATION.—The term ''public record information'' means information about an individual which has been obtained originally from records of a Federal, State, or local government entity that are available for public inspection.

(11) SERVICE PROVIDER.—The term ''service provider'' means a person that provides electronic data transmission, routing, intermediate and transient storage, or connections to its system or network, where the person providing such services does not select or modify the content of the electronic data, is not the sender or the intended recipient of the data, and does not differentiate personal information from other information that such person transmits, routes, or stores, or for which such person provides connections. Any such person shall be treated as a service provider under this title only to the extent that it is engaged in the provision of such transmission, routing, intermediate and transient storage, or connections.

SEC. 807. EFFECT ON OTHER LAWS.

(a) PREEMPTION OF STATE INFORMATION SECURITY LAWS.—This title supersedes any provision of a statute, regulation, or rule of a State or political subdivision of a State, with respect to those entities covered by the regulations issued pursuant to this title, that expressly—

(1) requires information security practices and treatment of data containing personal information similar to any of those required under section 802; or

(2) requires notification to individuals of a breach of security as defined in section 806.

(b) ADDITIONAL PREEMPTION.—

(1) IN GENERAL.—No person other than a person specified in section 805(d) may bring a civil action under the laws of any State if such action is premised in whole or in part upon the defendant violating any provision of this title.

(2) PROTECTION OF CONSUMER PROTECTION LAWS.—Except as provided in subsection (a) of this section, this subsection shall not be construed to limit the enforcement of any State consumer protection law by an attorney general of a State.

(c) PROTECTION OF CERTAIN STATE LAWS.—This title shall not be construed to preempt the applicability of—

(1) State trespass, contract, or tort law; or

(2) any other State laws to the extent that those laws relate to acts of fraud.

(d) PRESERVATION OF FTC AUTHORITY.—Nothing in this title may be construed in any way to limit or affect the Commission's authority under any other provision of law.

SEC. 808. APPLICABILITY OF SECTION 631 OF THE COMMUNICATIONS ACT OF 1934.

(a) IN GENERAL.—To the extent that a cable operator (as defined under section 631 of the Communications Act of 1934 (47 U.S.C. 551)) is subject to a requirement regarding personal information (as defined in section 806 of this Act)—

(1) under this title that is in conflict with a requirement under section 631 of the Communications Act of 1934 (47 U.S.C. 551), each applicable section of this Act shall control (including enforcement); and

(2) under section 631 of the Communications Act of 1934 (47 U.S.C. 551) that is in addition to or different from a requirement under this title, each applicable subsection of section 631 of the Communications Act of 1934 (47 U.S.C. 551) shall remain in effect (including enforcement and right of action).

(b) LIMITATION OF STATUTORY CONSTRUCTION.—Nothing in this title shall preclude the application of section 631 of the Communications Act of 1934 (47 U.S.C. 551), to information that is not included in the definition of personal information under section 806 of this Act.

SEC. 809. EFFECTIVE DATE.

This title shall take effect 1 year after the date of enactment of this Act.

SA 2701. Mr. FRANKEN (for himself, Mr. PAUL, Mr. WYDEN, Mr. AKAKA, Mr. COONS, Mr. BLUMENTHAL, Mr. SANDERS, Mr. UDALL of New Mexico, Mr. MERKLEY, Mr. SCHUMER, Ms. CANTWELL, Mrs. SHAHEEN, Mr. BEGICH, Mr. DURBIN, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Strike section 701.

SA 2702. Mr. FRANKEN (for himself, Mr. PAUL, Mr. WYDEN, Mr. AKAKA, Mr. COONS, Mr. BLUMENTHAL, Mr. SANDERS, Mr. UDALL of New Mexico, Mr. MERKLEY, Mr. SCHUMER, Ms. CANTWELL, Mrs. SHAHEEN, Mr. BEGICH, Mr. DURBIN, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Beginning on page 169, strike line 15 and all that follows through page 172, line 25.

Page 189, beginning on line 22, strike ''performing, monitoring, operating countermeasures, or''.

Page 196, strike lines 10, 11, and 12.

Beginning on page 205, strike line 15 and all that follows through page 206, line 2.

SA 2703. Mr. FRANKEN (for himself, Mr. PAUL, Mr. WYDEN, Mr. AKAKA, Mr. COONS, Mr. BLUMENTHAL, Mr. SANDERS, Mr. UDALL of New Mexico, Mr. MERKLEY, Mr. SCHUMER, Ms. CANTWELL, Mrs. SHAHEEN, Mr. BEGICH, Mr. DURBIN, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Strike title VII and insert the following:

TITLE VII—INFORMATION SHARING

SEC. 701. VOLUNTARY DISCLOSURE OF CYBERSECURITY THREAT INDICATORS AMONG PRIVATE ENTITIES.

(a) AUTHORITY TO DISCLOSE.—Notwithstanding any other provision of law, any private entity may disclose lawfully obtained cybersecurity threat indicators to any other private entity in accordance with this section.

(b) USE AND PROTECTION OF INFORMATION.—A private entity disclosing or receiving cybersecurity threat indicators pursuant to subsection (a)—

(1) may use, retain, or further disclose such cybersecurity threat indicators solely for the purpose of protecting an information system or information that is stored on, processed by, or transiting an information system from cybersecurity threats or mitigating such threats;

(2) shall make reasonable efforts to safeguard communications, records, system traffic, or other information that can be used to identify specific persons from unauthorized access or acquisition;

(3) shall comply with any lawful restrictions placed on the disclosure or use of cybersecurity threat indicators, including, if requested, the removal of information that may be used to identify specific persons from such indicators; and

(4) may not use the cybersecurity threat indicators to gain an unfair competitive advantage to the detriment of the entity that authorized such sharing.

(c) TRANSFERS TO UNRELIABLE PRIVATE ENTITIES PROHIBITED.—A private entity may not disclose cybersecurity threat indicators to another private entity that the disclosing entity knows—

(1) has intentionally or willfully violated the requirements of subsection (b); and

(2) is reasonably likely to violate such requirements.

SEC. 702. CYBERSECURITY EXCHANGES.

(a) DESIGNATION OF CYBERSECURITY EXCHANGES.—The Secretary of Homeland Security, in consultation with the Director of National Intelligence, the Attorney General, and the Secretary of Defense, shall establish—

(1) a process for designating one or more appropriate civilian Federal entities or non-Federal entities to serve as cybersecurity exchanges to receive and distribute cybersecurity threat indicators;

(2) procedures to facilitate and ensure the sharing of classified and unclassified cybersecurity threat indicators in as close to real time as possible with appropriate Federal entities and non-Federal entities in accordance with this title; and

(3) a process for identifying certified entities to receive classified cybersecurity threat indicators in accordance with paragraph (2).

(b) PURPOSE.—The purpose of a cybersecurity exchange is to receive and distribute, in as close to real time as possible, cybersecurity threat indicators, and to thereby avoid unnecessary and duplicative Federal bureaucracy for information sharing as provided in this title.

(c) REQUIREMENT FOR A LEAD FEDERAL CIVILIAN CYBERSECURITY EXCHANGE.—

(1) IN GENERAL.—The Secretary, in consultation with the Director of National Intelligence, the Attorney General, and the Secretary of Defense, shall designate a civilian Federal entity as the lead cybersecurity exchange to serve as a focal point within the Federal Government for cybersecurity information sharing among Federal entities and with non-Federal entities.

(2) RESPONSIBILITIES.—The lead Federal civilian cybersecurity exchange designated under paragraph (1) shall—

(A) receive and distribute, in as close to real time as possible, cybersecurity threat indicators in accordance with this title;

(B) facilitate information sharing, interaction, and collaboration among and between—

(i) Federal entities;

(ii) State, local, tribal, and territorial governments;

(iii) private entities;

(iv) academia;

(v) international partners, in consultation with the Secretary of State; and

(vi) other cybersecurity exchanges;

(C) disseminate timely and actionable cybersecurity threat, vulnerability, mitigation, and warning information lawfully obtained from any source, including alerts, advisories, indicators, signatures, and mitigation and response measures, to appropriate Federal and non-Federal entities in as close to real time as possible, to improve the security and protection of information systems;

(D) coordinate with other Federal and non-Federal entities, as appropriate, to integrate information from Federal and non-Federal entities, including Federal cybersecurity centers, non-Federal network or security operation centers, other cybersecurity exchanges, and non-Federal entities that disclose cybersecurity threat indicators under section 703(a), in as close to real time as possible, to provide situational awareness of the United States information security posture and foster information security collaboration among information system owners and operators;

(E) conduct, in consultation with private entities and relevant Federal and other governmental entities, regular assessments of existing and proposed information sharing models to eliminate bureaucratic obstacles to information sharing and identify best practices for such sharing; and

(F) coordinate with other Federal entities, as appropriate, to compile and analyze information about risks and incidents that threaten information systems, including information voluntarily submitted in accordance with section 703(a) or otherwise in accordance with applicable laws.

(3) SCHEDULE FOR DESIGNATION.—The designation of a lead Federal civilian cybersecurity exchange under paragraph (1) shall be made concurrently with the issuance of the interim policies and procedures under section 703(g)(3)(D).

(d) ADDITIONAL CIVILIAN FEDERAL CYBERSECURITY EXCHANGES.—In accordance with the process and procedures established in subsection (a), the Secretary, in consultation with the Director of National Intelligence, the Attorney General, and the Secretary of Defense, may designate additional civilian Federal entities to receive and distribute cybersecurity threat indicators, if such entities are subject to the requirements for use, retention, and disclosure of information by a cybersecurity exchange under section 703(b) and the special requirements for Federal entities under section 703(g).

(e) REQUIREMENTS FOR NON-FEDERAL CYBERSECURITY EXCHANGES.—

(1) IN GENERAL.—In considering whether to designate a private entity or any other non-Federal entity as a cybersecurity exchange to receive and distribute cybersecurity threat indicators under section 703, and what entity to designate, the Secretary shall consider the following factors:

(A) The net effect that such designation would have on the overall cybersecurity of the United States.

(B) Whether such designation could substantially improve such overall cybersecurity by serving as a hub for receiving and sharing cybersecurity threat indicators in as close to real time as possible, including the capacity of the non-Federal entity for performing those functions.

(C) The capacity of such non-Federal entity to safeguard cybersecurity threat indicators from unauthorized disclosure and use.

(D) The adequacy of the policies and procedures of such non-Federal entity to protect personally identifiable information from unauthorized disclosure and use.

(E) The ability of the non-Federal entity to sustain operations using entirely non-Federal sources of funding.

(2) REGULATIONS.—The Secretary may promulgate regulations as may be necessary to carry out this subsection.

(f) CONSTRUCTION WITH OTHER AUTHORITIES.—Nothing in this section may be construed to alter the authorities of a Federal cybersecurity center, unless such cybersecurity center is acting in its capacity as a designated cybersecurity exchange.

(g) CONGRESSIONAL NOTIFICATION OF DESIGNATION OF CYBERSECURITY EXCHANGES.—

(1) IN GENERAL.—The Secretary, in coordination with the Director of National Intelligence, the Attorney General, and the Secretary of Defense, shall promptly notify Congress, in writing, of any designation of a cybersecurity exchange under this title.

(2) REQUIREMENT.—Written notification under paragraph (1) shall include a description of the criteria and processes used to make the designation.

SEC. 703. VOLUNTARY DISCLOSURE OF CYBERSECURITY THREAT INDICATORS TO A CYBERSECURITY EXCHANGE.

(a) AUTHORITY TO DISCLOSE.—Notwithstanding any other provision of law, a non-Federal entity may disclose lawfully obtained cybersecurity threat indicators to a cybersecurity exchange in accordance with this section.

(b) USE, RETENTION, AND DISCLOSURE OF INFORMATION BY A CYBERSECURITY EXCHANGE.—A cybersecurity exchange may only use, retain, or further disclose information provided pursuant to subsection (a)—

(1) in order to protect information systems from cybersecurity threats and to mitigate cybersecurity threats; or

(2) to law enforcement pursuant to subsection (g)(2).

(c) USE AND PROTECTION OF INFORMATION RECEIVED FROM A CYBERSECURITY EXCHANGE.—A non-Federal entity receiving cybersecurity threat indicators from a cybersecurity exchange—

(1) may use, retain, or further disclose such cybersecurity threat indicators solely for the purpose of protecting an information system or information that is stored on, processed by, or transiting an information system from cybersecurity threats or mitigating such threats;

(2) shall make reasonable efforts to safeguard communications, records, system traffic, or other information that can be used to

identify specific persons from unauthorized access or acquisition;

(3) shall comply with any lawful restrictions placed on the disclosure or use of cybersecurity threat indicators by the cybersecurity exchange or a third party, if the cybersecurity exchange received such information from the third party, including, if requested, the removal of information that can be used to identify specific persons from such indicators; and

(4) may not use the cybersecurity threat indicators to gain an unfair competitive advantage to the detriment of the third party that authorized such sharing.

(d) EXEMPTION FROM PUBLIC DISCLOSURE.—Any cybersecurity threat indicator disclosed by a non-Federal entity to a cybersecurity exchange pursuant to subsection (a) shall be—

(1) exempt from disclosure under section 552(b)(3) of title 5, United States Code, or any comparable State law; and

(2) treated as voluntarily shared information under section 552 of title 5, United States Code, or any comparable State law.

(e) EXEMPTION FROM EX PARTE LIMITATIONS.—Any cybersecurity threat indicator disclosed by a non-Federal entity to a cybersecurity exchange pursuant to subsection (a) shall not be subject to the rules of any governmental entity or judicial doctrine regarding ex parte communications with a decision making official.

(f) EXEMPTION FROM WAIVER OF PRIVILEGE.—Any cybersecurity threat indicator disclosed by a non-Federal entity to a cybersecurity exchange pursuant to subsection (a) may not be construed to be a waiver of any applicable privilege or protection provided under Federal, State, tribal, or territorial law, including any trade secret protection.

(g) SPECIAL REQUIREMENTS FOR FEDERAL AND LAW ENFORCEMENT ENTITIES.—

(1) RECEIPT, DISCLOSURE AND USE OF CYBERSECURITY THREAT INDICATORS BY A FEDERAL ENTITY.—

(A) AUTHORITY TO RECEIVE AND USE CYBERSECURITY THREAT INDICATORS.—A Federal entity that is not a cybersecurity exchange may receive, retain, and use cybersecurity threat indicators from a cybersecurity exchange in order—

(i) to protect information systems from cybersecurity threats and to mitigate cybersecurity threats; and

(ii) to disclose such cybersecurity threat indicators to law enforcement in accordance with paragraph (2).

(B) AUTHORITY TO DISCLOSE CYBERSECURITY THREAT INDICATORS.—A Federal entity that is not a cybersecurity exchange shall ensure that if disclosing cybersecurity threat indicators to a non-Federal entity under this section, such non-Federal entity shall use or retain such cybersecurity threat indicators in a manner that is consistent with the requirements in—

(i) subsection (b) on the use and protection of information; and

(ii) paragraph (2).

(2) LAW ENFORCEMENT ACCESS AND USE OF CYBERSECURITY THREAT INDICATORS.—

(A) DISCLOSURE TO LAW ENFORCEMENT.—A Federal entity may disclose cybersecurity threat indicators received under this title to a law enforcement entity if—

(i) the disclosure is permitted under the procedures developed by the Secretary and approved by the Attorney General under paragraph (3); and

(ii) the information appears to pertain—

(I) to a cybersecurity crime which has been, is being, or is about to be committed;

(II) to an imminent threat of death or serious bodily harm; or

(III) to a serious threat to minors, including sexual exploitation and threats to physical safety.

(B) USE BY LAW ENFORCEMENT.—A law enforcement entity may only use cybersecurity threat indicators received by a Federal entity under paragraph (A) in order—

(i) to protect information systems from a cybersecurity threat or investigate, prosecute, or disrupt a cybersecurity crime;

(ii) to protect individuals from an imminent threat of death or serious bodily harm; or

(iii) to protect minors from any serious threat, including sexual exploitation and threats to physical safety.

(3) PRIVACY AND CIVIL LIBERTIES.—

(A) REQUIREMENT FOR POLICIES AND PROCEDURES.—The Secretary, in consultation with privacy and civil liberties experts, the Director of National Intelligence, and the Secretary of Defense, shall develop and periodically review policies and procedures governing the receipt, retention, use, and disclosure of cybersecurity threat indicators by a Federal entity obtained in connection with activities authorized in this title. Such policies and procedures shall—

(i) minimize the impact on privacy and civil liberties, consistent with the need to protect information systems from cybersecurity threats and mitigate cybersecurity threats;

(ii) reasonably limit the receipt, retention, use and disclosure of cybersecurity threat indicators associated with specific persons consistent with the need to carry out the responsibilities of this title, including establishing a process for the timely destruction of cybersecurity threat indicators that are received pursuant to this section that do not reasonably appear to be related to the purposes identified in paragraph (1)(A);

(iii) include requirements to safeguard cybersecurity threat indicators that may be used to identify specific persons from unauthorized access or acquisition;

(iv) include procedures for notifying entities, as appropriate, if information received pursuant to this section is not a cybersecurity threat indicator; and

(v) protect the confidentiality of cybersecurity threat indicators associated with specific persons to the greatest extent practicable and require recipients to be informed that such indicators may only be used for the purposes identified in paragraph (1)(A).

(B) ADOPTION OF POLICIES AND PROCEDURES.—The head of an agency responsible for a Federal entity designated as a cybersecurity exchange under section 703 shall adopt and comply with the policies and procedures developed under this paragraph.

(C) REVIEW BY THE ATTORNEY GENERAL.—The policies and procedures developed under this subsection shall be provided to the Attorney General for review not later than 1 year after the date of the enactment of this title, and shall not be issued without the Attorney General's approval.

(D) REQUIREMENT FOR INTERIM POLICIES AND PROCEDURES.—The Secretary shall issue interim policies and procedures not later than 60 days after the date of the enactment of this title.

(E) PROVISION TO CONGRESS.—The policies and procedures issued under this title and any amendments to such policies and procedures shall be provided to Congress in an unclassified form and be made public, but may include a classified annex.

(4) OVERSIGHT.—

(A) REQUIREMENT FOR OVERSIGHT.—The Secretary and the Attorney General shall establish a mandatory program to monitor and oversee compliance with the policies and procedures issued under this subsection.

(B) NOTIFICATION OF THE ATTORNEY GENERAL.—The head of each Federal entity that receives information under this title shall—

(i) comply with the policies and procedures developed by the Secretary and approved by the Attorney General under paragraph (3);

(ii) promptly notify the Attorney General of significant violations of such policies and procedures; and

(iii) provide to the Attorney General any information relevant to the violation that the Attorney General requires.

(C) ANNUAL REPORT.—On an annual basis, the Chief Privacy and Civil Liberties Officer of the Department of Justice and the Chief Privacy Officer of the Department, in consultation with the most senior privacy and civil liberties officer or officers of any appropriate agencies, shall jointly submit to Congress a report assessing the privacy and civil liberties impact of the governmental activities conducted pursuant to this title.

(5) REPORTS ON INFORMATION SHARING.—

(A) PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD REPORT.—Not later than 2 years after the date of the enactment of this title, and every 2 years thereafter, the Privacy and Civil Liberties Oversight Board shall submit to Congress and the President a report providing—

(i) an analysis of the practices of private entities that are disclosing cybersecurity threat indicators pursuant to this title;

(ii) an assessment of the privacy and civil liberties impact of the activities carried out by the Federal entities under this title; and

(iii) recommendations for improvements to or modifications of the law and the policies and procedures established pursuant to paragraph (3) in order to address privacy and civil liberties concerns.

(B) INSPECTORS GENERAL ANNUAL REPORT.—The Inspector General of the Department, the Inspector General of the Intelligence Community, the Inspector General of the Department of Justice, and the Inspector General of the Department of Defense shall, on an annual basis, jointly submit to Congress a report on the receipt, use and disclosure of information shared with a Federal cybersecurity exchange under this title, including—

(i) a review of the use by Federal entities of such information for a purpose other than to protect information systems from cybersecurity threats and to mitigate cybersecurity threats, including law enforcement access and use pursuant to paragraph (2);

(ii) a review of the type of information shared with a Federal cybersecurity exchange;

(iii) a review of the actions taken by Federal entities based on such information;

(iv) appropriate metrics to determine the impact of the sharing of such information with a Federal cybersecurity exchange on privacy and civil liberties;

(v) a list of Federal entities receiving such information;

(vi) a review of the sharing of such information among Federal entities to identify inappropriate stovepiping of shared information; and

(vii) any recommendations of the inspectors general for improvements or modifications to the authorities under this title.

(C) FORM.—Each report required under this paragraph shall be submitted in unclassified form, but may include a classified annex.

(6) SANCTIONS.—The head of each Federal entity that conducts activities under this title shall develop and enforce appropriate sanctions for officers, employees, or agents of such entities who conducts such activities—

(A) outside the normal course of their specified duties;

(B) in a manner inconsistent with the discharge of the responsibilities of such entity; or

(C) in contravention of the requirements, policies, and procedures required by this subsection.

(7) FEDERAL GOVERNMENT LIABILITY FOR VIOLATIONS OF THIS TITLE.—

(A) IN GENERAL.—If a Federal entity intentionally or willfully violates a provision of this title or a regulation promulgated under this title, the United States shall be liable to a person adversely affected by such violation in an amount equal to the sum of—

(i) the actual damages sustained by the person as a result of the violation or $1,000, whichever is greater; and

(ii) the costs of the action together with reasonable attorney fees as determined by the court.

(B) VENUE.—An action to enforce liability created under this subsection may be brought in the district court of the United States in—

(i) the district in which the complainant resides;

(ii) the district in which the principal place of business of the complainant is located;

(iii) the district in which the Federal entity that disclosed the information is located; or

(iv) the District of Columbia.

(C) STATUTE OF LIMITATIONS.—No action shall lie under this subsection unless such action is commenced not later than 2 years after the date of the violation that is the basis for the action.

(D) EXCLUSIVE CAUSE OF ACTION.—A cause of action under this subsection shall be the exclusive means available to a complainant seeking a remedy for a disclosure of information in violation of this title by a Federal entity.

SEC. 704. SHARING OF CLASSIFIED CYBERSECURITY THREAT INDICATORS.

(a) SHARING OF CLASSIFIED CYBERSECURITY THREAT INDICATORS.—The procedures established under section 702(a)(2) shall provide that classified cybersecurity threat indicators may only be—

(1) shared with certified entities;

(2) shared in a manner that is consistent with the need to protect the national security of the United States;

(3) shared with a person with an appropriate security clearance to receive such cybersecurity threat indicators; and

(4) used by a certified entity in a manner that protects such cybersecurity threat indicators from unauthorized disclosure.

(b) REQUIREMENT FOR GUIDELINES.—Not later than 60 days after the date of the enactment of this title, the Director of National Intelligence shall issue guidelines providing that appropriate Federal officials may, as the Director considers necessary to carry out this title—

(1) grant a security clearance on a temporary or permanent basis to an employee of a certified entity;

(2) grant a security clearance on a temporary or permanent basis to a certified entity and approval to use appropriate facilities; or

(3) expedite the security clearance process for such an employee or entity, if appropriate, in a manner consistent with the need to protect the national security of the United States.

(c) DISTRIBUTION OF PROCEDURES AND GUIDELINES.—Following the establishment of the procedures under section 702(a)(2) and the issuance of the guidelines under subsection (b), the Secretary and the Director of National Intelligence shall expeditiously distribute such procedures and guidelines to—

(1) appropriate governmental entities and private entities;

(2) the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate; and

(3) the Committee on Armed Services, the Committee on Energy and Commerce, the Committee on Homeland Security, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 705. LIMITATION ON LIABILITY AND GOOD FAITH DEFENSE FOR CYBERSECURITY ACTIVITIES.

(a) IN GENERAL.—No civil or criminal cause of action shall lie or be maintained in any Federal or State court against any entity acting as authorized by this title, and any such action shall be dismissed promptly for activities authorized by this title consisting of the voluntary disclosure of a lawfully obtained cybersecurity threat indicator—

(1) to a cybersecurity exchange pursuant to section 703(a);

(2) by a provider of cybersecurity services to a customer of that provider;

(3) to a private entity or governmental entity that provides or manages critical infrastructure (as that term is used in section 1016 of the Critical Infrastructures Protection Act of 2001 (42 U.S.C. 5195c)); or

(4) to any other private entity under section 701(a), if the cybersecurity threat indicator is also disclosed within a reasonable time to a cybersecurity exchange.

(b) GOOD FAITH DEFENSE.—If a civil or criminal cause of action is not barred under subsection (a), a reasonable good faith reliance that this title permitted the conduct complained of is a complete defense against any civil or criminal action brought under this title or any other law.

(c) LIMITATION ON USE OF CYBERSECURITY THREAT INDICATORS FOR REGULATORY ENFORCEMENT ACTIONS.—No Federal entity may use a cybersecurity threat indicator received pursuant to this title as evidence in a regulatory enforcement action against the entity that lawfully shared the cybersecurity threat indicator with a cybersecurity exchange that is a Federal entity.

(d) DELAY OF NOTIFICATION AUTHORIZED FOR LAW ENFORCEMENT, NATIONAL SECURITY, OR HOMELAND SECURITY PURPOSES.—No civil or criminal cause of action shall lie or be maintained in any Federal or State court against any entity, and any such action shall be dismissed promptly, for a failure to disclose a cybersecurity threat indicator if—

(1) the Attorney General or the Secretary determines that disclosure of a cybersecurity threat indicator would impede a civil or criminal investigation and submits a written request to delay notification for up to 30 days, except that the Attorney General or the Secretary may, by a subsequent written request, revoke such delay or extend the period of time set forth in the original request made under this paragraph if further delay is necessary; or

(2) the Secretary, the Attorney General, or the Director of National Intelligence determines that disclosure of a cybersecurity threat indicator would threaten national or homeland security and submits a written request to delay notification, except that the Secretary, the Attorney General, or the Director, may, by a subsequent written request, revoke such delay or extend the period of time set forth in the original request made under this paragraph if further delay is necessary.

(e) LIMITATION ON LIABILITY FOR FAILURE TO ACT.—No civil or criminal cause of action shall lie or be maintained in any Federal or State court against any private entity, or any officer, employee, or agent of such an entity, and any such action shall be dismissed promptly, for the reasonable failure to act on information received under this title.

(f) DEFENSE FOR BREACH OF CONTRACT.—Compliance with lawful restrictions placed on the disclosure or use of cybersecurity threat indicators is a complete defense to any tort or breach of contract claim originating in a failure to disclose cybersecurity threat indicators to a third party.

(g) LIMITATION ON LIABILITY PROTECTIONS.—Any person who, knowingly or acting in gross negligence, violates a provision of this title or a regulation promulgated under this title shall—

(1) not receive the protections of this title; and

(2) be subject to any criminal or civil cause of action that may arise under any other State or Federal law prohibiting the conduct in question.

SEC. 706. CONSTRUCTION AND FEDERAL PREEMPTION.

(a) CONSTRUCTION.—Nothing in this title may be construed—

(1) to limit any other existing authority or lawful requirement to monitor information systems and information that is stored on, processed by, or transiting such information systems, operate countermeasures, and retain, use or disclose lawfully obtained information;

(2) to permit the unauthorized disclosure of—

(A) information that has been determined by the Federal Government pursuant to an Executive order or statute to require protection against unauthorized disclosure for reasons of national defense or foreign relations;

(B) any restricted data (as that term is defined in paragraph (y) of section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014));

(C) information related to intelligence sources and methods; or

(D) information that is specifically subject to a court order or a certification, directive, or other authorization by the Attorney General precluding such disclosure;

(3) to provide additional authority to, or modify an existing authority of, the Department of Defense or the National Security Agency or any other element of the intelligence community to control, modify, require, or otherwise direct the cybersecurity efforts of a non-Federal entity or a Federal entity;

(4) to limit or modify an existing information sharing relationship;

(5) to prohibit a new information sharing relationship;

(6) to require a new information sharing relationship between a Federal entity and a private entity;

(7) to limit the ability of a non-Federal entity or a Federal entity to receive data about its information systems, including lawfully obtained cybersecurity threat indicators;

(8) to authorize or prohibit any law enforcement, homeland security, or intelligence activities not otherwise authorized or prohibited under another provision of law;

(9) to permit price-fixing, allocating a market between competitors, monopolizing or attempting to monopolize a market, boycotting, or exchanges of price or cost information, customer lists, or information regarding future competitive planning;

(10) to authorize or limit liability for actions that would violate the regulations adopted by the Federal Communications Commission on preserving the open Internet, or any successor regulations thereto, nor to modify or alter the obligations of private entities under such regulations; or

(11) to prevent a governmental entity from using information not acquired through a cybersecurity exchange for regulatory purposes.

(b) FEDERAL PREEMPTION.—This title supersedes any law or requirement of a State or political subdivision of a State that restricts or otherwise expressly regulates the provision of cybersecurity services or the acquisition, interception, retention, use or disclosure of communications, records, or other information by private entities to the extent such law contains requirements inconsistent with this title.

(c) PRESERVATION OF OTHER STATE LAW.—Except as expressly provided, nothing in this title shall be construed to preempt the applicability of any other State law or requirement.

(d) NO CREATION OF A RIGHT TO INFORMATION.—The provision of information to a non-Federal entity under this title does not create a right or benefit to similar information by any other non-Federal entity.

(e) PROHIBITION ON REQUIREMENT TO PROVIDE INFORMATION TO THE FEDERAL GOVERNMENT.—Nothing in this title may be construed to permit a Federal entity—

(1) to require a non-Federal entity to share information with the Federal Government;

(2) to condition the disclosure of unclassified or classified cybersecurity threat indicators pursuant to this title with a non-Federal entity on the provision of cybersecurity threat information to the Federal Government; or

(3) to condition the award of any Federal grant, contract or purchase on the provision of cybersecurity threat indicators to a Federal entity, if the provision of such indicators does not reasonably relate to the nature of activities, goods, or services covered by the award.

(f) LIMITATION ON USE OF INFORMATION.—No cybersecurity threat indicators obtained pursuant to this title may be used, retained, or disclosed by a Federal entity or non-Federal entity, except as authorized under this title.

(g) DECLASSIFICATION AND SHARING OF INFORMATION.—Consistent with the exemptions from public disclosure of section 704(d), the Director of National Intelligence, in consultation with the Secretary and the head of the Federal entity in possession of the information, shall facilitate the declassification and sharing of information in the possession of a Federal entity that is related to cybersecurity threats, as the Director deems appropriate.

(h) REPORT ON IMPLEMENTATION.—Not later than 2 years after the date of the enactment of this title, the Secretary, the Director of National Intelligence, the Attorney General, and the Secretary of Defense shall jointly submit to Congress a report that—

(1) describes the extent to which the authorities conferred by this title have enabled the Federal Government and the private sector to mitigate cybersecurity threats;

(2) discloses any significant acts of noncompliance by a non-Federal entity with this title, with special emphasis on privacy and civil liberties, and any measures taken by the Federal Government to uncover such noncompliance;

(3) describes in general terms the nature and quantity of information disclosed and received by governmental entities and private entities under this title; and

(4) identifies the emergence of new threats or technologies that challenge the adequacy of the law, including the definitions, authorities and requirements of this title, for keeping pace with the threat.

(i) REQUIREMENT FOR ANNUAL REPORT.—On an annual basis, the Director of National Intelligence shall provide a report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives on the implementation of section 704. Such report, which shall be submitted in a classified and in an unclassified form, shall include a list of private entities that receive classified cybersecurity threat indicators under this title, except that the unclassified report shall not contain information that may be used to identify specific private entities unless such private entities consent to such identification.

SEC. 707. DEFINITIONS.

In this title:

(1) CERTIFIED ENTITY.—The term ''certified entity'' means a protected entity, a self-protected entity, or a provider of cybersecurity services that—

(A) possesses or is eligible to obtain a security clearance, as determined by the Director of National Intelligence; and

(B) is able to demonstrate to the Director of National Intelligence that such provider or such entity can appropriately protect and use classified cybersecurity threat indicators.

(2) CYBERSECURITY CRIME.—The term ''cybersecurity crime'' means the violation of a provision of State or Federal law relating to computer crimes, including a violation of any provision of title 18, United States Code, enacted or amended by the Computer Fraud and Abuse Act of 1986 (Public Law 99–474; 100 Stat. 1213).

(3) CYBERSECURITY EXCHANGE.—The term ''cybersecurity exchange'' means any governmental entity or private entity designated by the Secretary of Homeland Security, in consultation with the Director of National Intelligence, the Attorney General, and the Secretary of Defense, to receive and distribute cybersecurity threat indicators under section 703(a).

(4) CYBERSECURITY SERVICES.—The term ''cybersecurity services'' means products, goods, or services intended to detect, mitigate, or prevent cybersecurity threats.

(5) CYBERSECURITY THREAT.—The term ''cybersecurity threat'' means any action that may result in unauthorized access to, exfiltration of, manipulation of, harm of, or impairment to the integrity, confidentiality, or availability of an information system or information that is stored on, processed by, or transiting an information system, except that none of the following shall be considered a cybersecurity threat—

(A) actions protected by the first amendment to the Constitution of the United States; and

(B) exceeding authorized access of an information system, if such access solely involves a violation of consumer terms of service or consumer licensing agreements.

(6) CYBERSECURITY THREAT INDICATOR.—The term ''cybersecurity threat indicator'' means information—

(A) that is reasonably necessary to describe—

(i) malicious reconnaissance, including anomalous patterns of communications that reasonably appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat;

(ii) a method of defeating a technical control;

(iii) a technical vulnerability;

(iv) a method of defeating an operational control;

(v) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to unwittingly enable the defeat of a technical control or an operational control;

(vi) malicious cyber command and control;

(vii) the actual or potential harm caused by an incident, including information exfiltrated as a result of defeating a technical control or an operational control when it is necessary in order to identify or describe a cybersecurity threat;

(viii) any other attribute of a cybersecurity threat, if disclosure of such attribute is not otherwise prohibited by law; or

(ix) any combination thereof; and

(B) from which reasonable efforts have been made to remove information that can be used to identify specific persons unrelated to the cybersecurity threat.

(7) FEDERAL CYBERSECURITY CENTER.—The term ''Federal cybersecurity center'' means the Department of Defense Cyber Crime Center, the Intelligence Community Incident Response Center, the United States Cyber Command Joint Operations Center, the National Cyber Investigative Joint Task Force, the National Security Agency/Central Security Service Threat Operations Center, the United States Computer Emergency Readiness Team, or successors to such centers.

(8) FEDERAL ENTITY.—The term ''Federal entity'' means an agency or department of the United States, or any component, officer, employee, or agent of such an agency or department.

(9) GOVERNMENTAL ENTITY.—The term ''governmental entity'' means any Federal entity and agency or department of a State, local, tribal, or territorial government other than an educational institution, or any component, officer, employee, or agent of such an agency or department.

(10) INFORMATION SYSTEM.—The term ''information system'' means a discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information, including communications with, or commands to, specialized systems such as industrial and process control systems, telephone switching and private branch exchanges, and environmental control systems.

(11) MALICIOUS CYBER COMMAND AND CONTROL.—The term ''malicious cyber command and control'' means a method for remote identification of, access to, or use of, an information system or information that is stored on, processed by, or transiting an information system associated with a known or suspected cybersecurity threat.

(12) MALICIOUS RECONNAISSANCE.—The term ''malicious reconnaissance'' means a method for actively probing or passively monitoring an information system for the purpose of discerning technical vulnerabilities of the information system, if such method is associated with a known or suspected cybersecurity threat.

(13) MONITOR.—The term ''monitor'' means the interception, acquisition, or collection of information that is stored on, processed by, or transiting an information system for the purpose of identifying cybersecurity threats.

(14) NON-FEDERAL ENTITY.—The term ''non-Federal entity'' means a private entity or a governmental entity other than a Federal entity.

(15) OPERATIONAL CONTROL.—The term ''operational control'' means a security control for an information system that primarily is implemented and executed by people.

(16) PRIVATE ENTITY.—The term ''private entity'' has the meaning given the term ''person'' in section 1 of title 1, United States Code, and does not include a governmental entity.

(17) PROTECT.—The term ''protect'' means actions undertaken to secure, defend, or reduce the vulnerabilities of an information system, mitigate cybersecurity threats, or otherwise enhance information security or

the resiliency of information systems or assets.

(18) TECHNICAL CONTROL.—The term ''technical control'' means a hardware or software restriction on, or audit of, access or use of an information system or information that is stored on, processed by, or transiting an information system that is intended to ensure the confidentiality, integrity, or availability of that system.

(19) TECHNICAL VULNERABILITY.—The term ''technical vulnerability'' means any attribute of hardware or software that could enable or facilitate the defeat of a technical control.

(20) THIRD PARTY.—The term ''third party'' includes Federal entities and non-Federal entities.

SA 2704. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 10, strike lines 16 through 25 and insert the following:

and the member agencies; and

(2) ensure the timely implementation of decisions of the Council.

(d) PRESIDENTIAL AUTHORITY.—The Chairperson may take emergency action to fulfill the responsibilities of the Council if—

(1) the Chairperson determines that the emergency action is necessary to prevent or mitigate an imminent cybersecurity threat; and

(2) the President approves the emergency action.

SA 2705. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 153, strike lines 17 through 20 and insert the following:

Not later than 1 year after the date of enactment of this Act, the Secretary of Energy, in consultation with the Secretary, the Secretary of Defense, the Director of National Intelligence, the Director of the National Institute of Standards and Technology, the Federal Energy Regulatory Commission, and the Electric Reliability Organization (as defined in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)) shall submit to Congress a report on—

SA 2706. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 11, strike lines 12 and 13 and insert the following:

as appropriate;

(7) the National Guard Bureau; and

(8) the Department.

At the end of title IV, add the following:

SEC. 416. REPORT ON ROLES AND MISSIONS OF THE NATIONAL GUARD IN STATE STATUS IN SUPPORT OF THE CYBERSECURITY EFFORTS OF THE FEDERAL GOVERNMENT.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall, in consultation with the Secretary of Defense and the Chief of the National Guard Bureau, submit to the appropriate committees of Congress a report on the roles and missions of the National Guard in State status (commonly referred to as ''title 32 status'') in support of the cybersecurity efforts of the Department of Homeland Security, the Department of Defense, and other departments and agencies of the Federal Government.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the current roles and missions of the National Guard in State status in support of the cybersecurity efforts of the Federal Government, and a description of the policies and authorities governing the discharge of such roles and missions.

(2) A description of potential roles and missions for the National Guard in State status in support of the cybersecurity efforts of the Federal Government, a description of the policies and authorities to govern the discharge of such roles and missions, and recommendations for such legislative or administrative actions as may be required to establish and implement such roles and missions.

(3) An assessment of the feasability and advisability of public-private partnerships on homeland cybersecurity missions involving the National Guard in State status, including the advisability of using pilot programs to evaluate feasability and advisability of such partnerships.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate; and

(2) the Committee on Homeland Security and the Committee on Armed Services of the House of Representatives.

SA 2707. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 34, strike lines 3 through 17 and insert the following:

(1) provide a Federal agency with additional or greater authority for regulating the security of critical cyber infrastructure than any authority the Federal agency has under other law;

(2) limit or restrict the authority of the Department, or any other Federal agency, under any other provision of law; or

(3) permit any owner (including a certified

SA 2708. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 182, strike lines 7 through 16 and insert the following:

(d) PROTECTION OF INFORMATION FROM DISCLOSURE.—A cybersecurity threat indicator or any other information that was developed, submitted, obtained, or shared in connection with the implementation of this section shall be—

(1) exempt from disclosure under section 552(b)(3) of title 5, United States Code;

(2) exempt from disclosure under any State, local, or tribal law or regulation that requires public disclosure of information or records by a public or quasi-public entity; and

(3) treated as voluntarily shared information under section 552 of title 5, United States Code, or any comparable State, local, or tribal law or regulation.

SA 2709. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States, which was ordered to lie on the table; as follows:

On page 23, strike line 18 and all that follows through page 25, line 8.

SA 2710. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States, which was ordered to lie on the table; as follows:

On page 20, strike line 6 and all that follows through page 22, line 14, and insert the following:

date on which the top-level assessment is completed under section 102(a)(2)(A), each sector coordinating council shall propose to the Council voluntary outcome-based cybersecurity practices (referred to in this section as ''cybersecurity practices'') sufficient to effectively remediate or mitigate cyber risks identified through an assessment conducted under section 102(a) comprised of—

(1) industry best practices, standards, and guidelines; or

(2) practices developed by the sector coordinating council in coordination with owners and operators, voluntary consensus standards development organizations, representatives of State and local governments, the private sector, and appropriate information sharing and analysis organizations.

(b) REVIEW OF CYBERSECURITY PRACTICES.—

(1) IN GENERAL.—The Council shall, in consultation with owners and operators, the Critical Infrastructure Partnership Advisory Council, and appropriate information sharing and analysis organizations, and in coordination with appropriate representatives from State and local governments—

(A) consult with relevant security experts and institutions of higher education, including university information security centers, appropriate nongovernmental cybersecurity experts, and representatives from national laboratories;

(B) review relevant regulations or compulsory standards or guidelines;

(C) review cybersecurity practices proposed under subsection (a); and

(D) consider any amendments to the cybersecurity practices and any additional cybersecurity practices necessary to ensure adequate remediation or mitigation of the cyber risks identified through an assessment conducted under section 102(a).

(2) ADOPTION.—

(A) IN GENERAL.—Not later than 1 year after the date on which the top-level assessment is completed under section 102(a)(2)(A), the Council shall—

(i) adopt any cybersecurity practices proposed under subsection (a) that adequately remediate or mitigate identified cyber risks and any associated consequences identified through an assessment conducted under section 102(a); and

(ii) adopt any amended or additional cybersecurity practices necessary to ensure the adequate remediation or mitigation of the cyber risks identified through an assessment conducted under section 102(a).

(B) NO SUBMISSION BY SECTOR COORDINATING COUNCIL.—If a sector coordinating council fails to propose to the Council cybersecurity practices under subsection (a) within 180 days of the date on which the top-level assessment is completed under section

102(a)(2)(A), not later than 1 year after the date on which the top-level assessment is completed under section 102(a)(2)(A) the Council shall adopt cybersecurity

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SA 2711. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States, which was ordered to lie on the table; as follows:

On page 43, beginning on line 14, strike ''section 104(c)(1) and section 106'' and insert the following: ''sections 104(c)(1), 106, and 704(d)''.

SA 2712. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States, which was ordered to lie on the table; as follows:

On page 41, strike line 5 and all that follows through page 42, line 4, and insert the following:

date on which the Council completes the adoption of cybersecurity practices under section 103(b)(2), and every year thereafter, the Council shall submit to the appropriate congressional committees a report on the effectiveness of this title in reducing the risk of cyber attack to critical infrastructure.

(b) CONTENTS.—Each report submitted under subsection (a) shall include—

(1) a discussion of cyber risks and associated consequences and whether the cybersecurity practices developed under section 103 are sufficient to effectively remediate and mitigate cyber risks and associated consequences; and

(2) an analysis of—

(A) whether owners of critical cyber infrastructure are successfully implementing the cybersecurity practices adopted under section 103;

(B) whether the critical infrastructure of the United States is effectively secured from cybersecurity threats, vulnerabilities, and consequences; and

(C) whether additional legislative authority

SA 2713. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States, which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—CYBER ATTACKS INVOLVING DRONES

SEC. __01. DEFINITIONS.

In this title—

(1) the term ''drone'' means any aerial vehicle that—

(A) does not carry a human operator;

(B) uses aerodynamic or aerostatic forces to provide vehicle lift;

(C) can fly autonomously or be piloted remotely;

(D) can be expendable or recoverable; and

(E) can carry a lethal or nonlethal payload; and

(2) the term ''law enforcement party'' means a person or entity authorized by law, or funded, in whole or in part, by the Government of the United States, to investigate or prosecute offenses against the United States.

SEC. __02. PROTECTION AGAINST UNAUTHORIZED USE OF DRONES.

(a) IN GENERAL.—No drone may be deployed or otherwise used by any officer, employee, or contractor of the Federal Government or by a person or entity acting under the authority of, or funded in whole or in part by, the Government of the United States, until the National Cybersecurity Council or other person, division, or entity placed in charge of cybersecurity efforts in the United States certifies that any such drone is immune from a cyber attack or other compromise of control, navigation, or data.

(b) EMPLOYMENT OF CERTIFIED DRONES.—Except as provided in section __03, no officer, employee, or contractor of the Federal Government or any person or entity acting under the authority of, or funded in whole or in part by, the Government of the United States shall use a drone to gather evidence or other information pertaining to criminal conduct or conduct in violation of a statute or regulation, except to the extent authorized in a warrant that satisfies the requirements of the Fourth Amendment to the Constitution of the United States.

SEC. __03. EXCEPTIONS.

This title does not prohibit any of the following:

(1) PATROL OF BORDERS.—The use of a drone certified under section __02(a) to patrol national borders to prevent or deter illegal entry of any persons or illegal substances.

(2) EXIGENT CIRCUMSTANCES.—The use of a drone certified under section __02(a) by a law enforcement party when exigent circumstances exist. For the purposes of this paragraph, exigent circumstances exist when the law enforcement party possesses reasonable suspicion that under particular circumstances, swift action to prevent imminent danger to life is necessary.

(3) HIGH RISK.—The use of a drone certified under section __02(a) to counter a high risk of a terrorist attack by a specific individual or organization, when the Secretary of Homeland Security determines credible intelligence indicates there is such a risk.

SEC. __04. REMEDIES FOR VIOLATION.

Any aggrieved party may in a civil action obtain all appropriate relief to prevent or remedy a violation of this title.

SEC. __05. PROHIBITION ON USE OF EVIDENCE.

No evidence obtained or collected in violation of this title may be admissible as evidence in a criminal prosecution in any court of law in the United States.

SA 2714. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 23, strike line 19 and all that follows through page 34, line 19, and insert the following:

(1) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to provide a Federal agency that has authority for regulating the security of critical cyber infrastructure any authority in addition to or to a greater extent than the authority the Federal agency has under other law.

(2) AVOIDANCE OF CONFLICT.—No cybersecurity practice shall—

(A) prevent an owner (including a certified owner) from complying with any law or regulation; or

(B) require an owner (including a certified owner) to implement cybersecurity measures that prevent the owner from complying with any law or regulation.

(3) AVOIDANCE OF DUPLICATION.—Where regulations or compulsory standards regulate the security of critical cyber infrastructure, a cybersecurity practice shall, to the greatest extent possible, complement or otherwise improve the regulations or compulsory standards.

(h) INDEPENDENT REVIEW.—

(1) IN GENERAL.—Each cybersecurity practice shall be publicly reviewed by the relevant sector coordinating council and the Critical Infrastructure Partnership Advisory Council, which may include input from relevant institutions of higher education, including university information security centers, national laboratories, and appropriate non-governmental cybersecurity experts.

(2) CONSIDERATION BY COUNCIL.—The Council shall consider any review conducted under paragraph (1).

(i) VOLUNTARY TECHNICAL ASSISTANCE.—At the request of an owner or operator of critical infrastructure, the Council shall provide guidance on the application of cybersecurity practices to the critical infrastructure.

SEC. 104. VOLUNTARY CYBERSECURITY PROGRAM FOR CRITICAL INFRASTRUCTURE.

(a) VOLUNTARY CYBERSECURITY PROGRAM FOR CRITICAL INFRASTRUCTURE.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Council, in consultation with owners and operators and the Critical Infrastructure Partnership Advisory Council, shall establish the Voluntary Cybersecurity Program for Critical Infrastructure in accordance with this section.

(2) ELIGIBILITY.—

(A) IN GENERAL.—An owner of critical cyber infrastructure may apply for certification under the Voluntary Cybersecurity Program for Critical Infrastructure.

(B) CRITERIA.—The Council shall establish criteria for owners of critical infrastructure that is not critical cyber infrastructure to be eligible to apply for certification in the Voluntary Cybersecurity Program for Critical Infrastructure.

(3) APPLICATION FOR CERTIFICATION.—An owner of critical cyber infrastructure or an owner of critical infrastructure that meets the criteria established under paragraph (2)(B) that applies for certification under this subsection shall—

(A) select and implement cybersecurity measures of their choosing that satisfy the outcome-based cybersecurity practices established under section 103; and

(B)(i) certify in writing and under penalty of perjury to the Council that the owner has developed and effectively implemented cybersecurity measures sufficient to satisfy the outcome-based cybersecurity practices established under section 103; or

(ii) submit to the Council an assessment verifying that the owner has developed and effectively implemented cybersecurity measures sufficient to satisfy the outcome-based cybersecurity practices established under section 103.

(4) CERTIFICATION.—Upon receipt of a self-certification under paragraph (3)(B)(i) or an assessment under paragraph (3)(B)(ii) the Council shall certify an owner.

(5) NONPERFORMANCE.—If the Council determines that a certified owner is not in compliance with the cybersecurity practices established under section 103, the Council shall—

(A) notify the certified owner of such determination; and

(B) work with the certified owner to remediate promptly any deficiencies.

(6) REVOCATION.—If a certified owner fails to remediate promptly any deficiencies identified by the Council, the Council shall revoke the certification of the certified owner.

(7) REDRESS.—

(A) IN GENERAL.—If the Council revokes a certification under paragraph (6), the Council shall—

(i) notify the owner of such revocation; and

(ii) provide the owner with specific cybersecurity measures that, if implemented, would remediate any deficiencies.

(B) RECERTIFICATION.—If the Council determines that an owner has remedied any deficiencies and is in compliance with the cybersecurity practices, the Council may recertify the owner.

(b) ASSESSMENTS.—

(1) THIRD-PARTY ASSESSMENTS.—The Council, in consultation with owners and operators and the Critical Infrastructure Protection Advisory Council, shall enter into agreements with qualified third-party private entities, to conduct assessments that use reliable, repeatable, performance-based evaluations and metrics to assess whether an owner certified under subsection (a)(3)(B)(ii) is in compliance with all applicable cybersecurity practices.

(2) TRAINING.—The Council shall ensure that third party assessors described in paragraph (1) undergo regular training and accreditation.

(3) OTHER ASSESSMENTS.—Using the procedures developed under this section, the Council may perform cybersecurity assessments of a certified owner based on actual knowledge or a reasonable suspicion that the certified owner is not in compliance with the cybersecurity practices or any other risk-based factors as identified by the Council.

(4) NOTIFICATION.—The Council shall provide copies of any assessments by the Federal Government to the certified owner.

(5) ACCESS TO INFORMATION.—

(A) IN GENERAL.—For the purposes of an assessment conducted under this subsection, a certified owner shall provide the Council, or a third party assessor, any reasonable access necessary to complete an assessment.

(B) PROTECTION OF INFORMATION.—Information provided to the Council, the Council's designee, or any assessor during the course of an assessment under this section shall be protected from disclosure in accordance with section 106.

(c) BENEFITS OF CERTIFICATION.—

(1) LIMITATIONS ON CIVIL LIABILITY.—

(A) IN GENERAL.—In any civil action for damages directly caused by an incident related to a cyber risk identified through an assessment conducted under section 102(a), a certified owner shall not be liable for any punitive damages intended to punish or deter if the certified owner is in substantial compliance with the appropriate cybersecurity practices at the time of the incident related to that cyber risk.

(B) LIMITATION.—Subaragraph (A) shall only apply to harm directly caused by the incident related to the cyber risk and shall not apply to damages caused by any additional or intervening acts or omissions by the owner.

(2) EXPEDITED SECURITY CLEARANCE PROCESS.—The Council, in coordination with the Office of the Director of National Intelligence, shall establish a procedure to expedite the provision of security clearances to appropriate personnel employed by a certified owner.

(3) PRIORITIZED TECHNICAL ASSISTANCE.—The Council shall ensure that certified owners are eligible to receive prioritized technical assistance.

(4) PROVISION OF CYBER THREAT INFORMATION.—The Council shall develop, in coordination with certified owners, a procedure for ensuring that certified owners are, to the maximum extent practicable and consistent with the protection of sources and methods, informed of relevant real-time cyber threat information.

(5) PUBLIC RECOGNITION.—With the approval of a certified owner, the Council may publicly recognize the certified owner if the Council determines such recognition does not pose a risk to the security of critical cyber infrastructure.

(6) STUDY TO EXAMINE BENEFITS OF PROCUREMENT PREFERENCE.—

(A) IN GENERAL.—The Federal Acquisition Regulatory Council, in coordination with the Council and with input from relevant private sector individuals and entities, shall conduct a study examining the potential benefits of establishing a procurement preference for the Federal Government for certified owners.

(B) AREAS.—The study under subparagraph (A) shall include a review of—

(i) potential persons and related property and services that could be eligible for preferential consideration in the procurement process;

(ii) development and management of an approved list of categories of property and services that could be eligible for preferential consideration in the procurement process;

(iii) appropriate mechanisms to implement preferential consideration in the procurement process, including—

(I) establishing a policy encouraging Federal agencies to conduct market research and industry outreach to identify property and services that adhere to relevant cybersecurity practices;

(II) authorizing the use of a mark for the Voluntary Cybersecurity Program for Critical Infrastructure to be used for marketing property or services to the Federal Government;

(III) establishing a policy of encouraging procurement of certain property and services from an approved list;

(IV) authorizing the use of a preference by Federal agencies in the evaluation process; and

(V) authorizing a requirement in certain solicitations that the person providing the property or services be a certified owner; and

(iv) benefits of and impact on the economy and efficiency of the Federal procurement system, if preferential consideration were given in the procurement process to encourage the procurement of property and services that adhere to relevant baseline performance goals establishing under the Voluntary Cybersecurity Program for Critical Infrastructure.

SEC. 105. RULES OF CONSTRUCTION.

Nothing in this title shall be construed to—

(1) provide additional authority for any sector-specific agency or any Federal agency that is not a sector-specific agency with responsibilities for regulating the security of critical infrastructure to establish standards or other cybersecurity measures that are applicable to the security of critical infrastructure not otherwise authorized by law;

(2) limit or restrict the authority of the Department, or any other Federal agency, under any other provision of law; or

(3) permit any owner (including a certified owner) to fail to comply with any other law or regulation, unless specifically authorized.

(h) NO LIMITATION ON CONTRACTUAL LIABILITY.—No limitation on liability or good faith defense provided under this section shall apply to any civil claim against a private entity arising under contract law.

SA 2715. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 199, between lines 12 and 13, insert the following:

SA 2716. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DISTRICT OF COLUMBIA PAIN-CAPABLE UNBORN CHILD PROTECTION ACT.

(a) SHORT TITLE.—This section may be cited as the ''District of Columbia Pain-Capable Unborn Child Protection Act''.

(b) LEGISLATIVE FINDINGS.—Congress finds and declares the following:

(1) Pain receptors (nociceptors) are present throughout the unborn child's entire body and nerves link these receptors to the brain's thalamus and subcortical plate by no later than 20 weeks after fertilization.

(2) By 8 weeks after fertilization, the unborn child reacts to touch. After 20 weeks, the unborn child reacts to stimuli that would be recognized as painful if applied to an adult human, for example, by recoiling.

(3) In the unborn child, application of such painful stimuli is associated with significant increases in stress hormones known as the stress response.

(4) Subjection to such painful stimuli is associated with long-term harmful neurodevelopmental effects, such as altered pain sensitivity and, possibly, emotional, behavioral, and learning disabilities later in life.

(5) For the purposes of surgery on unborn children, fetal anesthesia is routinely administered and is associated with a decrease in stress hormones compared to their level when painful stimuli are applied without such anesthesia.

(6) The position, asserted by some medical experts, that the unborn child is incapable of experiencing pain until a point later in pregnancy than 20 weeks after fertilization predominately rests on the assumption that the ability to experience pain depends on the cerebral cortex and requires nerve connections between the thalamus and the cortex. However, recent medical research and analysis, especially since 2007, provides strong evidence for the conclusion that a functioning cortex is not necessary to experience pain.

(7) Substantial evidence indicates that children born missing the bulk of the cerebral cortex, those with hydranencephaly, nevertheless experience pain.

(8) In adult humans and in animals, stimulation or ablation of the cerebral cortex does not alter pain perception, while stimulation or ablation of the thalamus does.

(9) Substantial evidence indicates that structures used for pain processing in early development differ from those of adults, using different neural elements available at specific times during development, such as the subcortical plate, to fulfill the role of pain processing.

(10) The position, asserted by some commentators, that the unborn child remains in a coma-like sleep state that precludes the unborn child experiencing pain is inconsistent with the documented reaction of unborn children to painful stimuli and with the experience of fetal surgeons who have found it necessary to sedate the unborn child with anesthesia to prevent the unborn child from

engaging in vigorous movement in reaction to invasive surgery.

(11) Consequently, there is substantial medical evidence that an unborn child is capable of experiencing pain at least by 20 weeks after fertilization, if not earlier.

(12) It is the purpose of the Congress to assert a compelling governmental interest in protecting the lives of unborn children from the stage at which substantial medical evidence indicates that they are capable of feeling pain.

(13) The compelling governmental interest in protecting the lives of unborn children from the stage at which substantial medical evidence indicates that they are capable of feeling pain is intended to be separate from and independent of the compelling governmental interest in protecting the lives of unborn children from the stage of viability, and neither governmental interest is intended to replace the other.

(14) The District Council of the District of Columbia, operating under authority delegated by Congress, repealed all limitations on abortion at any stage of pregnancy, effective April 29, 2004.

(15) Article I, section 8 of the Constitution of the United States of America provides that the Congress shall ''exercise exclusive Legislation in all Cases whatsoever'' over the District established as the seat of government of the United States, now known as the District of Columbia. The constitutional responsibility for the protection of pain-capable unborn children within the Federal District resides with the Congress.

(c) DISTRICT OF COLUMBIA PAIN-CAPABLE UNBORN CHILD PROTECTION.—

(1) IN GENERAL.—Chapter 74 of title 18, United States Code, is amended by inserting after section 1531 the following:

''§ 1532. District of Columbia pain-capable unborn child protection

''(a) UNLAWFUL CONDUCT.—Notwithstanding any other provision of law, including any legislation of the District of Columbia under authority delegated by Congress, it shall be unlawful for any person to perform an abortion within the District of Columbia, or attempt to do so, unless in conformity with the requirements set forth in subsection (b).

''(b) REQUIREMENTS FOR ABORTIONS.—

''(1) The physician performing or attempting the abortion shall first make a determination of the probable post-fertilization age of the unborn child or reasonably rely upon such a determination made by another physician. In making such a determination, the physician shall make such inquiries of the pregnant woman and perform or cause to be performed such medical examinations and tests as a reasonably prudent physician, knowledgeable about the case and the medical conditions involved, would consider necessary to make an accurate determination of post-fertilization age.

''(2)(A) Except as provided in subparagraph (B), the abortion shall not be performed or attempted, if the probable post-fertilization age, as determined under paragraph (1), of the unborn child is 20 weeks or greater.

''(B) Subject to subparagraph (C), subparagraph (A) does not apply if, in reasonable medical judgment, the abortion is necessary to save the life of a pregnant woman whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, but not including psychological or emotional conditions or any claim or diagnosis that the woman will engage in conduct which she intends to result in her death.

''(C) A physician terminating or attempting to terminate a pregnancy under the exception provided by subparagraph (B) may do so only in the manner which, in reasonable medical judgment, provides the best opportunity for the unborn child to survive, unless, in reasonable medical judgment, termination of the pregnancy in that manner would pose a greater risk of—

''(i) the death of the pregnant woman; or

''(ii) the substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions, of the pregnant woman;

than would other available methods.

''(c) CRIMINAL PENALTY.—Whoever violates subsection (a) shall be fined under this title or imprisoned for not more than 2 years, or both.

''(d) BAR TO PROSECUTION.—A woman upon whom an abortion in violation of subsection (a) is performed or attempted may not be prosecuted under, or for a conspiracy to violate, subsection (a), or for an offense under section 2, 3, or 4 based on such a violation.

''(e) CIVIL REMEDIES.—

''(1) CIVIL ACTION BY WOMAN ON WHOM THE ABORTION IS PERFORMED.—A woman upon whom an abortion has been performed or attempted in violation of subsection (a), may in a civil action against any person who engaged in the violation obtain appropriate relief.

''(2) CIVIL ACTION BY RELATIVES.—The father of an unborn child who is the subject of an abortion performed or attempted in violation of subsection (a), or a maternal grandparent of the unborn child if the pregnant woman is an unemancipated minor, may in a civil action against any person who engaged in the violation, obtain appropriate relief, unless the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the abortion.

''(3) APPROPRIATE RELIEF.—Appropriate relief in a civil action under this subsection includes—

''(A) objectively verifiable money damages for all injuries, psychological and physical, occasioned by the violation of this section;

''(B) statutory damages equal to three times the cost of the abortion; and

''(C) punitive damages.

''(4) INJUNCTIVE RELIEF.—

''(A) IN GENERAL.—A qualified plaintiff may in a civil action obtain injunctive relief to prevent an abortion provider from performing or attempting further abortions in violation of this section.

''(B) DEFINITION.—In this paragraph the term 'qualified plaintiff' means—

''(i) a woman upon whom an abortion is performed or attempted in violation of this section;

''(ii) any person who is the spouse, parent, sibling or guardian of, or a current or former licensed health care provider of, that woman; or

''(iii) the United States Attorney for the District of Columbia.

''(5) ATTORNEYS FEES FOR PLAINTIFF.—The court shall award a reasonable attorney's fee as part of the costs to a prevailing plaintiff in a civil action under this subsection.

''(6) ATTORNEYS FEES FOR DEFENDANT.—If a defendant in a civil action under this section prevails and the court finds that the plaintiff's suit was frivolous and brought in bad faith, the court shall also render judgment for a reasonable attorney's fee in favor of the defendant against the plaintiff.

''(7) AWARDS AGAINST WOMAN.—Except under paragraph (6), in a civil action under this subsection, no damages, attorney's fee or other monetary relief may be assessed against the woman upon whom the abortion was performed or attempted.

''(f) PROTECTION OF PRIVACY IN COURT PROCEEDINGS.—

''(1) IN GENERAL.—Except to the extent the Constitution or other similarly compelling reason requires, in every civil or criminal action under this section, the court shall make such orders as are necessary to protect the anonymity of any woman upon whom an abortion has been performed or attempted if she does not give her written consent to such disclosure. Such orders may be made upon motion, but shall be made sua sponte if not otherwise sought by a party.

''(2) ORDERS TO PARTIES, WITNESSES, AND COUNSEL.—The court shall issue appropriate orders under paragraph (1) to the parties, witnesses, and counsel and shall direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard her identity from public disclosure. Each such order shall be accompanied by specific written findings explaining why the anonymity of the woman must be preserved from public disclosure, why the order is essential to that end, how the order is narrowly tailored to serve that interest, and why no reasonable less restrictive alternative exists.

''(3) PSEUDONYM REQUIRED.—In the absence of written consent of the woman upon whom an abortion has been performed or attempted, any party, other than a public official, who brings an action under paragraphs (1), (2), or (4) of subsection (e) shall do so under a pseudonym.

''(4) LIMITATION.—This subsection shall not be construed to conceal the identity of the plaintiff or of witnesses from the defendant or from attorneys for the defendant.

''(g) REPORTING.—

''(1) DUTY TO REPORT.—Any physician who performs or attempts an abortion within the District of Columbia shall report that abortion to the relevant District of Columbia health agency (hereinafter in this section referred to as the 'health agency') on a schedule and in accordance with forms and regulations prescribed by the health agency.

''(2) CONTENTS OF REPORT.—The report shall include the following:

''(A) POST-FERTILIZATION AGE.—For the determination of probable postfertilization age of the unborn child, whether ultrasound was employed in making the determination, and the week of probable post-fertilization age that was determined.

''(B) METHOD OF ABORTION.—Which of the following methods or combination of methods was employed:

''(i) Dilation, dismemberment, and evacuation of fetal parts also known as 'dilation and evacuation'.

''(ii) Intra-amniotic instillation of saline, urea, or other substance (specify substance) to kill the unborn child, followed by induction of labor.

''(iii) Intracardiac or other intra-fetal injection of digoxin, potassium chloride, or other substance (specify substance) intended to kill the unborn child, followed by induction of labor.

''(iv) Partial-birth abortion, as defined in section 1531.

''(v) Manual vacuum aspiration without other methods.

''(vi) Electrical vacuum aspiration without other methods.

''(vii) Abortion induced by use of mifepristone in combination with misoprostol; or

''(viii) if none of the methods described in the other clauses of this subparagraph was employed, whatever method was employed.

''(C) AGE OF WOMAN.—The age or approximate age of the pregnant woman.

''(D) COMPLIANCE WITH REQUIREMENTS FOR EXCEPTION.—The facts relied upon and the basis for any determinations required to establish compliance with the requirements

for the exception provided by subsection (b)(2).

''(3) EXCLUSIONS FROM REPORTS.—

''(A) A report required under this subsection shall not contain the name or the address of the woman whose pregnancy was terminated, nor shall the report contain any other information identifying the woman.

''(B) Such report shall contain a unique Medical Record Number, to enable matching the report to the woman's medical records.

''(C) Such reports shall be maintained in strict confidence by the health agency, shall not be available for public inspection, and shall not be made available except—

''(i) to the United States Attorney for the District of Columbia or that Attorney's delegate for a criminal investigation or a civil investigation of conduct that may violate this section; or

''(ii) pursuant to court order in an action under subsection (e).

''(4) PUBLIC REPORT.—Not later than June 30 of each year beginning after the date of enactment of this paragraph, the health agency shall issue a public report providing statistics for the previous calendar year compiled from all of the reports made to the health agency under this subsection for that year for each of the items listed in paragraph (2). The report shall also provide the statistics for all previous calendar years during which this section was in effect, adjusted to reflect any additional information from late or corrected reports. The health agency shall take care to ensure that none of the information included in the public reports could reasonably lead to the identification of any pregnant woman upon whom an abortion was performed or attempted.

''(5) FAILURE TO SUBMIT REPORT.—

''(A) LATE FEE.—Any physician who fails to submit a report not later than 30 days after the date that report is due shall be subject to a late fee of $1,000 for each additional 30-day period or portion of a 30-day period the report is overdue.

''(B) COURT ORDER TO COMPLY.—A court of competent jurisdiction may, in a civil action commenced by the health agency, direct any physician whose report under this subsection is still not filed as required, or is incomplete, more than 180 days after the date the report was due, to comply with the requirements of this section under penalty of civil contempt.

''(C) DISCIPLINARY ACTION.—Intentional or reckless failure by any physician to comply with any requirement of this subsection, other than late filing of a report, constitutes sufficient cause for any disciplinary sanction which the Health Professional Licensing Administration of the District of Columbia determines is appropriate, including suspension or revocation of any license granted by the Administration.

''(6) FORMS AND REGULATIONS.—Not later than 90 days after the date of the enactment of this section, the health agency shall prescribe forms and regulations to assist in compliance with this subsection.

''(7) EFFECTIVE DATE OF REQUIREMENT.—Paragraph (1) of this subsection takes effect with respect to all abortions performed on and after the first day of the first calendar month beginning after the effective date of such forms and regulations.

''(h) DEFINITIONS.—In this section the following definitions apply:

''(1) ABORTION.—The term 'abortion' means the use or prescription of any instrument, medicine, drug, or any other substance or device—

''(A) to intentionally kill the unborn child of a woman known to be pregnant; or

''(B) to otherwise intentionally terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead unborn child who died as the result of natural causes in utero, accidental trauma, or a criminal assault on the pregnant woman or her unborn child, and which causes the premature termination of the pregnancy.

''(2) ATTEMPT AN ABORTION.—The term 'attempt', with respect to an abortion, means conduct that, under the circumstances as the actor believes them to be, constitutes a substantial step in a course of conduct planned to culminate in performing an abortion in the District of Columbia.

''(3) FERTILIZATION.—The term 'fertilization' means the fusion of human spermatozoon with a human ovum.

''(4) HEALTH AGENCY.—The term 'health agency' means the Department of Health of the District of Columbia or any successor agency responsible for the regulation of medical practice.

''(5) PERFORM.—The term 'perform', with respect to an abortion, includes induce an abortion through a medical or chemical intervention including writing a prescription for a drug or device intended to result in an abortion.

''(6) PHYSICIAN.—The term 'physician' means a person licensed to practice medicine and surgery or osteopathic medicine and surgery, or otherwise licensed to legally perform an abortion.

''(7) POST-FERTILIZATION AGE.—The term 'post-fertilization age' means the age of the unborn child as calculated from the fusion of a human spermatozoon with a human ovum.

''(8) PROBABLE POST-FERTILIZATION AGE OF THE UNBORN CHILD.—The term 'probable postfertilization age of the unborn child' means what, in reasonable medical judgment, will with reasonable probability be the postfertilization age of the unborn child at the time the abortion is planned to be performed or induced.

''(9) REASONABLE MEDICAL JUDGMENT.—The term 'reasonable medical judgment' means a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

''(10) UNBORN CHILD.—The term 'unborn child' means an individual organism of the species homo sapiens, beginning at fertilization, until the point of being born alive as defined in section 8(b) of title 1.

''(11) UNEMANCIPATED MINOR.—The term 'unemancipated minor' means a minor who is subject to the control, authority, and supervision of a parent or guardian, as determined under the law of the State in which the minor resides.

''(12) WOMAN.—The term 'woman' means a female human being whether or not she has reached the age of majority.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 74 of title 18, United States Code, is amended by adding at the end the following new item:

''1532. District of Columbia pain-capable unborn child protection.''.

(3) CHAPTER HEADING AMENDMENTS.—

(A) CHAPTER HEADING IN CHAPTER.—The chapter heading for chapter 74 of title 18, United States Code, is amended by striking ''**PARTIAL BIRTH ABORTIONS**'' and inserting ''**ABORTIONS**''.

(B) TABLE OF CHAPTERS FOR PART I.—The item relating to chapter 74 in the table of chapters at the beginning of part I of title 18, United States Code, is amended by striking ''**PARTIAL BIRTH ABORTIONS**'' and inserting ''**ABORTIONS**''.

SA 2717. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 121, beginning on line 16, strike ''summer enrichment programs, to be provided by nonprofit organizations, in math, computer programming'' and insert ''summer enrichment programs and programs offered before or after normal school hours, to be provided by nonprofit organizations, in math, computer science, computer programming''.

On page 125, line 12, insert '', such as mentors from private sector entities'' after ''appropriate''.

SA 2718. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

SEC. 606. COOPERATION WITH NATO ON CYBER DEFENSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The November 2010 NATO Lisbon Summit Declaration asserts, ''Cyber threats are rapidly increasing and evolving in sophistication. In order to ensure NATO's permanent and unfettered access to cyberspace and integrity of its critical systems, we will take into account the cyber dimension of modern conflicts in NATO's doctrine and improve its capabilities to detect, assess, prevent, defend and recover in case of a cyber-attack against systems of critical importance to the Alliance.''

(2) In an April 2012 speech, Secretary of State Hillary Clinton stated, ''There is a steady drumbeat of [cyber] attacks on governments, on businesses, on all kinds of networks every single day. And we have to be in a position to protect ourselves and, under Article 5, protect our NATO partners. There have been some rather significant attacks on NATO partners over the last several years that have caused consternation because of the damage done to classified information, and so therefore we are in the process of working toward a joint capability.''

(b) SENSE OF CONGRESS.—It is the sense of Congress that it is in the interest of the United States to continue to work with NATO members, partners, and allies to develop the necessary cyber capabilities, including prevention, detection, recovery, and response, to deter aggression and prevent coercion through the cyber domain.

(c) CONGRESSIONAL BRIEFING.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, after consultation with the heads of relevant Federal agencies, shall brief Congress on—

(A) the ability of NATO to detect, assess, prevent, defend, and recover from cyber attacks to its critical systems, networks, and other combat equipment;

(B) implementation of the NATO Policy on Cyber Defense;

(C) development of NATO's Computer Incident Response Capability;

(D) development and contributions of NATO's Cooperative Cyber Defense Center of Excellence; and

(E) NATO cooperation with other international organizations, including the European Union, the Council of Europe, the United Nations, and the Organization for the Security and Co-operation in Europe.

(2) CONTRIBUTIONS FROM RELEVANT FEDERAL AGENCIES.—Not later than 30 days before the

date on which the briefing is to be provided under paragraph (1), the Secretary of State, in coordination with the Secretary of Defense, shall consult with and obtain information relevant to the briefing from the head of each relevant Federal agency.

(3) PERIODIC UPDATES.—The Secretary of State shall provide periodic briefings to Congress to highlight significant developments relating to the issues described in paragraph (1).

SA 2719. Mr. KOHL (for himself, Mr. WHITEHOUSE, and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE __—ECONOMIC ESPIONAGE PENALTY ENHANCEMENT

SEC. __01. SHORT TITLE.

This title may be cited as the ''Economic Espionage Penalty Enhancement Act of 2012''.

SEC. __02. PROTECTING U.S. BUSINESSES FROM FOREIGN ESPIONAGE.

(a) FOR OFFENSES COMMITTED BY INDIVIDUALS.—Section 1831(a) of title 18, United States Code, is amended in the matter following paragraph (5)—

(1) by striking ''15 years'' and inserting ''20 years''; and

(2) by striking ''not more than $500,000'' and inserting ''not more than $5,000,000''.

(b) FOR OFFENSES COMMITTED BY ORGANIZATIONS.—Section 1831(b) of title 18, United States Code, is amended by striking ''not more than $10,000,000'' and inserting ''not more than the greater of $10,000,000 or 3 times the value of the stolen trade secret to the organization, including expenses for research and design and other costs of reproducing the trade secret that the organization has thereby avoided''.

SEC. __03. REVIEW BY THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of offenses relating to the transmission or attempted transmission of a stolen trade secret outside of the United States or economic espionage, in order to reflect the intent of Congress that penalties for such offenses under the Federal sentencing guidelines and policy statements appropriately reflect the seriousness of these offenses, account for the potential and actual harm caused by these offenses, and provide adequate deterrence against such offenses.

(b) REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) consider the extent to which the Federal sentencing guidelines and policy statements appropriately account for the simple misappropriation of a trade secret, including the sufficiency of the existing enhancement for these offenses to address the seriousness of this conduct;

(2) consider whether additional enhancements in the Federal sentencing guidelines and policy statements are appropriate to account for—

(A) the transmission or attempted transmission of a stolen trade secret outside of the United States; and

(B) the transmission or attempted transmission of a stolen trade secret outside of the United States that is committed or attempted to be committed for the benefit of a foreign government, foreign instrumentality, or foreign agent;

(3) ensure the Federal sentencing guidelines and policy statements reflect the seriousness of these offenses and the need to deter such conduct;

(4) ensure reasonable consistency with other relevant directives, Federal sentencing guidelines and policy statements, and related Federal statutes;

(5) make any necessary conforming changes to the Federal sentencing guidelines and policy statements; and

(6) ensure that the Federal sentencing guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(c) CONSULTATION.—In carrying out the review required under this section, the Commission shall consult with individuals or groups representing law enforcement, owners of trade secrets, victims of economic espionage offenses, the Department of Justice, the Department of State, the Department of Homeland Security, and the Office of the United States Trade Representative.

(d) REVIEW.—Not later than 180 days after the date of enactment of this title, the Commission shall complete its consideration and review under this section.

SA 2720. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 106, line 15, insert '', the Director of the Office of Management and Budget,'' after ''the Secretary''.

On page 110, line 8, strike ''to the extent practicable,''.

On page 115, line 22, strike '', to the extent practicable,''.

SA 2721. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PERFORMANCE OF CYBERSECURITY AUTHORITIES BY GOVERNMENT EMPLOYEES.

(a) CYBERSECURITY FUNCTIONS.—Section 5(2) of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 31 U.S.C. 501 note) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

''(C) CYBERSECURITY FUNCTIONS INCLUDED.—The term includes any authority provided to the Federal Government under title I, II, V, or VII, or an amendment made by title I, II, V, or VII, of the Cybersecurity Act of 2012 that is not explicitly authorized to be performed by a non-Federal individual or entity.''.

(b) CLARIFICATION OF PROHIBITION ON CONTRACTORS PERFORMING INHERENTLY GOVERNMENTAL FUNCTIONS.—The Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 31 U.S.C. 501 note) is amended by inserting after section 2 the following:

''SEC. 2A. PROHIBITION ON CONTRACTORS PERFORMING INHERENTLY GOVERNMENTAL FUNCTIONS.

''The head of an executive agency or employee of an executive agency may not enter into a contract or any other agreement under which an individual or entity that is not an employee of the Federal Government performs an inherently governmental function.''.

SA 2722. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 137, strike line 6 and all that follows through page 139, line 15, and insert the following:

SEC. 408. RECRUITMENT AND RETENTION PROGRAM FOR THE NATIONAL CENTER FOR CYBERSECURITY AND COMMUNICATIONS.

(a) IN GENERAL.—Subtitle E of title II of the Homeland Security Act of 2002, as added by section 204, is amended by adding at the end the following:

''SEC. 245. RECRUITMENT AND RETENTION PROGRAM FOR THE NATIONAL CENTER FOR CYBERSECURITY AND COMMUNICATIONS.

SA 2723. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

SEC. 416. GAO STUDY AND REPORT ON SMALL BUSINESS CYBERSECURITY ISSUES.

(a) STUDY.—The Comptroller General of the United States shall conduct a study identifying—

(1) small business cybersecurity concerns;

(2) existing efforts by Federal agencies having responsibility to assist small businesses with cybersecurity issues (including the Department of Homeland Security, the Federal Trade Commission, the Small Business Administration, and the National Institute of Standards and Technology) to raise small business awareness of cybersecurity issues; and

(3) ways the Federal agencies described in paragraph (2) plan to improve small business awareness of and preparedness for cybersecurity issues.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing—

(1) the results of the study conducted under subsection (a); and

(2) recommendations, if any, based on the results of the study conducted under subsection (a).

SA 2724. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Strike section 404 and insert the following:

SEC. 404. FEDERAL CYBER SCHOLARSHIP-FOR-SERVICE PROGRAM.

(a) IN GENERAL.—The Director of the National Science Foundation, in coordination with the Secretary and the Director of the Office of Personnel Management, shall carry out a Federal Cyber Scholarship-for-Service program—

(1) to increase the capacity of institutions of higher education to produce cybersecurity professionals; and

(2) to recruit and train the next generation of information technology professionals, industry control security professionals, and security managers to meet the needs of the cybersecurity mission for the Federal Government and State, local, and tribal governments.

(b) PROGRAM DESCRIPTION AND COMPONENTS.—The program carried out under subsection (a) shall—

(1) incorporate findings from the assessment and development of the strategy under section 405;

(2) provide institutions of higher education, including community colleges, with sufficient funding to carry out a scholarship program, as described in subsection (c); and

(3) provide assistance to institutions of higher education in establishing or expanding educational opportunities and resources in cybersecurity, as authorized under section 5 of the Cyber Security Research and Development Act (15 U.S.C. 7404).

(c) SCHOLARSHIP PROGRAM.—

(1) INSTITUTIONS OF HIGHER EDUCATION.—An institution of higher education that carries out a scholarship program under subsection (b)(2) shall—

(A) provide 2- or 3-year scholarships to students who are enrolled in a program of study at the institution of higher education leading to a degree, credential, or specialized program certification in the cybersecurity field, in an amount that covers each student's tuition and fees at the institution and provides the student with an additional stipend;

(B) require each scholarship recipient, as a condition of receiving a scholarship under the program—

(i) to 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, credential, or specialized program certification; and

(ii) to refund any scholarship payments received by the recipient, in accordance with rules established by the Director of the National Science Foundation, in coordination with the Secretary, if a recipient does not meet the terms of the scholarship program; and

(C) provide clearly documented evidence of a strong existing program in cybersecurity, which may include designation as a Center of Academic Excellence in Information Assurance Education by the National Security Agency and the Department of Homeland Security.

(2) SCHOLARSHIP ELIGIBILITY.—To be eligible to receive a scholarship under a scholarship program carried out by an institution of higher education under subsection (b)(2), an individual shall—

(A) be a full-time student of the institution of higher education who is likely to receive a baccalaureate degree, a masters degree, or a research-based doctoral degree during the 3-year period beginning on the date on which the individual receives the scholarship;

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

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

(D) have demonstrated a high level of proficiency in fields relevant to the cybersecurity profession, which may include mathematics, engineering, business, public policy, social sciences, law, or computer sciences.

(3) OTHER PROGRAM REQUIREMENTS.—The Director of the National Science Foundation, in coordination with the Secretary and the Director of the Office of Personnel Management, shall ensure that each scholarship program carried out under subsection (b)(2)—

(A) provides a procedure by which the National Science Foundation or a Federal agency may, consistent with regulations of the Office of Personnel Management, request and fund security clearances for scholarships recipients, including providing for clearances during summer internships and after the recipient receives the degree, credential, or specialized program certification; and

(B) provides opportunities for students to receive temporary appointments for meaningful employment in the cybersecurity mission of a Federal agency during vacation periods and for internships.

(4) HIRING AUTHORITY.—

(A) IN GENERAL.—For purposes of any law or regulation governing the appointment of individuals in the Federal civil service, upon receiving a degree for which an individual received a scholarship under a scholarship program carried out by an institution of higher education under subsection (b)(2), the individual shall be—

(i) hired under the authority provided for in section 213.3102(r) or title 5, Code of Federal Regulations; and

(ii) exempt from competitive service.

(B) COMPETITIVE SERVICE POSITION.—Upon satisfactory fulfillment of the service term of an individual hired under subparagraph (A), the individual may be converted to a competitive service position with competition if the individual meets the requirements for that position.

(5) EVALUATION AND REPORT.—The Director of the National Science Foundation shall evaluate and report periodically to Congress on—

(A) the success of any scholarship programs carried out under subsection (b)(2) in recruiting individuals for scholarships; and

(B) hiring and retaining individuals who receive scholarships under a scholarship program carried out under subsection (b)(2) in the public sector workforce.

(d) BENCHMARKS.—

(1) PROPOSALS.—A proposal submitted to the Director of the National Science Foundation for assistance under subsection (b)(3) shall include—

(A) clearly stated goals translated into a set of expected measurable outcomes that can be monitored; and

(B) an evaluation plan that explains how the outcomes described in subparagraph (A) will be measured.

(2) USE OF GOALS.—The Director of the National Science Foundation shall use the goals included in a proposal submitted under paragraph (1)—

(A) to track the progress of a recipient of assistance under subsection (b)(3);

(B) to guide a project carried out using assistance under subsection (b)(3); and

(C) to evaluate the impact of a project carried out using assistance under subsection (b)(3).

SA 2725. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TO CLASSIFY THE INDIVIDUAL MANDATE AS A NON-TAX.

(a) FINDING.—Congress finds that on June 28, 2012, the Supreme Court ruled that the individual mandate imposed by section 1501 of the Patient Protection and Affordable Care Act (Public Law 111–148) and amended by section 10106 of such Act and sections 1002 and 1004 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), has certain functional characteristics of a tax and could be sustained as an exercise of Congress's power to tax under article I, section 8, clause 1 of the Constitution.

(b) CLASSIFICATION OF INDIVIDUAL MANDATE AS NON-TAX.—

(1) IN GENERAL.—Section 1501 of the Patient Protection and Affordable Care Act (Public Law 111–148) is amended by adding at the end the following new subsection:

''(e) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed as imposing any tax or as an exercise of any power of Congress enumerated in article I, section 8, clause 1 of, or the 16th amendment to, the Constitution.''.

(2) EFFECTIVE DATE.—The amendment made by this section shall apply as if included in the enactment of section 1501 of the Patient Protection and Affordable Care Act.

SA 2726. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 119, between lines 14 and 15, insert the following:

(b) GEOGRAPHIC DISPERSION.—In establishing academic and professional Centers of Excellence in cybersecurity under this section, the Secretary and the Secretary of Defense shall consider the need to avoid undue geographic concentration among any one category of States based on their predominant rural or urban character as indicated by population density.

SA 2727. Mr. BLUMENTHAL (for himself, Mr. SCHUMER, Ms. KLOBUCHAR, Mr. WYDEN, Mr. AKAKA, Mr. SANDERS, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITED ACTIVITY.

(a) IN GENERAL.—Section 1030(a) of title 18, United States Code, is amended—

(1) in paragraph (7)(C), by inserting ''or'' after the semicolon; and

(2) by inserting after paragraph (7)(C) the following:

''(8) acting as an employer, knowingly and intentionally—

''(A) for the purposes of employing, promoting, or terminating employment, compels or coerces any person to authorize access, such as by providing a password or similar information through which a computer may be accessed, to a protected computer that is not the employer's protected computer, and thereby obtains information from such protected computer; or

''(B) discharges, disciplines, discriminates against in any manner, or threatens to take any such action against, any person—

''(i) for failing to authorize access described in subparagraph (A) to a protected computer that is not the employer's protected computer; or

''(ii) who has filed any complaint or instituted or caused to be instituted any proceeding under or related to this paragraph, or has testified or is about to testify in any such proceeding;''.

(b) FINE.—Section 1030(c) of title 18, United States Code, is amended—

(1) in paragraph (4)(G)(ii), by striking the period at the end and inserting ''; and''; and

(2) by adding at the end the following:

''(5) a fine under this title, in the case of an offense under subsection (a)(8) or an attempt to commit an offense punishable under this paragraph.''.

(c) DEFINITIONS.—Section 1030(e) of title 18, United States Code, is amended—

(1) in paragraph (11), by striking ''and'' after the semicolon;

(2) in paragraph (12), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(13) the term 'employee' means an employee, as such term is defined in section 201(2) of the Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. 2000ff(2));

''(14) the term 'employer' means an employer, as such term is defined in such section 201(2); and

''(15) the term 'employer's protected computer' means a protected computer of the employer, including any protected computer owned, operated, or otherwise controlled by, for, or on behalf of that employer.''.

(d) EXCEPTIONS.—Section 1030(f) of title 18, United States Code, is amended—

(1) by striking ''(f) This'' and inserting ''(f)(1) This''; and

(2) by adding at the end the following:

''(2)(A) Nothing in subsection (a)(8) shall be construed to limit the authority of a court of competent jurisdiction to grant equitable relief in a civil action, if the court determines that there are specific and articulable facts showing that there are reasonable grounds to believe that the information sought to be obtained is relevant and material to protecting the intellectual property, a trade secret, or confidential business information of the party seeking the relief.

''(B) Notwithstanding subsection (a)(8), the prohibition in such subsection shall not apply to an employer's actions if—

''(i) the employer discharges or otherwise disciplines an individual for good cause and an activity protected under subsection (a)(8) is not a motivating factor for the discharge or discipline of the individual;

''(ii) a State enacts a law that specifically waives subsection (a)(8) with respect to a particular class of State government employees or employees who work with individuals under 13 years of age, and the employer's action relates to an employee in such class; or

''(iii) an Executive agency (as defined in section 105 of title 5), a military department (as defined in section 102 of such title), or any other entity within the executive branch that comes into the possession of classified information, including the Defense Intelligence Agency, National Security Agency, and National Reconnaissance Office, specifically waives subsection (a)(8) with respect to a particular class of employees requiring eligibility for access to classified information under Executive Order 12968 (60 Fed. Reg. 40245), or any successor thereto, and the employer's action relates to an employee in such class.''.

SA 2728. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Beginning on page 192, strike line 19, and all that follows through page 193, line 22, and insert the following:

(i) the actual damages sustained by the person as a result of the violation or $50,000, whichever is greater; and

(ii) the costs of the action together with reasonable attorney fees as determined by the court.

(B) VENUE.—An action to enforce liability created under this subsection may be brought in the district court of the United States in—

(i) the district in which the complainant resides;

(ii) the district in which the principal place of business of the complainant is located;

(iii) the district in which the Federal entity that disclosed the information is located; or

(iv) the District of Columbia.

(C) STATUTE OF LIMITATIONS.—No action shall lie under this subsection unless such action is commenced not later than 2 years after the date of the violation that is the basis for the action.

(h) CRIMINAL PENALTIES.—A person who knowingly violates a provision of this title shall be—

(1) for each such violation, fined not more than $50,000, imprisoned for not more than 1 year, or both;

(2) for each such violation committed under false pretenses, fined not more than $100,000, imprisoned for not more than 5 years, or both; and

(3) for each such violation committed for commercial advantage, personal gain, or malicious harm, fined not more than $250,000, imprisoned for not more than 10 years, or both.

SA 2729. Mr. WARNER (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 138, line 2, after ''subsection (a)'' insert '', including guidelines that provide for interoperable, non-proprietary technologies wherever possible''.

SA 2730. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 134, line 4, insert ''and in consultation with Centers of Academic Excellence in Information Assurance Education designated by the National Security Agency and the Department,'' after ''United States Code,''.

SA 2731. Mr. REID (for Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. ROCKEFELLER, Mrs. FEINSTEIN, and Mr. CARPER)) proposed an amendment to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; as follows:

On page 20, strike line 3 and all that follows through page 42, line 10, and insert the following:

SEC. 103. VOLUNTARY CYBERSECURITY PRACTICES.

(a) PRIVATE SECTOR DEVELOPMENT OF CYBERSECURITY PRACTICES.—Not later than 180 days after the date of enactment of this Act, each sector coordinating council shall propose to the Council voluntary outcome-based cybersecurity practices (referred to in this section as ''cybersecurity practices'') sufficient to effectively remediate or mitigate cyber risks identified through an assessment conducted under section 102(a) comprised of—

(1) industry best practices, standards, and guidelines; or

(2) practices developed by the sector coordinating council in coordination with owners and operators, voluntary consensus standards development organizations, representatives of State and local governments, the private sector, and appropriate information sharing and analysis organizations.

(b) REVIEW OF CYBERSECURITY PRACTICES.—

(1) IN GENERAL.—The Council shall, in consultation with owners and operators, the Critical Infrastructure Partnership Advisory Council, and appropriate information sharing and analysis organizations, and in coordination with appropriate representatives from State and local governments—

(A) consult with relevant security experts and institutions of higher education, including university information security centers, appropriate nongovernmental cybersecurity experts, and representatives from national laboratories;

(B) review relevant regulations or compulsory standards or guidelines;

(C) review cybersecurity practices proposed under subsection (a); and

(D) consider any amendments to the cybersecurity practices and any additional cybersecurity practices necessary to ensure adequate remediation or mitigation of the cyber risks identified through an assessment conducted under section 102(a).

(2) ADOPTION.—

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

(i) adopt any cybersecurity practices proposed under subsection (a) that adequately remediate or mitigate identified cyber risks and any associated consequences identified through an assessment conducted under section 102(a); and

(ii) adopt any amended or additional cybersecurity practices necessary to ensure the adequate remediation or mitigation of the cyber risks identified through an assessment conducted under section 102(a).

(B) NO SUBMISSION BY SECTOR COORDINATING COUNCIL.—If a sector coordinating council fails to propose to the Council cybersecurity practices under subsection (a) within 180 days of the date of enactment of this Act, not later than 1 year after the date of enactment of this Act the Council shall adopt cybersecurity practices that adequately remediate or mitigate identified cyber risks and associated consequences identified through an assessment conducted under section 102(a) for the sector.

(c) FLEXIBILITY OF CYBERSECURITY PRACTICES.—Each sector coordinating council and the Council shall periodically assess cybersecurity practices, but not less frequently than once every 3 years, and update or modify cybersecurity practices as necessary to ensure adequate remediation and mitigation of the cyber risks identified through an assessment conducted under section 102(a).

(d) PRIORITIZATION.—Based on the risk assessments performed under section 102(a), the Council shall prioritize the development of cybersecurity practices to ensure the reduction or mitigation of the greatest cyber risks.

(e) PRIVATE SECTOR RECOMMENDED MEASURES.—Each sector coordinating council shall develop voluntary recommended cybersecurity measures that provide owners reasonable and cost-effective methods of meeting any cybersecurity practice.

(f) TECHNOLOGY NEUTRALITY.—No cybersecurity practice shall require—

(1) the use of a specific commercial information technology product; or

(2) that a particular commercial information technology product be designed, developed, or manufactured in a particular manner.

(g) RELATIONSHIP TO EXISTING REGULATIONS.—

(1) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to increase, decrease, or otherwise alter the existing authority of any Federal agency to regulate the security of critical cyber infrastructure.

(2) AVOIDANCE OF CONFLICT.—No cybersecurity practice shall—

(A) prevent an owner (including a certified owner) or operator from complying with any law or regulation; or

(B) require an owner (including a certified owner) or operator to implement cybersecurity measures that prevent the owner or operator from complying with any law or regulation.

(h) INDEPENDENT REVIEW.—

(1) IN GENERAL.—Each cybersecurity practice shall be publicly reviewed by the relevant sector coordinating council and the Critical Infrastructure Partnership Advisory Council, which may include input from relevant institutions of higher education, including university information security centers, national laboratories, and appropriate non-governmental cybersecurity experts.

(2) CONSIDERATION BY COUNCIL.—The Council shall consider any review conducted under paragraph (1).

(i) VOLUNTARY TECHNICAL ASSISTANCE.—At the request of an owner or operator of critical infrastructure, the Council shall provide guidance on the application of cybersecurity practices to the critical infrastructure.

SEC. 104. VOLUNTARY CYBERSECURITY PROGRAM FOR CRITICAL INFRASTRUCTURE.

(a) VOLUNTARY CYBERSECURITY PROGRAM FOR CRITICAL INFRASTRUCTURE.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Council, in consultation with owners and operators and the Critical Infrastructure Partnership Advisory Council, shall establish the Voluntary Cybersecurity Program for Critical Infrastructure in accordance with this section.

(2) ELIGIBILITY.—

(A) IN GENERAL.—An owner of critical cyber infrastructure may apply for certification under the Voluntary Cybersecurity Program for Critical Infrastructure.

(B) CRITERIA.—The Council shall establish criteria for owners of critical infrastructure that is not critical cyber infrastructure to be eligible to apply for certification in the Voluntary Cybersecurity Program for Critical Infrastructure.

(3) APPLICATION FOR CERTIFICATION.—An owner of critical cyber infrastructure or an owner of critical infrastructure that meets the criteria established under paragraph (2)(B) that applies for certification under this subsection shall—

(A) select and implement cybersecurity measures of their choosing that satisfy the outcome-based cybersecurity practices established under section 103; and

(B)(i) certify in writing and under penalty of perjury to the Council that the owner has developed and effectively implemented cybersecurity measures sufficient to satisfy the outcome-based cybersecurity practices established under section 103; or

(ii) submit to the Council an assessment verifying that the owner has developed and effectively implemented cybersecurity measures sufficient to satisfy the outcome-based cybersecurity practices established under section 103.

(4) CERTIFICATION.—Upon receipt of a self-certification under paragraph (3)(B)(i) or an assessment under paragraph (3)(B)(ii) the Council shall certify an owner.

(5) NONPERFORMANCE.—If the Council determines that a certified owner is not in compliance with the cybersecurity practices established under section 103, the Council shall—

(A) notify the certified owner of such determination; and

(B) work with the certified owner to remediate promptly any deficiencies.

(6) REVOCATION.—If a certified owner fails to remediate promptly any deficiencies identified by the Council, the Council shall revoke the certification of the certified owner.

(7) REDRESS.—

(A) IN GENERAL.—If the Council revokes a certification under paragraph (6), the Council shall—

(i) notify the owner of such revocation; and

(ii) provide the owner with specific cybersecurity measures that, if implemented, would remediate any deficiencies.

(B) RECERTIFICATION.—If the Council determines that an owner has remedied any deficiencies and is in compliance with the cybersecurity practices, the Council may recertify the owner.

(b) ASSESSMENTS.—

(1) THIRD-PARTY ASSESSMENTS.—The Council, in consultation with owners and operators and the Critical Infrastructure Protection Advisory Council, shall enter into agreements with qualified third-party private entities, to conduct assessments that use reliable, repeatable, performance-based evaluations and metrics to assess whether an owner certified under subsection (a)(3)(B)(ii) is in compliance with all applicable cybersecurity practices.

(2) TRAINING.—The Council shall ensure that third party assessors described in paragraph (1) undergo regular training and accreditation.

(3) OTHER ASSESSMENTS.—Using the procedures developed under this section, the Council may perform cybersecurity assessments of a certified owner based on actual knowledge or a reasonable suspicion that the certified owner is not in compliance with the cybersecurity practices or any other risk-based factors as identified by the Council.

(4) NOTIFICATION.—The Council shall provide copies of any assessments by the Federal Government to the certified owner.

(5) ACCESS TO INFORMATION.—

(A) IN GENERAL.—For the purposes of an assessment conducted under this subsection, a certified owner shall provide the Council, or a third party assessor, any reasonable access necessary to complete an assessment.

(B) PROTECTION OF INFORMATION.—Information provided to the Council, the Council's designee, or any assessor during the course of an assessment under this section shall be protected from disclosure in accordance with section 106.

(c) BENEFITS OF CERTIFICATION.—

(1) LIMITATIONS ON CIVIL LIABILITY.—

(A) IN GENERAL.—In any civil action for damages directly caused by an incident related to a cyber risk identified through an assessment conducted under section 102(a), a certified owner shall not be liable for any punitive damages intended to punish or deter if the certified owner is in substantial compliance with the appropriate cybersecurity practices at the time of the incident related to that cyber risk.

(B) LIMITATION.—Subaragraph (A) shall only apply to harm directly caused by the incident related to the cyber risk and shall not apply to damages caused by any additional or intervening acts or omissions by the owner.

(2) EXPEDITED SECURITY CLEARANCE PROCESS.—The Council, in coordination with the Office of the Director of National Intelligence, shall establish a procedure to expedite the provision of security clearances to appropriate personnel employed by a certified owner.

(3) PRIORITIZED TECHNICAL ASSISTANCE.—The Council shall ensure that certified owners are eligible to receive prioritized technical assistance.

(4) PROVISION OF CYBER THREAT INFORMATION.—The Council shall develop, in coordination with certified owners, a procedure for ensuring that certified owners are, to the maximum extent practicable and consistent with the protection of sources and methods, informed of relevant real-time cyber threat information.

(5) PUBLIC RECOGNITION.—With the approval of a certified owner, the Council may publicly recognize the certified owner if the Council determines such recognition does not pose a risk to the security of critical cyber infrastructure.

(6) STUDY TO EXAMINE BENEFITS OF PROCUREMENT PREFERENCE.—

(A) IN GENERAL.—The Federal Acquisition Regulatory Council, in coordination with the Council and with input from relevant private sector individuals and entities, shall conduct a study examining the potential benefits of establishing a procurement preference for the Federal Government for certified owners.

(B) AREAS.—The study under subparagraph (A) shall include a review of—

(i) potential persons and related property and services that could be eligible for preferential consideration in the procurement process;

(ii) development and management of an approved list of categories of property and services that could be eligible for preferential consideration in the procurement process;

(iii) appropriate mechanisms to implement preferential consideration in the procurement process, including—

(I) establishing a policy encouraging Federal agencies to conduct market research and industry outreach to identify property and services that adhere to relevant cybersecurity practices;

(II) authorizing the use of a mark for the Voluntary Cybersecurity Program for Critical Infrastructure to be used for marketing property or services to the Federal Government;

(III) establishing a policy of encouraging procurement of certain property and services from an approved list;

(IV) authorizing the use of a preference by Federal agencies in the evaluation process; and

(V) authorizing a requirement in certain solicitations that the person providing the property or services be a certified owner; and

(iv) benefits of and impact on the economy and efficiency of the Federal procurement system, if preferential consideration were given in the procurement process to encourage the procurement of property and services that adhere to relevant baseline performance goals establishing under the Voluntary Cybersecurity Program for Critical Infrastructure.

SEC. 105. RULES OF CONSTRUCTION.

Nothing in this title shall be construed to—

(1) provide additional authority for any sector-specific agency or any Federal agency that is not a sector-specific agency with responsibilities for regulating the security of critical infrastructure to establish standards or other cybersecurity measures that are applicable to the security of critical infrastructure not otherwise authorized by law;

(2) limit or restrict the authority of the Department, or any other Federal agency, under any other provision of law; or

(3) permit any owner (including a certified owner) to fail to comply with any other law or regulation, unless specifically authorized.

SEC. 106. PROTECTION OF INFORMATION.

(a) DEFINITIONS.—In this section—

(1) the term ''covered information'' means any information—

(A) submitted as part of the process established under section 102(a)(3);

(B) submitted under section 102(b)(2)(C);

(C) required to be submitted by owners under section 102(b)(4);

(D) provided to the Secretary, the Secretary's designee, or any assessor during the course of an assessment under section 104; or

(E) provided to the Secretary or the Inspector General of the Department through the tip line or another secure channel established under subsection (c); and

(2) the term ''Inspector General'' means an Inspector General described in subparagraph (A), (B), or (I) of section 11(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.), the Inspector General of the United States Postal Service, the Inspector General of the Central Intelligence Agency, and the Inspector General of the Intelligence Community.

(b) CRITICAL INFRASTRUCTURE INFORMATION.—

(1) IN GENERAL.—Covered information shall be treated as voluntarily shared critical infrastructure information under section 214 of the Homeland Security Act of 2002 (6 U.S.C. 133), except that the requirement of such section 214 that the information be voluntarily submitted shall not be required for protection of information under this section to apply.

(2) SAVINGS CLAUSE FOR EXISTING WHISTLEBLOWER PROTECTIONS.—With respect to covered information, the rights and protections relating to disclosure by individuals of voluntarily shared critical infrastructure information submitted under subtitle B of title II of the Homeland Security Act of 2002 (6 U.S.C. 131 et seq.) shall apply with respect to disclosure of the covered information by individuals.

(c) CRITICAL INFRASTRUCTURE CYBER SECURITY TIP LINE.—

(1) IN GENERAL.—The Secretary shall establish and publicize the availability of a Critical Infrastructure Cyber Security Tip Line (and any other secure means the Secretary determines would be desirable to establish), by which individuals may report—

(A) concerns involving the security of covered critical infrastructure against cyber risks; and

(B) concerns (in addition to any concerns described under subparagraph (A)) with respect to programs and functions authorized or funded under this title involving—

(i) a possible violation of any law, rule, regulation or guideline;

(ii) mismanagement;

(iii) risk to public health, safety, security, or privacy; or

(iv) other misfeasance or nonfeasance.

(2) DESIGNATION OF EMPLOYEES.—The Secretary and the Inspector General of the Department shall each designate employees authorized to receive concerns reported under this subsection that include—

(A) disclosure of covered information; or

(B) any other disclosure of information that is specifically prohibited by law or is specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.

(3) HANDLING OF CERTAIN CONCERNS.—A concern described in paragraph (1)(B)—

(A) shall be received initially to the Inspector General of the Department;

(B) shall not be provided initially to the Secretary; and

(C) may be provided to the Secretary if determined appropriate by the Inspector General of the Department.

(d) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to—

(1) limit or otherwise affect the right, ability, duty, or obligation of any entity to use or disclose any information of that entity, including in the conduct of any judicial or other proceeding;

(2) prevent the classification of information submitted under this section if that information meets the standards for classification under Executive Order 12958, or any successor thereto, or affect measures and controls relating to the protection of classified information as prescribed by Federal statute or under Executive Order 12958, or any successor thereto;

(3) limit or otherwise affect the ability of an entity, agency, or authority of a State, a local government, or the Federal Government or any other individual or entity under applicable law to obtain information that is not covered information (including any information lawfully and properly disclosed generally or broadly to the public) and to use such information in any manner permitted by law, including the disclosure of such information under—

(A) section 552 or 2302(b)(8) of title 5, United States Code;

(B) section 2409 of title 10, United States Code; or

(C) any other Federal, State, or local law, ordinance, or regulation that protects against retaliation an individual who discloses information that the individual reasonably believes evidences a violation of any law, rule, or regulation, gross mismanagement, substantial and specific danger to public health, safety, or security, or other misfeasance or nonfeasance;

(4) prevent the Secretary from using information required to be submitted under this Act for enforcement of this title, including enforcement proceedings subject to appropriate safeguards;

(5) authorize information to be withheld from any committee of Congress, the Comptroller General, or any Inspector General;

(6) affect protections afforded to trade secrets under any other provision of law; or

(7) create a private right of action for enforcement of any provision of this section.

(e) AUDIT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Inspector General of the Department shall conduct an audit of the management of covered information under this title and report the findings to appropriate congressional committees.

(2) CONTENTS.—The audit under paragraph (1) shall include assessments of—

(A) whether the covered information is adequately safeguarded against inappropriate disclosure;

(B) the processes for marking and disseminating the covered information and resolving any disputes;

(C) how the covered information is used for the purposes of this title, and whether that use is effective;

(D) whether sharing of covered information has been effective to fulfill the purposes of this title;

(E) whether the kinds of covered information submitted have been appropriate and useful, or overbroad or overnarrow;

(F) whether the protections of covered information allow for adequate accountability and transparency of the regulatory, enforcement, and other aspects of implementing this title; and

(G) any other factors at the discretion of the Inspector General of the Department.

SEC. 107. ANNUAL ASSESSMENT OF CYBERSECURITY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every year thereafter, the Council shall submit to the appropriate congressional committees a report on the effectiveness of this title in reducing the risk of cyber attack to critical infrastructure.

(b) CONTENTS.—Each report submitted under subsection (a) shall include—

(1) a discussion of cyber risks and associated consequences and whether the cybersecurity practices developed under section 103 are sufficient to effectively remediate and mitigate cyber risks and associated consequences; and

(2) an analysis of—

(A) whether owners of critical cyber infrastructure are successfully implementing the cybersecurity practices adopted under section 103;

(B) whether the critical infrastructure of the United States is effectively secured from cybersecurity threats, vulnerabilities, and consequences; and

(C) whether additional legislative authority or other actions are needed to effectively remediate or mitigate cyber risks and associated consequences.

(c) FORM OF REPORT.—A report submitted under this subsection shall be submitted in an unclassified form, but may include a classified annex, if necessary.

SA 2732. Mr. REID (for Mr. FRANKEN) proposed an amendment to amendment SA 2731 proposed by Mr. REID (for Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. ROCKEFELLER, Mrs. FEINSTEIN, and Mr. CARPER)) to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; as follows:

At the end, add the following new section:

SEC. ____.

Notwithstanding any other provision of this Act, section 701 and section 706(a)(1) shall have no effect.

SA 2733. Mr. REID proposed an amendment to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; as follows:

On page 20, line 5, strike ''180 days'' and insert ''170 days''.

SA 2734. Mr. REID proposed an amendment to amendment SA 2733 proposed by Mr. REID to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; as follows:

In the amendment strike ''170'' and insert ''160''.

SA 2735. Mr. REID proposed an amendment to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; as follows:

At the end, add the following new section:

SEC. ____.

This Act shall become effective 3 days after enactment.

SA 2736. Mr. REID proposed an amendment to amendment SA 2735 proposed by Mr. REID to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; as follows:

In the amendment, strike ''3 days'' and insert ''2 days''.

SA 2737. Mr. REID proposed an amendment to amendment SA 2736 proposed by Mr. REID to the amendment SA 2735 proposed by Mr. REID to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; as follows:

In the amendment, strike ''2 days'' and insert ''1 day''.

SA 2738. Ms. SNOWE (for herself and Mr. WARNER) submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Beginning on page 23, strike line 19 and all that follows through page 24, line 18, and insert the following:

(1) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to increase, decrease, or otherwise alter the existing authority of any Federal agency to regulate the security of critical cyber infrastructure.

SA 2739. Mrs. GILLIBRAND (for herself and Mr. BENNET) submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

In section 402, strike subsection (a) and insert the following:

(a) ASSESSMENT OF CYBERSECURITY EDUCATION IN COLLEGES, UNIVERSITIES, UNIVERSITY SYSTEMS, NONPROFIT ORGANIZATIONS, AND THE PRIVATE SECTOR.—

(1) REPORT BY THE NATIONAL SCIENCE FOUNDATION.—

(A) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Director of the National Science Foundation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on the state of cybersecurity education in institutions of higher education in the United States.

(B) CONTENTS OF REPORT.—The report required under subparagraph (A) shall include baseline data on—

(i) the state of cybersecurity education in the United States;

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

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

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

(v) proposed metrics to assess progress toward improving cybersecurity education.

(2) REPORT BY SECRETARY.—

(A) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on the support provided by the Department to education and training programs, including—

(i) the use of resources by the Department;

(ii) how the Secretary plans to use the resources of the Department in the future; and

(iii) the overall strategy of the Department to expand the cybersecurity human capital capacity of the United States.

(B) CONTENTS OF REPORTS.—The report required under subparagraph (A) shall include information on past, planned, or potential support by the Department for education and training programs that—

(i) emphasize experiential learning and the opportunity to take on significant real-world casework as integral parts of training and development programs for cybersecurity professions;

(ii) demonstrate a current and projected caseload of sufficient, important system and network defense activity to provide real-world training opportunities for trainees, with a heavy emphasis on real-life, hands-on, high-level cybersecurity work;

(iii) demonstrate practical computer network defense skills and up-to-date cybersecurity experience of the senior staff proposing to lead the education and training programs;

(iv) demonstrate access to hands-on training programs in the most up-to-date computer network defense technologies and techniques; and

(v) collaborate or plan to collaborate with the Federal Government, including laboratories of the Department of Defense and the Department of Energy, State or local governments, or private sector companies in the United States.

SA 2740. Mr. LIEBERMAN (for Mr. NELSON of Florida) proposed an amendment to the resolution S. Res. 525, honoring the life and legacy of Oswaldo Paya Sardinas; as follows:

On page 4, line 13, strike ''; and'' and insert a semicolon.

On page 4, line 17, strike the period and insert ''; and''.

On page 4, after line 17, insert the following:

(7) condemns the Government of Cuba for the detention of nearly 50 pro-democracy activists following the memorial service for Oswaldo Payá Sardiñas.

SA 2741. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 27, strike line 13 and all that follows through page 30, line 19, and insert the following:

(ii) submit to the Council an application for an assessment described in subsection (b)(1)(B) by a qualified third-party private entity verifying that the owner has developed and effectively implemented cybersecurity measures sufficient to satisfy the outcome-based cybersecurity practices established under section 103.

(4) CERTIFICATION.—

(A) SELF-CERTIFICATION.—Upon receipt of a self-certification under paragraph (3)(B)(i), the Council shall certify an owner.

(B) ASSESSMENT APPLICATION.—

(i) IN GENERAL.—Upon receipt of an application by an owner for an assessment under paragraph (3)(B)(ii), the Council shall direct a qualified third-party private entity to conduct an assessment of the owner in accordance with an agreement described in subsection (b)(1).

(ii) IN COMPLIANCE.—If a qualified third-party private entity determines an owner is in compliance with all applicable cybersecurity practices, the Council shall certify the owner.

(5) NONPERFORMANCE.—If the Council determines that a certified owner is not in compliance with the cybersecurity practices established under section 103, the Council shall—

(A) notify the certified owner of such determination; and

(B) work with the certified owner to remediate promptly any deficiencies.

(6) REVOCATION.—If a certified owner fails to remediate promptly any deficiencies identified by the Council, the Council shall revoke the certification of the certified owner.

(7) REDRESS.—

(A) IN GENERAL.—If the Council revokes a certification under paragraph (6), the Council shall—

(i) notify the owner of such revocation; and

(ii) provide the owner with specific cybersecurity measures that, if implemented, would remediate any deficiencies.

(B) RECERTIFICATION.—If the Council determines that an owner has remedied any deficiencies and is in compliance with the cybersecurity practices, the Council may recertify the owner.

(b) ASSESSMENTS.—

(1) THIRD-PARTY ASSESSMENTS.—The Council shall—

(A) develop qualifications for third-party private entities that ensure that the entity has—

(i) substantial expertise in cybersecurity;

(ii) the expertise necessary to perform third-party audits of the cybersecurity of critical cyber infrastructure systems and assets;

(iii) adopted appropriate policies and procedures to ensure that the entity provides independent analysis that is not affected by any conflict of interest or colored by any business interest that the entity may hold; and

(iv) any other qualifications determined relevant by the Council; and

(B) in consultation with owners and operators and the Critical Infrastructure Protection Advisory Council, shall enter into agreements with qualified third-party private entities, to conduct assessments that use reliable, repeatable, performance-based evaluations and metrics to assess whether an owner submitting an application under subsection (a)(3)(B)(ii) is in compliance with all applicable cybersecurity practices.

(2) TRAINING.—The Council shall ensure that third party assessors described in paragraph (1) undergo regular training and accreditation.

(3) OTHER ASSESSMENTS.—Using the procedures developed under this section, the Council may perform cybersecurity assessments of a certified owner based on actual knowledge or a reasonable suspicion that the certified owner is not in compliance with the cybersecurity practices or any other risk-based factors as identified by the Council.

(4) NOTIFICATION.—The Council shall provide copies of any assessments by the Federal Government to the certified owner.

(5) ACCESS TO INFORMATION.—

(A) IN GENERAL.—For the purposes of an assessment conducted under this subsection, a certified owner shall provide the Council, or a third party assessor, any reasonable access necessary to complete an assessment.

(B) PROTECTION OF INFORMATION.—Information provided to the Council, the Council's designee, or any assessor during the course of an assessment under this section shall be protected from disclosure in accordance with section 106.

(c) BENEFITS OF CERTIFICATION.—

(1) LIMITATIONS ON CIVIL LIABILITY.—

(A) DEFINITION.—

(i) IN GENERAL.—In this paragraph, the term ''cyber attack'' means an incident determined by the Attorney General to be an unauthorized intrusion or attack on or through a computer system or asset that causes damage or disruption to the operation or integrity of critical infrastructure that results in—

(I) loss of life, serious physical injury, or the substantial interruption of life-sustaining services;

(II) catastrophic economic damage to the United States, including—

(aa) failure or substantial disruption of a United States financial market;

(bb) incapacitation or sustained disruption of a transportation system; or

(cc) other systemic, long-term damage to the United States economy; or

(III) severe degradation of national security or national security capabilities, including intelligence and defense functions.

(ii) NO JUDICIAL REVIEW.—A determination by the Attorney General under clause (i) shall not be subject to judicial review.

(B) LIMITATION.—In any civil action for damages directly caused by a cyber attack, a certified owner shall not be liable for any punitive damages intended to punish or deter if the certified owner is in compliance with the appropriate cybersecurity practices at the time of the incident related to that cyber risk.

SA 2742. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 186, beginning on line 14, strike ''for the timely destruction of cybersecurity threat indicators that'' and insert ''to destroy cybersecurity threat indicators not later than 1 year after such indicators''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on July 31, 2012, at 2:30 p.m. in room SR–253 of the Russell Senate Office Building.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on July 31, 2012, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Ms. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 31, 2012, at 10 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Ms. SHAHEEN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 31, 2012, at 2:30 p.m.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Ms. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on July 31, 2012, at 10 a.m. to conduct a hearing entitled, ''State of Federal Privacy and Data Security Law: Lagging Behind the Times?''

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

SUBCOMMITTEE ON WESTERN HEMISPHERE, PEACE CORPS, AND GLOBAL NARCOTICS AFFAIRS

Ms. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 30, 2012, at 2 p.m., to hold a Western Hemisphere, Peace Corps, and Global Narcotics Affairs subcommittee hearing entitled, ''Doing Business in Latin America: Positive Trends but Serious Challenges.''

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

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Oliver O'Connor and Kevin Burgess of my staff be granted floor privileges for the duration of today's session.

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

FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Paul Grove:									
Bahrain	Dinar		364.24						364.24
Pakistan	Rupee		40.00						40.00
Afghanistan	Afghani		112.00						112.00
Iraq	Dinar		276.00						276.00
United States	Dollar				12,435.60				12,435.60
Adrienne Hallett:									
Côte d'Ivoire	Franc		436.00						436.00
Namibia	Rand		457.00						457.00
South Africa	Rand		994.09						994.09
Morocco	Dirahm		300.48						300.48
Zambia	Dollar		278.43						278.43
Erik Fatemi:									
Côte d'Ivoire	Franc		436.00						436.00
Namibia	Rand		457.00						457.00
South Africa	Rand		994.09						994.09
Morocco	Dirahm		300.48						300.48
Zambia	Dollar		278.43						278.43
Senator Thad Cochran:									
Turkey	Lira		589.03						589.03
Thailand	Baht		974.28						974.28
China	Yuan		736.18						736.18
Korea	Won		683.02						683.02
Stewart Holmes:									
Turkey	Lira		589.03						589.03
Thailand	Baht		608.85						608.85
China	Yuan		736.18						736.18
Korea	Won		683.02						683.02
Kay Webber:									
Turkey	Lira		589.03						589.03

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Thailand	Baht		608.85						608.85
China	Yuan		736.18						736.18
Korea	Won		683.02						683.02
Total			13,940.91		12,435.60		0.00		26,376.51

SENATOR DANIEL K. INOUYE,
Chairman, Committee on Appropriations, July 20, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Lindsey Graham:									
United States	Dollar				13,175.70				13,175.70
United Arab Emirates	Dollar		27.23						27.23
Senator Mark Begich:									
United States	Dollar				11,592.80				11,592.80
Croatia	Kuna		110.31						110.31
David Ramseur:									
United States	Dollar				15,703.00				15,703.00
Croatia	Kuna		70.11						70.11
Adam J. Barker:									
United States	Dollar				8,089.12				8,089.12
Uganda	Dollar		343.00						343.00
South Sudan	Dollar		300.00						300.00
Michael J. Noblet:									
United States	Dollar				8,545.00				8,545.00
Uganda	Shilling		511.00						511.00
South Sudan	Pound		383.00						383.00
Gordon Peterson:									
United States	Dollar				17,196.10				17,196.10
Japan	Yen		1,134.01						1,134.01
Thailand	Baht		594.07						594.07
Burma	Kyat		312.00						312.00
David N. Bonine:									
United States	Dollar				18,611.90				18,611.90
Japan	Yen		1,113.00						1,113.00
Thailand	Baht		544.00						544.00
Burma	Kyat		340.00						340.00
Senator Jim Webb:									
United States	Dollar				17,192.90				17,192.90
Japan	Yen		1,293.01						1,293.01
Thailand	Baht		810.07						810.07
Burma	Kyat		514.00						514.00
Michael J. Kuiken:									
United States	Dollar				8,679.00				8,679.00
Uganda	Shilling		526.00						526.00
South Sudan	Pound		384.00						384.00
Senator John McCain:									
United States	Dollar				9,979.96				9,979,96
Turkey	Dollar		860.58						860.58
Lithuania	Dollar		230.13						230.13
Jordan	Dollar		68.62						68.62
United States	Dollar				14,388.40				14,388.40
Senator Joseph I. Lieberman:									
United States	Dollar				1,154.40				1,154.40
Turkey	Dollar		782.58						782.58
Senator James M. Inhofe:									
Ghana	Cedi		11.14						11.14
Tanzania	Shilling		119.31						119.31
United Arab Emirates	Dirham		176.19						176.19
Anthony Lazarski:									
Ghana	Cedi		11.14						11.14
Tanzania	Shilling		115.53						115.53
United Arab Emirates	Dirham		82.25						82.25
Mark Powers:									
Ghana	Cedi		11.14						11.14
Tanzania	Shilling		129.89						129.89
United Arab Emirates	Dirham		107.71		78.28				185.99
Luke Holland:									
Ghana	Cedi		11.14						11.14
Tanzania	Shilling		152.46						152.46
United Arab Emirates	Dirham		134.91		78.28				213.19
Germany	Euro		15.40						15.40
Vance Serchuk:									
Saudi Arabia	Dollar		176.00						176.00
Lebanon	Dollar		247.00						247.00
Israel	Dollar		832.00						832.00
William G.P. Monahan:									
United States	Dollar				13,331.00		34.25		13,365.25
Afghanistan	Dollar		35.00						35.00
Turkey	Dollar		215.00						215.00
Belgium	Dollar		248.86						248.86
Senator John McCain:									
United States	Dollar				13,030.20				13,030.20
Malaysia	Dollar		186.98						186.98
Singapore	Dollar		190.02						190.02
Senator Joseph I. Lieberman:									
United States	Dollar				9,962.80				9,962.80
Saudi Arabia	Dollar		863.01						863.01
Israel	Dollar		2,054.88						2,054.88
Margaret Goodlander:									
United States	Dollar				10,129.80				10,129.80
Saudi Arabia	Dollar		912.14						912.14
Lebanon	Dollar		141.00						141.00
Israel	Dollar		1,947.94						1,947.94
United States	Dollar				21,584.10				21,584.10

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Malaysia	Dollar		421.62						421.62
Singapore	Dollar		527.41						527.41
Senator Joseph I. Lieberman:									
United States	Dollar				20,232.30				20,232.30
Malaysia	Dollar		444.00						444.00
Singapore	Dollar		1,192.00						1,192.00
Christian D. Brose:									
United States	Dollar				17,292.90				17,292.90
Malaysia	Dollar		166.00						166.00
Singapore	Dollar		97.00						97.00
United States	Dollar				14,772.70				14,772.70
Lithuania	Dollar		96.00						96.00
Jordan	Dollar		228.00						228.00
Richard D. DeBobes:									
United States	Dollar				10,128.00		29.00		10,157.00
Afghanistan	Dollar		35.00						35.00
Turkey	Dollar		215.00						215.00
Belgium	Euro		248.86						248.86
Senator Jack Reed:									
United States	Dollar				10,302.90				10,302.90
Afghanistan	Dollar		20.00						20.00
Turkey	Dollar		52.00						52.00
Belgium	Dollar		16.00						16.00
Carolyn Chuhta:									
United States	Dollar				13,331.90				13,331.90
Afghanistan	Dollar		20.00						20.00
Turkey	Dollar		52.00						52.00
Belgium	Dollar		16.00						16.00
Vance Serchuk:									
United States	Dollar				20,232.30				20,232.30
Malaysia	Dollar		506.00						506.00
Singapore	Dollar		617.00						617.00
Christian D. Brose:									
United States	Dollar				6,480.06				6,480.06
Turkey	Dollar		563.00						563.00
Senator James M. Inhofe:									
Montenegro	Euro		52.32						52.32
Italy	Euro		138.65						138.65
Anthony Lazarski:									
Montenegro	Euro		52.32						52.32
Italy	Euro		136.72		43.09				179.81
Mark Powers:									
Montenegro	Euro		52.32						52.32
Italy	Euro		70.22		25.35				95.57
Joseph M. Bryan:									
United States	Dollar				16,874.20				16,874.20
Republic of Korea	Won		542.91						542.91
Japan	Yen		906.93		55.00				961.93
Ozge Cuzelsu:									
United States	Dollar				15,104.10				15,104.10
Republic of Korea	Won		560.00		20.00				580.00
Japan	Yen		1,029.18		95.00				1,124.18
Senator Ben Nelson:									
United States	Dollar				13,461.20				13,461.20
Egypt	Pound		450.00						450.00
Saudi Arabia	Riyal		548.00						548.00
Ryan Ehly:									
United States	Dollar				13,461.20				13,461.20
Egypt	Pound		447.00						447.00
Saudi Arabia	Riyal		538.00						538.00
Senator Rob Portman:									
United States	Dollar				12,471.00				12,471.00
Israel	Dollar		1,083.38						1,083.38
Jordan	Dollar		217.55				37.13		254.68
United Arab Emirates	Dollar		286.16						286.16
Afghanistan	Dollar		13.00						13.00
Brent Bombach:									
United States	Dollar				12,825.20				12,825.20
Israel	Dollar		538.40						538.40
Jordan	Dollar		217.53						217.53
United Arab Emirates	Dollar		286.16						286.16
Afghanistan	Dollar		13.00						13.00
Senator Carl Levin:									
United States	Dollar				12,346.00				12,346.00
Afghanistan	Dollar		35.00						35.00
Turkey	Dollar		214.97						214.97
Belgium	Dollar		248.86				45.32		294.18
Total			34,590.23		422,057.14		145.70		456,793.07

SENATOR CARL LEVIN,
Chairman, Committee on Armed Services, July 18, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Roger Wicker:									
Ivory Coast	Franc		436.00						436.00
Namibia	Rand		278.43						278.43
South Africa	Rand		994.09						994.09
Zambia	Kwacha		278.43						278.43
Morocco	Dirham		300.48						300.48
Senator Richard Shelby:									
Italy	Euro		408.00						408.00
Hungary	Forint		450.00						450.00
Austria	Euro		645.00						645.00
Switzerland	Franc		458.00						458.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Spain	Euro		579.00						579.00
Slovakia	Euro		286.00						286.00
Jonathan Graffeo:									
Italy	Euro		408.00						408.00
Hungary	Forint		450.00						450.00
Austria	Euro		645.00						645.00
Switzerland	Franc		458.00						458.00
Spain	Euro		579.00						579.00
Slovakia	Euro		286.00						286.00
William Duhnke:									
Italy	Euro		408.00						408.00
Hungary	Forint		450.00						450.00
Austria	Euro		645.00						645.00
Switzerland	Franc		458.00						458.00
Spain	Euro		579.00						579.00
Slovakia	Euro		286.00						286.00
Total			10,765.43						10,765.43

SENATOR TIM JOHNSON,
Chairman, Committee on Banking, Housing, and Urban Affairs, July 23, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE BUDGET FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Kent Conrad:									
Cote d'Ivoire	CFA Franc		436.00						436.00
Botswana	Pula		578.00						578.00
Malawi	Kwacha		279.00						279.00
Zambia	Kwacha		556.86						556.86
Morocco	Dirham		300.48						300.48
Total			2,150.34						2,150.34

SENATOR KENT CONRAD,
Chairman, Senate Budget Committee, July 11, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM APR. 1 TO JUNE 30, 2102

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jeff Bingaman:									
United States	Dollar				15,238.80				15,238.80
Hong Kong	HKD		1,220.17						1,220.17
China	Yuan		1,283.92						1,283.92
Jonathan Black:									
United States	Dollar				12,443.50				12,443.50
Hong Kong	HKD		1,358.48						1,358.48
China	Yuan		1,422.23						1,422.23
Michael Carr:									
United States	Dollar				8,216.60				8,216.60
Hong Kong	HKD		1,520.98						1,520.98
China	Yuan		1,409.73						1,409.73
Robert Simon:									
United States	Dollar				11,795.30				11,795.30
Hong Kong	HKD		1,210.16						1,210.16
China	Yuan		1,244.62						1,244.62
Delegation expenses:									
Hong Kong	HKD						1,854.71		1,854.71
China	Yuan						2,527.69		2,527.69
Total			10,670.29		47,694.20		4,382.40		62,746.89

SENATOR JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources, July 18, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE ENVIRONMENT AND PUBLIC WORKS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Boozman:									
Ghana	Cedi		11.14						11.14
Tanzania	Shilling		118.57						118.57
United Arab Emirates	Dirhams		200.84						200.84
Germany	Euros		56.47						56.47
Senator Barbara Boxer:									
United States	Dollar				5,815.95				5,815.95
Brazil	Real		437.22						437.22
Argentina	Peso		1,468.09						1,468.09
United States	Dollar				10,932.80				10,932.80
France	Euro		3,856.00						3,856.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE ENVIRONMENT AND PUBLIC WORKS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Bettina Poirier:									
United States	Dollar				9,393.55				9,393.55
Brazil	Real		148.00						148.00
Argentina	Peso		1,468.09						1,468.09
Mary Kerr:									
United States	Dollar				9,393.55				9,393.55
Brazil	Real		148.00						148.00
Argentina	Peso		1,468.09						1,468.09
United States	Dollar				10,932.80				10,932.80
France	Euro		3,856.00						3,856.00
Paul Ordal:									
United States	Dollar				9,393.55		110.00		9,503.55
Brazil	Real		148.00						148.00
Argentina	Peso		1,468.09						1,468.09
United States	Dollar				10,932.80		361.00		11,293.80
France	Euro		3,856.00						3,856.00
Total			18,708.60		66,795.00		471.00		85,974.60

SENATOR BARBARA BOXER,
Chairman, Committee on the Environment and Public Works,
July 19, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Amber Cottle:									
Russia	Ruble		1,428.12						1,428.12
United States	Dollar				8,969.92				8,969.92
Bruce Hirsh:									
Russia	Ruble		1,236.37						1,236.37
United States	Dollar				8,969.92				8,969.92
Chelsea Thomas:									
Russia	Ruble		1,380.85						1,380.85
United States	Dollar				8,969.92				8,969.92
Hun Quach:									
Russia	Ruble		1,339.74						1,339.74
United States	Dollar				8,969.92				8,969.92
Catharine Bailey:									
Russia	Ruble		1,012.20						1,012.20
United States	Dollar				4,822.92				4,822.92
Lauren Bazel:									
Russia	Ruble		1,048.40						4,048.40
United States	Dollar				8,969.92				8,969.92
Ryan McComick:									
Russia	Ruble		1,145.20						1,145.20
United States	Dollar				4,822.92				4,822.92
Karin Hope:									
Russia	Ruble		1,166.65						1,166.65
United States	Dollar				8,969.92				8,969.92
Paul Poteet:									
Russia	Ruble		1,203.80						1,203.80
United States	Dollar				8,969.92				8,969.92
Jeffry Phan:									
Russia	Ruble		1,034.55						1,034.55
United States	Dollar				8,969.92				8,969.92
Ann Hawks:									
Russia	Ruble		1,024.64						1,024.64
United States	Dollar				4,822.92				4,822.92
Jayme White:									
Russia	Ruble		1,275.10						1,275.10
United States	Dollar				8,969.92				8,969.92
Everett Eissenstat:									
Russia	Ruble		1,208.60						1,208.60
United States	Dollar				8,969.92				8,969.92
Gregory Kalbaugh:									
Russia	Ruble		1,050.71						1,050.71
United States	Dollar				8,969.92				8,969.92
Amanda Slater:									
Russia	Ruble		1,099.38						1,099.38
United States	Dollar				8,969.92				8,969.92
Jonathan Cordone:									
Russia	Ruble		1,424.49						1,424.49
United States	Dollar				4,822.92				4,822.92
Thomas Mahr:									
Russia	Ruble		1,114.39						1,114.39
United States	Dollar				4,822.92				4,822.92
Keith Franks:									
Russia	Ruble		1,145.42						1,145.42
United States	Dollar				8,969.92				8,969.92
Delegation Expenses:*									
Russia	Dollar						8,567.73		8,567.73
Gabriel Adler:									
Myanmar	Kyat		1,022.73						1,022.73
United States	Dollar				13,226.00				13,226.00
Everett Eissenstat:									
Myanmar	Kyat		974.99						974.99
United States	Dollar				13,226.00				13,226.00
Delegation Expenses:*									
Myanmar	Dollar				2,948.09		3,578.25		6,526.34
Total			23,336.33		170.123.65		12,145.98		205,605.96

SENATOR MAX BAUCUS,
Chairman, Committee on Finance, July 20, 2012.

*Delegation expenses include interpretation, transportation, embassy overtime, as well as other official expenses in accordance with the responsibilities of the host country.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Barrasso:									
Turkey	Lira		615.85						615.85
Thailand	Baht		889.78						889.78
China	Renminbi		668.73						668.73
Korea	Won		469.62						469.62
Senator Christopher Coons:									
Uganda	Shilling		862.68						862.68
Kenya	Shilling		1,015.00						1,015.00
Tanzania	Shilling		309.84						309.84
Egypt	Pound		195.00						195.00
United States	Dollar				11,148.60				11,148.60
Senator Richard Durbin:									
Ukraine	Hryvna		237.93						237.93
Turkey	Lira		506.88						506.88
Georgia	Lari		455.67						455.67
Armenia	Dram		157.77						157.77
United States	Dollar				13,525.80				13,525.80
Senator John Kerry:									
Afghanistan	Dollar		19.00						19.00
United Arab Emirates	Dirham		1,082.60						1,082.60
Israel	Shekel		340.00						340.00
Egypt	Pound		781.66						781.66
Jordan	Dinar		54.00						54.00
France	Euro		498.91						498.91
United States	Dollar				12,834.60				12,834.60
Senator Marco Rubio:									
Colombia	Peso		1,242.29						1,242.29
United States	Dollar				1,826.90				1,826.90
Senator Tom Udall:									
Côte D'Ivoire	Franc		436.00						436.00
Namibia	Rand		556.00						556.00
South Africa	Rand		994.09						994.09
Zambia	Dollar		278.43						278.43
Morocco	Dirham		300.48						300.48
Perry Cammack: :									
United Arab Emirates	Dirham		608.56						608.56
Israel	Shekel		404.70						404.70
Egypt	Pound		877.52						877.52
United States	Dollar				2,253.90				2,253.90
Victor Cervino:									
Colombia	Peso		952.29						952.29
United States	Dollar				1,826.90				1,826.90
William Danvers:									
Afghanistan	Dollar		19.00						19.00
United Arab Emirates	Dirham		748.99						748.99
Israel	Shekel		340.00						340.00
Egypt	Pound		544.40						544.40
Jordan	Dinar		94.59						94.59
France	Euro		508.91						508.91
United States	Dollar				15,237.60				15,237.60
Chris Homan:									
Ukraine	Hryvna		237.93						237.93
Turkey	Lira		446.94						446.94
Georgia	Lari		455.67						455.67
Armenia	Dram		175.38						175.38
United States	Dollar				9,267.60				9,267.60
Alex Lee:									
Mexico	Peso		1,381.66						1,381.66
United States	Dollar				1,073.59				1,073.59
Emily Mendrala:									
Mexico	Peso		1,373.66						1,373.66
United States	Dollar				1,073.59				1,073.59
Melanie Nakagawa:									
Brazil	Real		3,998.41						3,998.41
United States	Dollar				1,601.90				1,601,90
Ann Norris:									
France	Euro		3,561.00						3,561.00
United States	Dollar				1,208.60				1,208.60
Matthew Padilla:									
Mexico	Peso		1,087.66						1,087.66
United States	Dollar				1,130.40				1,130.40
Michael Phelan:									
India	Rupee		2,503.00						2,503.00
United States	Dollar				11,075.95				11,075.95
Rolfe Michael Schiffer:									
Japan	Yen		425.00						425.00
Burma	Kyat		395.00						395.00
Singapore	Dollar		657.00						657.00
Korea	Won		184.00						184.00
United States	Dollar				16,853.90				16,853.90
Halie Soifer:									
Uganda	Shilling		903.68						903.68
Kenya	Shilling		904.00						904.00
Tanzania	Shilling		358.84						358.84
Egypt	Pound		185.05						185.05
United States	Dollar				11,018.60				11,018.60
Joel Starr:									
Ghana	Cedi		241.00						241.00
Tanzania	Shilling		630.00						630.00
United Arab Emirates	Dirham		406.61						406.61
Germany	Euro		175.06						175.06
Fatema Sumar:									
United Arab Emirates	Dirham		198.00						198.00
Afghanistan	Dollar		83.00						83.00
United States	Dollar				12,512.70				12,512.70
Megan Thompson:									
Guatemala	Quetzal		812.63						812.63
United States	Dollar				798.00				798.00
Atman Trivedi:									
Singapore	Dollar		166.00						166.00
Indonesia	Rupiah		254.00		1,023.40				1,277.40
Malaysia	Ringgit		339.00						339.00
United States	Dollar				12,172.20				12,172.20
Victoria Woodbury:									
Spain	Euro		2,072.00		645.40				2,717.40

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States	Dollar				1,462.20				1,462.20
Total			42,698.35		141,572.33				184,250.68

SENATOR JOHN F. KERRY,
Chairman, Committee on Foreign Relations, July 20, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Susan M. Collins:									
United States	Dollar				11,777.80				11,777.80
Thailand	Baht		836.54						836.54
Burma	Kyat		88.00						88.00
Rob Epplin:									
United States	Dollar				13,424.80				13,424.80
Thailand	Baht		836.54						836.54
Burma	Kyat		88.00						88.00
Vance Serchuk:									
United States	Dollar				5,831.00				5,831.00
Turkey	Lira		2,899.00						2,899.00
Israel	Shekel		382.00						382.00
Margaret Goodlander:									
United States	Dollar				6,129.10				6,129.10
Turkey	Lisa		2,899.00						2,899.00
Israel	Shekel		393.00						393.00
Delegation Expenses:									
Thailand	Baht						663.75		663.75
Total			8,422,08		37,162.70		663.75		46,248.53

SENATOR JOSEPH I. LIEBERMAN,
Chairman, Committee on Homeland Security and Governmental Affairs, July 25, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Todd Webster:									
United States	Dollar				11,018.60				11,018.60
Uganda	Shilling		918.18						918.18
Kenya	Shilling		928.50						928.50
Tanzania	Shilling		264.34						264.34
Egypt	Pound		253.55						253.55
Total			2,364.57		11,018.60				13,383.17

SENATOR PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, July 20, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Harkin:									
Côte d'Ivoire	Franc		436.00						436.00
Namibia	Rand		556.00						556.00
South Africa	Rand		994.09						994.09
Zambia	Dollar		278.43						278.43
Morocco	Dirahm		300.48						300.48
Senator Michael B. Enzi:									
Côte d'Ivoire	Franc		436.00						436.00
Botswana	Pula		578.00						578.00
Malawi	Kwacha		279.00						279.00
Zambia	Kwacha		556.86						556.86
Morocco	Dirahm		300.48						300.48
Melissa Pfaff:									
Côte d'Ivoire	Franc		436.00						436.00
Botswana	Pula		578.00						578.00
Malawi	Kwacha		476.00						476.00
Zambia	Kwacha		556.86						556.86
Morocco	Dirahm		300.48						300.48
Maria Rosario Gutierrez:									
Côte d'Ivoire	Franc		120.00						120.00
United States	Dollar				4,280.60				4,280.60
Delegation Expenses:*									
Côte d'Ivoire	Franc						15,818.00		15,818.00
Namibia	Rand						15,557.00		15,557.00
South Africa	Rand						14,730.91		14,730.91
Botswana	Pula						3,102.00		3,102.00
Malawi	Kwacha						9,344.65		9,344.65

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Zambia	Kwacha						3,227.88		3,227.88
Morocco	Dirahm						13,043.24		13,043.24
Total			7,182.68		4,280.60		74,823.68		86,286.96

SENATOR TOM HARKIN,
Chairman, Committee on Health, Education, Labor, and Pensions,
July 17, 2012.

*Delegation expenses include payments and reimbursements to the Department of State under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Mary L. Landrieu:									
United States	Dollar				3,021.00				3,021.00
Guatemala	Quetzal		881.00						881.00
Alston Walker:									
United States	Dollar				798.00				798.00
Guatemala	Quetzal		881.00						881.00
Amberly McDowell:									
United States	Dollar				798.00				798.00
Guatemala	Quetzal		881.00						881.00
Elizabeth Whitbeck:									
United States	Dollar				798.00				798.00
Guatemala	Quetzal		881.00						881.00
Delegation expenses:									
Guatemala	Quetzal						2,781.60		2,781.60
Total			3,524.00		5,415.00		2,781.60		11,720.60

SENATOR MARY LANDRIEU,
Chairman, Committee on Small Business and
Entrepreneurship, July 20, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Christian Cook	Dollar		2,967.08						2,967.08
Brian Monahan	Dollar		3,332.51						3,332.51
Senator Ron Wyden	Dollar		1,803.00						1,803.00
					14,195.90				14,195.90
John Dickas	Dollar		1,299.53						1,299.53
					16,282.08				16,282.08
Neal Higgins	Dollar		907.00						907.00
					10,326.00				10,326.00
Brian Miller	Dollar		1,179.00						1,179.00
					10,326.00				10,326.00
Tressa Guenov	Dollar		857.00						857.00
					10,326.00				10,326.00
Senator Mark Udall	Dollar		2,662.00						2,662.00
Senator Richard Burr	Dollar		3,083.22						3,083.22
Senator Mark Warner	Dollar		2,613.55						2,613.55
Senator Barbara Mikulski	Dollar		1,786.00						1,786.00
					4,524.90				4,524.90
Jennifer Barrett	Dollar		2,645.00						2,645.00
Christian Cook	Dollar		3,223.34						3,223.34
Michael Pevzner	Dollar		3,153.22						3,153.22
Tressa Guenov	Dollar		1,440.00						1,440.00
					4,524.90				4,524.90
Andrew Kerr	Dollar		328.00						328.00
					9,866.20				9,866.20
Ryan Tully	Dollar		328.00						328.00
					9,866.20				9,866.20
Senator Dianne Feinstein	Dollar		542.00						542.00
					12,477.68				12,477.68
Senator Saxby Chambliss	Dollar		1,083.56						1,083.56
					7,216.70				7,216.70
David Grannis	Dollar		508.00						508.00
					12,477.68				12,477.68
Martha Scott Poindexter	Dollar		1,083.56						1,083.56
					6,533.00				6,533.00
Senator Saxby Chambliss	Dollar		3,332.51						3,332.51
Senator Richard Burr	Dollar		3,332.51						3,332.51
Martha Scott Poindexter	Dollar		3,332.51						3,332.51
Tyler Stephens	Dollar		2,967.08						2,967.08
Teresa Ervin	Dollar		2,967.08						2,967.08
Total			52,756.26		128,943.24				181,699.50

SENATOR DIANNE FEINSTEIN,
Chairman, Committee on Intelligence, July 11, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Alcee Hastings:									
Belgium	Euro		308.00						308.00
Fred Turner:									
Belgium	Euro		350.00						350.00
Austria	Euro		523.10						523.10
United States	Dollar				2,556.70				2,556.70
Ireland	Euro		933.07						933.07
United States	Dollar				1,012.70				1,012.70
Total			2,114.17		3,569.40				5,683.57

BENJAMIN L. CARDIN,
Chairman, Commission on Security and Cooperation in Europe,
July 19, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), MAJORITY LEADER FOR TRAVEL FROM APR. 1 TO JUN. 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Ayesha Khanna:									
Russia	Ruble		1,225.25						1,225.25
United States	Dollar				8,804.92				8,804.92
Thomas Ross:									
United States	Dollar				14,754.12				14,754.12
Ethiopia	Birr		527.00						527.00
Uganda	Shilling		600.12						600.12
South Sudan	Pound		377.00						377.00
Total			2,729.37		23,559.04				26,288.41

SENATOR HARRY REID,
Majority Leader, June 20, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), REPUBLICAN LEADER FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Thomas Hawkins:									
Turkey	Lira		639.02						639.02
Thailand	Baht		912.58						912.58
China	Renminbi		836.18						836.18
South Korea	Won		783.02						783.02
Jonathan Lieber:									
United States	Dollar				8,934.32				8,934.32
Russia	Ruble		1,105.87						1,105.87
Total			4,276.67		8,934.32				13,210.99

SENATOR MITCH MCCONNELL,
Republican Leader, June 29, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SPECIAL COMMITTEE ON AGING FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Michael Bassett:									
Czech Republic	Crown		450.00						450.00
United States	Dollar				8,461.40				8,461.40
Cara Goldstein:									
Czech Republic	Crown		346.88						346.88
United States	Dollar				8,461.40				8,461.40
Francine Hennie:									
Czech Republic	Crown		455.00						455.00
United States	Dollar				8,461.40				8,461.40
Sarah Levin:									
Czech Republic	Crown		332.28		36.45				368.73
United States	Dollar				8,451.30				8,451.30
Chad Metzler:									
Czech Republic	Crown		272.00		70.00				342.00
United States	Dollar				8,461.70				8,461.70
Joy McGlaun:									
Czech Republic	Crown		547.00						547.00
United States	Dollar				8,461.40				8,461.40
Anne Montgomery:									
Czech Republic	Crown		571.00		17.50				588.50
United States	Dollar				9,587.80				9,587.80
Total			2,974.16		60,470.35				63,444.51

SENATOR HERB KOHL,
Special Committee on Aging, July 25, 2012.

HONORING THE LIFE AND LEGACY OF OSWALDO PAYA SARDINAS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. Res. 525 and that the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 525) honoring the life and legacy of Oswaldo Paya Sardinas.

There being no objection, the Senate proceeded to consider the resolution.

Mr. NELSON of Florida. Mr. President, I wish to speak about Oswaldo Paya, a Cuban dissident, and his untimely death in Cuba in a supposed automobile accident. The Cuban people, indeed all freedom-loving people of the world, have recently lost a great advocate for freedom. He was someone who was in peaceful opposition to the tyranny that is on the island of Cuba.

Oswaldo Paya died in a car crash on Sunday, July 22. He was just 60 years old. Another Cuban dissident, Harold Cepero, was also killed in the accident, and two European politicians, one from Spain and one from Sweden, were injured. Paya was one of Cuba's best known dissidents. He pushed for civil and human rights. He pushed for an end to one-party rule. He pushed for freedom for political prisoners. And he pushed for support for private businesses. In 2002, his Varela Project delivered more than 24,000 verifiable signatures in support of these ideals to the Cuban Government. It was the largest petition drive in Cuban history. Paya bravely led this initiative at great risk to himself, to his loved ones, and to his colleagues. For his work, he received the European Parliaments' Sakarov Prize for Freedom of Thought in 2002, and he was nominated for the Nobel Peace Prize.

The reason I am bringing this up, other than pointing out that planet Earth has lost a friend for freedom, is to note that the circumstances of the car accident are the topic of some debate. Cuban officials insist the driver was speeding and that he lost control and he hit a tree. But others are saying that witnesses saw another vehicle hit Mr. Paya's vehicle and drive it off the road. Paya's daughter Rosa Maria says she holds the Cuban Government responsible. She has told CNN en Espanol that ''we think it's not an accident. They wanted to do harm and then ended up killing my father.'' That is a direct quote.

Paya's loved ones and the Cuban people and the international community deserve to have all the facts surrounding this tragic event examined and put out in the public. That is why I have submitted, along with a number of our colleagues, S. Res. 525, which honors the life, legacy, and exemplary leadership of Oswaldo Paya. This resolution also calls on the Cuban Government to allow an impartial third-party investigation into the accident. I urge the Senate to unanimously pass this resolution.

This request comes on the heels of other disturbing news out of Cuba. We have learned that more than 40 pro-democracy activists were detained after Paya's funeral last Tuesday. The reason? They dared to shout ''libertad'' at that time—''freedom''—during the ceremony. Reports also indicate that several of the dissidents were severely beaten.

These peaceful activists were only honoring one of their own and they ended up as victims of an authoritarian regime. Now more than ever before the United States must continue policies that promote the fundamental principles of political freedom, democracy, and human rights, to all of which Oswaldo Paya devoted his life.

Senator DURBIN, we are quite concerned the Castro regime continues to hold an American hostage, Alan Gross. Once again, another Senator rises to urge the Cuban regime in the strongest possible terms to immediately and unconditionally release him.

We will never forget Paya's passion and dedication to freedom and faith. The least the regime can do is to release Alan Gross.

Mr. LIEBERMAN. Mr. President, I further ask that the amendment offered by the Senator from Florida, Mr. NELSON, which is at the desk, be agreed to; the resolution, as amended, be agreed to; the preamble be agreed to; the motions to reconsider be made and laid upon the table, with no interviewing action or debate, and that any statements relating to the measure be printed in the RECORD at the appropriate place as if read.

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

The amendment (No. 2740) was agreed to, as follows:

(Purpose: To condemn the Government of Cuba for the detention of nearly 50 pro-democracy activists following the memorial service for Oswaldo Payá Sardiñas)

On page 4, line 13, strike ''; and'' and insert a semicolon.

On page 4, line 17, strike the period and insert ''; and''.

On page 4, after line 17, insert the following:

(7) condemns the Government of Cuba for the detention of nearly 50 pro-democracy activists following the memorial service for Oswaldo Payá Sardiñas.

The resolution (S. Res. 525), as amended, was agreed to.

The preamble was agreed to.

The resolution, as amended, with its preamble, reads as follows:

S. RES. 525

Whereas, on Sunday, July 22, 2012, 60-year-old Cuban dissident and activist Oswaldo Payá Sardiñas died in a car crash in Bayamo, Cuba;

Whereas at a young age, Oswaldo Payá Sardiñas criticized the communist government in Cuba, which led to his imprisonment at a work camp on Cuba's Isle of Youth in 1969;

Whereas, in 1988, Oswaldo Payá Sardiñas founded the Christian Liberation Movement as a nondenominational political organization to further civil and human rights in Cuba;

Whereas, in 1992, Oswaldo Payá Sardiñas announced his intention to run as a candidate to be a representative on the National Assembly of Popular Power of Cuba and, 2 days before the election, was detained by police at his home and determined by Communist Party officials to be ineligible to run for office because he was not a member of the Communist Party;

Whereas, in 1997, Oswaldo Payá Sardiñas collected hundreds of signatures to support his candidacy to the National Assembly of Popular Power, which was rejected by the electoral commission of Cuba;

Whereas the Constitution of Cuba supposedly guarantees the right to a national referendum on any proposal that achieves 10,000 or more signatures from citizens of Cuba who are eligible to vote;

Whereas, in 1998, Oswaldo Payá Sardiñas and other leaders of the Christian Liberation Movement created the Varela Project, a signature drive to secure a national referendum on ''convert[ing] into law, the right of freedom of speech, the freedom of press and freedom of enterprise'';

Whereas, in May 2002, the Varela Project delivered 11,020 signatures from eligible citizens of Cuba to the National Assembly of Popular Power, calling for an end to 4 decades of one-party rule, to which the Government of Cuba responded by beginning its own referendum that made Cuba's socialist system ''irrevocable'', even after an additional 14,000 signatures were added to the Varela Project petition;

Whereas the Varela Project is the largest civil society-led petition in the history of Cuba;

Whereas Oswaldo Payá Sardiñas bravely led the Varela Project at great risk to himself, his loved ones, and his associates;

Whereas, in March 2003, the Government of Cuba arrested 75 human rights activists, including 25 members of the Varela Project, in the crackdown known as Cuba's ''Black Spring'';

Whereas Oswaldo Payá Sardiñas's dedication to freedom and faith earned him the Sakarov Prize for Freedom of Thought from the European Parliament in 2002;

Whereas Oswaldo Payá Sardiñas received the W. Averell Harriman Democracy Award from the United States National Democratic Institute for International Affairs in 2003;

Whereas Oswaldo Payá Sardiñas was nominated for the Nobel Peace Prize by Václav Havel, the former president of the Czech Republic, in 2005; and

Whereas President Barack Obama stated, ''We continue to be inspired by Payá's vision and dedication to a better future for Cuba, and believe that his example and moral leadership will endure.'': Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the life and exemplary leadership of Oswaldo Payá Sardiñas;

(2) offers heartfelt condolences to the family, friends, and loved ones of Oswaldo Payá Sardiñas;

(3) praises the bravery of Oswaldo Payá Sardiñas and his colleagues for collecting more than 11,000 verified signatures in support of the Varela Project;

(4) in memory of Oswaldo Payá Sardiñas, calls on the United States to continue policies that promote respect for the fundamental principles of religious freedom, democracy, and human rights in Cuba, in a

manner consistent with the aspirations of the people of Cuba;

(5) in memory of Oswaldo Payá Sardiñas, calls on the Government of Cuba to provide its citizens with internationally accepted standards for civil and human rights and the opportunity to vote in free and fair elections;

(6) calls on the Government of Cuba to allow an impartial, third-party investigation into the circumstances surrounding the death of Oswaldo Payá Sardiñas; and

(7) condemns the Government of Cuba for the detention of nearly 50 pro-democracy activists following the memorial service for Oswaldo Payá Sardiñas.

ORDERS FOR WEDNESDAY, AUGUST 1, 2012

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., on Wednesday, August 1; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized, and the first hour be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

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

PROGRAM

Mr. LIEBERMAN. Mr. President, the majority leader filed cloture on the cyber security bill today. As a result, the filing deadline for first-degree amendments to S. 3414 is 1 p.m. on Wednesday.

I want to indicate to my colleagues that we continue to work on an agreement on amendments to the bill which I hope we can reach. If no agreement is reached, the cloture vote will be on Thursday.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LIEBERMAN. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:14 p.m., adjourned until Wednesday, August 1, 2012, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

ERIC J. JOLLY, OF MINNESOTA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2016, VICE KAREN BROSIUS, TERM EXPIRED.

SUSANA TORRUELLA LEVAL, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2015, VICE KATHERINE M. B. BERGER, TERM EXPIRED.

EXTENSIONS OF REMARKS

FEDERAL RESERVE TRANSPARENCY ACT OF 2012

SPEECH OF

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2012

Mr. BACHUS. Mr. Speaker, I rise in qualified support of H.R. 459, the Federal Reserve Transparency Act of 2012. Before addressing the merits of the legislation, I want to pay tribute to its author, the gentleman from Texas, Mr. PAUL, who serves as the Chairman of the Financial Services Committee's Domestic Monetary Policy Subcommittee. His tireless advocacy on monetary policy issues and his crusade for a more open and transparent Federal Reserve have been hallmarks of his congressional career. With that career coming to a close at the end of this Congress, it is appropriate that the House consider this bill.

H.R. 459 is bipartisan legislation which will help promote greater public understanding of the Federal Reserve's operations and the impact of its decisions on average Americans. A more transparent central bank will be more accountable for its decisions, which have broad consequences for the American economy, including consumers, savers and small businesses. By de-mystifying the Federal Reserve, we can enhance public confidence in the institution and help address some of the legitimate questions the American people have in the wake of the extraordinary measures that the Fed took at the height of the financial crisis, which have resulted in a tripling of the size of the Fed's balance sheet since 2008.

To his credit, Chairman Bernanke recognized the need for the Fed to improve the transparency of its operations early on in his tenure, and under his leadership, the Fed has made significant strides in this area. Among other initiatives, the Chairman now holds quarterly press conferences, giving the American public an insight into his thinking on the state of the economy and the basis for monetary policy judgments that would have been unheard of under past Fed Chairmen. The Fed has also achieved a greater level of clarity in policy statements issued by the Federal Open Market Committee, and has become much more explicit in its targeting of inflation.

While these are welcome developments for which Chairman Bernanke should be commended, in a representative democracy, maximum transparency is essential to maintaining the trust of the governed. If we err, it must be on the side of the public's right to know. By removing certain statutory limitations on the current authority of the Government Accountability Office (GAO) to audit the Fed's operations, H.R. 459 builds on the reforms that Chairman Bernanke has instituted and will make for a more open and accountable central bank, which is a goal we all share.

Having said that, no legislation is perfect, and there is one aspect of this bill that, if not carefully implemented, runs the risk of undermining the Fed's political independence. Specifically, the bill would authorize the GAO to audit the Federal Reserve Board's ''deliberations, decisions, or actions on monetary policy matters,'' thereby removing a limitation that was imposed on the GAO when it was first given statutory authority to audit the Fed in 1978. Proponents of expanding the scope of the GAO's audit authority cite the unconventional policy interventions carried out by the Fed in recent years in its attempt to stabilize the financial system and stimulate the economy as justification for a more robust congressional role in overseeing the central bank's operations. It should be noted, however, that the inclusion in the Dodd-Frank Act of reforms first proposed by Financial Services Committee Republicans that significantly curtail the Fed's emergency lending authorities under section 13(3) of the Federal Reserve Act go a long way toward addressing concerns about the Fed's ability to conduct rescues of individual financial institutions without the review and approval of Congress.

As a general matter, I worry that the level of congressional scrutiny authorized by H.R. 459 may, if not exercised cautiously and responsibly, be incompatible with the need to insulate the Fed from political pressures and ensure that its decisions are based on sound economic principles rather than on jaw-boning from Capitol Hill. I am therefore sympathetic to Chairman Bernanke's argument—which he made in recent testimony before the Financial Services Committee—that a central bank that operates free of such political influence is likely to produce better economic outcomes and a more stable interest rate environment.

Indeed, the danger of allowing political considerations to guide monetary policy judgments was on full display at a recent hearing in the other body, where one of the Senators, citing Congress' inability to reach consensus on how to jump-start our anemic economic recovery, loudly urged Chairman Bernanke to ''get to work'' and implement a more aggressive monetary easing. This kind of rhetoric underscores the need for the GAO to exercise its expanded audit authority under H.R. 459 prudently, and to resist any efforts by Members of Congress to use this new tool to influence decisions on monetary policy. Failure to protect the central bank's independence from such political pressure will have dire consequences for our economy and for the legitimacy of the Federal Reserve as an institution.

Concerns about the scope of GAO's audits of monetary policy deliberations were never aired in the Financial Services Committee because of a decision by the House Parliamentarian to refer H.R. 459 exclusively to the Committee on Oversight and Government Reform. This referral, which Dr. Paul and I challenged at the time in extensive written correspondence and in meetings with the Parliamentarians, ignored decades of past precedents recognizing the Financial Services Committee's jurisdiction over legislative proposals affecting the Federal Reserve's conduct of monetary policy. While the Parliamentarian ultimately granted the Financial Services Committee a sequential referral of H.R. 459 after it had been reported to the House and scheduled for floor consideration, the initial referral to the Committee on Oversight and Government Reform short-circuited the legislative process and denied Members of the Financial Services Committee, including Dr. Paul, an opportunity to fully debate the important issues of Federal Reserve transparency and independence raised by this legislation.

Again, I commend Dr. Paul and Chairman Bernanke for their efforts to bring greater transparency to the Fed's operations.

HONORING ALEXANDRE LOPES

HON. FREDERICA S. WILSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Ms. WILSON of Florida. Mr. Speaker, I rise to honor Alexandre Lopes, for being selected as the Macy's—Florida Department of Education, 2013 Teacher of the Year. Mr. Lopes embodies the merit and dedication required to lead students in today's challenging academic environment. He serves at Carol City Elementary School as a teacher in the Learning Experience Alternative Program. As an educator Mr. Lopes has dedicated his career to special needs students with communication issues. The LEAP program has allowed Mr. Lopes to express his creativity and compassion for teaching by using music and dance to progress the student's communication skills. His courage, vision and passion are contributing factors behind his emergence as a pioneer in education, community leader, and role model amongst his peers. As a former educator I am pleased to honor Mr. Lopes, and wish him the best of luck as he moves into the national competition.

IN RECOGNITION OF ANN KATHLEEN SIMS

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Ms. SPEIER. Mr. Speaker, I rise to honor Ann Kathleen Sims who helped shape the lives of thousands of young children in the Bay Area. After providing quality and affordable child care for 35 years, Ann is retiring as the founder and director of Bayshore Child Care Services.

Ann built the five day care centers in Daly City with endless passion and dedication offering children a place to learn, be fed, hugged and loved while offering their parents the freedom to work and provide for their families.

Ann grew up near London and received her teaching diploma from Philippa Fawcett College, an affiliate of London University. She

started her career as a teacher in the Inner London primary schools. In 1968, Ann immigrated to the United States. She taught first-grade students at Kalamazoo School in Lansing, Michigan and then moved to San Francisco to become the head teacher at Jack and Jill Nursery School.

After Ann had her first child, Frankie, she set up her own day care school in Berkeley. From there she moved across the Bay and became director of the Daly City Community of Children's Services. She established the first local state-funded childcare in the basement of a church in the Bayshore neighborhood in 1978—the birthplace of Bayshore Child Care Services. Never afraid to take on big projects, Ann moved into a dilapidated Navy school built in 1943 and started renovating the new home of her growing child care center. The renovations have been ongoing and even now, a community kitchen is being built in the Midway Center.

The Midway Center became the flagship of Bayshore Child Care Services and Ann won numerous contracts to expand her services to more families in San Mateo County to include the Parkview Center and the 87th Street Center. I had the pleasure to work with Ann when she partnered with the David and Lucile Packard Foundation to build the Mission Center, a custom-designed center that serves infants and toddlers.

Helping parents has always been the priority for Ann. She is a tireless and innovative advocate for families and has embraced father friendly programs, special needs programs, and coordinated services for families. She and the Peninsula community built another custom design, parent friendly preschool and resource center, the Price Street Center or Our Second Home.

Ann has turned a single classroom day care center into five centers serving over 250 children every day and employing 50 individuals, primarily teachers.

As Ann has reached her well-deserved retirement, Bayshore Child Care Services will join forces with Peninsula Family Services. The combined organization will continue the mission of supporting families on limited resources and providing their children with safe and nurturing environments in which to learn and explore.

Ann can now look forward to spending more time with her family including her husband of 29 years, Mike Sims, and their daughter, Frankie S. Crawford.

Mr. Speaker, I ask the House of Representatives to rise with me to honor Ann Kathleen Sims, a dear friend, an outstanding teacher and a powerful family advocate. She has made San Mateo County a better place to live and work for all of us.

COMMEMORATING ORBIS INTERNATIONAL FOR ITS 30 YEARS OF SAVING SIGHT AND REBUILDING LIVES IN THE DEVELOPING WORLD

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. HOYER. Mr. Speaker, I rise today to commend ORBIS International, an organization that has been an outstanding member of the global community for 30 years. I am proud to recognize its invaluable service and contributions to some of the most vulnerable populations in the world.

ORBIS International is a U.S.-based global health organization dedicated to saving sight and eliminating avoidable blindness in developing countries. Created in 1982, ORBIS has conducted over 1,000 programs in 88 countries, trained over 288,000 healthcare professionals and touched the lives of 18 million children and adults. Today, we celebrate ORBIS International's 30 years of commitment to preserving and restoring sight by strengthening the capacity of local institutions in developing nations in their efforts to prevent and treat blindness.

The story of ORBIS International is a remarkable one. A grant from USAID and funds from private donors enabled ORBIS to begin its mission by successfully converting a plane into a fully functional teaching eye hospital, and in 1982 it flew to Panama on its first training mission. Today, the world's only Flying Eye Hospital visits 6–8 nations each year conducting programs, training medical personnel, and providing eye care services.

ORBIS is more than a Flying Eye Hospital with permanent programs and regional offices in the countries that have the highest prevalence of avoidable blindness. ORBIS has conducted more than 900 capacity building programs in its 30-year history. These capacity building programs were conducted through its six country and regional-based offices, the Flying Eye Hospital, and ORBIS' in-country, hospital-based training sessions.

In addition to treating a number of diseases of the eye that can cause blindness, ORBIS is also working in Africa to eliminate trachoma, one of the seven Neglected Tropical Diseases. Trachoma, an infectious disease found predominantly in developing countries, starts as an infection and progresses to corneal scarring. ORBIS International teaches surgical techniques and treatment for trachoma in Ethiopia and other developing countries.

Blindness has profound human and socioeconomic consequences. The costs of lost productivity and of rehabilitation and education of the blind constitute a significant economic burden for the individual, the family and society. Investments in avoidable blindness and visual impairment offer not only economic and social returns in global health, but they dramatically improve the quality of life of individuals and families. ORBIS International is a trusted partner in the global coalition of organizations fighting preventable blindness.

ORBIS programs and partnerships provide the skills, infrastructure and on-going support to build the capacity and skills necessary to sustain care at a local level. As a founding member of Vision 2020: The Right to Sight, a campaign led by the World Health Organization and other leading blindness prevention organizations to eliminate avoidable blindness by the year 2020, ORBIS is dedicated to working in partnership to create a world free of needless blindness.

I am honored to join ORBIS International in celebrating its 30 year commitment toward achieving its goal of a world in which no one is needlessly blind, and where quality eye care is available to everyone. I want to thank ORBIS International for the lives it has touched and its leadership in providing valuable health and training services across the globe.

IN RECOGNITION OF THE 40TH ANNIVERSARY OF HIP HOUSING

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Ms. SPEIER. Mr. Speaker, I rise to honor an outstanding non-profit in San Mateo County, HIP Housing, on the occasion of its 40th Anniversary. This remarkable organization has assisted thousands of disadvantaged and disabled residents giving them shelter and the opportunity to turn their lives around.

Because of HIP Housing, over 1,000 individuals per year have a place to call home which makes for 1,000 stories of transformed lives. These are the stories of struggling mothers with high school educations going back to school, under the guidance of HIP Housing, to earn a degree.

HIP Housing's stories include those of families who, due to illness or a reduction in hours at work, injuries from an auto accident or dozens of other causes, cannot afford rent and are dangerously close to living on the street. HIP Housing offers a helping hand and a steady course to a secure future.

The Home Sharing Program is a creative and effective way to match a home provider with a home seeker who pays rent or provides services. It cuts housing costs, promotes independence, provides companionship and increases security. Many strong friendships have started through the Home Sharing Program, and these friendships have transformed the lives of all involved.

HIP Housing's Self-Sufficiency Program helps low-income families set clear goals to become financially self-reliant within one or two years while receiving housing assistance and support services. Attending a graduation ceremony of this program is certain to make one cry. A long line of graduates traipse up to the microphone and recount how they developed parenting skills, earned a degree and landed a job, or learned the skills to start a business. One woman this year reported that she had moved from being nearly homeless to getting her college degree, and onward to making over $80,000 per year in hospital administration, all with the help of HIP's counselors. The American Dream is alive at HIP Housing where housing is a right of everyone who wishes to work hard, and a need of all human beings who seek dignity.

Mr. Speaker, I ask the House of Representatives to rise with me to honor the volunteers, staff, board members and foundations supporting HIP Housing. These are the quiet heroes who allow this organization to make San Mateo County a better place for all of us. HIP Housing is a shining example of what community service can be and can do to transform the world in which we live.

IN HONOR OF SOUTH JERSEY OLYMPIANS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. ANDREWS. Mr. Speaker, I rise today to honor our South Jersey Olympians: Tamika Catchings, basketball; Rachael Dawson, field hockey; Michelle Vittese, field hockey; Jordan Burroughs, wrestling; and Steve Kasprzyk, rowing. They have traveled to London to compete in the 2012 Summer Olympic Games.

These athletes represent the United States on the world stage, affording them the distinct honor of serving as role models for citizens across South Jersey area and the entire nation. Their success, derived through hard work and dedication, and exemplified through athletic competition, is something every American can aspire to as a shining example of the American dream. In the same way our national ethos rewards fortitude and persistence, these athletes earned the opportunity to compete on the Olympic stage through long hours of training and sacrifice.

Part of the Olympic Creed, originating from a speech by Ethelbert Talbot during the 1908 London Games, states: ''The essential thing is not to have conquered but to have fought well.'' One hundred and four years later, as the Olympics return to London, the message rings as true as ever. Through fierce competition amongst the nations of the world, these athletes continually push the limits of human achievement. The resulting bonds of friendship, gained through equally world-class sportsmanship, enrich both these athletes and their nations.

Mr. Speaker, the dedication of these South Jersey Olympians and their teammates to athletics and sportsmanship should not go unrecognized. I join all of South Jersey in expressing our pride in their efforts.

IN RECOGNITION OF THE OFFICER JEFFREY DICK

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Ms. SPEIER. Mr. Speaker, I rise to honor Police Officer Jeffrey Dick who is retiring after more than three decades of protecting citizens in the Bay Area.

Throughout his career Officer Dick has gone above and beyond the call of duty to support fellow officers and to serve our community. He began his law enforcement career in 1979 at the Alameda County Sheriff's Department and has been an officer at the San Mateo Police Department since 1984. He has been a law enforcement liaison and board member for the Northern California Chapter of the Concerns of Police Survivors, an organization that provides assistance to the families of law enforcement officers killed in the line of duty and in that capacity he travels around the state to attend funerals of police officers and offer their families support. He makes sure they receive the benefits due to them from the state of California. As a member of the San Mateo Police Officers Association Board of Directors, Officer Dick held the position of president three times. For 16 years he served as team captain for the San Mateo Critical Incident Stress Management Team, a non-profit organization that offers counseling, mentoring and follow-up for emergency personnel after crises. In 2010 he assisted emergency personnel following the San Bruno fire in spite of his fear of fire.

In March 2003 he received the 2002 Peninsula Lions Club Heroism Award related to the pursuit and capture of two bank robbery suspects.

His interests include Harley Davidson motorcycles and photography. His community volunteerism is noteworthy. He volunteers for the American Heart Association, the Juvenile Diabetes Foundation, and other non-profit organizations as a photographer, and he has also volunteered at the Ronald McDonald House for more than 22 years.

In his retirement Officer Dick looks forward to spending more time with his wife, Linda Barstow-Dick. Officer Dick has two grown children, Erin Kristine Templin and Brian Joseph Dick. He also has a grandson, Devin James Templin.

Although Officer Dick is retiring from a long and meaningful career, he will continue to play a vital role in our community. Mr. Speaker, Officer Dick has dedicated his life to protecting residents of the Bay Area. I ask that the House of Representatives to join me in commending him for his extraordinary selflessness and service.

HONORING MARIAN CANNON SCHLESINGER ON HER 100TH BIRTHDAY

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. CAPUANO. Mr. Speaker, I rise to pay tribute to my constituent, Marian Cannon Schlesinger who will celebrate her 100th birthday on September 13, 2012. I am proud to join her legions of friends and admirers, and her loving family, in honoring her.

She was born the fortunate daughter of Dr. Walter Bradford Cannon, an eminent Harvard physiologist, and Cornelia James Cannon, a noted feminist writer. An alumna of Cambridge High and Latin School and Radcliffe College, she is the mother of four children, Andrew, Christina, Stephen and Katharine. Her rich and balanced life has been full of family, politics, painting, writing, and tennis.

A strong Progressive voice and wise chronicler of her times, Marian Schlesinger has been for almost ten decades a force to be reckoned with in the feisty politics of her hometown, Cambridge, Massachusetts. She canvassed for local politicians as a teenager and later campaigned for Adlai Stevenson. With her husband, the historian Arthur Schlesinger, Jr., she was an active participant in President Kennedy's New Frontier. Still today, she follows political news avidly, committed to democratic principles and Democratic ideals.

Early in her life, she became a landscape and portrait painter of distinction, travelling extensively, painting people and places from China to Guatemala to Manchester, New Hampshire. She wrote and illustrated several children's books. In her 70's she began writing her memoirs, and she has published two spirited and insightful volumes chronicling a century of notable experiences in Cambridge, as well as her adventures around the world. She attributes her enduring vitality in part to her love of tennis which she played weekly, well into her mid-80s.

With all these achievements, she made no claim to being a ''celebrity.'' She always was and she is today a good citizen. She made her mark with paints and with words, with hard work and political savvy. As Marian Cannon Schlesinger approaches her 100th birthday, she remains an inspiration to us all.

IN RECOGNITION OF THE 95TH BIRTHDAY OF MARTIN LITTON

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Ms. SPEIER. Mr. Speaker, I rise to honor a legendary environmental hero on his 95th birthday. Martin Litton is the quintessential take-no-prisoner environmental activist of his era. Thanks to his perseverance and passion, there is no dam in the Grand Canyon and there is no Disney resort next to Sequoia National Park.

Mr. Litton has been fighting for the environment for decades and still has plenty of fight left in him. He grew up in Gardena near Los Angeles and enjoyed hiking in the Southern Sierra as a child and teenager. When he was 18, he wrote a letter to the LA Times denouncing the diversion of water from Mono Lake to the growing population of Los Angeles. His wrote, ''The people of the entire state should rise up against the destruction of Mono Lake. Mono Lake is a gem-among California's greatest scenic attractions.'' It has been with this sentiment and determination that he pursued all battles in life.

In the 1940s, Mr. Litton worked in the circulation department at the LA Times and started writing environmental freelance articles. He caught the attention of David Brower, executive director of the Sierra Club, who in 1952 hired Mr. Litton for a campaign against the construction of two dams in Dinosaur National Monument. Mr. Litton explored the Green and Yampa rivers in a wooden dory and the resulting publicity helped persuade the Congress to vote against the dams in 1956.

This was the first of many campaigns that stopped the building of dams. In 1964, Mr. Litton led a river trip through the Grand Canyon with David Brower, photographer Philip Hyde and writer Francois Leydet which led to the publication of the book Time and the River Flowing with photographs by Ansel Adams and Hyde. The Sierra Club then took out full page ads in the New York Times—Mr. Litton's idea—opposing the building of a dam in the Grand Canyon. Public opposition to the project was sealed.

Mr. Litton started his love affair with the Grand Canyon in 1955. He was only the 185th person to float the Colorado River first pioneered by John Wesley Powell. He continued to run the river for decades. In 1971 he founded Grand Canyon Dories and throughout the 1970s and 80s led commercial trips. Other river runners used rubber rafts, but Mr. Litton preferred the small wooden boats that were

originally used in Oregon and adapted them so they could be used on the Colorado. Mr. Litton sold the business in 1990, but continued to raft the Grand Canyon. Just three years ago he broke his own record as the oldest person to run the canyon in a dory.

From 1954–1968 Mr. Litton was the editor of Sunset Magazine. His cover story ''The Redwood Country'' in 1960 launched a movement that eventually led to the establishment of Redwood National Park. As a life-long pilot, Mr. Litton flew then Governor Edmund ''Pat'' Brown over the redwoods in Northern California to convince him not to sign a bill that would extend a freeway through the forest. It worked.

Mr. Litton continues to fight for the redwoods. He is deeply engaged in a campaign to stop logging in the Sequoia National Forest and the Giant Sequoia Monument.

Surpassing Mr. Litton's love for the environment is only his love for his wife of 69 years, Esther.

Mr. Speaker, I ask the House of Representatives to rise with me to honor Martin Litton who has kept some of the most beautiful places in America pristine and in existence for all of us to admire and enjoy. His tenacious spirit serves as an inspiration to all of us.

CONGRATULATING THE SAIPAN SOUTHERN HIGH SCHOOL MANTA RAY BAND'S OLYMPIC PERFORMANCE

HON. GREGORIO KILILI CAMACHO SABLAN

OF THE NORTHERN MARIANA ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. SABLAN. Mr. Speaker, here is a story to make us all cheer:

46 high school musicians from America's smallest insular area raise a quarter of a million dollars to go to London and perform during the Olympics—where they win a silver medal.

That is the story of the Saipan Southern High School Manta Ray Concert Band, who played their hearts out at the London Celebration Music Festival this week in Central Hall Westminster, and came away with silver.

They played throughout the 2012 Summer Olympics: at the main bandstand in Olympic Park, in a torch ceremony in Central London, at storied Westminster Abbey, and at the Queen Elizabeth II Conference Centre nearby Big Ben and the Houses of Parliament.

As they played, we all cheered in the Northern Mariana Islands. Because the Manta Rays represent us all. We are the only U.S. insular area that did not send athletes to London. We sent our students. We sent musicians. And they were awarded silver.

It took silver to send them there. It took bake sales, rummage sales, garage sales, a bowling tournament, tree plantings, car washes, a radio telethon, lunches, and raffles. It took businesses, government, civic organizations, and individual donors—too many to list by name all chipping in to make this possible for the 46 Manta Rays and their 14 chaperones. It seemed an impossible goal for a community of barely fifty thousand, struggling economically, to raise two hundred and fifty thousand dollars. But we did.

Because these Manta Ray musicians dared us to dream—as they have before. They proved to us that with ''faith, effort, and determination,'' and, of course, the hours of individual diligence, closing out the world, playing scales, practicing their parts, over and over again, that even the seemingly impossible can come to be.

Ten years ago there was no high school band in our islands. Most families in the Marianas could not even afford to buy a band instrument. Then, through the vision of teacher Will DeWitt and the support of the leadership at Saipan Southern High School and the Northern Marianas Public School System a seed was planted. The dream began to grow.

Students begged or borrowed instruments and held them for the first time. They began to make music.

How quickly they learned. They started to win regional competitions in Guam. They gained notice and were invited to perform during the Beijing Olympics four years ago.

They were even called to play at Carnegie Hall, earning second place in the New York International Music Competition.

Then, last year, the invitation came to the 2012 Summer Olympics. And this week the silver medal in London.

Perhaps, nothing better demonstrates how much the Northern Marianas believes in its young people than this bake-sale effort to send the Manta Ray Concert Band to the 2012 Olympics.

Perhaps, nothing better demonstrates how much our young people believe in themselves and in their future than that they took on this impossible, improbable goal—and succeeded.

So, today, we say, ''Congratulations, Manta Rays!''

And we say, ''Thank you.'' Thank you for doing your community proud. Thank you for rewarding our faith in you.

Thank you for confirming that there is no better place to put our hope and hard work than helping in the growth and development of our children.

Here is a story we can all love and applaud: a story of dedicated teachers and students who were inspired to do something they had never done before, something that on its face was ''impossible.'' This is a story of what makes any of us great: stepping beyond what we imagine we can do, bringing to life a new and unimaginable world.

IN RECOGNITION OF THE 85TH ANNIVERSARY OF NICK'S RESTAURANT

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Ms. SPEIER. Mr. Speaker, I rise to honor the Gust family that has owned and operated Nick's Restaurant in Pacifica for 85 years and has made significant contributions to the community. It is undisputed among locals—and some out of towners in the know—that Nick's serves the best crab sandwich on the coast.

Nick's 85th Anniversary Bash will go on all week and it reflects the generosity and love of music and food of every member of the family: Charles, Anastasia, Nick, Lorraine, Kathy, Chuck and Lena.

Located at Rockaway Beach in Pacifica, Nick's has become a destination for visitors drawn by the restaurant's dramatic setting right on the beach with breakers crashing against boulders, pelicans gliding through the salty air, surfers catching waves and of course, the fabulous food.

The original Gust family member to come to Rockaway Beach was Stalios Karagianis. He left Macedonia, Greece in 1907, arrived in New York by ship and then traveled across the United States to San Francisco. He worked a variety of jobs, including one with the Ocean Shore Railroad which first brought him to the coast. While working as a contractor, Karagianis sent for his wife, Anastasia, to join him. They bought a house in Daly City and had three daughters and a son. In 1927, Karagianis returned to the coast and bought a piece of property on the edge of Rockaway Beach. He opened a small shack selling sandwiches, peanuts and candy to fishermen.

After losing his business to fire twice and rebuilding for the third time, Karagianis and his family decided to move into the business and make it their home to prevent another fire.

Karagianis faced a challenge. Over and over he was told that his name was too difficult to pronounce, so he changed it to Charlie Gust.

After 20 years of running the restaurant, Charlie eventually handed the reins to his son Nick and daughter-in-law Lorraine who continued the family tradition of always improving and expanding the business. Nick and Lorraine turned Nick's into one of the most unique and pleasant dining spots drawing visitors from all over the world to this beautiful cove on the Pacific coast. Nick served as mayor of Pacifica for four terms and on the city council for ten years ruling the city from the restaurant and bar at Nick's.

Now Nick's is in the hands of the third generation of Gusts. Nick's son Chuck has been running the restaurant for the last 10 years and daughter Lena is working there as well.

What has not changed over the last 85 years is the welcoming atmosphere, the hospitality of the Gust family and the great food. May Nick's serve its famous crab sandwich for the next 85 years!

Mr. Speaker, I ask the House of Representatives to rise with me to honor the Gust family for being an integral part of Pacifica and providing an endless supply of comfort, sustenance and community service. As a long-time friend of the family I am proud and grateful for their many contributions to the vitality and folklore of Pacifica.

RECOGNIZING WASHINGTON STATE ATHLETES COMPETING IN THE 2012 SUMMER OLYMPICS

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. SMITH of Washington. Mr. Speaker, I rise to honor Aretha Thurmond, Ariana Kukors, Courtney Thompson, and Tejay van Garderen from the State of Washington for representing the United States and competing in the 2012 Summer Olympic Games in London.

The 2012 Games will be Aretha Thurmond's fourth appearance at the Olympic Games

when she competes in the discus throw. She began throwing discus in high school and competed in her first Olympic games at the 1996 Olympics in Atlanta, Georgia, just after finishing her sophomore year at the University of Washington. She went on to participate in the 2004 Athens Games and 2008 Beijing Games. Aretha has remained one of the top American discus throwers for over a decade.

Ariana Kukors will be making her Olympic debut and participating in the 200M Individual Medley. Shortly after the 2008 Olympic Trials, Ariana continued to train hard and won the 200M Individual Medley at the 2009 World Championships, setting a world-record of 2 minutes, 6.15 seconds.

Courtney Thompson will also make her Olympic debut in London as backup setter for the United States Women's Volleyball Team. Her professional career began when she joined the national team in 2007 and competed in the 2007 and 2009 Federation Internationale de Volleyball World Grand Prix tournaments. Her strong appearance in the 2012 Grand Prix grabbed the attention of many, which led her to this year's Olympic Games. Courtney and the women's volleyball team hopes to improve upon the silver medal they won at the 2008 Beijing Games.

Tejay van Garderen has been named one of the most talented cyclists in America and will compete in this summer's Olympic Games. He was born in Tacoma, Washington and spent the majority of his early years living and cycling in Europe. During his rookie years, he signed with HTC Highroad, which was at the time was the world's top cycling team. Tejay finished third overall in the 2010 Criterium du Dauphine Libre and made his very first appearance at the Tour de France in 2011. He has also competed in the Tour de California and in Colorado's inaugural Pro Cycling Challenge.

Mr. Speaker, it is with great pleasure that I commend these athletes from the State of Washington for their dedication and honor all Olympians taking part in the 2012 Summer Games.

IN RECOGNITION OF THE YEAR OF SERVICE OF MILLBRAE LION CLUB PRESIDENT RON FREDIANI

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Ms. SPEIER. Mr. Speaker, I rise to honor Millbrae Lion Club President Ron Frediani upon the completion of his year of service as President of the Millbrae Lions Club. This past year has been one of uncommon accomplishment by the Millbrae Lions, and Lion Ron is a key reason for this year's success.

The Lions worked with other community groups on more than one dozen community events. For example, under Ron Frediani's leadership, the Millbrae Lions were involved in the annual 4th of July barbeque for the Millbrae Historical Society, the collection of gently used books for the Friends of the Millbrae Library, helped to raise funds for a local church, joined with the Millbrae Rotary Club in the Relay for Life event, and ensured that Halloween celebrations continued despite city budget constraints.

The Millbrae Lions, under President Ron Frediani's leadership has been a major source of funding for charity throughout this tight-knit community. For example, the club provides American flags for the city's elementary schools and fingerprints all incoming kindergarteners. President Frediani and his club volunteers also honored all of the volunteers involved in youth baseball, both at dinner and during an annual pancake breakfast. These community events cannot happen without leaders such as Ron Frediani and his able board members who ensure that the Lions remain effective within their community.

Mr. Speaker, it has been my honor to speak before the youth group sponsored by the Millbrae Lions, the Millbrae Leos Club. At this event, I was thrilled to take questions from teens with active minds and a desire to serve their community. Youth leadership leads to community leadership as adults, and President Frediani has been a big part of the success of this group, ensuring that it adheres to boundary and safety rules.

A key duty of any club President is to arrange for speakers at regular meetings. President Frediani was cited by his club as being particularly adept at arranging for great speakers, which also helps build club membership and provides an educational opportunity for the broader community.

Mr. Speaker, I ask the House of Representatives to rise with me to honor Millbrae Lions Club President Ron Frediani upon the completion of his year of service to the community of Millbrae. There are many who are called into service involuntarily, but it takes a star to volunteer and then to be a beacon for others to follow. President Ron Frediani is such a star, and the Millbrae Lions Club and the entire community have benefited from his service.

CELEBRATING THE 170TH ANNIVERSARY OF OLD ST. MARY'S CHURCH

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mrs. SCHMIDT. Mr. Speaker, I rise today to honor the oldest standing church in Cincinnati, which is appropriately named Old St. Mary's.

The church, which is listed on the National Register of Historic Places, was dedicated to God 170 years ago this month, on July 3, 1842.

It was originally called St. Marien Kirche. Many of the parishioners were German immigrants who lived northwest of the Miami & Erie Canal, in a neighborhood called Over-the-Rhine.

Parishioners who were master craftsmen built the church at the intersection of 13th and Clay streets. The cornerstone was laid on March 25, 1841—the Feast of the Annunciation of the Blessed Virgin Mary.

The clock tower of Old St. Mary's rises 170 feet, and it is the oldest in Cincinnati. The interior features hand-carved wooden statues, marvelous stained glass, and magnificent oil paintings, making the church one of the most beautiful in the city.

My parents, Jeannette and Gus Hoffman, often attended worship services at Old St. Mary's. Peter Schmidt and I were married there, and our daughter, Emilie, was baptized there.

Today, Over-the-Rhine is a thriving multicultural neighborhood, and Old St. Mary's has embraced this diversity. On March 25, 1988, parishioners established the Mary Magdalen House to help the poor and homeless. This nonprofit provides a place for needy people to shower, shave, and have their clothes laundered.

In 2001, to help disadvantaged youths become community leaders, the pastor of Old St. Mary's opened the St. Peter Claver Latin School for Boys. The late Father Albert Lauer envisioned the school as the cornerstone for renewal of the neighborhood. St. Peter Claver was officially recognized this month as the 114th Catholic school of the Archdiocese of Cincinnati.

Mr. Speaker, Cincinnatians appreciate their city's history and their own heritage. Many Catholics of German ancestry who live in distant neighborhoods travel to Over-the-Rhine to worship at Old St. Mary's. Sunday Mass is still offered in German—as well as in Latin and English.

Today, I want to celebrate the 170th anniversary of Old St. Mary's. I applaud the Cincinnatians who have ensured that this landmark remains relevant to Over-the-Rhine. It is my hope that the church will continue to uplift the city's residents—in body and soul.

IN RECOGNITION OF THE 25TH ANNIVERSARY OF PENINSULA FAMILY SERVICE'S SENIOR PEER COUNSELING PROGRAM

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Ms. SPEIER. Mr. Speaker, I rise to honor the 25th Anniversary of a program in San Mateo County that has eliminated loneliness and provided support, guidance and joy for thousands of seniors.

Peninsula Family Service's Senior Peer Counseling is an outstanding example of how to best help seniors with transitions and life changes, health concerns, mobility issue, care provider questions and grief. A senior in need is paired up with a trained volunteer of a similar age, experience, values, wisdom and culture. In all of its work, Peninsula Family Service empowers families and individuals to become or remain self-sufficient and to be contributing members of our community.

Senior Peer Counseling was started in 1987 by Delia McGrath as part of the San Mateo County Behavioral Health and Recovery Program. The county recognized a need to provide an integrated and coherent set of services for older adults that would ensure they could live in the community as long as possible while maintaining their independence, connection and high quality of life. Delia McGrath was quickly joined by Carol Blomberger, a skilled art therapist, and the two set the groundwork for Senior Peer Counseling. They taught future counselors life skills that prepared them to help seniors in very difficult situations. Delia McGrath pointed out that the most important skill was listening; it built the foundation for trust and a peer relationship.

Today, all peer counselors must be at least 55 years old and are required to receive 60 hours of training to provide one-on-one and group counseling to older adults that covers social and family relationships, self awareness, listening skills, understanding depression, substance abuse and other challenges of aging.

Initially the Senior Peer Counseling served English speakers, but in 1989 it was expanded to Spanish speakers with the La Esperanza Vive component which Teresa Hurtado coordinated for over twenty years.

In 2008, the county put Peninsula Family Service in charge of Senior Peer Counseling which expanded the services to additional underserved seniors in the Chinese, Filipino and LGBT communities. Now a total of 80 peer counselors support over 300 seniors under the leadership of Susan Houston and Howard Lader and their dedicated staff.

Peer counseling deeply touches the lives of the people involved. One senior who was dependent on his electric wheel chair rarely left his home and became increasingly isolated. His social worker requested a senior peer counselor hoping it would help his social life and get him involved in a senior center close to his home. After six visits the senior asked the counselor to assist him in arranging transportation with Redi-Wheels and to join him at the senior center for the first couple of visits. The senior now happily goes to the center twice a week.

Patti Garber began volunteering as a counselor a few years ago. As a cancer patient herself, she says the work gives her a sense of purpose. ''I get more back than I put in,'' she says. ''I like solving problems and providing a web of connections.'' And that she does whether she helps a senior find food, apply for Social Security online, find a pet or get a wheel chair.

Arleen Henriksen who passed away last year at age 92, credited her long live in part to her volunteer counseling. Arleen, whom I had the privilege of knowing when she volunteered in my legislative offices, dedicated over 20 years and much of her energy to the program. In 2009, she told the San Mateo Daily Journal, ''It's more rewarding for the counselor than the people you help.'' She added, ''People get scared thinking that, to do this, they have to be psychologists. That's not the case; you don't have to be anything more than a caring person.''

Mr. Speaker, I ask the House of Representatives to rise with me to honor the caring people at Senior Peer Counseling who for 25 years have provided a remarkable service that has brightened the lives of thousands of seniors in San Mateo county. May it thrive for the next 25 years and serve as a model for other communities.

RED TAPE REDUCTION AND SMALL BUSINESS JOB CREATION ACT

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 4078) to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent:

Mr. VAN HOLLEN. Mr. Chair, this legislation is an amalgam of seven dangerously misguided bills designed to shut down a breathtaking number of safeguards and protections citizens rely on—from the quality of health care seniors receive to the safety of infant formula babies drink to the benefits our veterans have earned. As former Republican Congressman Sherry Boehlert has warned: ''It's difficult to exaggerate the sweep and destructiveness of . . . (this) . . . bill.''

The core of H.R. 4078 proposes to freeze most regulatory action until the nation's unemployment rate hits 6 percent—as if the quality of seniors' health care, the safety of infant formula or the availability of veterans' benefits should depend on where the nation's unemployment rate is. Another provision of H.R. 4078 would block so called ''midnight rules'' issued in the final days of an outgoing administration—without any apparent recognition that the offshore drilling bill the majority brought to the floor of the House just yesterday was itself largely proposed as a ''midnight'' regulation in the final days of the Bush Administration. Still other provisions in H.R. 4078 would tie up the Securities and Exchange Commission and the Commodity Futures Trading Commission with additional paperwork, thereby diverting already scarce resources from other critical functions, like ensuring transparency and accountability in our financial markets.

Mr. Chair, I am not opposed to regulatory reform. Where a regulation is truly wasteful, unnecessary or duplicative, we should fix it or get rid of it. But, like the comedy of errors surrounding the numerous typos leading up to consideration of this bill, H.R. 4078 is a poorly conceived, hastily thrown together mess. The American people deserve better.

IN HONOR OF THE CENTRAL ELECTRIC COMPANY OF WATSONVILLE, CALIFORNIA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. FARR. Mr. Speaker, I rise today to honor the Central Electric Company of Watsonville, California, on the occasion of its centennial anniversary. For 100 years, the Central Electric Company pioneered and improved safe electrical installations for residential, commercial, and agriculture customers around our beautiful Monterey Bay region.

In 1912, starting with just a bicycle, $100.00 in cash, and a 5-foot ladder, John Stanovich and Edith DuFour Stanovich began selling fixtures and appliances, and installing electrical wiring. At that time the demand for electrical work was very limited, but with the growing acceptance of the Edison light, plus John and Edith's hard work, the business grew. The next generation joined the company in 1926 with the addition of Edith's son, Alfred DuFour. The Central Electric Company survived the great depression and the shortages of World War II by supplementing their contracting business selling products such as irons, washing machines, and toasters, also china and crystal.

With the end of the war, the Central Electric Company focused on growing communities and industries in need of electricity. The next two decades would see the continuation of that post-war growth and the introduction of the company's third generation with Steve DuFour, who joined the company in 1958 after serving as a lieutenant in the United States Navy.

The seventies, eighties, and nineties saw continued growth and changes to the electrical industry, many of which were driven by the digital boom. Growth and change also came when Steve and his wife Joan were joined by Tony Kulich, Patty (DuFour) Kulich, Mark Jurach, and Sharon (DuFour) Jurach in the daily operations at Central Electric. In 1989, the company survived the Loma Prieta earthquake and rallied to aid the surrounding communities in their recovery. In 1999, Tony and Patty Kulich and Mark and Sharon Jurach, the son-in-laws and great granddaughters of John and Edith, purchased the Central Electric Company from Steve and Joan, passing the torch to the fourth generation.

The turn of this century saw the Central Electric Company's enjoyment of unprecedented growth, including the completion of a $3.5 million contract for a local college campus. This was the largest contract in the company's 100 year history. This new century has also ushered in the fifth generation, when great, great-grandsons Matt and Mike Kulich joined Central Electric as electricians.

Mr. Speaker, in closing, I want to hold up the Central Electric Company as an example of the American Spirit. Enduring the hardships of war, economic downturns, and natural disasters, they have shown that people are more important than profit. They have shown us that when communities and families work together in difficult times, we can continue to face the challenges that have made this Nation great. May Central Electric's continued success inspire many more generations to enter the business arena, and in doing so, secure our Nation's posterity and its bright future.

PERSONAL EXPLANATION

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Ms. SPEIER. Mr. Speaker, I would like to state for the record that my vote against the Holt amendment, Roll No. 504, to H.R. was made in error. I support this amendment, which would strike a provision that requires the Secretary of the Interior to conduct a single multi-sale environmental impact statement for all of the new areas opened for drilling by the underlying bill.

HONORING THUNDER BAY COMMUNITY HEALTH SERVICE

HON. DAN BENISHEK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. BENISHEK. Mr. Speaker, on behalf of the citizens of the First District of Michigan, I

wish to commend the Thunder Bay Community Health Service (TBCHS) for 30 years of dedicated service to comprehensive and preventative health care.

Over the past three decades, TBCHS has been committed to the vital work of bringing high quality, cost effective, and accessible health care to Northern Michigan. Working out of five centers in the Northeastern Lower Peninsula, TBCHS ensures that residents of Northern Michigan receive first rate medical care. It is fitting that TBCHS celebrates this important milestone during National Health Center Week. Community health centers, like TBCHS, are at the core of our health care system.

Since seeing their first patient in 1982, the dedicated providers and administrators of TBCHS have continually adapted their care to meet the changing needs of Northern Michigan families. By providing preventive services and comprehensive primary health care, TBCHS keeps our families healthy while also preventing costlier health care alternatives such as emergency room treatment.

The doctors, nurses, and other providers of TBCHS cannot do this alone, but are supported by dedicated staff and board members. The TBCHS team has been a trusted community partner, from providing nursing services in local schools to conducting senior companion programs.

As a doctor who has treated patients for nearly 30 years and as a life-long resident of Northern Michigan, I greatly appreciate the commitment of TBCHS to empower healthier communities by making quality health care more affordable for Northern Michigan families.

On behalf of the over 13,000 patients who receive its care each year, I wish to thank Thunder Bay Community Health Service for 30 years of commitment and care. I know these successes will continue for the next 30 years and beyond.

HONORING JEANNE J. GRIMMETT

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. VAN HOLLEN. Mr. Speaker, I am taking this occasion to recognize the outstanding achievements of Jeanne J. Grimmett, a career legislative attorney with the American Law Division of the Congressional Research Service, who will be retiring from CRS on August 31, after 41 years of distinguished government service. Jeanne, for decades, has been the leading legal expert on trade law at CRS, and she has made invaluable contributions to the work of the U.S. Congress in this critical policy area.

After receiving a B.A. from the College of New Rochelle in New York, Jeanne began her government service at the Library of Congress in 1971. She obtained a J.D. from George Washington University in 1978, and joined CRS that same year. She chose to specialize in trade law and related subjects soon thereafter and received an L.L.M. from the London School of Economics in 1986.

During her career, Jeanne has prepared numerous memoranda, reports, and provided briefings for Members and Congressional committees, working collaboratively with colleagues in other divisions of CRS, while contributing legal analysis for the Congress during the key trade debates that were held over the years. Jeanne was also a section head in the Courts Section of the American Law Division for several years, coordinating requests and reviewing work related to the Iran-Contra investigation and various judicial nominations.

As a legislative attorney, Jeanne provided direct support to Members, Senators, and major Congressional committees on the complex legal issues related to U.S. participation in the NAFTA, the World Trade Organization, and various U.S. free trade agreements, most recently the Korea-U.S. Free Trade Agreement. The depth and breadth of her expertise is demonstrated by noting the subjects she has addressed for the Congress during her tenure at CRS: trade with nonmarket economies; dispute settlement under trade agreements; trade and environmental issues, including climate change; antidumping and countervailing duty law and other trade remedies; customs and country-of-origin legislation; Federal and State economic sanctions; trade sanctions reform; foreign assistance and foreign public debt authorities; export controls administered by various U.S. agencies; trade in encryption technology; the scope of U.S. extraterritorial jurisdiction and, in particular, jurisdiction over foreign defendants; investment treaties and investor-State dispute settlement; and the U.S. law of international agreements in general.

Jeanne also contributed to the House Ways and Means Committee ''Blue Book'' of trade laws, as well as to the Senate Foreign Relations Committee print, Treaties and Other International Agreements: The Role of the United States Senate, the primary reference source on this subject. She has also mentored new attorneys in trade law and given numerous presentations on trade law subjects in the American Law Division's semi-annual Federal Law Update series for Members of Congress and their legal staff.

Jeanne Grimmett has provided exemplary service to the Congress throughout her distinguished career at CRS. I believe that all in the Congress who have benefitted from her expertise and counsel join me in wishing her the very best in the years to come.

IN RECOGNITION OF ROB RIGSBY

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Ms. MATSUI. Mr. Speaker, I rise today to honor the service of Mr. Rob Rigsby as he retires from the United States General Services Administration and his post at the Robert T. Matsui United States Courthouse. As his wife Marilyn, his friends and colleagues all gather to celebrate his outstanding career, I ask my colleagues to join me in tribute to Rob and his almost four decades of public service.

Throughout his 37-year career in federal service, the last 13 years at the Robert T. Matsui United States Courthouse, Rob has become a well-loved and respected leader among his colleagues and building occupants. Rob began his post as Building Manager the day the building opened in 1999. Since then, he has been a loyal and hard working member of the building team and has devoted his time to making Sacramento's federal courthouse the remarkable building that it is today.

My late husband, Congressman Robert Matsui, and I have had our district offices in the courthouse that Rob manages. I have got to know him over the years and always appreciated his attention to detail and customer service. Rob is no stranger to my district staff, who I know share my appreciation for his work. We will always be thankful for all that he has done to make both the Robert T. Matsui United States Courthouse and my district office an inviting place for all of my constituents.

Beyond his work, Rob has always had a passion for travel and upon his retirement, he will be leaving us to embark on a new journey as the owner of Ships and Trips Travel. I also understand that he will be taking a much deserved cruise.

Mr. Speaker, as Rob Rigsby prepares to retire from federal service, I ask my colleagues to join me in wishing him good fortune in his future endeavors. Rob has truly been a wonderful member of the federal family and will be missed by all of his friends and colleagues. I wish him well on the next chapter of his life.

HONORING FRANK C. FRANCO

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. COSTA. Mr. Speaker, I rise today to pay tribute to the service of Mr. Frank Franco or as we affectionately call him, ''Franco''. Frank Franco's many years of dedicated service to the community and our nation's veterans exemplifies his reverence for our country and truly demonstrates the best of what America has to offer.

Frank Franco was born in El Centro, California. He joined the United States Army at age 17 and honorably served his country with two tours of service in Vietnam.

A tireless advocate for helping people, Franco has been with Fresno County Economic Opportunities Commission, EOC, for over 30 years. He is a hard worker and has held many leadership positions in the community. Franco is a past director of the Fresno Metropolitan Flood Control District, is on the Mayor's Advisory Committee and is a past recipient of the Key to the City of Fresno.

Each year, Franco travels to our nation's capital with the Fresno Council of Governments One Voice-DC trip. Franco has over 50 proclamations and awards he has received throughout the years. In addition to his civic leadership, Franco is also a proud member of Veterans of Foreign War, VFW, Post 8900 in Fresno. He serves on my Veteran Leaders Advisory Group and participates in numerous local veterans' events, such as the Veterans Stand Down. Franco is always helping, always working.

I applaud Frank Franco for his many years of tireless work on behalf of the community, on behalf of veterans and their families and the Central Valley. We know Franco will enjoy more time with his wife, Maria, his children, Jack Arthur, Madelene, and Tina, and his grandchildren.

Mr. Speaker, it should be noted that in addition to his countless gifts to the community,

Franco is my good friend and he is a true champion of the people. He has always been available to discuss issues and work together to make our Central Valley a better place to live and work. I extend to him my very best wishes and ask my colleagues to join with me in recognizing the commitment, dedication, and success of Frank C. Franco.

RECOGNIZING RYAN HARDY

HON. STEVE STIVERS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. STIVERS. Mr. Speaker, today I rise to recognize one of Central Ohio's very own hometown heroes, cancer survivor, Ryan Hardy.

Ryan's long, difficult journey finally came to an end when he joyously rang the bell to signify his final chemotherapy treatment last month at Nationwide Children's Hospital. He was diagnosed with a brain tumor at the young age of two and was later diagnosed with leukemia when he was only eight years old.

Ryan was extremely courageous, enduring treatments for almost 10 years with the love and support of family, friends, and the hospital's staff. Ryan and the people around him never gave up hope. He tried to live life as normally as possible by taking part in activities like playing on the youth football team.

Ryan's story reminds us that we shouldn't take life for granted. With faith, hope and endurance we can overcome many obstacles in life. I am proud to represent heroes like Ryan Hardy in Ohio's 15th Congressional District. I commend him for his courage and am happy to hear that he was able to finally ring the bell.

HONORING ARMY STAFF SERGEANT MATTHEW J. WEST AND MARINE SERGEANT DAVID P. DAY

HON. DAN BENISHEK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. BENISHEK. Mr. Speaker, Sunday, July 29, 2012, at 2:00 p.m., the citizens of Gaylord, Michigan, gathered to rededicate their Fallen Heroes Memorial and pay tribute to the lives of two service members who lost their lives in service to their country during Operation Enduring Freedom in Afghanistan.

Army Staff Sergeant (SSG) Matthew J. West grew up in Gaylord, Michigan, and graduated from Gaylord High School in 1992. He returned to Gaylord after graduating from Northern Michigan University in 1997, and enlisted in the Army in June of 2004.

SSG West completed three tours in support of Operation Enduring Freedom, and was highly decorated. His honors included the Bronze Star, the Joint Service Commendation Medal, two Army Commendation Medals, Meritorious Unit Citation, two Army Good Conduct Medals, National Defense Service Medal, two Afghanistan Campaign Medals, Iraq Campaign Medal with Campaign Star, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Noncommissioned Officer Professional Development Ribbon, Army Service Ribbon, two Overseas Service Ribbons, NATO Medal, Combat Action Badge and the Senior Explosive Ordnance Disposal Badge.

SSG West died on August 30, 2010, in the Arghandab River Valley, Afghanistan. SSG West was killed by an improvised explosive device, along with four other soldiers from his unit. He served with the 71st Explosive Ordnance Disposal Group, tasked with locating and eliminating bomb threats.

SSG West was laid to rest, with full military honors, in Arlington National Cemetery. He is survived by his wife, Carolyn, their three young children, sons Tyler and Joseph, and daughter Annaliese, as well as a large extended family.

Marine Staff Sergeant (SSgt) David P. Day was born in Englewood, Colorado, on November 13, 1984, and grew up in Gaylord, Michigan. A 2003 graduate of Gaylord High School, he excelled in hockey and served as co-captain for the Otsego County Recreational Hockey Team. SSgt Day married Nicole Makins on October 6, 2009. SSgt Day enlisted in the Marine Corps immediately following high school and was a seven-year veteran, serving two tours in Iraq and one in Afghanistan. He was an Explosive Ordnance Disposal (EOD) Technician for the elite Marine Force Recon. SSgt Day died on April 24, 2011, while conducting combat operations in Badghis Province, Afghanistan. He was assigned to the 2nd Marine Special Operations Battalion, Marine Special Operations Regiment, U.S. Marine Corps Forces Special Operations Command, Camp Lejeune, NC.

SSgt David P. Day's Awards and Decorations include the Bronze Star and Combat "V" for Valor (posthumously), Purple Heart Medal (posthumously), the Navy and Marine Corps Commendation Medal with the V device, the Navy and Marine Corps Achievement Medal with Gold Star, the Combat Action Ribbon, the Marine Corps Good Conduct Medal, the National Defense Service Medal, the Afghanistan Campaign Medal, the Iraq Campaign Medal, the Global War on Terror Service Medal, the NATO Service Medal, Parachutist (Jump) Wings, Expert Marksmanship Badge and EOD Badge.

SSgt Day is survived by his wife, Nicole, his parents Don and Kathy; sister, Samantha Day; grandparents, Janice and Pirie Benson of Gaylord and Grace Day of Missouri; mother and father-in-law, Robert and Patricia Makins; and many aunts, uncles, nieces, nephews and cousins.

These men were combat hardened, professional soldiers. They willingly enlisted in the United States Armed Forces in order to defend their country. They both became experts in explosive ordnance disposal despite the elevated risks associated with the job. SSG West and SSgt Day made the ultimate sacrifice in the name of freedom and have earned the lasting gratitude of this community and of our nation.

"He which hath no stomach to this fight let him depart. But we in it shall be remembered. We few, we happy few, we band of brothers!! For he today, that sheds his blood with me, shall always be my brother."—William Shakespeare

HONORING MAJOR KHIEEM JACKSON

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. DREIER. Mr. Speaker, today I recognize and pay tribute to Major Khieem Jackson, United States Marine Corps, on the occasion of his transfer from the Marine Corps Liaison office. I and many of my colleagues have had the pleasure of working closely with him over the past three years, as he has served as part of the Marine Corps' Office of Legislative Affairs and as the Deputy Director of the Liaison Office in the U.S. House of Representatives. He has done exemplary work in this capacity, working tirelessly in behalf of not just his fellow Marines, but also the Members and staff of this Chamber, and the American people.

Many Americans may not be aware of the tremendously important role of the Marine Corps Office of Legislative Affairs. By acting as a conduit between the Marine Corps and the Congress, this hard-working team provides a vital link between our military leaders and the American people's elected representatives. Major Jackson stepped into this role with extraordinary dedication and enthusiasm. He was able to develop and execute legislative strategy for the United States Marine Corps that was instrumental in creating a fiscal and policy landscape conducive to training and equipping the Nation's most elite fighting force and ensuring its success on the battlefield. His candor and expertise were essential in developing close working relationships with many Members of the House of Representatives and Committee Staffs—a cornerstone of Commandant of the Marine Corps' strategic vision and a vital aspect of civil-military relations.

Throughout his tour, Major Jackson personally supervised the response to hundreds of congressional inquiries, some of which gained national-level attention. Through his exceptional inter-personal skills and broad knowledge in a wide range of military affairs, he assisted the Director, Marine Corps Liaison Office, in gaining the Members' support and trust on critical issues.

Major Jackson also successfully planned, coordinated, and escorted an extensive number of international and domestic missions for Congressional and Staff Delegations. I had the pleasure of leading many such CODELs that Major Jackson helped to organize, under the auspices of the House Democracy Partnership. His impressive attention to detail and anticipation of requirements allowed our delegations to focus exclusively on our mission to promote the building of sound democratic institutions around the world. Major Jackson was an invaluable member of our team, and we remain deeply grateful for his tremendous work.

Through his exceptional personal efforts, Major Jackson has contributed immeasurably in the Marine Liaison Office here on Capitol Hill. I wish him well in all of his future endeavors, and look forward to hearing of his many successes to come.

IN RECOGNITION OF DAVID BOSTON

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. BURGESS. Mr. Speaker, I rise today to recognize David Boston, a talented and respected builder from Crossroads, Texas. After many years of private custom home building, and ten years of employment with the Federal Emergency Management Agency (FEMA), Mr. Boston is retiring.

Mr. Boston was a sought-after custom home builder in Denton for many years. After retiring from that profession, he accepted a part-time position with FEMA in 2002. Four years later in 2006, Mr. Boston accepted a full-time position with the agency. He served as a National Hazard Mitigation Specialist where he investigated properties that were damaged by disasters like Hurricanes Katrina, Rita, and Ike. In his tenure at FEMA, he investigated over 46,000 sites.

Due to his prior experience building private homes, Mr. Boston was able to deal favorably with sub-contractors. Because of this advantage, he saved FEMA and American taxpayers nearly $25 million. In addition to his commitment and dedication to FEMA, Mr. Boston was always equally dedicated to the home owners and businesses with whom he worked.

Mr. Boston retired in May, 2012 after ten years of service. Upon his retirement, he will serve as a Republican precinct chair beginning in August of 2012. As Mr. Boston retires from a long and dedicated career, I would like to recognize his accomplishment and service, as well as congratulate him on a job well done. His experience and skills are evident to all he worked with. It is an honor to have the opportunity to recognize and represent Mr. Boston in the U.S. House of Representatives.

RETIREMENT OF MAJOR GENERAL GINA FARRISEE

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. GUTHRIE. Mr. Speaker, today I wish to recognize the dedication and selfless service of Major General Gina Farrisee, who will culminate her 34-year Army career as the Commanding General of Human Resources Command in Ft. Knox, Kentucky.

As a Member of Congress, a Kentuckian, and a former Army Officer, it is an honor to recognize Major General Farrisee today before the United States House of Representatives. She is a native of Virginia, a 1978 graduate of the University of Richmond and the National Defense University in 1998. She was commissioned a Second Lieutenant in the U.S. Army, serving her career as an Adjutant General Officer.

Major General Farrisee's career highlights include a variety of command and staff positions at Army installations around the world to include Germany, Ft. Bliss, TX; Ft. Lewis, WA; Ft. Benjamin Harrison, IN; and Ft. Jackson, SC. During several key assignments in the Pentagon she worked for the Chief of Staff of the Army, the Assistant Secretary of Defense for Force Management Policy and four years as the Army's Director of Military Personnel Management. Her highly successful command assignments included battalion command at Ft. Lewis, brigade command at Ft. Benjamin Harrison and the Army's Soldier Support Institute at Ft. Jackson. Most recently, Major General Farrisee headed Army Human Resources Command, at Ft. Knox in my district. Her selfless service, professionalism and expertise were highlighted while assigned as the 61st Adjutant General of the Army.

Throughout her service, Major General Farrisee has been a shining example for our Nation. It has been my pleasure to highlight Major General Farrisee's long and decorated career today. On behalf of a grateful Nation, I join my colleagues today in commending and thanking Major General Farrisee for a lifetime of service during peace and wartime to her country. Her sacrifices and contributions will be forever remembered in the Soldiers and families she mentored and inspired. Those same Soldiers will miss her leadership, technical competence, mentorship and enthusiasm, as well as her daily inspiration—"It's a Great Day to be a soldier. . . . Hooah!"

For all she and her family have given to our country, we are in debt. We wish her and her husband David, all the best as they continue their journey.

INTRODUCING A RESOLUTION IN SUPPORT OF THE XIX INTERNATIONAL AIDS CONFERENCE

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce a resolution in support of the XIX International AIDS Conference (AIDS 2012), which takes place from July 22, 2012, through July 27, 2012, at the Walter E. Washington Convention Center in Washington, DC. AIDS 2012 is organized by the International AIDS Society (IAS) and brings together more than 20,000 delegates from nearly 200 countries, including 2,000 journalists. My resolution supports a stronger international response to HIV/AIDS that seeks to prevent the transmission of HIV, increase access to testing, treatment, and care, improve health outcomes for all people living with HIV/AIDS, foster greater scientific and programmatic collaborations around the world to end HIV/AIDS, and protect the rights of people living with HIV/AIDS.

According to UNAIDS, the Joint United Nations Programme on HIV/AIDS, there are approximately 33.4 million people living with HIV worldwide, and nearly 30 million people have died of AIDS since the first cases were reported in 1981. The United States is heavily engaged in both international and domestic efforts to address the HIV/AIDS pandemic, including the United States President's Emergency Plan for AIDS Relief (PEPFAR) and the Global Fund to Fight AIDS, Tuberculosis, and Malaria. Taxpayers in the United States have paid more than $45 billion through PEPFAR and the Global Fund, which have enjoyed broad bipartisan support in Congress.

Since 1985, the now biennial International AIDS Conference has brought together leading scientists, public health experts, policymakers, community leaders, and individuals living with HIV/AIDS from around the world to enhance the global response to HIV/AIDS, evaluate recent scientific developments, share knowledge, and facilitate a collective strategy to combat the HIV/AIDS pandemic. AIDS 2012 is a tremendous opportunity to strengthen the role of the United States in global HIV/AIDS initiatives within the context of significant global economic challenges, reenergize the response to the domestic epidemic, and focus particular attention on the devastating impact of HIV/AIDS that continues in the United States.

The theme of AIDS 2012, "Turning the Tide Together," embodies the promise and urgency of utilizing recent scientific advances in HIV/AIDS treatment and biomedical prevention, continuing research for an HIV vaccine and cure, and increasing effective, evidence-based interventions in key settings to change the course of the HIV/AIDS crisis. AIDS 2012 seeks to engage governments, non-governmental organizations, policymakers, the scientific community, the private sector, civil society, faith-based organizations, the media, and people living with HIV/AIDS to more effectively address regional, national, and local responses to HIV/AIDS around the world and overcome barriers that limit access to preventative care, treatment, and other services.

My resolution supports the goal of bringing renewed awareness of, and commitment to, addressing the HIV/AIDS crisis in the United States and abroad. In particular, it recognizes that formulating sound public health policy, protecting human rights, addressing the needs of women and girls, directing effective programming toward the populations at the highest risk of infection, ensuring accountability, and combating stigma, poverty, and other social challenges related to HIV/AIDS are key to overcoming HIV/AIDS. It also encourages the ongoing development of innovative therapies and advances in clinical treatment for HIV/AIDS in the public and private sectors.

Mr. Speaker, 25 years after the III International AIDS Conference was held in Washington, DC, we are now at a point where we have the tools necessary to prevent the spread of HIV and bring an end to the crisis. Now is the time to commit. HIV/AIDS is not a partisan issue. But it will take a bipartisan effort to overcome HIV/AIDS as a nation once and for all. Continued commitment by the United States to HIV/AIDS research, prevention, and treatment programs is crucial to protecting global health. I urge my colleagues to support my resolution, which recognizes the importance of the XIX International AIDS Conference in the global effort to end the HIV/AIDS pandemic and create an "AIDS-free generation."

DAVID HERMAN

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud David Herman for his service to our community.

David Herman, a native of Wheat Ridge, Colorado, is a world-class BMX rider and a

contender in the 2012 London Olympics. David has been passionate about BMX since he was eight years old, and received his first factory sponsor in sixth grade. He is currently taking time off from pursuing his college degree in Denver to focus on his Olympic career.

David has been a household name in the world of BMX since he burst onto the scene in 2007. He is known as one of the fastest starters in the sport, and has two World Cup wins under his belt. After placing 22nd in the 2011 World Championships in Copenhagen, David began pushing himself harder and harder toward his dream of joining Team USA in the 2012 Olympics. His hard work and dedication paid off in the 2012 World Championships in England, where he finished fifth to become the first U.S. BMX rider to book his place in London.

David's dedication to his sport is mirrored by his dedication to his family in Colorado. Though he prepares for the Olympics with his coach Greg Romero at the Olympic Training Center in Chula Vista, California, David makes sure to divide his time between California and the Denver area.

I extend my deepest congratulations to David Herman for his hard work and perseverance. It is an honor to see a native of Colorado rise to this Olympic level. David embodies the best our country could hope for in the next generation of Americans. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

IN HONOR OF THE 50TH ANNIVERSARY OF THE GEORGIA PEANUT COMMISSION

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. BISHOP of Georgia. Mr. Speaker, it is my great honor to extend a heartfelt congratulations to the Georgia Peanut Commission as it celebrates 50 years of providing support to Georgia farmers. The Commission will be celebrating this great milestone with a ribbon cutting ceremony at the Commission's new location in Tifton, Georgia on Tuesday, July 31, 2012.

The Commission, funded by Georgia peanut growers, began operations in 1961 and has represented farmers through programs in research, promotion, education, and communication. For 50 years, Georgia peanut farmers, through the Commission, have been successful in improving the profitability of peanuts and peanut products by reducing the cost of production through research and by working to promote and increase consumption. The Commission is recognized nationally and internationally by its little red bags of peanuts found in all Georgia Congressional offices on Capitol Hill.

When the Commission was first formed in 1961, farmers harvested 475,000 acres of with an average yield of 1,200 pounds of peanuts per acre. In 2011, farmers harvested 475,000 acres with an average yield of 3,520 pounds per acre, a 300 percent increase and a testament to the hard work on behalf of the Georgia Peanut Commission.

I take much pride in the fact that Georgia leads the Nation in production of peanuts with nearly 50 percent of the annual peanut crop. Georgia has 14,000 farms with peanuts and about 4,500 active farmers. Approximately 200 businesses in Georgia are peanut-related. Two million bags of peanuts are distributed annually and the industry contributes more than 50,000 jobs and an estimated $2 billion to the economy of the State of Georgia.

Since George Washington Carver discovered the many uses for the peanut in the early twentieth century, peanuts have become a household food staple and a source of dietary fiber, protein and other healthy nutrients. Although peanuts are produced in other parts of the country, I am a firm believer that no peanuts are of higher quality or more delicious than Georgia peanuts.

On a personal note, I would like to thank Don Koehler, Executive Director of the Georgia Peanut Commission, and the rest of the wonderful staff as well as Chairman Armond Morris and all those who serve on the Board of Directors. Their hard work and dedication has contributed to the success of the Commission in many ways.

Mr. Speaker, on behalf of the residents of Georgia's Second Congressional District, the state of Georgia, and all those nationwide and worldwide who enjoy our tasty Georgia peanuts, I ask my colleagues to join me today in paying tribute to the Georgia Peanut Commission for their exemplary services and dedicated efforts to support Georgia's 4,500 peanut growers over the past 50 years.

CELEBRATING THE LIFE AND ACHIEVEMENTS OF CARL ADDISON

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. ALEXANDER. Mr. Speaker, it is with great pride and pleasure that I rise today to commemorate Mr. Carl Addison on the occasion of his 95th birthday, which he and his loved ones will celebrate on August 8. Mr. Addison has led an incredible life, truly worthy of this distinction.

In 1939, Mr. Addison joined the 6th Armored Cavalry Regiment in Oglethorpe, Georgia. The ''Fighting Sixth'' became an integral wing of Gen. George S. Patton's Third Army during World War II. Mr. Addison's group landed in France on June 8. This team served as a reconnaissance squad as they moved across Europe, and was there when Gen. Patton made his heroic run to Bastogne to rescue U.S. troops.

At Bastogne, Mr. Addison was wounded from a gunshot wound to the knee and was sent to England for medical treatment. Though scheduled to return to the United States for further treatment, he went back to France to rejoin his group. His superior officer ensured Mr. Addison could stay with the 6th Cavalry, where he remained until the allies claimed victory in Europe.

Mr. Addison returned home to Monroe, LA. in 1945 and married Bea Shamblin in the following year. They have one child together, Carl Addison, Jr.

As his family and friends prepare to join together to honor Mr. Addison, he continues to exemplify a strong character of leadership and dedication. I ask my colleagues to join me in congratulating Mr. Addison on this truly significant birthday.

MISSY FRANKLIN

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Missy Franklin for her service to our community.

Missy Franklin, of Aurora, Colorado, will compete in seven events at the 2012 London Olympics and will be the first U.S. female to swim that many races at the games. Missy has been a competitive swimmer since an extremely young age, and qualified for her first Olympic trials at the age of 12.

In 2011, Missy competed at the first long-course World Championships of her career, and won a total of five medals, three of which were gold. Shortly after, Missy won the 100m freestyle and 100m backstroke titles at Nationals. Later in 2011, she broke her first world record at a FINA World Cup meet in Berlin.

Missy consistently impresses those around her with her tireless dedication to her sport. As a 17-year old high school student, Missy is faced with the formidable task of balancing high school life with a world-class athletic career. Her ability to stay grounded and focused in both aspects of her life shows incredible strength and maturity. Missy attributes much of her success to her wonderful parents in Colorado, who encourage her to make education a priority even after an exhausting day in the pool.

I extend my deepest Congratulations to Missy Franklin on your hard work and perseverance. It is an honor to see a native of Colorado rise to this Olympic level. Missy embodies the best our country could hope for in the next generation of Americans. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

A TRIBUTE TO BRITTANY WIEBBECKE

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Brittany Wiebbecke of Nashua, Iowa for being awarded the Girl Scout Gold Award.

The Gold Award is the highest award that a high school-aged Girl Scout can earn. This is an extremely prestigious honor, as less than 6 percent of all Girl Scouts will attain the Gold Award's rigorous requirements.

To earn a Gold Award, a Girl Scout must complete a minimum of 80 hours towards a community project that is both memorable and lasting. For her project, Brittany assisted a local animal rescue center by providing supplies and learning materials for new pet owners. The work ethic Brittany has shown to earn her Gold Award speaks volumes about her commitment to serving a cause greater than herself and assisting her community.

Mr. Speaker, the example set by this young woman and her supportive family demonstrates the rewards of hard work, dedication

and perseverance. I am honored to represent Brittany and her family in the United States Congress. I know that all of my colleagues in the House will join me in congratulating her on obtaining the Gold Award, and will wish her continued success in her future education and career.

PAYING TRIBUTE TO EARL CAMPBELL

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. POE of Texas. Mr. Speaker, it is with great pride that I rise before you today to recognize Earl Campbell, one of the best football players to ever play the game and a visionary businessman who started from the bottom and worked his way to the top. The Tyler Rose is a living legend in the state of Texas, and it gives me pleasure to recognize him before Congress and this Nation.

Earl was born in Tyler, Texas, the ''Rose Capital of the World.'' In 5th grade he began playing football as a kicker, before realizing that he enjoyed delivering the hits. Earl became a star linebacker and led John Tyler High School to the Texas 4A State Championship in 1973. When coaches moved his strength and intensity to the offense, he became one of the most powerful running backs in history.

Naturally many colleges all wanted someone with the leadership abilities and strong work ethic that Earl possessed. He chose to stay close to home and play with legendary Coach Darrell Royal at the University of Texas in Austin. Earl had a celebrated career at Texas, winning the Heisman Trophy, college football's highest honor after his senior year in 1977. He was a two-time All-American choice and finished his career with 4,443 yards and 41 touchdowns. Earl restored the Longhorn dynasty to its rightful place among the top collegiate programs in the country.

The Houston Oilers made Earl the first overall draft pick in 1978, once again keeping him close to home in Texas. His punishing running style made an immediate impact on the team, leading them to a 10–6 record and a playoff appearance. They lost in a classic game against the Pittsburg Steelers now known as the ''Ice Bowl.'' Despite the loss, Earl finished the season with 1,450 yards and 13 touchdowns, earning the Rookie of the Year Award and the Offensive Player of the Year Award. Most importantly, he helped shepherd in the ''Luv Ya Blue'' era that had the Astrodome rocking and brought pride to the city of Houston.

For the 8 years that Earl played in the NFL, he was one of the most feared yet respected players. Opponents feared his tough, physical style of play. His 5′11″, 244-pound frame was described as a ''one man demolition team.'' Teammates respected his leadership and dedication. When they needed him, he was there, missing more than two games a season only once. He would finish his career with 9,407 yards, 74 touchdowns, 5 Pro Bowl appearances, 3 All Pro teams, and the Most Valuable Player Award in 1979. Earl is a member of both the College and Professional Football Hall of Fame and will be remembered as one of the greatest players to ever hit the gridiron.

The dedication to success that Earl displayed on the field translated off of it as well. In 1991, after hearing raves about his sausage recipes, he took $150,000 and started his own company, Earl Campbell Meat Products, Inc. The small business is the heart of the American economy, and Earl worked hard to make sure that his company stood out. He drove hundreds of thousands of miles, all over Texas and the south, to promote his products. Today, they are one of the largest sausage manufacturers in the country, selling over 11 million pounds a year.

While being one of the most famous Texans around, Earl has never lost the small town values that helped shape him. He married his high school sweetheart, Reuna, and they have two sons, Christian and Tyler. After Tyler was diagnosed with Multiple Sclerosis, the family rallied together and became ambassadors for the National MS Society. They have helped raise thousands for research and remain committed to fighting the disease. He also helps mentor athletes at the University of Texas, preparing them for the life-altering changes they will soon experience. The State of Texas and our Nation is a better place because of people like Earl.

Earl Campbell is a shining example that the American Dream is possible for anyone. Through tireless effort and internal fortitude, he became a world-class athlete, respected businessman, and noted philanthropist. I am honored to recognize Earl, a true Texan, for his lifetime of inspiration and service to the community.

And that's just the way it is.

RECOGNIZING THE OUTSTANDING MILITARY SERVICE OF LIEUTENANT GENERAL CHARLES E. STENNER, JR. ON THE OCCASION OF HIS RETIREMENT

HON. AUSTIN SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, today I wish to recognize Lieutenant General Charles E. Stenner, Jr., upon his retirement after 39 years of distinguished military service to our Great nation in the United States Air Force and the United States Air Force Reserve.

General Stenner was commissioned as a Second Lieutenant in 1973 and went on to fly the F–4, A–10, and F–16 aircraft. General Stenner's last military assignment was as both Chief of the Air Force Reserve, Headquarters U.S. Air Force, Washington, DC, and Commander, Air Force Reserve Command, Robins Air Force Base, Georgia. As Chief of the Air Force Reserve, he served as principal adviser on reserve matters to the Chief of Staff of the Air Force. As Commander of Air Force Reserve Command, he had full responsibility for the supervision of all U.S. Air Force Reserve units around the world.

General Stenner led a modernization effort of the Air Force Reserve which increased combat effectiveness and improved response capabilities to humanitarian crises and disaster relief operations in the United States as well as operations in Iraq, Afghanistan, the Horn of Africa, Libya, Japan, Haiti, and numerous other locations around the globe. General Stenner moved the Air Force Reserve from a Cold-War-model, or ''Strategic Reserve,'' to a full partner major command through his Air Force Reserve 2012 initiative. Creating a cultural shift in both Active and Reserve Components, he was able to rebuild the Air Force Reserve's infrastructure to support its newly evolved twin missions of being first and foremost a ''Strategic Reserve'' that can be leveraged to support daily operations as an ''Operational Reserve.''

After conducting more than 20 years of continual combat operations, the Air Force Reserve's success is evident today. General Stenner's efforts were critical to implementing new policies supporting Air Force Reservists, their civilian employers, and their families who were impacted by increased Reserve operations. thanks to his continuous dialogue with Congress, reservists now get improved health care, new credits toward retirement, inactive duty training travel pay, and post–9/11 G.I. Bill benefits.

Because of General Stenner's visionary leadership, planning, and foresight, the Air Force, the Department of Defense, and the United States will long reap the benefits of his many years of service. I thank General Stenner for his many years of dedicated service I wish him and his wife Dee the very best as they enter retirement.

A TRIBUTE TO DIANA ZHANG

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Diana Zhang for being named a state winner of the Library of Congress's Letters about Literature program.

Letters about Literature is a national reading and writing program that is sponsored by the Library of Congress. The program asks students to write to the past or present author of a book that has affected their life. Approximately 59,000 young readers from across the country submitted letters last year to compete for the state-level awards for 2012.

A panel of judges that can include published authors, editors, publishers, librarians, teachers, and even state officials chose Diana's letter as a state winner. Diana wrote a letter to author Catherynne M. Valente to explain how Valente's two novel series, The Orphan's Tales, affected her life. Valente's acclaimed novels spoke to Diana, and now Diana's letter to Valente has earned her recognition in her community as well as here in Washington.

Mr. Speaker, the example set by this young woman demonstrates the rewards of harnessing one's talents and sharing them with the world. Diana's efforts embody the Iowa sprit and I am honored to represent her and her family in the United States Congress. I know that all of my colleagues in the United States House of Representatives will join me in congratulating her on her achievement and will wish her continued success in her future education and career.

CONDEMNING THE ATROCITIES THAT OCCURRED IN AURORA, COLORADO

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2012

Mr. VAN HOLLEN. Mr. Speaker, today I rise to join m colleagues in honoring and remembering all of the victims of the tragic shootings in an Aurora, Colorado movie theater last Friday, July 20, 2012, and to condemn the senseless and abhorrent violence that took their lives or left them wounded. The victims' friends and families can count on the unyielding support of their fellow Americans as we come together to mourn the loss and heal the wounds caused by the heinous acts of that day.

We must also recognize the heroic efforts made by those inside the theater to protect others. Their courage, along with the quick and decisive actions of the hundreds of first responders, law enforcement officials, and hospital workers, undoubtedly saved lives. I join my colleagues in offering my thoughts and our prayers to those touched by this horrible event.

A VOTE AGAINST H.R. 459

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. BLUMENAUER. Mr. Speaker, I voted against H.R. 459 because our economy requires an independent central bank, free of short-term political pressures. Congress established the twin policy goals of maximum employment and price stability for the Federal Reserve, and it is important that the institution pursue monetary policy in support of those goals independent of political influence.

Congress conducts regular and robust oversight of the Federal Reserve and expanded the Government Accountability Office's audit authority in the Dodd-Frank Wall Street Reform and Consumer Protection Act. In that legislation, Congress expanded the types of audits GAO may conduct of the Federal Reserve and the data that must be shared with the public. The Federal Reserve's financial accounts have long been subject to audit both by the GAO and an outside, independent audit firm.

I wish to make clear, however, that the independence of the Federal Reserve has no bearing on the scrutiny that Congress must exert over the large commercial banks. Roughly four years ago, the banks were dragging the American people into a financial storm the like we have not seen since the Great Depression. The recession cost $19.2 trillion in lost household wealth—40 percent of the net wealth of American households. Thirty-one percent of homeowners with a mortgage are underwater, owing a bank far more than their house is worth.

As the magnitude of the rot, the corruption, the shady practices, the greed, misplaced institutional incentives unfolded, we experienced a near-meltdown of our economy. The second-guessing began even when we were in the midst of devising remedies to stop the fall. That controversy continues, but we're in the midst of a much larger question: "What is it that we do now to speed the recovery and make sure that it never happens again?"

The crush of special interests and the near constant political campaigns places people with limited expertise in the worst possible circumstances as they make these decisions. New scandals have continued to unfold. The most recent is the LIBOR scandal that we are only beginning to unearth, where massive international banks gamed the system for their own financial advantage, to stave off regulatory action, to avoid a negative market response, or to gain an unfair advantage as they placed their own financial bets.

In response, we must move toward performance-based regulation—providing greater clarity of what we want and linking those goals to clear measures. My acquaintances in the business community with long financial expertise suggest that we can start by actually enforcing the existing rules and providing the regulatory capacity to make sure they are enforced.

We must give adequate personnel and resources to the existing regulatory agencies—the SEC, the CFTC, the FDIC and the Treasury, among others—to allow them to better supervise the financial sector. Pay them fairly so they are not poached by the industries they regulate. In turn, they must prosecute financial felons and send people to jail.

There are people sentenced to prison for years who broke into a home or used a gun. But all of these crooks put together have not robbed the American public of a third of their wealth the way the financial crisis did. It is doubtful that all of the people in all of America's prisons have stolen a fraction of the money that disappeared from the balance sheet of America's families. But we see continue the fraud, collusion, sharp practices, and outright theft in the financial sector that has destroyed families, bankrupted businesses, and stunted people's futures. The sooner we bring the perpetrators to justice, the less risk we are going to have in the future.

A TRIBUTE TO NYEMASTER, GOODE, P.C.

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. LATHAM. Mr. Speaker, it is with great pride that I rise once again to recognize the Des Moines-based law firm, Nyemaster Goode, for being named a recipient of the 2012 Freedom Award from the Employer Support of the Guard and Reserve. Nyemaster Goode was nominated in 2011 by Doug and Kristina Stanger.

The Freedom Award is the greatest honor bestowed on employers by the Department of Defense for "exceptional support" of Guard and Reserve employees. In 2011, the ESGR received an incredible 3,236 nominations from across the Nation, in the hopes their employer would be chosen among the Nation's best companies for Guard and Reserve employees. Earlier this month, it was confirmed that Nyemaster Goode would receive this prestigious award with 14 other companies from across the country that will be honored in Washington, D.C. this September at the 17th annual Freedom Award Ceremony. Nyemaster Goode can now count itself among the 175 elite employers that have won this award since its establishment in 1996.

Doug and Kristina Stanger, both members of the Army National Guard, nominated Nyemaster Goode because they knew firsthand that the efforts the company took to accommodate our citizen soldiers were truly something special. Doug and Kristina felt that Nyemaster Goode represented the "perfect example" of how employers should go above and beyond to support our local heroes in their companies and communities. After weighing the merits of more than 3,200 nominations, the Department of Defense has wholeheartedly agreed with the Stangers and proudly recognized Nyemaster's job-well-done on a national level.

Mr. Speaker, Nyemaster Goode's receipt of the 2012 Freedom Award highlights the rewarding Iowa traditions of hard work and commitment to our neighbors. I thank Doug and Kristina for their nomination of Nyemaster Goode, and I thank Nyemaster Goode for setting a pristine example for employers across our great Nation. I ask my colleagues in the House to join me again in congratulating Nyemaster Goode for their outstanding accomplishment and wish them continued success in the years ahead. May God continue to watch over all of our soldiers and their families, across the world and here at home.

IN HONOR OF BRUCE WOOLPERT

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. FARR. Mr. Speaker, I rise today on behalf of myself and my colleagues, Representatives ESHOO, LOFGREN, and HONDA, to honor the life of Bruce Woolpert, a remarkable businessman, a noted philanthropist, and a stalwart of the Monterey Bay and San Francisco Bay Area communities. As the leader of the Granite Rock Company, Bruce will be remembered for his integrity and his generosity, not only to his employees, but to the community where he was raised and in which Graniterock was based.

Bruce Wilson Woolpert was born on May 30, 1951 to Mary Elizabeth "Betsy" Wilson Woolpert and Bruce Gideon Woolpert. Betsy's father, Arthur Roberts Wilson incorporated Granite Rock Company in 1900 after seeing an opportunity with a small granite quarry located in Aromas, California. Bruce was a native to Watsonville, California, the beacon of the Pajaro Valley. He attended MacQuiddy Elementary School, E.A. Hall Junior High School, and graduated from Watsonville High School in 1970. He went on to study economics and mathematics at the University of California, Los Angeles, graduating summa cum laude. He obtained a Master's Degree in Business Administration from Stanford University in 1976, graduating first in his class, and going on to work for Hewlett Packard. By 1986, he returned to Graniterock to serve as President and CEO.

It was at Graniterock that Bruce sought to make a company where its workers were delighted to come to work every day. He was a

gifted leader and renewed the company's core values of safety, dedication to excellence in customer service, the growth and development of Graniterock people, honesty and integrity, continuous improvement, and lifelong learning. As a result, the company was awarded the United States Department of Commerce's Malcolm Baldridge National Quality Award in 1992, the first winner of the California State Quality Award, the Construction Innovation Forum's NOVA Award in 1994, and consistently ranked in the top 25 of Fortune Magazine's 100 Best Places to Work.

Among other charitable pursuits, Bruce maintained a special interest in supporting education in the Pajaro Valley, where he was instrumental in the creation of the Committee for Good School Governance. He realized that his role as a leader to his employees expanded far beyond the asphalt of the company's driveway and went through the streets of the city, seeking to make a better life for all.

Mr. Speaker, I know that I speak on behalf of the entire House, when I offer the nation's deepest sympathies to Bruce's wife, Rose Ann, his daughter Marianne, his son Arthur, his brother Stephen, and his extended Graniterock family. He was a hero and a leader that sought to change the world one rock at a time.

CELEBRATING THE 200TH ANNIVERSARY OF RIPLEY, OHIO

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mrs. SCHMIDT. Mr. Speaker, I rise today to celebrate the 200th anniversary of a village that sits quietly on the banks of the Ohio River: Ripley, Ohio.

James Poage settled on 1,000 acres there in 1804, not yet aware of all the natural advantages that the mighty Ohio River and its nearby creeks would provide. Soon after, Poage and his family would name the town Staunton. But in 1816, it was renamed Ripley—after an American officer of the War of 1812, General Eleazar Wheelock Ripley. General Ripley would later serve as a member of Congress.

Ripley might be best known these days as the site of the annual Ohio Tobacco Festival, but those who know Ripley's history understand the importance that this little town played in the fight against slavery.

Mr. Speaker, many of the early residents of Ripley shared a hatred of slavery, understanding that all men are created equal. Some risked their lives and property in ferrying enslaved people across the Ohio River to freedom in the North.

Threats were made against compassionate and courageous villagers such as the Rev. John Rankin and the inventor/entrepreneur John Parker (a former slave), but the words and actions of these members of the Underground Railroad established Ripley's reputation as a lighthouse of liberty.

Ripley's charm is evident in its many stately homes, delightful restaurants, and interesting antique stores, but fascinating tourist attractions such as the Rankin House State Memorial museum and the John P. Parker Museum are the true legacy of this village.

Mr. Speaker, I urge my colleagues to join me in celebrating the 200th anniversary of the remarkable village of Ripley, Ohio, and I hope they also will join me in commending this community for its historic role in the battle against the sin of slavery.

A TRIBUTE TO EDWARD AND VERGENE DONOVAN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. LATHAM. Mr. Speaker, I rise today to recognize and honor Edward Donovan, and his wife, Vergene Donovan, on the special occasion of their 70th wedding anniversary. This special day will take place on August 24, 2012, and they will be celebrating this landmark occasion on August 26th in Spirit Lake, Iowa.

Mr. and Mrs. Edward Donovan met by chance in southern California in July of 1942. A 19-year-old Edward approached a pretty 18-year-old girl named Vergene on the street and asked if he recognized her from Iowa. She confirmed she was from Spirit Lake, and the two spent the rest of the afternoon getting to know each other over soda at a nearby drug store. When Edward made it home that night, he told his best friend he had met the girl he wanted to spend the rest of his life with. Edward proposed to Vergene on their second date, and they have never looked back since saying ''I do'' in Long Beach, California on August 24, 1942.

After moving back to Iowa, Edward began work with a small fishing supply company known as Berkley and Company in 1950. Over his time with Berkley, Edward's creativity, passion and coordination helped lead the company to international expansion and dominance in the fishing industry. Edward would eventually leave Berkley as the Executive Officer of Operations in 1987. Meanwhile, Vergene discovered a strong passion for politics and continues to be involved with the Dickinson County Republican Party and Republican Women.

Edward and Vergene currently reside in rural Orleans, Iowa and have raised four children—Edward, Jim, DeEtte, and Scott. Their children have blessed them with nineteen grandchildren and sixteen great-grandchildren. The Donovan's continue to be an active and important part of their community and it is truly an honor to represent them in the United States Congress.

Edward and Vergene's lifelong commitment to each other and their family truly embodies Iowa's values. I salute this lovely couple on their 70th year of life together and I wish them many more. I know my colleagues in the United States House will join me in congratulating them on this momentous occasion.

TRIBUTE TO THE ALABAMA SCHOOL OF MATH AND SCIENCE

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. BONNER. Mr. Speaker, I rise to honor the Alabama School of Math and Science, which was recently named one of the best public high schools in the state of Alabama.

In May, Newsweek magazine scored the Alabama School of Math and Science, located in Mobile, 182nd among the nation's 1,000 high schools that are the most effective in turning out college-ready graduates. The school scored third in the state of Alabama.

The 220 students at the ASMS take college level courses, including Advanced Placement classes in chemistry, biology and art. The Alabama School of Math and Science will soon expand their curriculum to also include Advanced Placement American History and English 11.

Typically, 100 percent of the graduates of Alabama School of Math and Science go on to college with 92 percent of those graduates receiving scholarships. This is an amazing accomplishment which speaks well of both the dedication of the students, as well as the determination of the school's faculty to provide excellence in the classroom.

In 1989, the Alabama State Legislature established the Alabama School of Math and Science. Mrs. Ann Bedsole, then a Republican State Senator from Mobile, was the chief sponsor of the legislation. The idea for the school came from Senator Bedsole and other Mobile citizens who felt the community needed to create a school that could give back to the state. Each year, over 260 students enroll in the school. These students come from all 67 counties in the state of Alabama.

On behalf of the people of South Alabama, I wish to extend my congratulations to school president Dr. Larry V. Turner, principal Ann Hilderbrandl, the teachers and other administrators and especially the students of the Alabama School of Math and Science. Their academic achievement is proof positive that Alabama schools and students are among the best.

IN RECOGNITION OF THE 60TH WEDDING ANNIVERSARY OF KYLE AUSTIN AND ORELEE CLEMENTS KIRBY

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. ROGERS of Alabama. Mr. Speaker, I would like to pay tribute to a very special occasion today—the 60th wedding anniversary of Kyle Austin and Orelee Clements Kirby.

Mr. Kirby was born in Halls Chapel, Alabama on February 1, 1932 and Mrs. Kirby was born in Blue Mountain, Alabama, on November 30th the same year.

They were married on September 8, 1952 in Columbus, Mississippi and from there moved to Springfield, Massachusetts. They later moved where Mr. Kirby was stationed at Hickham Air Force Base, Tennessee, and to Florida. They currently reside in Anniston, Alabama.

The Kirbys have raised four children, and have 11 grandchildren and 13 great-grandchildren. They will have an event in Anniston on August 25th to celebrate this milestone.

I salute this lovely couple on the 60th year of their life together and join their family in honoring them on this special occasion.

CELEBRATING THE 50TH ANNIVERSARY GOLDEN JUBILEE OF HARLEM'S BELOVED SYLVIA'S RESTAURANT

HON. CHARLES B. RANGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. RANGEL. Mr. Speaker, I stand to honor a venerable Harlem institution, Sylvia's Restaurant, on its 50th anniversary. Founded by the late Sylvia Woods, Sylvia's is nationally and internationally famous, yet its soul remains in Harlem.

On Wednesday, August 1, 2012, to kick off Sylvia's Restaurant's 50th Anniversary Golden Jubilee, the Woods family salutes the Harlem community with a complimentary Southern-style sidewalk breakfast party featuring Cake Man Raven complete with a voter registration drive, children's programming, live entertainment, guest speakers, prize giveaways and plenty of ''Dancing in the Streets.'' The celebration continues with The Golden Jubilee Parade, featuring the awesome Brooklyn Steppers, which begins at Adam Clayton Powell, Jr. Harlem State Office Building African Village Plaza from 125th Street and 7th Avenue to Sylvia's Restaurant at 127th Street and Lenox Avenue.

I'd like to include in this CONGRESSIONAL RECORD, in celebration of this milestone occasion the obituary that was prepared in remembrance of Mrs. Sylvia Woods.

IN REMEMBRANCE OF SYLVIA WOODS,
FEBRUARY 2, 1926–JULY 19, 2012

If ever there was a woman who defined strength, ambition and determination coupled with enough entrepreneurial spirit to uplift and inspire generations, it was Sylvia Pressley Woods, 'The Queen of Soul Food.' Encapsulating family traditions of love, unity, female empowerment and of course soul into her business ventures, she not only established an imprint with her famed restaurant Sylvia's, but the visionary blazed a trail for an entire community to emulate. After a blessed 86 years with us, Sylvia Woods departed this world and reunited with her late husband, Herbert Deward Woods, on July 19, 2012.

On February 2, 1926, Sylvia Woods was born to Van and Julia Pressley in Hemingway, South Carolina. Three days after Sylvia's birth, her father succumbed to chemical-weapons injuries; he worked to ensure financial stability. When Sylvia was three years old, her mother left her in the care of her grandmother and the greater community of Hemingway as she went to Brooklyn, New York in search of work and increased opportunities. It was the notion of strength and that sense of family togetherness which ultimately defined who Sylvia Woods became. Julia returned to Hemingway a short time later whereby she raised her children, Sylvia, Louise, whom she adopted, Christine (Tiny), and Janie (Cout), whom she also raised.

In an era where women were fighting for equal footing, Sylvia's grandmother already had a farm and instilled the value of ownership in Julia and later in Sylvia herself. Widowed after her husband was falsely accused of a robbery and hung, her grandmother later remarried and eventually fought to maintain control of the property after the second husband passed away. It was on that land, on that farm that Sylvia Woods absorbed an impeccable work ethic along with her cousins and other children from the community. It was under the hot sun that she picked beans every day after school and first fell in love with food. And it was there that Sylvia initially met her future husband at the tender age of 11 as she worked alongside him on the farm. You could say it was destiny.

Sylvia's mother Julia worked tirelessly as a laundress in New York and saved nearly every penny with the aim of purchasing the property adjacent to her own mother. That dream ultimately came to fruition. She returned to South Carolina when Sylvia was still an adolescent. Julia bought property next to the farm and had her own house constructed.

Together, as a family unit, they worked the farm and provided living examples of strong, independent, Black land owning women for young Sylvia to one day replicate.

In addition to their domestic work and maintenance of the farm, both Sylvia's mother and grandmother were midwives for Hemingway during their prime. Despite being unable to read or write, her grandmother was the community's only midwife at the time. This unyielding persistence to rise above adversity was a quality passed down to Sylvia, as was a sense of humility and gratitude for all of life's blessings. Sylvia herself once recounted that as a young child, she considered herself extremely lucky to be able to study by a lamp, for many in her neighborhood could not afford electricity. It was these humble beginnings that allowed Sylvia to continue to cherish each and every success and never waver in support of the less fortunate.

During her formative years in Hemingway, Sylvia observed a community that lived and worked for the benefit of all. It was commonplace to adopt someone's child if the need arose, or to help out in a person's home if necessary. Sylvia's mother and grandmother had both adopted children at various points in their lives. It was in this environment where Sylvia's dedication to hard work was fine tuned, as her mother made sure she stayed busy even on rainy days when the beans could not be picked. Learning to sew and mend, Sylvia started replacing buttons and repairing worn out clothing for herself and the family. But soon enough, that transitioned into a new creative outlet. Without the benefit of patterns to duplicate, or any formal training, Sylvia began making clothes—complete outfits—and tapping into the ingenuity that played a key role in all her life's work

Whether she was expressing her innovative side, or working on the farm, Sylvia's childhood also centered on one other main factor: food. Watching her mother, grandmother, relatives and neighbors pour their hearts into the dishes they served, she understood that great food didn't just emerge; it required passion, love and soul. As different folks added their own ingredients and made their own specialties, Sylvia soon learned that cooking was a creative and artistic process unto itself. It was those recipes that were in turn handed down from generation to the next. And no matter what the occasion, it was food that brought everyone together.

When Sylvia was 16, her grandmother sent her to cosmetology school in Brooklyn in order to find work as a beautician. The youngest person to graduate in her class, Sylvia then returned to South Carolina. After a few years honing her beautician skills while still assisting her family at home, she made the difficult decision to return to New York. In addition to parting ways with relatives, Sylvia faced the heart-wrenching reality of saying goodbye to her beloved Herbert. Possessing the same sentiments as Sylvia, Herbert joined the Navy shortly thereafter with the hope that he might one day sail to Brooklyn and reunite with his love. Although he never quite made it to Brooklyn through the Navy, the two married soon enough and moved to the village of Harlem.

On the tough and often unforgiving streets of New York, almost everyone was chasing after a dream. But it was the incomparable lessons of integrity, sacrifice, dedication and courage of her childhood that laid the foundation for Sylvia's eventual empire in Harlem and was an imprint for the nation. When the Woods first moved uptown, Herbert drove a cab to earn a living, while Sylvia worked a factory job on Long Island. Exhausted for her commute, she seized an opportunity to work as a waitress at Johnson's Luncheonette on Lenox Avenue. It was a decision that later proved invaluable.

When Sylvia first accepted this waitressing job, it was yet another daring move not only because she was inexperienced, but because she had never set foot inside a restaurant before. Growing up in the Deep South at a time when most restaurants barred Blacks and Black-owned restaurants were basically nonexistent, she had no knowledge of the complexities of the fast-paced industry. But Sylvia was a quick learner.

In 1962, when the owner of this luncheonette was leaving to focus on other ventures, he offered to sell Sylvia the establishment. After her initial shock, Sylvia realized the potential this venue could have for a community that was still yearning for a place to call home. Remaining true to the ideals of working as a family, Sylvia went to her mother who then mortgaged the family farm and allowed her daughter's concept to become a reality. On Aug. 1, 1962, Sylvia's opened its doors. It had 15 stools and six booths.

Having a business is no small feat, let alone a restaurant vying to survive during a period when many were forced to close their doors. It was Sylvia's faith and unbelievable relationship with Herbert that allowed her to overcome any obstacle big or small. From the fields of South Carolina where they looked after one another, through an enduring marriage that saw the birth of four children—Van, Bedelia, Kenneth and Crizette—the Woods had a bond that few will ever experience in their lives. Both were born in Hemingway, and both lost their fathers as babies. And in an added twist of fate, both Sylvia's mother and Herbert's mother were born on the same day, January 1, 1906.

During the 1960's, Harlem was an unpredictable and ever-changing neighborhood. As many restaurants struggled to remain open, Sylvia's found a niche with its southern cuisines of collard greens, peach pies, fried chicken, cornbread and other soul foods. But it was the warmth and love with which Sylvia welcomed patrons into the restaurant and that extra touch of care added into her dishes that won the hearts of the community. Her establishment was so well respected in fact, that during the riots of the '60s, as businesses were set ablaze, hers remained protected and intact.

''Sitting idle is not an option'' is what Sylvia's mother used to say, and it's what Sylvia herself exemplified throughout her time on earth. As her restaurant grew in popularity, so did her efforts towards expansion. Sylvia's currently seats over 450 patrons, and the powerhouse behind it all had branched off into other business endeavors. She purchased the remaining stores on the restaurant's Lenox Avenue block, as well as several nearby brownstones. She packaged her own signature line of food products that found their way into grocery stores across America and remain of the few truly Black owned businesses in food production today.

And she somehow found time to publish two successful cookbooks.

In 2001, Sylvia said goodbye to her best friend, the love of her life, Herbert Woods. In his memory, the Woods family founded the Sylvia and Herbert Woods Scholarship Fund offering collegiate scholarships to Harlem and local residents. To date, the fund has dispersed 76 scholarships and will continue to live up to its mantra: ''a higher level of education should not be a high-end luxury, but a right to all those who seek it''.

After the death of her soul mate, Sylvia once again turned to her faith for renewed empowerment. Growing up in a strong Christian home, she came to know God as a young child. She was a firm believer in the notion that no matter what the adversity, God would see you through. It was a value and belief system she passed down to her children and grandchildren. Sylvia was a member of Abyssinian Baptist Church for many years, and later joined Grace Baptist Church as it was more convenient for her to attend there. She was instrumental in the construction of her home church, Jeremiah Methodist, in Hemingway.

In 2007, Sylvia received a Congressional honor acknowledging her immense contribution to American society. She appeared in numerous national and international media outlets and has been saluted by President Bill Clinton, New York Governor Pataki, New York Mayors Ed Koch, David Dinkins and Mike Bloomberg, the New York Stock Exchange, among others. She was also recognized by the NAACP and received numerous awards.

Sylvia's has proudly served Presidents—including the first African American President, Barack Obama—international dignitaries, celebrities, Harlem residents and tourists the world over. It is owned and operated by three generations of the Woods family that remain committed to the work ethic, devotion, and entrepreneurial spirit of its founder. 2012 marks the 50th anniversary of Sylvia's.

A relentless fighter and champion first for her family, community, and minority/female-owned businesses, Sylvia is now reunited with her mother, grandmother, husband Herbert, adopted sister Louise Thomas and half-brother McKinley Preston, all of whom have passed on. She is survived by her four children, Van (Brenda Woods) Bedelia, Kenneth (Sylvia Woods) and Crizette; one step-daughter, Linda Woods; 18 grandchildren; two great-grandchildren; two great-great-grandchildren; two special cousins, Christine Cameron and Janie Cooper; one sister-in-law, Evelyn Woods; a host of loving nieces, nephews, cousins and a nation that will forever be indebted to a woman who reminded us to never lose sight of the key ingredient for any success.

Mr. Speaker, I ask that you and my colleagues join me in commemorating the 50th anniversary of the founding of this esteemed Harlem institution. May it continue its long run of excellence for another 50 years and more.

TRIBUTE TO RICHARD L. GRANT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. BONNER. Mr. Speaker, I rise to recognize Richard L. Grant, who recently retired as the Vice President and Region Manager of Boise White Paper Alabama Operations on May 31, 2012. Mr. Grant knows the value of hard work, as well as the importance of loyalty to one's company.

Mr. Grant began his career after graduating with a Bachelor's Degree in Environmental Studies at the University of Maine in 1977. After graduation, he began a long journey, ultimately taking him from the East coast to the West and finally down to Alabama.

He began work with Boise as the Pulp Mill Day Supervisor in 1987 in Wallula, Washington. He then became the Power and Utilities Superintendent from 1988 to 1989 at Smurfit Newsprint Corporation in Oregon. In 1989, Mr. Grant moved to the Alabama Operations, where he held a variety of positions from 1989 to 2008 which included: Operations Manager, Production Manager, Paper Machine Superintendent, Recycle General Superintendent, Utilities Superintendent and Region Manager of the Alabama Operations, before being promoted to Vice President in November of 2008.

In addition to being a leader in safety, Mr. Grant has made many outstanding and lasting contributions to Boise and his community. He has been a leader in the development of people's character, mentoring many of the key managers within the Boise Paper family. These contributions to the company will be greatly missed.

Rick has been a tremendous and positive force in his community and the Boise Paper Company. He has set a high standard of leadership that will be difficult to replace.

Mr. Speaker, on behalf of the people of South Alabama, I would like to extend a job well done, as well as our very best wishes to the Rick and his wife, Sissie, for all their future endeavors.

PERSONAL EXPLANATION

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. SERRANO. Mr. Speaker, on rollcall No. 531 I inadvertently voted ''aye'' when I intended to vote ''no'' on the Fitzpatrick Amendment to H.R. 4078. I would like the record to reflect this error, and to reiterate my opposition to efforts to undermine the Sarbanes-Oxley Act of 2002. Sarbanes-Oxley has been an important bill that improves corporate transparency and helps to ensure confidence in our financial markets, and I continue to support this vital legislation.

HONORING REV. WILLIAM F. HARRELL

HON. PAUL C. BROUN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. BROUN of Georgia. Mr. Speaker, I rise today to pay tribute to a Southern Baptist minister in Georgia's Tenth Congressional District, Rev. William F. Harrell. After serving as Senior Pastor of Abilene Baptist Church for the past 31 years, Rev. Harrell, or Brother Bill, as he is lovingly referred to by his church congregation, is entering retirement.

Under his leadership, Abilene Baptist has grown to nearly 2,900 members, and the ministry includes a region-wide television program, entitled ''Strength for Today.'' Its building stands as a stunning landmark, and the reputation of its members is a powerful testimony to the greatness of God. The church's success and strength is due, in large part, to Rev. Harrell's faithfulness and care in serving the community of the Central Savannah River Area and first and foremost, our Lord Jesus Christ. He has served a total of 39 years in ministry, holding a number of positions in the Augusta Baptist Association, Georgia Baptist Convention, and the Southern Baptist Convention.

For this reason, and on the occasion of his retirement, it is my honor to acknowledge Rev. Bill Harrell, for his outstanding career and significant contributions to Christian ministry. Furthermore, I extend my sincere appreciation to a servant leader in whom I value his friendship and hold in the highest regard. Rev. Harrell is a man who is certain of his calling, consistent in his ministry, and committed to doing the work of the Lord.

Mr. Speaker, on behalf of the United States Congress, I applaud the great work of Rev. William Harrell and congratulate him on the occasion of his retirement.

HONORING THE UNIVERSITY OF ALABAMA MEN'S GOLF TEAM

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. BONNER. Mr. Speaker, I rise to honor the University of Alabama's men's golf team which placed runner up to the National Champion Team from the University of Texas, on June 3, 2011. The Crimson Tide's record of accomplishment this season is the best in the history of the University's golf program.

Although the Tide was behind all day, they fought hard to come back. Senior Hunter Hamrick, from Montgomery, was able to put points on the board for the Crimson Tide with a 6 and 5 win. Sophomore Bobby Wyatt, from Mobile, played a dramatic hole with a birdie chip on 18 winning his match 1 up. Sophomore Cory Whitsett tied the final match with a birdie on 17. And, on 18, Texas player Dylan Frittelli needed to sink a 20-foot-putt to beat the Crimson Tide in the final match.

With such an outstanding performance, the Alabama golf team completed their most successful season in the school's history by placing runner-up at the NCAA Championship. The team also won its third SEC Championship, the school's second regional title, as well as finished first in the stroke-play portion of the NCAA Championship over Texas by 10 shots.

The 2012 men's golf team members are Hunter Hamrick, Lee Knox, Tom Lovelady, Trey Mullinax III, Scott Strohmeyer, Justin Thomas, Cory Whitsett, and Bobby Wyatt.

The coaching staff consists of Head Coach Jay Seawell, Assistant Coach Scott Limbaugh, and Team Chaplain Stephan Bunn.

On behalf of the people of Alabama and my colleagues in the Alabama Delegation, I wish to extend personal congratulations to Coach Jay Seawell, the coaching staff, and the men of the University of Alabama Men's Golf Team for their tremendous accomplishment.

HONORING NATALIE DELL AND CHRISTA HARMOTTO FOR MAKING THE USA OLYMPIC TEAM

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. SHUSTER. Mr. Speaker, I ask my colleagues to join me in honoring two outstanding athletes selected to the United States Olympic Team from the 9th Congressional District of Pennsylvania: Natalie Dell and Christa Harmotto.

Natalie Dell, raised in Clearville, PA was a standout track star throughout her high school career. Upon attending Penn State University, Dell decided that she had reached her full potential in track and field and wanted to pursue another competitive sport. She chose to begin rowing where she quickly fell in love with the sport. After graduation, she continued to hone her strength and technique and joined the Riverside Boating Club in Cambridge, Massachusetts. Although Natalie was less experienced than the rest of her peers, her talent and status advanced rapidly as she soon became a member of the U.S. National Rowing Team. Her rigorous training and the perfection of her skill proved to be well worth the effort. Dell achieved a position on the 2012 Olympic Women's quadruple skulls boat and is the first alumnus from Penn State to row for the USA National Rowing Team. Her six day per week, two-a-day training has aptly prepared this courageous woman to represent the United States and the 9th district of Pennsylvania.

The second great Olympian from our district is Christa Harmotto. Harmotto was brought up in Hopewell Township, PA where she excelled at sports from a young age. In high school, as a multiple year letterman for volleyball and basketball, Christa won the Pennsylvania Gatorade Player of the Year. She then transferred her high school success to that at Penn State, where she chose to continue her pursuit of volleyball. Her student athlete career was one of great success and achievement, as she acted as an integral member of a two-time national championship team, while simultaneously attaining All-American status for four straight years. A prominent figure on the squad as a middle blocker, Christa makes her Olympic debut in 2012. I am positive she will fight valiantly and work hard for her side in their journey to win the gold medal.

Mr. Speaker, I congratulate these two heroes of Pennsylvania's 9th district. With their effort and determination, these two women are destined to do great things for our country and the 9th district of Pennsylvania. I am very proud of their hard work and determination to win for the United States Olympic Team. I hope you join me in wishing them and the rest of our Olympic athletes well in their respective competitions at this year's Games.

125TH ANNIVERSARY OF THE HISTORIC TOWN OF EATONVILLE

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Ms. BROWN of Florida. Mr. Speaker, I rise today in honor of the 125th Anniversary of the Historic Town of Eatonville, the Oldest Incorporated African American Municipality in America. Eatonville is a source of pride for the entire State of Florida and it gives me great pleasure to represent them in the U.S. House of Representatives.

Eatonville is a town rich in black history, tucked away just north of the city of Orlando and home to more than 2,000 people.

Eatonville is known as one of the first incorporated black towns and was formed after the signing of the Emancipation Proclamation.

Eatonville is named for Union Army Captain Josiah Eaton. He owned the land and sold it to a group of African-American men who wanted to start their own city.

On August 15, 1887, twenty-seven registered voters—all African-American men—met and voted to incorporate their parcels of land, creating the first African-American town in America.

The city thrived in music and arts and in 1897, the Robert Hungerford Normal and Industrial School was founded. For years, the school was the most important school for blacks in the state of Florida. Boys and girls from all over the state came to Eatonville to learn about great poets, writers, painters, and composers.

It stayed a private school until 1950 when the courts gave it to Orange County as a public trust, and is now known as Robert Hungerford Preparatory High School—Orange County's first all-magnet high school.

Eatonville hosts the annual Zora Neale Hurston Festival. Indeed, the Zora Neale Hurston Festival of Arts and Humanities in Eatonville, Florida is simply a prize for Eatonville and for the State of Florida.

People come from throughout the country and from around the world to visit and to participate in this great annual event, to celebrate not only the legacy of Zora, but of the cultural contributions made by African Americans around the globe. There have been twenty-three annual festivals and I have yet to miss one!

Please join me in honoring the Town of Eatonville, and I look forward to celebrating this town and its rich history for many years to come.

TRIBUTE TO UNIVERSITY OF ALABAMA ATHLETIC DIRECTOR MAL MOORE

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. BONNER. Mr. Speaker, I rise to congratulate Coach Mal Moore, the respected, longtime Athletic Director of The University of Alabama who was recently named the 2012 recipient of the John L. Toner Award from the National Football Foundation (NFF) and the College Hall of Fame.

The Toner Award is presented annually by the NFF to an Athletic Director who has demonstrated superior administrative abilities and shown outstanding dedication to college athletics, particularly college football.

For those who closely follow University of Alabama athletics, there is little doubt that Mal Moore deserves this tremendous honor. As Alabama's Athletic Director since 1999, he has guided the University's sports program to a new era of success, made improvements to athletic facilities and overseen numerous conference and national championships. This year alone, under his leadership, Mal Moore has been instrumental in the Crimson Tide winning four national championships in football, women's gymnastics, women's softball and women's golf.

Long a prominent figure in the ''Alabama family,'' Coach Moore played quarterback under legendary head football coach Paul ''Bear'' Bryant, beginning in 1958, and was a member of the 1961 national championship team. A secondary and, later, quarterbacks coach for Coach Bryant's Crimson Tide, Coach Moore became a fixture on the 'Bama coaching staff until Coach Bryant's retirement in 1982 when he was hired to be an assistant coach at The University of Notre Dame. In 1990, he returned to Alabama to serve as offensive coordinator under Coach Gene Stallings. All total, Coach Moore has been a part of nine of Alabama's 14 national championships.

As Athletic Director, Mal Moore directs a $100 million budget and 21 men's and women's varsity sports teams. His record of leadership speaks for itself. Since 1999, the University has notched countless NCAA championships and even more SEC championships. Also during Coach Moore's tenure as Athletic Director, the Crimson Tide football team has won two national championships (2009 and 2011), posted six 10-win seasons, a 5–4 bowl record, appearances in four Bowl Championship Series (BCS) bowl games and SEC championships in 1999, 2009 and 2011.

Winning is not his only legacy; however, the face of the University of Alabama campus has also been transformed during Coach Moore's tenure with more than $200 million in improvements to the athletic infrastructure. Alabama has erected new stadiums for soccer, softball and tennis; new facilities for women's basketball and volleyball; a new golf clubhouse; and improved facilities for every other sports team, in addition to the renovation of the Bill Battle Center for Athletic Student Services and Coleman Coliseum. In 2007, The University of Alabama Board of Trustees officially dedicated the facility formerly known as the Football Building as the Mal M. Moore Athletic Facility. Coach Moore also oversaw the expansion of Bryant-Denny Stadium in 2006 and 2009, pushing the venue's capacity to 101,821, which ranks fifth nationally.

Mal Moore will be officially honored at the 55th NNF awards dinner at Waldorf-Astoria in New York City on December 4, 2012. He was elected to the State of Alabama Sports Hall of Fame in 2011.

Mr. Speaker, on behalf of the people of Alabama and the entire Alabama Congressional Delegation, I would like to commend Coach Mal Moore for his exemplary leadership and congratulate him for receiving the John L. Toner Award. I know Coach Moore's daughter, Heather, his granddaughter, Anna Lee and grandson, Charles, as well as his many, many friends and associates around the country share in this proud and well-deserved honor.

THE UNFINISHED WAR

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. HOLT. Mr. Speaker, I rise today to share with my colleague a recent article by my good friend Richard Leone, the former President of the Century Foundation. In his article ''The Unfinished War'' Leon reminds us all that ''by ignoring the poor we undermine the welfare of everyone in the 99 percent living from pay check to pay check.'' As Congress debates taxes, government investments, and countless other issues, I hope all of my colleagues will keep his sage words in mind.

[From the Huffington Post, July 6, 2012]

THE UNFINISHED WAR

Nearly 50 years ago President Lyndon Johnson rallied the nation in support of a ''War on Poverty.'' It was a goal widely accepted as necessary and realistic. While total ''victory'' might not have been unachievable, the effort was embraced and pursued by many leaders of both parties. The Nixon administration, for example, played a key role in advancement of the earned income tax credit and Ronald Reagan reached an agreement with the then Democratic Speaker of the House, Tip O'Neill, to strengthen Social Security's finances for another generation (today, about half of the nation's elderly would fall below the poverty line without Social Security).

While Johnson's initiatives and subsequent policies didn't end poverty, they sure made a dent in it. Americans began the 1960s with 22.4 percent of the population living in poverty, but by the early 1970s that percentage had been cut in half. Not unconditional victory, but a major policy triumph nonetheless. Since that time the poverty rate has fluctuated between about 11 percent and 15 percent, reaching the upward proportion during the Reagan years and the lower end of the range during the administration of Bill Clinton. This may seem like a fairly narrow band —unless you're one of the millions who fall into poverty as the nation moves from the bottom of the range to the top. Right now, as we struggle to recover from the financial crisis of 2008–2009, the share of Americans living in poverty is back to levels not seen since 1993.

So is a renewal of the war against poverty in the offing? The current balance of political forces suggests that, rather than muster all the weapons we have to fight for the poor, many are willing to settle for uneasy neutrality. This is one ''war of choice'' we choose not to wage. Austerity is the watchword of the day defined somewhat differently but accepted by the mainstream of both parties as the bedrock of policy for the foreseeable future.

With lower expectations of growth projected for the next several years and continuing competitive pressures from abroad it is hard for most observers to see an optimistic scenario in which recovery accelerates to the point of leading to a new 1990s style period of prosperity. While this clearly sets limits on what is possible, it also opens up opportunities for those who wish to use the current difficulties as a lever to win arguments that are geared to their core values. Deregulation, weakening of unions, and further cuts in taxes for the wealthy and corporate America are all part of an ideological agenda that seems practical only because of the shifts of political forces and the imperatives of the financial weakness. To be sure there will be resistance to cuts in education, reductions in infrastructure spending, the weakening of Medicaid, and other radical departures from previous policies. But the defenders of the social contract seem at a distinct disadvantage. And what is not present in the debate, indeed has become virtually invisible in the media, is the issue of poverty.

In fact, the United States has proven over several decades to be more tolerant of poverty and of homelessness and other associated ills than is the case in other industrialized countries. One can only conclude from the current reality that even discussing the issue of reducing poverty is a luxury. Like support for the arts, it is off the table during these difficult times. Workers have largely lost their past generous instincts about social programs after a generation of stagnant wages. Slightly further up the ladder, families who were until recently considered themselves solidly middle class now are scrambling to maintain their standard of living—and even their jobs.

Yet, the United States is still a wealthy country, by all measures among the wealthiest in the world. And it clearly has the resources to provide a decent standard of living for its workers and citizens, its children and elderly. Other countries do so without much fuss. We, on the other hand, have rationalized increasing concentrations of wealth and income as somehow producing results that will be better for everyone. At the same time, our expenditures on the things that might change the circumstances of average Americans are meager by international standards. Elementary and secondary education, an historical strength, is being squeezed by budgetary problems at the state and local level. College aid and support for public higher education is shrinking. And, retraining programs for those who have lost their jobs due to the globalization of manufacturing and markets are nowhere close to what is available, for example, within the European Union.

Overall, the United States has achieved levels of inequality not seen for generations and now ranks near the top among industrial nations in inequality. These are not trivial statistics for they reflect very different perceptions of what is important in the world of politics and government. Perhaps it's not a coincidence that those who can afford it pay for our campaigns and reap the rewards while average citizens, frustrated and angry, turn against their government because they don't see it helping them. Facts seem irrelevant; the U.S. has lower tax rates than almost all of the other industrialized countries and government employment has dropped sharply in the past few years, yet the explanation for hard times is that the government is taxing too much and spending too much. In this hostile environment it may be no wonder that new programs to help the poor get short shrift. In this Darwinian environment, we simply can't afford to help them.

It's past time to connect the dots and see that by ignoring the poor we undermine the welfare of everyone in the 99 percent living from pay check to pay check. We must revive our generous national nature. And more selfishly come to see that we might find ourselves in their shoes. It may be that the poor will always be with us, but that doesn't mean it's OK to ignore them.

HONORING THE NATIONAL CHAMPION UNIVERSITY OF ALABAMA SOFTBALL TEAM

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. BONNER. Mr. Speaker, I rise to honor the University of Alabama's softball team which captured its first national championship during a down to the wire late night victory on June 6, 2012.

The Tide was able to triumph over the Oklahoma Sooners after a rain delay brought out a special determination on the part of the ladies from Alabama to take home the trophy. Down early, Alabama came back to score four runs, and at 12:31 a.m., Alabama pitcher Jackie Traina struck out a Sooners player to end the game.

With its 5 to 4 win in the Women's College World Series in Oklahoma City, the Crimson Tide softball team also garnered the University of Alabama its fourth national championship of the year—a school record. Alabama also made history as the first Southeastern Conference team to clinch the national softball title.

Since the creation of the Southeastern Conference (SEC) softball tournament in 1997, Alabama has claimed five SEC titles, including the 2012 season. The team ended their year with an impressive 60–8 record overall; 23–5 in the SEC.

This was the eighth time the University of Alabama has traveled to the Women's College World Series. This year's team is dominated by freshmen and sophomores who proved that heart and hard work can make the difference.

The victorious 2012 team members are Chaunsey Bell, Catcher; Jackey Branham, Infielder; Kayla Braud, Outfielder; Courtney Conley, Infielder; Keima Davis, Outfielder; Kendall Dawson, Catcher; Jennifer Fenton, Outfielder; Olivia Gibson, Catcher; Danae Hays, Infielder; Kaila Hunt, Infielder; Ryan Iamurri, Infielder; Leslie Jury, Pitcher; Amanda Locke, Utility; Jazlyn Lunceford, Outfielder; Jordan Patterson, Catcher/Infielder; Cassie Reilly-Boccia, Outfielder/First Base; Danielle Richard, Infielder; Lauren Sewell, Pitcher; Jadyn Spencer, Utility; and Jackie Traina, Pitcher/Utility.

The coaching and support staff is led by Head Coach Patrick Murphy. Assisting him are Alyson Habetz, Associate Head Coach; Stephanie VanBrakle, Assistant Coach; Adam Arbour, Volunteer Assistant Coach; Kate Harris, Director of Operations; and Nick Seiler, Athletic Trainer.

On behalf of the people of Alabama and my colleagues in the Alabama delegation, I wish to extend personal congratulations to Coach Patrick Murphy, the coaching staff and the ladies of the University of Alabama Softball Team for their tremendous accomplishment. Along with a large fan base that traveled to Oklahoma City to cheer on the Crimson Tide was University of Alabama Athletic Director Mal Moore and Interim President Dr. Judith L. Bonner. Roll Tide!

IN HONOR OF DODGER STADIUM IN RECOGNITION OF ITS 50TH ANNIVERSARY

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. BECERRA. Mr. Speaker, I rise today to honor one of Los Angeles' greatest landmarks, Dodger Stadium, home of the Los Angeles Dodgers. The 2012 season marks the 50th anniversary of Dodger Stadium.

It ranks as the third oldest, continually-used park in Major League Baseball and still one of the most attended and highly regarded stadiums in America. Dodger Stadium has hosted more than 143 million fans since it opened its doors in 1962. The club topped the 3.85 million attendance mark in 2007, which stands as the all-time franchise record.

Ever since Brooklyn Dodger President Walter O'Malley decided to move his team to Los Angeles in 1958 and bring Major League Baseball to California for the first time, this stadium has been home to some of the most memorable events in Dodger history. Many Dodger fans still recall Sandy Koufax's perfect game in 1965, the rise of Fernandomania, and Kirk Gibson's walk-off home run in Game 1 of the 1988 World Series.

Since opening its gates, Dodger Stadium has hosted eight World Series and the Los Angeles Dodgers have won four World Championships, eight National League pennants, 11 National League Western Division crowns and two National League Wild Card berths. From 1992 to 1996, the Dodgers set a major league baseball record with five consecutive players being named Rookie of the year: Eric Karros, Mike Piazza, Raul Mondesi, Hideo Nomo and Todd Hollandsworth.

Dodger Stadium has awed spectators with a breathtaking view of downtown Los Angeles to the south; green, tree-lined Elysian hills to the north and east; and the San Gabriel Mountains beyond. Walter O'Malley and architecht Emil Praeger designed the 56,000-seat stadium, the second privately financed ballpark in baseball history. Its wavy roof atop each outfield pavilion, cantilevered grandstands and unique terraced-earthworks parking lot behind the main stands make Dodger Stadium one of the most innovatively designed baseball stadiums.

Besides being home of the Los Angeles Dodgers, the stadium has played host to the Major League Baseball All-Star Game in 1980 and the Olympic Games' baseball competition in 1984. The eight-team competition during the 1984 Olympic Games marked baseball's greatest involvement in the Olympic Games to that point. The Olympic spirit returned to Los Angeles again in 1991, as Dodger Stadium hosted the Opening Ceremonies for the United States Olympic Festival. In 2004, the Olympic Torch relay in Los Angeles concluded at Dodger Stadium as Rafer Johnson lit the cauldron at Chavez Ravine.

Dodger Stadium has also been the site of numerous non-baseball major events. On September 16, 1987 Pope John Paul II celebrated Mass at Dodger Stadium to a crowd of 63,000 people. Entertainers from around the world have performed here as well, such as Madonna, The Beatles and Michael Jackson. Dodger Stadium also staged one of the world's greatest entertainment events in 1994, when internationally-renowned tenors Jose Carreras, Placido Domingo and Luciano Pavarotti reunited for a spectacular concert performance ''Encore—The Three Tenors'' with conductor Zubin Mehta.

Without a doubt, Dodger Stadium is one of America's treasured venues. It continues to be a major part of the history and tradition of the Dodgers. It has been the home of one of professional sports' most storied franchises, a destination for a worldwide fan base and an enduring monument for a bustling, multicultural city. For 50 years in the heart of Los Angeles, Dodger Stadium has truly been a home for both a team and a community. I am honored to have such an organization and landmark in the 31st Congressional District of California.

Mr. Speaker, it is with deep pride that I ask my colleagues to join me in celebrating the ''Golden Anniversary'' of one of America's great landmarks, Dodger Stadium.

TRIBUTE TO FLOMATON POLICE CHIEF DANIEL THOMPSON

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. BONNER. Mr. Speaker, I rise to honor Police Chief Daniel Thompson of the Flomaton, Alabama Police Department for his heroic efforts to save the life of a 3-year-old boy on July 7, 2012.

While off-duty at the house of a friend, Chief Thompson was alerted by calls for help from a neighboring house. He acted quickly to reach a child who was unresponsive after falling into a swimming pool. Chief Thompson promptly performed CPR on the boy for several minutes until the boy regained consciousness. Other rescuers soon responded and took over care of the child. Due to Chief Thompson's well-trained and swift efforts, the young boy was able to be air lifted to Sacred Heart Hospital in Pensacola where he made a full recovery.

Chief Thompson began his career in law enforcement seven years ago, and he is quoted as saying, ''I always wanted to do something to help people.'' His actions serve as a model for others, and also show that public servants are never truly off duty. While we often take their service for granted, it can truly be a blessing when they are nearby in our time of need. While Chief Thompson may not have been wearing his badge at the time of the incident, his actions reflect a man who wears the motto ''to protect and serve'' in his heart.

This incident also illustrates the importance of being trained in CPR. One may never use the skill; however, when faced with a crisis situation, it may mean the difference between life and death. Flomaton Fire Chief Steve Stanton called Chief Thompson ''a real hero,'' and I think we all share his sentiments. I would like to echo his comments.

Mr. Speaker, on behalf of the people of Alabama and my colleagues in the Alabama delegation, I wish to extend personal appreciation to Chief Thompson for his quick action to save a life, and to all those who serve us every day in our communities. We can never thank them enough.

IN RECOGNITION OF COL. TIMOTHY SULLIVAN'S CHANGE OF COMMAND

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2012

Mr. ROGERS of Alabama. Mr. Speaker, I ask for the House's attention today to recognize Colonel Timothy Sullivan who will have a change of command from Anniston Army Depot in August.

Sullivan received a commission as an Ordnance Officer in 1988 after graduating from Jacksonville State University. He later earned a Master of Science Degree in Information Systems Management from Florida Tech University in 2001 and a Master of Strategic Studies from the Air War College, Air University in 2010.

His previous assignments include Platoon Leader, 503rd Maintenance Company, 530th S&S Battalion, 1st COSCOM; Platoon Leader and Shop Officer, Charlie Company, 782nd Maintenance Battalion, 82nd DISCOM, 82nd Airborne Division, Fort Bragg, N.C.; Company Commander, 520th Maintenance Company, 194th Maintenance Battalion, 23rd Area Support Group, Camp Humphrey's Korea; Operations Officer and Brigade Executive Officer, 59th Ordnance Brigade, Redstone Arsenal, Ala.; RTD Team Chief, 351st Infantry Battalion, 158th Infantry Brigade, Patrick Air Force Base, Fla.; Support Operations Officer and Battalion Executive Officer, 13th Corps Support Battalion, 3rd Sustainment Brigade, 3rd Infantry Division, Fort Benning, Ga.; APMS, Auburn University Army ROTC; Commander, 13th Combat Sustainment Support Battalion, 3rd Sustainment Brigade, 3rd Infantry Division; Chief, Logistics Division, Special Operations Command, Joint Forces Command (SOCJFCOM), SOCOM, Suffolk, Va.; and, most recently, graduate of the Air War College, Maxwell AFB, Ala.

While at Anniston Army Depot, he safely helped execute millions of direct labor hours while helping overhaul and maintain our nation's critical combat equipment. His hands-on leadership for the workforce helped ensure our nation's military was provided the best possible equipment available to keep them as safe as possible while allowing them to accomplish their vital mission.

Mr. Speaker, we will miss Colonel Sullivan in Anniston, but wish him the very best.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S5691–S5803

Measures Introduced: Six bills and two resolutions were introduced, as follows: S. 3459–3464, S.J. Res. 48, and S. Res. 534. **Page S5732**

Measures Reported:

Special Report entitled "Activities of the Committee on Homeland Security and Governmental Affairs During the 111th Congress". (S. Rept. No. 112–193)

S. 641, to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis within six years by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005. (S. Rept. No. 112–194)

H.R. 1560, to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe.

S. 792, to authorize the waiver of certain debts relating to assistance provided to individuals and households since 2005, with an amendment in the nature of a substitute.

S. 3410, to extend the Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers beyond Borders Act of 2006. **Page S5731**

Measures Passed:

Honoring Oswaldo Paya Sardinas: Committee on Foreign Relations was discharged from further consideration of S. Res. 525, honoring the life and legacy of Oswaldo Paya Sardinas, and the resolution was then agreed to, after agreeing to the following amendment proposed thereto: **Pages S5802–03**

Lieberman (for Nelson (FL)) Amendment No. 2740, to condemn the Government of Cuba for the detention of nearly 50 pro-democracy activists following the memorial service for Oswaldo Paya Sardinas. **Page S5802**

Measures Considered:

Cybersecurity Act—Cloture: Senate continued consideration of S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States, after taking action on the following amendments and motions proposed thereto: **Pages S5694–S5705, S5705–24**

Pending:

Reid (for Lieberman) Amendment No. 2731, of a perfecting nature. **Page S5724**

Reid (for Franken) Amendment No. 2732 (to Amendment No. 2731), of a perfecting nature. **Page S5724**

Reid Amendment No. 2733 (to the language proposed to be stricken by Amendment No. 2731), of a perfecting nature. **Page S5724**

Reid Amendment No. 2734 (to Amendment No. 2733), of a perfecting nature. **Page S5724**

Reid motion to commit the bill to the Committee on Homeland Security and Governmental Affairs, with instructions, Reid Amendment No. 2735, to change the enactment date. **Page S5724**

Reid Amendment No. 2736 (to (the instructions) Amendment No. 2735), of a perfecting nature. **Page S5724**

Reid Amendment No. 2737 (to Amendment No. 2736), of a perfecting nature. **Page S5724**

A motion was entered to close further debate on the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Thursday, August 2, 2012. **Page S5724**

Veterans Jobs Corps Act: Senate began consideration of the motion to proceed to consideration of S. 3429, to require the Secretary of Veterans Affairs to establish a veterans jobs corps. **Pages S5724–25**

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report relative to the issuance of an Executive Order to take additional steps with respect to the national emergency originally declared on March 15, 1995 in Executive Order 12957 with respect to Iran; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–60) **Pages S5730–31**

Executive Reports of Committees: Senate received the following executive report of a committee:

Report to accompany Convention on the Rights of Persons with Disabilities (Treaty Doc. 112–7) (Ex. Rept. 112–6). Page S5731

Nominations Received: Senate received the following nominations:

Eric J. Jolly, of Minnesota, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2016.

Susana Torruella Leval, of New York, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2015. Page S5803

Measures Placed on the Calendar: Pages S5691, S5731

Executive Reports of Committees: Page S5731

Additional Cosponsors: Pages S5732–34

Statements on Introduced Bills/Resolutions: Pages S5734–38

Additional Statements: Pages S5727–29

Amendments Submitted: Pages S5738–93

Authorities for Committees to Meet: Page S5793

Privileges of the Floor: Page S5793

Adjournment: Senate convened at 10 a.m. and adjourned at 7:14 p.m., until 9:30 a.m. on Wednesday, August 1, 2012. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5803.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: DEPARTMENT OF DEFENSE

Committee on Appropriations: Subcommittee on Department of Defense approved for full committee consideration an original bill making appropriations for the Department of Defense for the fiscal year 2013.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following business items:

S. 1956, to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, with an amendment in the nature of a substitute;

S. 1980, to prevent, deter, and eliminate illegal, unreported, and unregulated fishing through port State measures;

S. 2279, to amend the R.M.S. Titanic Maritime Memorial Act of 1986 to provide additional protection for the R.M.S. Titanic and its wreck site;

S. 2388, to reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, with an amendment in the nature of a substitute;

S. 3410, to extend the Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers beyond Borders Act of 2006;

The nominations of William P. Doyle, of Pennsylvania, to be a Federal Maritime Commissioner, Michael Peter Huerta, of the District of Columbia, to be Administrator of the Federal Aviation Administration, Patricia K. Falcone, of California, to be an Associate Director of the Office of Science and Technology Policy, Executive Office of the President; and

A promotion list in the National Oceanic and Atmospheric Administration Commissioned Corps.

RURAL WATER PROJECTS

Committee on Energy and Natural Resources: Committee concluded a hearing to examine S. 3385, to authorize the Secretary of the Interior to use designated funding to pay for construction of authorized rural water projects, after receiving testimony from Senator Baucus; Michael L. Connor, Commissioner, Bureau of Reclamation, Department of the Interior; Bruce Sunchild, Sr., Chippewa Cree Tribe of the Rocky Boy's Reservation, Box Elder, Montana; Gayla Brumfield, Eastern New Mexico Water Utility Authority, Albuquerque; Troy Larson, Lewis and Clark Regional Water System, Tea, South Dakota; and Nathan Bracken, Western States Water Council, Murray, Utah.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of James B. Cunningham, of New York, to be Ambassador to the Islamic Republic of Afghanistan, and Richard G. Olson, of New Mexico, to be Ambassador to the Islamic Republic of Pakistan, both of the Department of State, after the nominees testified and answered questions in their own behalf.

DOING BUSINESS IN LATIN AMERICA

Committee on Foreign Relations: Subcommittee on Western Hemisphere, Peace Corps and Global Narcotics Affairs concluded a hearing to examine doing business in Latin America, focusing on positive trends but serious challenges, after receiving testimony from Francisco Sanchez, Under Secretary of Commerce for International Trade; Matthew M. Rooney, Deputy Assistant Secretary of State; and Eric Farnsworth, Council of the Americas, and Jodi Bond, U.S. Chamber of Commerce, both of Washington, D.C.

FEDERAL PRIVACY AND DATA SECURITY LAW

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine the state of Federal privacy and data security law, focusing on the impact of recent technology developments on existing laws for privacy protection in the Federal government, and actions agencies can take to protect against and respond to breaches involving personal information, after receiving testimony from Mary Ellen Callahan, Chief Privacy Officer, Department of Homeland Security; Gregory T. Long, Executive Director, Federal Retirement Thrift Investment Board; Gregory C. Wilshusen, Director, Information Security Issues, Government Accountability Office; Peter Swire, The Ohio State University Moritz College of Law, Bethesda, Maryland; and Christopher R. Calabrese, American Civil Liberties Union, and Paul Rosenzweig, Red Branch Consulting, PLLC, both of Washington, D.C.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 12 public bills, H.R. 6232–6243; and 6 resolutions, H. Con. Res. 135; and H.Res. 745–749 were introduced. **Pages H5524–25**

Additional Cosponsors: **Pages H5525–26**

Reports Filed: Reports were filed today as follows:

H.R. 1950, to enact title 54, United States Code, "National Park System", as positive law, with amendment (H. Rept. 112–631);

H.R. 6156, to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova and to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization, and for other purposes (H. Rept. 112–632);

H.R. 2446, to clarify the treatment of homeowner warranties under current law, and for other purposes, with an amendment (H. Rept. 112–633);

H.R. 5797, to amend title 46, United States Code, with respect to Mille Lacs Lake, Minnesota, and for other purposes, with amendments (H. Rept. 112–634);

H.R. 3609, to provide taxpayers with an annual report disclosing the cost of, performance by, and areas for improvements for Government programs, and for other purposes, with amendments (H. Rept. 112–635, Pt. 1);

H.R. 6062, to reauthorize the Edward Byrne Memorial Justice Assistance Grant Program through fiscal year 2017 (H. Rept. 112–636);

H.R. 3796, to reauthorize certain programs established by the Adam Walsh Child Protection and Safety Act of 2006, with an amendment (H. Rept. 112–637);

H.R. 6063, to amend title 18, United States Code, with respect to child pornography and child exploitation offenses, with an amendment (H. Rept. 112–638);

H.R. 4362, to provide effective criminal prosecutions for certain identity thefts, and for other purposes (H. Rept. 112–639);

H.R. 3803, to amend title 18, United States Code, to protect pain-capable unborn children in the District of Columbia, and for other purposes, with an amendment (H. Rept. 112–640, Pt. 1); and

H. Res. 747, providing for consideration of the bill (H.R. 6169) to provide for expedited consideration of a bill providing for comprehensive tax reform; providing for consideration of the bill (H.R. 8) to extend certain tax relief provisions enacted in 2001 and 2003, and for other purposes; providing for proceedings during the period from August 3, 2012, through September 7, 2012; providing for consideration of motions to suspend the rules; and waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 112–641). **Page H5524**

Speaker: Read a letter from the Speaker wherein he appointed Representative Womack to act as Speaker pro tempore for today. **Page H5333**

Recess: The House recessed at 12:28 p.m. and reconvened at 2 p.m. **Page H5336**

Committee on Transportation and Infrastructure—Communication: Read a letter from Chairman Mica wherein he transmitted copies of resolutions to authorize 12 lease prospectuses included in the General Services Administration's FY2011 and FY2012 Capital Investment and Leasing Programs and one resolution to authorize the exercise of a purchase option on currently leased space. The resolutions were adopted by the Committee on Transportation and Infrastructure on July 26, 2012.

Pages H5338–H5405

Recess: The House recessed at 2:14 p.m. and reconvened at 3:30 p.m. **Page H5405**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Presidential Appointment Efficiency and Streamlining Act: S. 679, to reduce the number of executive positions subject to Senate confirmation, by a ⅔ yea-and-nay vote of 261 yeas to 116 nays, Roll No. 537; **Pages H5405–10, H5448–49**

Federal Employee Tax Accountability Act: H.R. 828, amended, to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment, by a ⅔ yea-and-nay vote of 263 yeas to 114 nays, Roll No. 538; **Pages H5414–16, H5449–50**

Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012: Concurred in the Senate amendments to H.R. 1627, to amend title 38, United States Code, to furnish hospital care and medical services to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune and to improve the provision of housing assistance to veterans and their families; and **Pages H5416–32**

Pinnacles National Park Act: H.R. 3641, amended, to establish Pinnacles National Park in the State of California as a unit of the National Park System. **Pages H5433–35**

Recess: The House recessed at 5:31 p.m. and reconvened at 5:45 p.m. **Page H5440**

Suspension—Failed: The House failed to agree to suspend the rules and pass the following measure:

District of Columbia Pain-Capable Unborn Child Protection Act: H.R. 3803, amended, to amend title 18, United States Code, to protect pain-capable unborn children in the District of Columbia, by a ⅔ yea-and-nay vote of 220 yeas to 154 nays with 2 voting "present", Roll No. 539.

Pages H5440–48, H5450

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Amending title 5, United States Code, to make clear that accounts in the Thrift Savings Fund are subject to certain Federal tax levies: H.R. 4365, amended, to amend title 5, United States Code, to make clear that accounts in the Thrift Savings Fund are subject to certain Federal tax levies;

Pages H5410–11

Government Charge Card Abuse Prevention Act: S. 300, amended, to prevent abuse of Government charge cards; **Pages H5411–14**

Authorizing the Secretary of Agriculture to accept the quitclaim, disclaimer, and relinquishment of a railroad right of way within and adjacent to Pike National Forest in El Paso County, Colorado: H.R. 4073, amended, to authorize the Secretary of Agriculture to accept the quitclaim, disclaimer, and relinquishment of a railroad right of way within and adjacent to Pike National Forest in El Paso County, Colorado, originally granted to the Mt. Manitou Park and Incline Railway Company pursuant to the Act of March 3, 1875; **Pages H5432–33**

Creating the Office of Chief Financial Officer of the Government of the Virgin Islands: H.R. 3706, amended, to create the Office of Chief Financial Officer of the Government of the Virgin Islands;

Pages H5435–37

La Pine Land Conveyance Act: S. 270, to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon; **Pages H5437–38**

Wallowa Forest Service Compound Conveyance Act: S. 271, to require the Secretary of Agriculture to enter into a property conveyance with the city of Wallowa, Oregon; **Pages H5438–39**

Adam Walsh Reauthorization Act of 2012: H.R. 3796, amended, to reauthorize certain programs established by the Adam Walsh Child Protection and Safety Act of 2006; **Pages H5450–52**

Enacting title 54, United States Code, "National Park System", as positive law: H.R. 1950, amended, to enact title 54, United States Code, "National Park System", as positive law;

Pages H5452–H5504

Student Visa Reform Act: H.R. 3120, amended, to amend the Immigration and Nationality Act to require accreditation of certain educational institutions for purposes of a nonimmigrant student visa;

Pages H5504–06

Foreign and Economic Espionage Penalty Enhancement Act of 2012: H.R. 6029, amended, to amend title 18, United States Code, to provide for increased penalties for foreign and economic espionage; **Pages H5506–07**

Child Protection Act of 2012: H.R. 6063, to amend title 18, United States Code, with respect to child pornography and child exploitation offenses;
Pages H5507–10

STOP Identity Theft Act of 2012: H.R. 4362, to provide effective criminal prosecutions for certain identity thefts; **Pages H5510–14**

Edward Byrne Memorial Justice Assistance Grant Program Reauthorization Act of 2012: H.R. 6062, to reauthorize the Edward Byrne Memorial Justice Assistance Grant Program through fiscal year 2017; and **Pages H5514–15**

Federal Law Enforcement Recruitment and Retention Act: H.R. 1550, amended, to establish programs in the Department of Justice and in the Department of Homeland Security to help States that have high rates of homicide and other violent crime.
Pages H5515–18

Presidential Message: Read a message from the President wherein he reported to Congress that he has issued an Executive Order taking additional steps with respect to the national emergency declared in Executive Order 12957 of March 15, 1995 relating to Iran—referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 112–128). **Pages H5439–40**

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of today and appear on pages H5448–49, H5449–50, and H5450. There were no quorum calls.

Adjournment: The House met at 12 noon and adjourned at 9:47 p.m.

Committee Meetings

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Full Committee continued markup of H.R. 6213, the ''No More Solyndras Act''; H.R. 6190, the ''Asthma Inhalers Relief Act of 2012''; H.R. 6194, the ''U.S. Agricultural Sector Relief Act of 2012''; S. 710, the ''Hazardous Waste Electronic Manifest Establishment Act''; and H.R. 6131, a bill to extend the Undertaking Spam, Spyware, and Fraud Enforcement With Enforcers Beyond Border Act of 2006''.

PATHWAY TO JOB CREATION THROUGH A SIMPLER, FAIRER TAX CODE ACT OF 2012; AND JOB PROTECTION AND RECESSION PREVENTION ACT OF 2012

Committee on Rules: Full Committee held a hearing on the following: H.R. 6169, the ''Pathway to Job Creation through a Simpler, Fairer Tax Code Act of 2012''; and H.R. 8, the ''Job Protection and Recession Prevention Act of 2012''. The Committee granted, by a record vote, a structured rule for H.R. 6169. The rule provides one hour of debate on the bill equally divided and controlled by the chair and ranking minority member of the Committee on Rules and two hour of debate on the subject of reforming the Internal Revenue Code of 1986 equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The rule waives all points of order against consideration of the bill and provides that it shall be considered as read. The rule waives all points of order against provisions in the bill. The rule makes in order the amendment in the nature of a substitute to H.R. 6169 printed in Part A of the Rules Committee report if offered by Representative Slaughter of New York or her designee. The amendment shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The rule waives all points of order against the amendment printed in Part A of the report. The rule provides one motion to recommit with or without instructions. The resolution further provides a structured rule for H.R. 8. The rule provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The rule waives all points of order against consideration of the bill and provides that it shall be considered as read. The rule waives all points of order against provisions in the bill. The rule makes in order the amendment in the nature of a substitute to H.R. 8 printed in Part B of the Rules Committee report if offered by Representative Levin of Michigan or his designee. The amendment shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The rule waives all points of order against the amendment printed in Part B of the report. The rule provides one motion to recommit with or without instructions. Section 3 of the resolution provides that on any legislative day during the period from August 3, 2012, through September 7, 2012: (a) the Journal of the proceedings of the previous day shall be considered as approved; (b) the Chair may adjourn the House to meet at a date and time within the limits of clause 4, section 5, article I of the Constitution; and (c) bills and resolutions introduced shall be numbered, listed in the Congressional Record, and when printed shall bear the date of introduction, but may be referred at a later time. Section 4 authorizes

the Speaker to appoint Members to perform the duties of the Chair for the duration of the period addressed by section 3. Section 5 provides that each day during the period addressed by section 3 shall not constitute a calendar day for purposes of section 7 of the War Powers Resolution (50 U.S.C. 1546). Section 6 provides that each day during the period addressed by section 3 shall not constitute a legislative day for purposes of clause 7 of rule XIII (resolutions of inquiry). Section 7 provides that for each day during the period addressed by section 3 shall not constitute a calendar or legislative day for purposes of clause 7(c)(1) of rule XXII (motions to instruct conferees). Section 8 authorizes the Speaker to entertain motions to suspend the rules on the legislative day of August 2, 2012. Section 9 waives the requirement of clause 6(a) of rule XIII (requiring a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House) with respect to any resolution reported through the legislative day of August 2, 2012. Testimony was heard from Chairman Camp and Representatives Levin, Pelosi, Hoyer, and Lee.

OPTIMIZING CARE FOR VETERANS WITH PROSTHETICS

Committee on Veterans' Affairs: Subcommittee on Health held a hearing entitled ''Optimizing Care for Veterans with Prosthetics: An Update''. Testimony was heard from Robert A. Petzel, Under Secretary for Health Veterans, Health Administration, Department of Veterans Affairs.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR WEDNESDAY, AUGUST 1, 2012

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to examine futures markets, focusing on responding to MF Global and Peregrine Financial Group, 9 a.m., SR–328A.

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing, Transportation and Community Development, to hold hearings to examine streamlining and strengthening Housing and Urban Development's (HUD) rental housing assistance programs, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine marketplace fairness, focusing on leveling the playing field for small businesses, 2:30 p.m., SR–253.

Committee on Environment and Public Works: to hold hearings to examine an update on the latest climate change science and local adaptation measures, 10 a.m., SD–406.

Committee on Finance: to hold hearings to examine the taxation of business entities, focusing on tax reform, 10:30 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine the next steps in Syria, 10 a.m., SD–419.

Subcommittee on European Affairs, to hold hearings to examine the future of the eurozone, focusing on the outlook and lessons, 2:30 p.m., SD–419.

Committee on the Judiciary: to hold hearings to examine rising prison costs, focusing on restricting budgets and crime prevention options, 10 a.m., SD–226.

House

Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, hearing on the Final Report of the William H. Webster Commission on the FBI, Counterterrorism Intelligence, and the Events at Fort Hood, Texas on November 5, 2009, 10 a.m., 2359 Rayburn.

Committee on Armed Services, Full Committee, hearing on Sequestration Implementation Options and the Effects on National Defense: Administration Perspectives, 10 a.m., 2118 Rayburn.

Subcommittee on Readiness, hearing on United States Pacific Command area of responsibility, 2 p.m., 2212 Rayburn.

Subcommittee on Strategic Forces, hearing on Nonproliferation and Disarmament: What's the Connection and What Does that Mean for U.S. Security and Obama Administration Policy, 3 p.m., 2118 Rayburn.

Committee on Energy and Commerce, Full Committee continued markup of H.R. 6213, the ''No More Solyndras Act''; H.R. 6190, the ''Asthma Inhalers Relief Act of 2012''; H.R. 6194, the ''U.S. Agricultural Sector Relief Act of 2012''; S. 710, the ''Hazardous Waste Electronic Manifest Establishment Act''; and H.R. 6131, a bill to extend the Undertaking Spam, Spyware, and Fraud Enforcement With Enforcers Beyond Border Act of 2006''; 10 a.m., 2123 Rayburn.

Committee on Financial Services, Full Committee, markup of resolution appointing Majority members to subcommittees, 10 a.m., 2128 Rayburn.

Subcommittee on Capital Markets and Government Sponsored Enterprises, markup of the following: H.R. 757, the ''Equitable Treatment of Investors Act''; H.R. 2827, to amend the Securities Exchange Act of 1934 to clarify provisions relating to the regulation of municipal advisors, and for other purposes; and H.R. 6161, the ''Fostering Innovation Act'', 10:15 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on Africa, Global Health, and Human Rights, hearing entitled ''Seeking Freedom for American Trapped in Bolivian Prison'', 2:30 p.m., 2175 Rayburn.

Committee on Homeland Security, Subcommittee on Transportation Security, hearing entitled ''Breach of Trust: Addressing Misconduct Among TSA Screeners'', 10 a.m., 311 Cannon.

Subcommittee on Oversight, Investigations, and Management, markup of H.R. 5913, the "DHS Accountability Act of 2012", 2 p.m., 311 Cannon.

Committee on the Judiciary, Full Committee, markup of the following: H.R. 6215, to amend the Trademark Act of 1946 to correct an error in the provisions relating to remedies for dilution; H.R. 6189, the "Reporting Efficiency Improvement Act"; H.R. 4305, the "Child and Elderly Missing Alert Program"; H.R. 6185, to improve security at State and local courthouses; H.R. 2800, the "Missing Alzheimer's Disease Patient Alert Program Reauthorization of 2011"; H.R. 1775, the "Stolen Valor Act of 2011"; and S. 285, for the relief of Sopuruchi Chukwueke, 10 a.m., 2141 Rayburn.

Subcommittee on Intellectual Property, Competition and the Internet, hearing on H.R. 3889, the "Promoting Automotive Repair, Trade, and Sales Act" ("PARTS Act"), 2:30 p.m., 2141 Rayburn.

Committee on Natural Resources, Full Committee, meeting to consider motion to authorize issuance of subpoenas; and markup of the following measures: H.R. 2706, the "Billfish Conservation Act of 2011"; H.R. 3319, to allow the Pascua Yaqui Tribe to determine the requirements for membership in that tribe; H.R. 4194, to amend the Alaska Native Claims Settlement Act to provide that Alexander Creek, Alaska, is and shall be recognized as an eligible Native village under that Act, and for other purposes; H.R. 5319, the "Nashua River Wild and Scenic River Study Act"; H.R. 5544, the "Minnesota Education Investment and Employment Act"; H.R. 6007, the "North Texas Zebra Mussel Barrier Act of 2012"; H.R. 6060, the "Endangered Fish Recovery Programs Extension Act of 2012"; and H.R. 6089, the "Healthy Forest Management Act of 2012", 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, Subcommittee on Government Organization, Efficiency and Financial Management, hearing entitled "Unresolved Internal Investigations at DHS: Oversight of Investigation Management in the Office of the DHS IG", 10 a.m., 2154 Rayburn.

Committee on Science, Space, and Technology, Subcommittee on Research and Science Education, hearing entitled "The Relationship Between Business and Research Universities: Collaborations Fueling American Innovation and Job Creation", 10 a.m., 2318 Rayburn.

Subcommittee on Space and Aeronautics, hearing entitled "The Emerging Commercial Suborbital Reusable Launch Vehicle Market", 2 p.m., 2318 Rayburn.

Committee on Small Business, Full Committee, hearing entitled "Know Before You Regulate: The Impact of CFPB Regulations on Small Business" 1 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Full Committee, hearing entitled "GSA: A Review of Agency Mismanagement and Wasteful Spending—Part 2", 9 a.m., 2167 Rayburn.

Full Committee, markup of the following: H.R. 2541, the "Silviculture Regulatory Consistency Act"; H.R. 4278, the "Preserving Rural Resources Act of 2012"; H.R. 5806, the "Outreach to People With Disabilities During Emergencies Act"; and H.R. 5961, the "Farmer's Privacy Act of 2012", 10:45 a.m., 2167 Rayburn.

Committee on Ways and Means, Subcommittee on Social Security and Subcommittee on Health, joint subcommittee hearing on Removing Social Security Numbers from Medicare Cards, 9:30 a.m., 1100 Longworth.

Next Meeting of the **SENATE**

9:30 a.m., Wednesday, August 1

Senate Chamber

Program for Wednesday: The Majority Leader will be recognized. The filing deadline for first-degree amendments to S. 3414, Cybersecurity Act, will be at 1 p.m.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, August 1

House Chamber

Program for Wednesday: Consideration of H.R. 6169—Pathway to Job Creation through a Simpler, Fairer Tax Code Act of 2012 (Subject to a Rule) and H.R. 8—Job Protection and Recession Prevention Act of 2012 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

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