

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 489—EX-PRESSING THE SENSE OF THE SENATE ON THE 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

Mr. MCCAIN (for himself, Mr. INHOFE, Mr. WICKER, Mr. BROWN of Massachusetts, Ms. AYOTTE, Mr. PORTMAN, Ms. COLLINS, Mr. GRAHAM, Mr. CORNYN, Mr. BURR, Mr. ROBERTS, Mr. BLUNT, Mr. COBURN, Mr. PAUL, Mr. BOOZMAN, Mr. ISAKSON, Mr. GRASSLEY, Mr. KIRK, Mr. CHAMBLISS, Mr. RUBIO, and Mr. HOEVEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 489

Whereas 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;

Whereas these publications appear to be based in substantial part on unauthorized disclosures of classified information;

Whereas the unauthorized disclosure of classified information is a felony under Federal law;

Whereas 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;

Whereas 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;

Whereas 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;

Whereas 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;

Whereas 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;

Whereas such recusals are indicative of the serious complications already facing the Department of Justice in investigating these matters;

Whereas 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; and

Whereas, for the foregoing reasons, the appointment of an outside special counsel would serve the public interest: Now, therefore, be it

Resolved, That 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.

SENATE RESOLUTION 490—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

Mr. BOXER submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 490

Whereas Brittany Wilkinson, the first Youth Ambassador of the United Mitochondrial Disease Foundation, joined other Youth Ambassadors of the United Mitochondrial Disease Foundation in working tirelessly to raise awareness about mitochondrial diseases;

Whereas mitochondrial diseases result from a defect that reduces the ability of the mitochondria in a cell to produce energy;

Whereas, as mitochondria fail to produce enough energy, cells cease to function properly and eventually die, leading to the failure of organ systems and possibly the death of the affected individuals;

Whereas mitochondrial diseases can present themselves at any age, and mortality rates vary depending upon the particular disease;

Whereas the most severe mitochondrial diseases result in the progressive loss of function in multiple organs, including the loss of neurological and muscle function, and death within several years;

Whereas mitochondrial diseases are a relatively newly identified group of diseases, first recognized in the late 1960s, and diagnosis of mitochondrial diseases is extremely difficult;

Whereas there are more than 100 identified primary mitochondrial diseases, but re-

searchers believe there are several hundred other types of unidentified mitochondrial diseases and further research is necessary to help identify those diseases;

Whereas mitochondrial dysfunction is associated with many diseases, such as Parkinson's disease, Alzheimer's disease, amyotrophic lateral sclerosis, autism, diabetes, cancer, and many other diseases associated with aging;

Whereas research into primary mitochondrial diseases can provide applications to biomedical research and a window into our understanding of many other diseases, including possible treatments and cures for diseases such as Parkinson's disease, Alzheimer's disease, amyotrophic lateral sclerosis, autism, diabetes, cancer, and many other diseases associated with aging;

Whereas researchers estimate that one in 4,000 children will develop a mitochondrial disease related to an inherited mutation by 10 years of age, and recent studies of umbilical cord blood samples show that one in 200 people could develop a mitochondrial disease in their lifetime;

Whereas researchers also believe that those numbers could be much higher, given the difficulty associated with diagnosing mitochondrial disease and the many cases that are either misdiagnosed or never diagnosed;

Whereas there are no cures for mitochondrial diseases, nor are there specific treatments for any of those diseases;

Whereas human energy production involves multiple organ systems, and therefore primary mitochondrial diseases research involves many Institutes at the National Institutes of Health;

Whereas, according to the National Institutes of Health, more than \$600,000,000 is being spent on research related to mitochondrial functions, of which \$18,000,000 is being spent on actual primary mitochondrial diseases research;

Whereas the National Institutes of Health has taken an increased interest in primary mitochondrial diseases and has sponsored a number of activities in recent years aimed at advancing mitochondrial medicine, including incorporating research into functional variations in mitochondria in the Transformative Research Awards Initiative;

Whereas, in March 2012, the National Institutes of Health convened a 2-day symposium entitled “Translational Research in Primary Mitochondrial Diseases: Obstacles and Opportunities”, which brought together leading government and private sector researchers and drug developers to share information related to primary mitochondrial diseases, develop systems to facilitate future collaboration, survey obstacles, needs, and priorities of primary mitochondrial diseases research, and develop mechanisms to enhance translation of basic science discoveries to diagnostics and therapeutics; and

Whereas, as a consequence of the symposium, a white paper has been developed that identifies current research challenges and impediments and a suggested course of action to address those challenges: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of September 16, 2012, as “Mitochondrial Disease Awareness Week”;

(2) reaffirms the importance of an enhanced and coordinated research effort aimed at improving the understanding of primary mitochondrial diseases and the development of treatments and cures;

(3) commends the National Institutes of Health for its efforts to organize the symposium entitled “Translational Research in