

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

COAST GUARD AUTHORIZATION ACT FOR FISCAL YEARS 2015 AND 2016

Mrs. BOXER. Madam President, I am about to ask for unanimous consent to pass a substitute amendment to the Coast Guard bill. Senator VITTER and I hope to get into a bit of a colloquy over it, but first I want to explain what we are doing here.

The Coast Guard bill includes the text of S. 2963, a bill that I introduced to permanently eliminate the requirement that small fishing boats obtain a permit for discharges incidental to normal operation.

This is really important for our small boat fishermen. The bill has 14 cosponsors. I am very happy that Senator MURKOWSKI is now a cosponsor of that important legislation.

This substitute that is at the desk includes that permanent fix so that never again do small fishermen have to worry about being subjected to these permits.

It exempts commercial vessels less than 79 feet from having to get this discharge permit.

We first enacted a moratorium on permits in 2008. We have extended it twice. The current moratorium expires next week. If we don't act, these small vessels will require a permit for the first time. So instead of kicking the can down the road again with these moratoria, I think it is time to say, once and for all, these small vessels do not and will never need a permit. I think a temporary moratorium leaves thousands of the boat operators and the fishermen in limbo instead of giving them permanent certainty.

They are different from large ships that discharge ballast water and introduce harmful invasive species into our coastal waters. That is why a broad array of groups, including the American Sport Fishing Association, Congressional Sportsmen's Foundation, Marine Retailers Association of America, the National Marine Manufacturers Association, and many others, support this permanent exemption for our small boats.

I hope colleagues will support this, but I understand there is another proposal coming forward.

I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. 2444; the Senate proceed to its immediate consideration; that the substitute amendment containing a permanent exemption for discharges from small commercial vessels and fishing vessels—and that is at the desk—be agreed to; the bill, as amended, be read three

times and passed; the title amendment be agreed to; and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Louisiana.

Mr. VITTER. Madam President, reserving the right to object.

I appreciate the comments of the Senator from California and want to work with her toward a common goal. In that spirit, I ask unanimous consent that the Senator modify her request and agree to the substitute amendment, which is also at the desk, which includes a 3-year extension of the vessel discharge moratorium.

The PRESIDING OFFICER. Will the Senator from California so modify her request?

Mrs. BOXER. I reserve the right to object, but I do not intend to object.

I wish to say I am going to agree to this 3-year moratorium but I am a little stunned as to why we are doing this again. We could give these small boats a permanent exemption. It is an important economic issue.

I don't like this approach, but it is the best we can do. I want the American people and the fishermen to know we tried so hard to get this fixed permanently. But I am glad we have a 3-year moratorium. It is better than nothing, and I will therefore agree to the modification.

The PRESIDING OFFICER. Is there objection to the request, as modified?

Without objection, it is so ordered.

There being no objection, the Senate proceeded to consider the bill.

The amendment (No. 3997) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (S. 2444), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

The title amendment (No. 3998) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read: "A bill to authorize appropriations for the Coast Guard for fiscal year 2015, and for other purposes."

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Madam President, I wish to weigh in on this issue, because it is a critically important issue for my State—for all coastal States, or any State that has commercial fishermen, as my colleague from California and as my colleague from Louisiana know.

I appreciate the fact that we have come to a place where we are going to save these small fishermen from the potential burden of reporting to EPA for any incidental discharge from their vessels for the next 3 years.

I need to acknowledge the good work of my friend from California. She has recognized that we began this years ago, back in 2008, when we had to work together at that time to get a short-

term extension to ensure that our small-vessel owners would not be subjected to these EPA requirements that most people would say: What is this reporting all about?

For those who need a little more graphic detail as to what we are talking about, when you take a commercial fishing vessel out, a 45-foot commercial fishing vessel, and you have a good day fishing, there are some salmon guts on the deck, a little bit of slime, and you hose it off. That would be an incidental discharge that would be reportable to the EPA. And if you fail to report, you could be subject to civil penalties. That is not what we are talking about here.

I think it is important to note that we have two leaders here in the Senate who perhaps approach some of the EPA issues from a different angle. Senator BOXER has been a staunch advocate for making sure that when we are talking about clean air and clean water, we are complying with those regulations. Senator VITTER has also been a staunch advocate for making sure our small businesses, our jobs, and our economic opportunities aren't stymied by these regulations.

So the fact that we have two Members coming together to acknowledge we have to do something to ensure these regulations do not impede the ability of our small fishermen, of our commercial operators in the water—those vessels below 79 feet—that we are not harming them.

In my home State of Alaska, we are talking about 8,500 commercial fishermen who were most anxious that 8 days from now they were going to be put in a position where they were effectively violating EPA regulations, subject to civil penalties, for the simple act of runoff off of their decks.

So I concur with Senator BOXER, this is something we don't need to be going from year to year to year to address. We don't need to inject this uncertainty into the operations of our hard-working fishing families. We need to have a permanent solution. I want to work with that permanent solution. Senator VITTER has clearly indicated he is willing to help us with that. Senator THUNE in Commerce has made that clear. We know we have to address the ballast issues. We will do that. And I am looking forward to being engaged with that in the 114th Congress.

But for now, I think it is critically important that consensus has been reached. I acknowledge the good work of both the Senator from Louisiana and the Senator from California, and Senator THUNE, for getting us to this point where we can take the pressure off of our small commercial operators and ensure that they can do what they do so very well.

I look forward to the next Congress where we are making this permanent and, again, where we are dealing with so many of the other issues. But I thank my colleagues today.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I want to make sure I thank Senator MURKOWSKI and Senator BEGICH. When I started this, Senator BEGICH was my first cosponsor and Senator MURKOWSKI made this bipartisan.

I think the important thing was that we could have done it permanently and I just don't want that lost. We could have done it permanently, and we didn't, and that is sad. There are reasons for that. I wasn't born yesterday, as most of you can tell.

I know why it wasn't done. People are going to use this as the little engine that could to drive some other stuff behind it which is not good stuff. I want to see that we can protect our small boats, and I am going to continue to do that. I hope we will work together as we move forward in this new Senate, run by—in the case of the committee I proudly chair—Senator INHOFE, who I think will be very good on this issue; Senator THUNE, who we know is good on this issue.

So we have the pieces in place. And whatever objections there were, I don't think they are really objections to the permanency, they are political objections to try and use this to get some other bad stuff attached to it, and I am not going to let that happen, let me tell you right now, no way, no how. So whatever someone has in their mind that they are going to connect to this little baby, it isn't going to happen, because we can't do that. We can't take one good thing and destroy it. I am not going to let that happen.

Right now we have a 3-year deal put in place. We can breathe easy. If I am someone contemplating buying a small boat, this is one less worry I have. I could have had it permanently; I have it for 3 years. It is too bad, but at least I have it, and that is good.

NATIONAL CYBERSECURITY AND COMMUNICATIONS INTEGRATION CENTER ACT OF 2014

Mrs. BOXER. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 526, S. 2519.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2519) to codify an existing operations center for cybersecurity.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment, as follows:

(Insert the part printed in italic.)

S. 2519

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 “National Cybersecurity and Communications Integration Center Act of 2014”.

SEC. 2. NATIONAL CYBERSECURITY AND COMMUNICATIONS INTEGRATION CENTER.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following:

“SEC. 210G. OPERATIONS CENTER.

“(a) FUNCTIONS.—There is in the Department an operations center, which may carry out the responsibilities of the Under Secretary appointed under section 103(a)(1)(H) with respect to security and resilience, including by—

“(1) serving as a Federal civilian information sharing interface for cybersecurity;

“(2) providing shared situational awareness to enable real-time, integrated, and operational actions across the Federal Government;

“(3) sharing cybersecurity threat, vulnerability, impact, and incident information and analysis by and among Federal, State, and local government entities and private sector entities;

“(4) coordinating cybersecurity information sharing throughout the Federal Government;

“(5) conducting analysis of cybersecurity risks and incidents;

“(6) upon request, providing timely technical assistance to Federal and non-Federal entities with respect to cybersecurity threats and attribution, vulnerability mitigation, and incident response and remediation; and

“(7) providing recommendations on security and resilience measures to Federal and non-Federal entities.

“(b) COMPOSITION.—The operations center shall be composed of—

“(1) personnel or other representatives of Federal agencies, including civilian and law enforcement agencies and elements of the intelligence community, as such term is defined under section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)); and

“(2) representatives from State and local governments and other non-Federal entities, including—

“(A) representatives from information sharing and analysis organizations; and

“(B) private sector owners and operators of critical information systems.

“(c) ANNUAL REPORT.—Not later than 1 year after the date of enactment of the National Cybersecurity and Communications Integration Center Act of 2014, and every year thereafter for 3 years, the Secretary shall submit to the Committee on Homeland Security and the Committee on Homeland Security of the House of Representatives a report on the operations center, which shall include—

“(1) an analysis of the performance of the operations center in carrying out the functions under subsection (a);

“(2) information on the composition of the center, including—

“(A) the number of representatives from non-Federal entities that are participating in the operations center, including the number of representatives from States, nonprofit organizations, and private sector entities, respectively; and

“(B) the number of requests from non-Federal entities to participate in the operations center and the response to such requests, including—

“(i) the average length of time to fulfill such identified requests by the Federal agency responsible for fulfilling such requests; and

“(ii) a description of any obstacles or challenges to fulfilling such requests; and

“(3) the policies and procedures established by the operations center to safeguard privacy and civil liberties.

“(d) GAO REPORT.—Not later than 1 year after the date of enactment of the National Cybersecurity and Communications Integration Center Act of 2014, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the effectiveness of the operations center.

“(e) NO RIGHT OR BENEFIT.—The provision of assistance or information to, and inclusion in the operations center of, governmental or private entities under this section shall be at the discretion of the Under Secretary appointed under section 103(a)(1)(H). The provision of certain assistance or information to, or inclusion in the operations center of, one governmental or private entity pursuant to this section shall not create a right or benefit, substantive or procedural, to similar assistance or information for any other governmental or private entity.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by inserting after the item relating to section 210F the following:

“Sec. 210G. Operations center.”.

SEC. 3. RULE OF CONSTRUCTION.

(a) DEFINITION.—In this section, the term “critical infrastructure” has the meaning given that term under section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(b) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to grant the Secretary of Homeland Security any authority to promulgate regulations or set standards relating to the cybersecurity of private sector critical infrastructure that was not in effect on the day before the date of enactment of this Act.

Mrs. BOXER. I ask unanimous consent that the committee-reported amendment be withdrawn; the Carper substitute amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time; and the Senate proceed to vote on passage of the bill, as amended.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The committee-reported amendment was withdrawn.

The amendment (No. 3999) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under “Text of Amendments.”)

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. If there is no further debate, the bill having been read the third time, the question is, Shall it pass?

The bill (S. 2519), as amended, was passed.

Mrs. BOXER. Madam President, I ask unanimous consent that the motion to reconsider be made and laid upon the table with no intervening action or debate.

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

PROTECTING AND SECURING CHEMICAL FACILITIES FROM TERRORIST ATTACKS ACT OF 2014

Mrs. BOXER. I ask unanimous consent that the Senate proceed to the