

minor sex trafficking cases prosecuted by the state. All of these expenses can and should be provided by the states, not the federal government.

I agree the problem of sex trafficking, particularly when the victims are children, is an important issue both state and federal governments should address. As ranking member of the Human Rights and the Law Subcommittee, I have seen the effects of the sex trade industry both internationally and domestically. As it pertains to domestic child sex trafficking victims, however, I believe the federal government should not be the primary provider of services for these victims.

Most cases involving child sex trafficking are prosecuted at the state level, while the federal government typically only joins cases involving large sex trafficking rings that often include other federal criminal activity. As a result, I have concerns that this legislation places too great of a burden on the federal government to provide funding for trafficking victims' services. In addition, the bill allows grant funds to be used in many ways beyond basic services that I believe both detract from the goal of assisting victims and duplicates funding already provided by other federal grant programs.

Third, only 50% of the grant funds are required to go toward actual victims' services. The other 50% can be used for salaries for state law enforcement officers and prosecutors, as well as state trial and investigation expenses. While I do not support the federal funding of food, clothing and other daily necessities for these victims, by refusing to require a higher percentage of the grant to go toward these types of direct victims' services, the bill does not fulfill its goal.

Finally, while I was encouraged by some of the compromise language that was included in the bill the Judiciary Committee ultimately passed, such as inserting the bill's grant program into an existing federal program to avoid some of the overlap and direct duplication it initially created, there remain several broad Justice Department grant programs that can be used for the purposes outlined in this bill's grant program. All of the Edward Byrne Grant programs, including the Discretionary Grants or earmarks, the Community Oriented Policing Service (COPS) grants and multiple juvenile justice grants offered through the Office of Juvenile Justice and Delinquency Prevention (OJJDP) contain broad language that would allow these grants to be used for the purposes outlined in S. 2925.

While there is no question that the sex trafficking industry has lifelong, horrific effects on its victims, particularly minors, both federal and state governments bear the burden of addressing this issue. It is the states who should provide funding for the permissible purposes under this bill's grant program, as it is state and local agencies which have the responsibility to carry out these services. Furthermore, the federal government already provides funding to address trafficking issues, and grant programs are available to state and local governments that can be used to help sex trafficking victims. Congress should, like many American individuals and companies do with their own resources, evaluate current programs, determine any needs that may exist and prioritize those needs for funding by cutting from the federal budget programs fraught with waste, fraud, abuse and duplication.

Sincerely,

TOM A. COBURN, M.D.,
U.S. Senator.

NATIONAL CYBER INFRASTRUCTURE PROTECTION ACT

Mr. BOND. Mr. President, last June, Senator HATCH and I introduced S. 3538, the National Cyber Infrastructure Protection Act. This bill responds to the concern expressed by former Director of National Intelligence Mike McConnell that "[i]f we were in a cyber war today, the United States would lose."

The bill is built on three principles. First, we must be clear about where Congress should, and, more importantly, should not legislate. Second, there must be one person in charge—someone outside the Executive Office of the President who is unlikely to claim executive privilege, but who has real authority to coordinate our government cyber security efforts. Third, we need a voluntary public-private partnership to facilitate sharing cyber threat information, research, and technical support.

Since filing the bill, we have continued to work with government, industry, and privacy experts in making sure that the solutions identified in this bill are effective. There are many different opinions out there on how best to tackle the cyber security problems we face, and so we remain open to looking at ideas for improving the bill. Earlier today, we filed a substitute amendment to S. 3538 that incorporates a number of these suggested improvements. It has been referred to committee.

The original bill would have housed the National Cyber Center administratively in the Department of Defense so as to reduce start-up costs and logistics. We appreciate the concerns some may have with the appearance we are militarizing cyber security, so our substitute creates the center as a stand-alone entity, like the Office of the Director of National Intelligence. In this way, it will be clear we are not militarizing cyber security and one department does not have the inside track over any other when it comes to securing our government networks. In order to make sure there is appropriate input from DOD and DHS, we are also creating two deputy directors, instead of one, with each appointed by the respective Secretaries with the concurrence of the Director of the National Cyber Center.

Second, the Cyber Defense Alliance is a pivotal component for encouraging government and the private sector to collaborate and share information on cyber-related matters. We recognize that the private sector is often on the front lines of cyber attacks, so any information they can provide to increase government awareness of the source and nature of cyber threats will make both government and the private sector stronger. The corollary to this is that the government must share its own cyber threat information, including classified or declassified intelligence, with the private sector.

All of this sharing can raise significant privacy concerns. So, in response

to suggestions we have heard, our substitute bill adds language to clarify that at least one of the private sector members of the board of directors must have experience in civil liberties matters. We believe this will ensure that privacy concerns are taken seriously at the very top levels of the Alliance. We all have an interest in making sure that threat information is shared, but we also have an interest in making sure that no one's privacy rights are violated.

The next Congress needs to focus on passing effective cyber legislation. I believe that S. 3538, as amended, provides a solid starting point for that effort. The bill addresses the most pressing needs: it puts someone outside the White House in charge of cyber policy and the Federal cyber budget; it provides a national cyber center that can oversee and coordinate cybersecurity for dot.gov and dot.mil; and it creates a public-private partnership that will harness the creativity of the private sector to better protect our dot.com networks.

Congress should avoid the temptation to overlegislate in this area. We need to walk before we can run. Once this basic cyber infrastructure is established, it will bring the leading public and private cyber experts together to shape cyber activities and policies. These experts will then be in an ideal position to advise Congress and the administration on the need for any additional steps to ensure our cybersecurity.

I thank my good friend Senator HATCH for his close collaboration on this legislation. I know he will be an effective advocate for this approach when the bill is filed in the next Congress.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, recently I spoke to the Senate on the occasion of the consideration of the nomination of Jane Branstetter Stranch of Tennessee to the Sixth Circuit. It was nearly 10 months after her nomination was favorably reported by the Senate Judiciary Committee that Senate Republicans finally consented to a time agreement and vote, despite the support of the senior Senator from Tennessee, a member of the Republican leadership. Nevertheless, I said then that if consideration of the Stranch nomination, after months of needless delay, represented a bipartisan willingness to return to the Senate's tradition of offering advice and consent without extensive delays, I welcomed it. I urged the Senate to consider the other 16 judicial nominations then on the Senate Executive Calendar favorably reported by the Judiciary Committee without further delay.

Regrettably, since Judge Stranch was approved by a bipartisan majority on September 13, the Senate has not considered a single additional judicial nomination, although some were reported as long ago as January. Indeed,