

cybersecurity programs, as defined in the section, to ensure that these programs are consistent with legal authorities, preserve reasonable expectations of privacy, and are subject to independent audit and review. Section 340 creates several reporting requirement with regard to the executive and congressional oversight of cybersecurity programs. These include Presidential notifications to Congress, reports to Congress and the President from the head of a department or agency with responsibility for cybersecurity programs, in conjunction with the inspector general of that department or agency, and a joint report to Congress and the President from the Inspector General of the Department of Homeland Security and the Inspector General of the Intelligence Community on the status of the sharing of cyber threat information within one year.

According to the legislative language, reports under the section are to be submitted "to the Congress." As you noted in your letter, the Judiciary Committee has a "long-standing interest in, and jurisdiction over" cyber matters and cyber security. This includes criminal activities, cybersecurity matters handled by the Justice Department and other departments and agencies under the Judiciary Committee's jurisdiction, the privacy interests of the American people, and constitutional and legal dimensions of the Government's cyber activities, including all legal guidance. Thank you for your willingness to work together on this issue, and the other provisions of the intelligence legislation.

I look forward to continuing to work together with you in the Judiciary Committee and in the Senate to ensure strong oversight and legislation with regard to cyber matters.

Sincerely,

PATRICK LEAHY,  
*Chairman.*

The PRESIDING OFFICER. The Senator from North Dakota.

#### COBELL SETTLEMENT

Mr. DORGAN. Madam President, as we conclude our work prior to the August break, we are working very hard to try to address the Cobell settlement and the Pigford settlement, these settlements are the result of lawsuits that were filed, negotiations that ensued, and eventually reaching agreement to settle these two cases.

I would like to talk briefly about the Cobell settlement. To start, I want to show a photograph, a picture of a woman named Mary Fish. I wonder how anyone serving in this Chamber or how anyone in this country would feel had they been Mary Fish. She was an Oklahoma Indian. She lived in a small, humble home, never had very much. But she had a piece of property, 40 acres, and she had six oil wells on her land—six oil wells on her land.

How she got "her land" dates back to 1887 when the Federal Government first divided up tribal lands and gave individual Indians separate parcels of land and then said to the Indians: You know what. We are going to give you separate parcels of land that will be yours. But, we are going to manage them for you. We will hold them in trust and provide income from your land to you.

So poor Mary Fish, an Oklahoma Indian, had six oil wells on her land and

lived a humble life and died a few years ago waiting, waiting for justice, justice that she never received. The Federal Government never explained to Mary how much oil was being pumped from the wells on her land.

Even with all of the oil wells on her land, Mary made only a few dollars a year from six wells. At one point she got a check from the Federal Government for 6 cents. Another time she got a check from the Federal Government for \$3. One time she got a check for \$3,000. Another time, although oil was still being produced, one of the statements that Mary received showed a negative \$5 in her account.

She died waiting for the government to account for the royalties on her land, and for this legislation that would settle this matter. She died waiting for justice.

So what is the Cobell settlement, and what does it have to do with Mary Fish and all the oil produced from her land. The Cobell settlement is an agreement reached by the Secretary of the Interior and the all of the plaintiffs in the Cobell lawsuit—individual Indians like Mary. I am going to speak about the Cobell settlement, and a couple of colleagues are going to talk about the Pigford settlement. We are here today talking about settling both of these issues.

The Cobell settlement established deadlines for the Congress to act. The Court wants to see this matter resolved. The current deadline for Congress is August 6. We have already missed six deadlines established by the federal court. And if Congress does not act, the parties will return back to litigation, litigation that has gone on now for almost 15 years in the federal courts.

As I indicated, this situation in the Cobell case resulted from a century of mismanagement of Indian trust accounts. I want to show a photograph of the way trust records of the accounts for the individual Indians were kept on one Indian reservation—rat-infested warehouses with boxes laying all over. They would not be able to find a piece of paper in this pile to save their souls. And this is how the government kept records for individual Indian trust accounts. The result is, so many Indians were cheated. Yes, there have been circumstances in the last century in which Indians were systematically cheated and looted. Grand theft occurred, a substantial amount of money was made off these lands. Someone else got it, the Indians did not. After all these years, it is long past the time for us to agree to settle these grievances.

The government has long known about the problem. In 1915, a government report identified "fraud, corruption and incompetence in the management of these Indian trust accounts." That was in 1915. In 1992, a House report compared the federal government's management of Indian trust accounts to "a bank that doesn't know how much money it has."

Finally, in 1994, Congress passed a law requiring that the government account for the money it was managing for American Indians, and then 2 years later, where there was still nothing being done and no progress, Elouise Cobell filed a case asking the government to follow the law.

Elouise Cobell is a member of the Blackfeet Nation of Montana. She is quite a remarkable woman. Like many American Indians, she grew up hearing stories of government checks and how the checks never made any sense. The checks arrived once in a while and were in amounts no one understood or could explain.

In 1996, she filed a lawsuit. Her lawsuit said: Give me an accounting of the money that you have collected from my lands, and do the same for every other American Indian. That was in 1996.

We are now in the year 2010, and finally agreement has been reached by the U.S. Department of the Interior and the U.S. Department of Justice to settle these accounts. It was 10 years ago when the court ruled against the Federal Government. The Federal Court said the Federal Government was wrong; they mismanaged these accounts, and violated the trust. Yes, there has been corruption, incompetence, and mismanagement.

So 10 years ago, the Federal court ruled against the Federal Government, saying the Federal Government had lost, damaged, destroyed trust records, and the Federal Government admitted it could not account for these trust moneys. After all of this, the government had the nerve to spend taxpayers' money to appeal the court's decision. So it goes on and on and on. Millions have been spent in endless litigation with no settlement in sight.

Finally, last December, and agreement was reached in settlement talks with the Interior Department and the Indians that resulted a settlement and this legislation to approve the settlement.

I want to just mention a couple of other brief points. I know a couple of colleagues wish to make some comments today.

The judge, when hearing of the settlement between the Federal Government and the Cobell plaintiffs, said the agreement was a win/win and that justice is on hold. That is what this is about. It is about providing the funding to settle the Cobell case and provide some amount of justice.

Others will talk about settling the Pigford case.

I will very briefly say again a lot of American Indians have died waiting for this moment. There are other stories I want to share.

This is Susie White Calf. She is a Blackfeet Indian from Montana. This picture was taken in 2001, the same year the courts found the Federal Government had broken its responsibility to Indians. Six years later, she passed away, in 2007. She will not get justice.

But perhaps we can provide justice for tens of thousands of other Indians by doing the right thing.

I have other things to say, but I know some of my colleagues wish to say a few words. If I might, the Senator from Arkansas has to be away from the Chamber very briefly. She wanted to say a few words. Then I know that Senator KYL and some others wish to say some other words as well.

The PRESIDING OFFICER. The Senator from Arkansas.

#### PIGFORD II SETTLEMENT

Mrs. LINCOLN. Madam President, I want to say a special thanks to my colleague, Senator DORGAN, not only for yielding, but also, most importantly, for his incredible passion for justice. He has worked long and hard in this body and in the other, but certainly working hard for justice for those whose voices are often quieted. He does a tremendous job at it. I think we are all very grateful for that passion and for that plea for justice.

I come to the Senate floor today to urge with great passion my Senate colleagues to support another important piece of legislation; that is, to fund the racial discrimination settlement known as Pigford II between African-American farmers and the U.S. Department of Agriculture.

The time is long overdue to move beyond USDA's discriminatory past and begin to right the wrong of African-American producers and what they have experienced. We have a keen opportunity today to be able to move forward and to see, again, justice as has been described by Senator DORGAN in talking about moving forward and away from the past and the discrimination that occurred and putting an end to these settlements that have already been settled. We have spent the time and the energy and the resources to settle these arguments. Now we need to make sure those who have been wronged will be right.

Between 1981 and 1996, African-American farmers seeking farm loans and credit were discriminated against, denying them access to government programs and to capital. In some cases, these farmers were discouraged from even applying for loans. They were told they were ineligible or that application forms were unavailable. In other instances, loan applications were intentionally delayed to miss deadlines, continuing to disadvantage those African-American farmers. As a result of the discrimination, many of these farmers were unable to run successful businesses and sustained severe damages to their credit histories.

Despite these challenges, despite all of what they were presented with and what they were dealing with, some of these farmers are still farming today, embodying the essence of resilience and the industrious characteristic of all American farmers. We should be proud they are still farming today, and

we should honor that by making sure we move this settlement forward and make sure these awards are granted to those who have been wronged.

Another fallout faced by African-American farmers is their shaken faith in the USDA and, by extension, the U.S. Government. Who can blame them—to have been wronged and to be found they were in the right and yet still not to be made whole? Many farmers have spent more than 20 years seeking recognition of the discrimination they experienced. While no settlement can completely compensate them for the anxiety, the anguish, and, of course, the humiliation they experienced, finally funding this settlement is a critical first step in restoring the USDA's credibility among minority farmers.

I hope my colleagues will understand how critically important this is to the embodiment of who we are as a people and a government to move this forward. While it is understood that a legal settlement agreement is rarely perfect, funding this agreement will provide much needed reconciliation for African-American farmers. It is an opportunity to restore their faith in their government, by renouncing a past riddled with discrimination and rightfully honoring the settlement.

Time is of the essence, as many Pigford claimants have passed away waiting for closure on this matter, just as Senator DORGAN mentioned Native Americans who have passed away waiting for justice. We simply cannot afford to delay this process any further. We have seen multiple opportunities and efforts to try to move forward. I hope today is an opportunity none of us will deny to move the issue forward.

In my State of Arkansas, I have heard the stories of hard-working farm families who, despite years of neglect and discrimination from their own government, continue pushing ahead. I have heard from farmers such as Mr. Charlie Knott, a hard-working Arkansan who sought farm loans in the 1980s but was misled and mistreated in that process. Mr. Knott was refused timely access to sufficient capital because of discrimination, limiting production and ultimately crippling his business.

When Mr. Knott fell ill, his children tried to take over the farm but were also met with resistance and neglect from their government, leading to destroyed credit ratings, a loss of 230 acres, as well as the family tractor and other farm equipment. After farming on the same land for over 100 years, the Knott family was forced to quit.

Adding insult to injury, the Knott children were once again denied access to the Pigford claim because of missed filing deadlines. The Knott children are determined to return to farming, to restore the family business and their dignity, and to uphold the legacy of their father, who fought for years not only to serve his family and community but to contribute to the strong legacy of American farming.

Farmers such as Mr. Knott deserve justice and gratitude from a nation that wouldn't be what it is today absent their sacrifices and contributions. Farmers such as Mr. Knott have suffered gross injustices. It is incumbent on the Members of Congress to demonstrate the leadership to correct this injustice and to pass this legislation. If not today, when? When will we do this? This action is long overdue. The time has come to take this step, to live up to our founding principles, to begin the healing process that is so needed, and to restore faith in our government. I urge my colleagues to support this measure today as we move forward and put it behind us, as we begin to heal and rebuild faith in our government.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I thank the Senator from Arkansas for what she has said. It really is unfortunate that we cannot get this Pigford legislation passed.

I know the distinguished Presiding Officer, the junior Senator from North Carolina, has been working on this very hard as well. In fact, she and I have cosponsored a piece of legislation to give justice in this area as well.

Today, we have an opportunity to finally take care of this situation of bringing justice to Black farmers who have been waiting for decades to settle their discrimination claims against the Department of Agriculture. Earlier this year, Secretary Vilsack was able to reach a settlement agreement with the Pigford II claimants who were denied a determination on the merits of their claims against the USDA for no reason other than they had filed late.

The government has an obligation to fund the settlement, which is subject to court approval, and Congress must act to provide relief for these claimants and do it quickly. The Black farmers have been asking for stand-alone consideration of this bill. That is what I was hoping to get done today.

I have nothing against what my colleagues are doing on the Cobell settlement as well.

I think it is fair to say that such appropriation for the Pigford settlement ought to be offset.

There is an advocate for the Black farmers—John Boyd. I have been working with him for a long period. He was working hard on this a long time before I was. We should be getting this resolved for the benefit of the farmers but also for the advocates, those people who have been working so hard finding ways to get it done. We thought now was the opportunity to get it done.

The farm bill we passed last year does one thing right: it focuses a considerable amount of resources on new and beginning farmers and ranchers. Many of the Pigford claimants were in that same boat 20 years ago. We have an opportunity to rectify that misjustice. We know USDA has admitted the discrimination occurred. Now