

Acquisition Regulation and strong justification for making such contracts or orders.

Contracting for Hurricane Katrina and in Iraq has also involved excessive tiering of subcontractors, driving up costs and complicating contract administration. The amendment mandates regulatory guidance for minimizing tiering to ensure that every layer of subcontracting adds value or serves a valid purpose in meeting Federal requirements.

In our committee investigation of debris removal after Hurricane Katrina, a disaster that required clearing away nearly 100 million cubic yards of debris, we found that some contracts involved five or six tiers of subcontractors, often with little or no apparent added value. This provision would put in place government-wide requirements to control this practice and its potential for wasting tax dollars.

Another important provision requires the OFPP to review and report on existing policies and to recommend needed changes to ensure that Federal agencies are not contracting out essential core responsibilities of government. The risks of such activity were made starkly clear in our committee's recent discovery that a contractor wrote parts of FEMA's request for proposals for the TOPOFF 5 emergency-management exercise and was then allowed to bid on the contract. This clear conflict of interest threatened both the integrity of the competitive process and objective implementation of Federal policy.

The amendment also restricts the default outsourcing of program-management responsibility when a large contractor becomes a "lead systems integrator" for a multipart project and requires the OFPP to craft a government-wide definition of lead systems integrators.

The Accountability in Government Contracting Act combines practical, workable, and targeted reforms to improve a complex process that expends hundreds of billions of taxpayer dollars every year. As the SIGIR said of these proposals in a Homeland Security Committee hearing last year, "these kinds of reforms are exactly what will save taxpayer dollars ... and address very directly the problems that we have been experiencing in contracting in Iraq."

My amendment will pay recurring dividends for years to come in higher quality proposals, in avoidance of wasteful and excessive spending, and in better results for our citizens. I urge my colleagues to support it.

Mr. BAYH. Mr. President, I rise today in support of section 254 of the fiscal year 2009 National Defense Authorization Act. I thank Chairman LEVIN and Senator JACK REED for working with me on this piece of legislation which is based on recommendations of the National Academy of Sciences and the Department of Defense. Critical technologies that help protect our national security are being

outsourced to the global economy and to nations that may not have our best interests at heart. One such technology is printed circuit boards, a type of electronics technology that is integrated into every weapons system we deploy, from the F-22 to UAVs to the MRAP. For years we relied on industry to maintain the technological advantage in this critical area, but we now must take more action to ensure that the United States maintains and protects this capability to better ensure our national security.

Due to economic pressures, industry has increasingly outsourced the manufacture of printed circuit boards, and we are in danger of losing the industrial base capable of building and maintaining these components, especially those with critical security technologies required for our military. Without this critical technology, many components in numerous defense systems would cease to function. The Department of Defense spends roughly \$500 million annually on procuring these components, and it is imperative that we safeguard their future production. We cannot allow continued outsourcing to move production to China and other nations. We must protect our access to critical and sensitive pieces of hardware that are the basis of our military technological advantage.

Previous Department of Defense efforts to address these issues have been incomplete, underfunded, and disjointed. It is critical that we establish an executive agent to monitor and protect issues related to the U.S. printed circuit board industry. Safeguarding the technology and manufacturing capabilities of printed circuit boards will protect our national interests today and in the future. Not only will this executive agent be instrumental in maintaining existing legacy systems but will also ensure the military's advancement of emerging technologies are used in the next generation of military hardware. Failure to establish an executive agent and take aggressive action would result in the eventual loss of a critical technology and the diminishing capacity of our military's ability to safeguard our national security. Therefore, I urge support of section 254 and of the National Defense Authorization Act.

Mr. LEVIN. Mr. President, Senator WARNER and I and our staffs and a number of other Senators have been trying to work out a unanimous consent agreement that would control the continuation of the deliberation and debate on this bill. We have completed a draft of a complicated unanimous consent agreement. It runs a little over two pages. I have been able to give it to Senator WARNER now. As always, he is very helpful and responsive and has assured me they can look at this overnight and, in the morning, give us a response, hopefully early, as to whether this, or some variation of it, will be acceptable on that side of the aisle. I thank my friend from Virginia and as-

sure folks that even though we weren't able to get specific votes today, because of a previous agreement that there would be no votes today, we hope that in the morning we will be able to have a roadmap for the balance of this bill.

Mr. WARNER. Mr. President, I have seen earlier iterations of this. I will take this up with the leadership and our colleagues early tomorrow, but I am not certain what time. I presume this would not require any votes in the morning.

Mr. LEVIN. That is correct.

Mr. WARNER. I think that would best serve our purposes. In consultation with our two staff directors and colleagues on our staff who work side by side, we have now cleared—both sides—about 75 amendments. So work has been going on throughout the day. I think we can, hopefully tomorrow, share this with colleagues and get a resolution of the timetables to move forward on the bill.

#### MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate move to a period of morning business, with Senators permitted to speak therein for up to 5 minutes.

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

Mr. LEVIN. 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. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### FORMER VICE PRESIDENT PROTECTION ACT

Mr. LEAHY. Mr. President, I am pleased that the House of Representatives today passed the Former Vice President Protection Act, H.R. 5938—a bill to ensure that that former Vice Presidents and immediate family members receive Secret Service protection for 6 months after they leave office. I am especially pleased that this important legislation, which will now be sent to the President for signature, includes key provisions of the Identity Theft Enforcement and Restitution Act, a critical cyber crime bill I introduced last year and that has twice unanimously passed the Senate in this Congress. I hope that the President will promptly sign this measure into law.

Although the Secret Service has provided protection to former Vice Presidents over the last 30 years through a variety of temporary grants of authority, this legislation will provide clear authority for the Secret Service to provide such protection for the first time. The men and women of the Secret Service perform the very difficult job

of protecting our current and former leaders exceptionally well. I am pleased that this legislation will help the Secret Service to carry out this important mission.

This bipartisan legislation also includes important cyber crime provisions—portions of the Identity Theft Enforcement and Restitution Act—to protect the privacy rights of all Americans. The anticiber crime provisions in this bill are long overdue. A recent survey by the Federal Trade Commission found that more than 8 million Americans fell victim to identity theft in 2005. In addition, a new report by the Organization for Economic Cooperation and Development encourages democratic governments around the world to more aggressively fight identity theft, by enacting stronger cyber crime laws and stiffening the penalties to deter potential cybercriminals.

The key anticiber crime provisions that are included in this legislation will close existing gaps in our criminal law to keep up with the cunning and ingenuity of today's identity thieves. First, to better protect American consumers, the legislation provides the victims of identity theft with the ability to seek restitution in Federal court for the loss of time and money spent restoring their credit and remedying the harms of identity theft, so that identity theft victims can be made whole. Second, to address the increasing number of computer hacking crimes that involve computers located within the same State, the cybercrime amendment eliminates the jurisdictional requirement that a computer's information must be stolen through an interstate or foreign communication in order to federally prosecute this crime.

Third, this legislation also addresses the growing problem of the malicious use of spyware to steal sensitive personal information, by eliminating the requirement that the loss resulting from the damage to a victim's computer must exceed \$5,000 in order to federally prosecute the offense. The bill carefully balances this necessary change with the legitimate need to protect innocent actors from frivolous prosecutions, and clarifies that the elimination of the \$5,000 threshold applies only to criminal cases.

In addition, the amendment addresses the increasing number of cyber attacks on multiple computers, by making it a felony to employ spyware or keyloggers to damage 10 or more computers, regardless of the aggregate amount of damage caused. By making this crime a felony, the amendment ensures that the most egregious identity thieves will not escape with minimal punishment under Federal cyber crime laws. The legislation also strengthens the protections for American businesses, which are more and more becoming the focus of identity thieves, by adding two new causes of action under the cyber extortion statute—threatening to obtain or release information from a protected computer and

demanding money in relation to a protected computer—so that this bad conduct can be federally prosecuted. And, lastly, the legislation adds the remedy of civil and criminal forfeiture to the arsenal of tools to combat cyber crime and our amendment directs the U.S. Sentencing Commission to review its guidelines for identity theft and cyber crime offenses.

Senator SPECTER and I have worked closely with the Department of Justice and the Secret Service in crafting these updates to our cyber crime laws and the legislation added as an amendment to the Former Vice President Protection Act has the strong support of these Federal agencies and the support of a broad coalition of business, high tech and consumer groups. The bill as amended to include these critical cyber crime provisions is a good, bipartisan bill that will help to better protect our Nation's leaders and to better protect all Americans from the growing threat of identity theft and other cyber crimes.

I thank Senator SPECTER for his hard work on this legislation. I also thank Senators BIDEN and HATCH and the bipartisan coalition of Senators who have joined with us to ensure its passage. In addition, I thank House Judiciary Committee Chairman CONYERS and Congressman BOBBY SCOTT for their assistance in enacting this bill. I also thank Majority Leader REID, House Majority Leader HOYER and House Majority Whip CLYBURN for their leadership in advancing this legislation. Lastly, I thank the many high tech, business and consumer organizations who have worked so hard to enact this legislation to better protect the privacy and security of American consumers and American businesses. I encourage the President to promptly sign this important criminal legislation into law.

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#### REMEMBERING MUNIR SAID THALIB

Mr. FEINGOLD. Mr. President, last week marked the fourth anniversary of the tragic death of Munir Said Thalib, one of Indonesia's leading human rights defenders. Munir was powerful voice who brought attention to the human rights violations committed by Indonesia's military in East Timor, Papua, and Aceh Province during and after the rule of President Suharto. He founded the Commission for Disappearances and Victims of Violence (Kontras) and championed accountability and justice on behalf of the victims of "disappearances" during the final days of the regime in the late 1990s. Munir, 37, was poisoned with arsenic while traveling from Jakarta to Amsterdam to study international humanitarian law.

Munir as a singular figure who inspired crowds with his impassioned pleas for nonviolence, worked with progressive elements in the military even while challenging army abuses, and

made a point of using himself as an example to inspire others. By refusing to show fear in the face of threats and intimidation, including several attempts on his life, he served as a model for those otherwise afraid to stand up to human rights violators.

Now, 4 years after Munir's untimely death, there is promise that those responsible for his murder will be brought to justice. Despite delays and setbacks, two of those charged have now been convicted, but those who planned the assassination remained at large. Now, 3 years after a fact-finding team established by current President Yudhoyono discovered evidence of involvement by officials of the State Intelligence Agency, a retired general and former senior intelligence officer is on trial for his alleged role in the crime. This trial is an opportunity for Munir's friends and family, for the Indonesian Government, and for the citizens of Indonesia, to obtain a fair accounting of the facts and application of the law. I note with appreciation the work of the investigators in the case so far and convey my strongest support for a fair, timely and transparent process and a just outcome for all concerned.

President Yudhoyono has called the case a test for Indonesia, and Munir's supporters similarly argue that "justice for Munir is justice for all." The willingness of the government to investigate the role of senior staff at the State Intelligence Agency is a significant step forward, and I hope it is an indication of increased accountability more generally. Those who committed human rights abuses must be identified and brought to justice, both to provide a sense of closure for victims who suffered these atrocities as well as to set the important precedent that human and political rights play an important role in today's Indonesia. I encourage the Indonesian Government to undertake similar investigations for other crimes, and urge them to do so in a timely and fair manner.

The decision to undertake this trial is an important indicator of the government's commitment to address ongoing human rights abuses, and to protect human rights activists. I am hopeful this will be the beginning of a more systematic process that prioritizes basic human rights and the rule of law and recognizes that Indonesia has yet to deal effectively with past human rights violations in Aceh, East Timor, Papua, Jakarta, and elsewhere. I hope the resolution of Munir's case will be a blow against impunity and provide an opportunity to promote much-needed military and intelligence reform. Indonesia has made positive reforms since the end of the Suharto regime, but must continue to develop proper mechanisms for accountability, to ensure that such human rights abuses are not repeated.

Indonesia continues to be an important ally of the United States and we must work toward a strong and effective partnership, particularly as we