(I) improve the effectiveness and responsiveness of the Data Integrity Boards; and

(II) ensure privacy protections in accordance with section 552a of title 5, United States Code (commonly known as the Privacy Act of 1974); and

(III) establish standard matching agreements for use when appropriate; and

(iii) establish and clarify rules regarding what constitutes making an agreement entered under subparagraph (A) available upon request to the public for purposes of section 552a(o)(2)(A)(ii) of title 5, United States Code, which shall include requiring publication of the agreement on a public website.

(G) CORRECTIONS.—The Director of the Office of Management and Budget shall establish procedures providing for the correction of data in order to ensure—

(i) compliance with section 552a(p) of title 5, United States Code; and

(ii) that corrections are made in any Do Not Pay Initiative database and in any relevant source databases designated by the Director of the Office of Management and Budget under subsection (b)(1).

(H) COMPLIANCE.—The head of each agency, in consultation with the Inspector General of the agency, shall ensure that any information provided to an individual or entity under this subsection is provided in accordance with protocols established under this subsection.

(I) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect the rights of an individual under section 552a(p) of title 5, United States Code.

(f) DEVELOPMENT AND ACCESS TO A DATABASE OF INCARCERATED INDIVIDUALS.—Not later than 1 year after the date of enactment of this subtitle, the Attorney General shall submit to Congress recommendations for increasing the use of, access to, and the technical feasibility of using data on the Federal, State, and local conviction and incarceration status of individuals for purposes of identifying and preventing improper payments by Federal agencies and programs and fraud.

(g) PLAN TO CURB FEDERAL IMPROPER PAYMENTS TO DECEASED INDIVIDUALS BY IMPROVING THE QUALITY AND USE BY FEDERAL AGENCIES OF THE SOCIAL SECURITY ADMINISTRATION DEATH MASTER FILE.—

(1) ESTABLISHMENT.—In conjunction with the Commissioner of Social Security and in consultation with relevant stakeholders that have an interest in or responsibility for providing the data, and the States, the Director of the Office of Management and Budget shall establish a plan for improving the quality, accuracy, and timeliness of death data maintained by the Social Security Administration, including death information reported to the Commissioner under section 205(r) of the Social Security Act (42 U.S.C. 405(r)).

(2) ADDITIONAL ACTIONS UNDER PLAN.—The plan established under this subsection shall include recommended actions by agencies to—

(A) increase the quality and frequency of access to the Death Master File and other death data;

(B) achieve a goal of at least daily access as appropriate;

(C) provide for all States and other data providers to use improved and electronic means for providing data;

(D) identify improved methods by agencies for determining ineligible payments due to the death of a recipient through proactive verification means; and

(E) address improper payments made by agencies to deceased individuals as part of Federal retirement programs.

(3) REPORT.—Not later than 120 days after the date of enactment of this subtitle, the Director of the Office of Management and Budget shall submit a report to Congress on the plan established under this subsection, including recommended legislation.

SEC. 5316. IMPROVING RECOVERY OF IMPROPER PAYMENTS.

(a) DEFINITION.—In this section, the term ''recovery audit'' means a recovery audit described under section 2(h) of the Improper Payments Elimination and Recovery Act of 2010.

(b) REVIEW.—The Director of the Office of Management and Budget shall determine—

(1) current and historical rates and amounts of recovery of improper payments (or, in cases in which improper payments are identified solely on the basis of a sample, recovery rates and amounts estimated on the basis of the applicable sample), including a list of agency recovery audit contract programs and specific information of amounts and payments recovered by recovery audit contractors; and

(2) targets for recovering improper payments, including specific information on amounts and payments recovered by recovery audit contractors.

Subtitle C—Sense of Congress Regarding Spectrum

SEC. 5317. SENSE OF CONGRESS REGARDING SPECTRUM.

It is the sense of Congress that—

(1) the Nation's mobile communications industry is a significant economic engine, by one estimate directly or indirectly supporting 3,800,000 jobs, or 2.6 percent of all United States employment, contributing $195,500,000,000 to the United States gross domestic product and driving $33,000,000,000 in productivity improvements in 2011;

(2) while wireless carriers are continually implementing new and more efficient technologies and techniques to maximize their existing spectrum capacity, there is a pressing need for additional spectrum for mobile broadband services, with one report predicting that global mobile data traffic will increase 18-fold between 2011 and 2016 at a compound annual growth rate of 78 percent, reaching 10.8 exabytes per month by 2016;

(3) as the Nation faces the growing demand for spectrum, consideration should be given to both the supply of spectrum for licensed networks and for unlicensed devices;

(4) while this additional demand can be met in part by reallocating spectrum from existing non-governmental uses, the long-term solution must include reallocation and sharing of Federal Government spectrum for private sector use;

(5) recognizing the important uses of spectrum by the Federal Government, including for national and homeland security, law enforcement and other critical federal uses, existing law ensures that Federal operations are not harmed as a result of a reallocation of spectrum for commercial use, including through the establishment of the Spectrum Relocation Fund to reimburse Federal users for the costs of planning and implementing relocation and sharing arrangements and, with respect to spectrum vacated by the Department of Defense, certification under section 1062 of P.L. 106–65 by the Secretaries of Defense and Commerce and the Chairman of the Joint Chiefs of Staff that replacement spectrum provides comparable technical characteristics to restore essential military capability; and

(6) given the need to determine equitable outcomes for the Nation in relation to spectrum use that balance the private sector's demand for spectrum with national security and other critical federal missions, all interested parties should be encouraged to continue the collaborative efforts between industry and government stakeholders that have been launched by the National Telecommunications and Information Administration to assess and recommend practical frameworks for the development of relocation, transition, and sharing arrangement and plans for 110 megahertz of federal spectrum in the 1695–1710 MHz and the 1755–1850 MHz bands.

ORDER OF PROCEDURE

Mr. CARDIN. Mr. President, I ask unanimous consent that on Thursday, December 6, 2012, at 11:45 a.m., the Senate proceed to executive session to consider the following nominations: Calendar Nos. 761 and 828; that there be 15 minutes for debate equally divided in the usual form; that following the period of debate on the nominations, the Senate proceed to legislative session to resume consideration of H.R. 6156, as provided under the previous order, and following the disposition of H.R. 6156, the Senate resume executive session and proceed to vote without intervening action or debate on Calendar Nos. 761 and 828 in that order; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

INTERCOUNTRY ADOPTION UNIVERSAL ACCREDITATION ACT OF 2012

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 539, S. 3331.

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

The legislative clerk read as follows:

A bill (S. 3331) to provide for universal intercountry adoption accreditation standards, and for other purposes.

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

Mr. CARDIN. I further ask unanimous consent that the Kerry amendment, which is at the desk, be agreed to, and the Senate proceed to a voice vote on passage of the bill, as amended.

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

The amendment (No. 3310) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Intercountry Adoption Universal Accreditation Act of 2012''.

SEC. 2. UNIVERSAL ACCREDITATION REQUIREMENTS.

(a) IN GENERAL.—The provisions of title II and section 404 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 et seq.), and related implementing regulations, shall apply to any person offering or providing adoption

services in connection with a child described in section 101(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(F)), to the same extent as they apply to the offering or provision of adoption services in connection with a Convention adoption. The Secretary of State, the Secretary of Homeland Security, the Attorney General (with respect to section 404(b) of the Intercountry Adoption Act of 2000 (42 U.S.C. 14944)), and the accrediting entities shall have the duties, responsibilities, and authorities under title II and title IV of the Intercountry Adoption Act of 2000 and related implementing regulations with respect to a person offering or providing such adoption services, irrespective of whether such services are offered or provided in connection with a Convention adoption.

(b) EFFECTIVE DATE.—The provisions of this section shall take effect 18 months after the date of the enactment of this Act.

(c) TRANSITION RULE.—This Act shall not apply to a person offering or providing adoption services as described in subsection (a) in the case of a prospective adoption in which—

(1) an application for advance processing of an orphan petition or petition to classify an orphan as an immediate relative for a child is filed before the date that is 180 days after the date of the enactment of this Act; or

(2) the prospective adoptive parents of a child have initiated the adoption process with the filing of an appropriate application in a foreign country sufficient such that the Secretary of State is satisfied before the date that is 180 days after the date of the enactment of this Act.

SEC. 3. AVAILABILITY OF COLLECTED FEES FOR ACCREDITING ENTITIES.

(a) Section 403 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14943) is amended by striking subsection (c).

(b) REPORT REQUIREMENT.—Section 202(b) of the Intercountry Adoption act of 2000 (42 U.S.C. 14922(b)) is amended by adding at the end the following:

''(5) REPORT ON USE OF FEDERAL FUNDING.—Not later than 90 days after an accrediting entity receives Federal funding authorized by section 403, the entity shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that describes—

''(A) the amount of such funding the entity received; and

''(B) how such funding was, or will be, used by the entity.''.

SEC. 4. DEFINITIONS.

In this Act, the terms ''accrediting entity'', ''adoption service'', ''Convention adoption'', and ''person'' have the meanings given those terms in section 3 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14902).

The PRESIDING OFFICER. Is there further debate?

Hearing none, the question is on the engrossment and third reading of the bill.

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

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 3331), as amended, was passed.

Mr. CARDIN. I further ask unanimous consent that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

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

IMMEDIATE AND UNCONDITIONAL RELEASE OF UNITED STATES CITIZEN ALAN PHILLIP GROSS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 609, which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 609) calling for the immediate and unconditional release of United States citizen Alan Phillip Gross from detention in Cuba and urging the Government of Cuba to address his medical issues.

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

Mr. CARDIN. Mr. President, 2 days ago—December 3, 2012—marked the third anniversary of Alan Gross' arrest by the Cuban Government. Over the past 3 years, Alan's case has been of deep personal concern to me and many in my State. Alan, an American citizen and Marylander, was in Cuba to help the small Jewish community there establish improved access to the Internet, which would allow the community to go online without fear of censorship or monitoring. After being held for 14 months without charge and then a cursory 2-day trial, he was convicted and sentenced to 15 years in prison. In August 2012, a petition to the United Nations Working Group on Arbitrary Detention was filed on his behalf.

Last week, officials with the Cuban Ministry for Foreign Affairs claimed that Alan Gross is in good health. But the Cuban Government has not allowed Mr. Gross to receive an independent medical evaluation. To date, Alan has lost 105 pounds, suffers from degenerative arthritis, and has a mass behind his shoulder. Alan also suffers from severe mental anguish because of the separation from his family.

To say that the Gross family has been on a rollercoaster would be an understatement. His mother and daughter are both battling cancer. His wife Judy is struggling to make ends meet. Judy Gross has fought for Alan's release every day for the last 3 years. Judy has called, e-mailed, and met with everyone imaginable. She has been on news programs and written letters. Judy has never given up hope; she has remained strong for her family and for Alan. As many of our colleagues will attest, she will stop at nothing to see Alan return home. Due in no small part to Judy's perseverance, the U.S. Senate has been actively involved in this matter.

Over the past 3 years, U.S. officials have traveled to Cuba, we have written to numerous Cuban dignitaries, and we have employed other creative means to encourage Mr. Gross' release. In September, my colleague Senator MORAN and I, along with a bipartisan group of 44 Senators, sent a letter to Raul Castro urging the Cuban Government in the strongest possible terms to release Alan Gross immediately and unconditionally. But these attempts have been futile. Alan Gross remains in prison, caught in the middle of a conflict between two nations with a complex, often frustrating relationship.

Tonight, the Senate is adopting a resolution unanimously, a resolution Senator MORAN and I have submitted with a long list of bipartisan sponsors. The resolution calls for Mr. Gross' immediate and unconditional release and urges the Cuban Government to address his medical issues, including allowing an independent medical examination to be completed. Alan's personal freedoms are being violated every day that he continues to be incarcerated, and we can no longer tolerate his being denied an independent medical evaluation. Alan Gross should no longer be forced to suffer the consequences of political gamesmanship. Enough is enough.

Today the Senate has spoken once again. Alan Gross is a husband, a father, a son, and an American. We call on the Cuban Government to release Alan Gross immediately.

Mr. President, I know of no further debate on this measure.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the resolution.

The resolution (S. Res. 609) was agreed to.

Mr. CARDIN. Mr. President, I ask unanimous consent that the preamble be agreed to, the motions to reconsider be laid upon the table, and any statements relating to the matter be printed in the RECORD.

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

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 609

Whereas, Alan Phillip Gross, a citizen of the United States, was born in New York on May 2, 1949, and is a resident of the State of Maryland;

Whereas Mr. Gross has devoted his professional life to helping others through his work in international development and has served in more than 50 countries and territories worldwide;

Whereas, in 2001, Mr. Gross founded JBDC, LLC to support Internet connectivity in locations with little or no access;

Whereas, on February 10, 2009, JBDC, LLC received a subcontract with the United States Agency for International Development (USAID);

Whereas, working as a subcontractor for the United States Agency for International Development, Mr. Gross sought to establish wireless networks and improve Internet and Intranet access and connectivity for a small, peaceful, non-dissident, Cuban Jewish community;

Whereas Mr. Gross made 5 trips to Cuba in furtherance of the United States Agency for International Development project he was subcontracted to support;

Whereas the last time Mr. Gross was in the United States was on November 24, 2009;