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Senate

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father, be with us not only in great moments of experience but also during mundane and common tasks of life. Through the power of Your Spirit, may our Senators mount up with wings like eagles, running without weariness and walking without fainting. Lord, give them the wisdom to be patient with others, ever lenient to their faults and ever prompt to appreciate their virtues. Rule in their hearts, keeping them from sin and sustaining their loved ones in all of their tomorrows. Surround them with the shield of Your favor, as You provide them with a future and a hope.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 91, S. 1197.

The PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 91, S. 1197, a bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

DRUG QUALITY AND SECURITY ACT

Pending:

Reid amendment No. 2033, to change the enactment date.

Reid amendment No. 2034 (to amendment No. 2033), of a perfecting nature.

Reid motion to commit the bill to the Committee on Health, Education, Labor and Pensions, with instructions, Reid amendment No. 2035, to change the enactment date.

Reid amendment No. 2036 (to (the instructions) amendment No. 2035), of a perfecting nature.

Reid amendment No. 2037 (to amendment No. 2036), of a perfecting nature.

Mr. REID. I now ask unanimous consent that the cloture motion with respect to H.R. 3204, the pharmaceutical drug compounding bill, be withdrawn, the pending motion and amendments be withdrawn, and the Senate vote on the passage of the bill.

The PRESIDING OFFICER (Mr. KAINE). Without objection, it is so ordered.

The bill (H.R. 3204) was ordered to a third reading and was read the third time.

ANIMAL DRUG COMPOUNDING

● Mr. ISAKSON. Mr. President, I wish to thank Mr. ALEXANDER for his work on this legislation. I am happy to see that all sides have been able to reach an agreement on clarifying the oversight of large compounding facilities, while also ensuring that patients continue to have access to customized medicines at their local pharmacy. I am grateful to the chairman and ranking member for clarifying that the intent of this legislation is to maintain current law with respect to patients' and physicians' access to drugs compounded for office use. I am also very encouraged that we are finally moving forward on creating a uniform national standard for the pharmaceutical supply chain, which will allow patients to have more confidence in the safety of the drugs they receive while also ensuring that national distributors and third-party logistics providers do not face the burden of dealing with a confusing and inconsistent patchwork of State-by-State rules.

I would like to take a moment to discuss an issue that is not directly addressed in the bill before us. I have heard from my constituents that there are serious problems, similar to the ones we are seeking to address today, with the inappropriate compounding of animal drugs. As with human drugs, mass production of compounded animal drugs with inadequate safety standards has resulted in suffering and death.

While the compounding of animal drugs according to a prescription from a veterinarian for an individual patient is legal, necessary, and appropriate, it is important to draw a line between compounding and manufacturing. I am especially troubled by reports that some entities characterizing themselves as ''compounding pharmacies'' are producing large quantities of animal drugs that are essentially copies of FDA-approved products. They are then mass-marketed as cheap alternatives to approved products, without being subject to any of the safety requirements and quality controls that manufacturers must comply with.

As with human drugs, the FDA has had mixed success in taking enforcement action against questionable or abusive animal drug compounding practices. While I understand that animal drug compounding raises complicated issues that the bill before us does not address, I want to make it clear that the absence of animal drug provisions in this legislation does not constitute an endorsement of the status quo. I hope that in the months ahead, Congress can begin to investigate the issues surrounding animal drug compounding in more depth, with an eye toward spurring the FDA to make this a higher enforcement priority.

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Mr. ALEXANDER. Mr. President, I agree that there are issues associated with animal drug compounding that should be examined. This bill does not change the current animal drug regulatory structure, and it is my hope that FDA would exercise its current enforcement authorities, as well as work with State pharmacy boards, to ensure that the law is being followed with respect to animal drug compounding, including compounding from bulk chemicals and the copying of approved drugs. In addition, Congress should utilize its oversight authorities to ensure that the agency acts accordingly. I plan to work with my colleagues in the Senate and the House to ask the Government Accountability Office to look at compounding of animal drugs.

Mr. ISAKSON. I thank the chairman, and I look forward to working with him.●

ACCESS TO COMPOUNDED DRUGS

Mr. ALEXANDER. Mr. President, I have been working very hard with Senator HARKIN, members of the HELP Committee, and members of the House Energy and Commerce Committee on legislation to provide options for patients and providers who want compounded drugs made in FDA-regulated facilities. As we debate this bill today, I want to make clear that all involved on this legislation have no intent of limiting patient or provider access to quality compounded drugs that fill a clinical need.

The process in the HELP Committee began as soon as news of the outbreak broke in Tennessee, and I cannot thank enough the folks at the Tennessee Department of Health, including Dr. Kainer, for all their good work that prevented so many further cases and lives being destroyed.

We have been working very hard to reach an agreement on how compounding should be regulated—and we have come a long way. Stakeholders including pharmacists, public health groups, and the FDA, have been sitting around a table to find a consensus solution. We have made good progress, and I want to talk about this legislation.

For traditional pharmacy, currently regulated under 503A of the Food, Drug, and Cosmetic Act, we strike the provisions found unconstitutional by the Supreme Court related to marketing.

In addition, and what will help prevent another New England Compounding Center, NECC, the Drug Quality and Security Act establishes a completely separate and distinct section 503B that authorizes FDA to regulate an optional category for larger compounding facilities. Sterile compounding facilities that do not want to comply with the patchwork of State laws and requirements can choose instead to have FDA regulate their compounding. 503B establishes rigorous quality standards, registration, adverse event reporting, inspections, and fees. If there are unintended consequences to this legislation, I stand ready to work with my colleagues and provide necessary oversight.

It has been almost 10 years since the Supreme Court decision that left a great deal of uncertainty in the regulation of pharmacy compounding. We clarify that 503A applies nationwide, and create an FDA regulated source for sterile compounded drugs. Nothing in the legislation is intended to limit access to quality compounded drugs for providers and patients or alter the practice of medicine but, rather, create a whole new alternative for safe sources of sterile compounded drugs that are held to a nationwide quality standard. The legislation does not change current law on office use compounding or repackaging.

Chairman HARKIN will discuss the importance of this language, and I thank him for working with me so hard on this over the last year.

Mr. HARKIN. Mr. President, as Senator ALEXANDER has indicated, we have been working together for a long time to develop legislation that will ensure that patients have access to the compounded drug products they need and that they can have greater confidence that their compounded drugs are safe. We ultimately landed on a package that preserves current law for traditional compounders but creates a new option for entities that choose to operate outside the bounds of traditional pharmacy practice to allow them to serve as safe sources of the compounded drugs that providers and their patients need.

We have worked very hard to craft a proposal that preserves patient access to clinically necessary medications while helping to ensure that providers have access to safe sources of compounded drugs. As Senator ALEXANDER noted, section 503A of the current Federal Food, Drug, and Cosmetic Act governs traditional compounding. This bill preserves current 503A but removes the unconstitutional advertising provisions so 503A is the uniform policy nationwide.

Similarly, we do not change current law regarding repackaging or biologics. The Senate bill established a new regulatory regime for repackaging and biologics, but ultimately, after our bipartisan, bicameral discussions, we made no changes to current law on those subjects nor do we change current law on the compounding of animal drugs. The existing restrictions on animal drug compounding have not been rigorously enforced. We will be asking GAO to take a closer look at the laws regulating animal compounding because we weren't able to address it in this package.

This bill also creates an entirely new source of quality compounded drugs. It permits entities that want to serve as outsourcers for entities that need large volumes of clinically necessary compounded drugs to provide those drugs, as long as they register with FDA and pay a registration fee, adhere to high quality standards, submit to FDA inspection, and tell the agency if adverse events occur.

I recognize that many patients need drugs that are not available from pharmaceutical manufacturers, and I have no interest in cutting off patients' access to those drugs. But I do want to ensure that when patients do need a compounded drug, it is safe. By ensuring that current law—FDCA section 503A—applies nationwide and creating a new safe source of outsourced drugs, this bill should enhance patients' ability to get the drugs they need without having to worry about their safety.

PRACTICE OF MEDICINE

Mr. COBURN. Mr. President, I wish to express support moving forward with the Drug Quality and Security Act but want to express my concern that this legislation should not be used by the FDA to interfere with a doctor's ability to practice medicine and choose the best therapy for his or her patients. Patients have allergies, conditions, and diseases on an individual basis. So often drugs in the form made by manufacturers are not the best option for an individual patient's needs, especially in some specialties such as ophthalmology. A varying strength or dose may need to be made by the pharmacy and many States have laws permitting physician compounding as well.

I understand and have received assurances from my colleague Senator ALEXANDER that limiting access to necessary treatments by providers and patients was not the intent of this legislation and look forward to working with him should any unintended consequences arise.

Mr. ALEXANDER. Mr. President, I thank my friend Dr. COBURN for his remarks, concern, and assistance with this legislation. I agree with him, and want to clarify that nothing in this legislation will constrain a doctor's options to practice medicine. The legislation tries to ensure that if a doctor or patient needs access to compounded drugs, that there is an FDA-regulated source for those drugs where the quality standards are uniform nationwide. Doctors know their patients best and should have access to accurate information on the safety and quality of the drugs they use.

If there are unintended consequences to this legislation, I stand ready to work with my colleagues and provide necessary oversight.

Mr. ALEXANDER. Mr. President, I rise today to speak about the Drug Quality and Security Act and also to thank the members and staff who have worked with us to reach an agreement and pass this bill. The legislation addresses the current ambiguity around the regulation of compounding pharmacies, one of which is tied to more than 60 deaths. It also establishes a workable system to get to unit level tracing of the nearly 4 billion prescriptions filled a year in the U.S. within a decade. In addition to bipartisan support in Congress, the bill enjoys broad support from the biomedical industry,

patient groups, consumer groups, and other stakeholders.

Over a year ago, staff began to work on identifying the cause and possible solutions to help prevent another meningitis outbreak. A group of staff from Republican and Democratic offices on the Health, Education, Labor, and Pensions Committee began a series of standing meetings and proceeded to meet every week for several months. They met with stakeholders and discussed policy solutions that each member thought would solve the problem. After much discussion of the benefits, costs, and possible unintended consequences, members agreed to a list of policy concepts. That bill, S. 959, is a strong bill, and was voted out of committee unanimously. While I believe our Senate bill was a stronger solution, it would not have gotten through the Chamber on the other side of the Capitol.

We held bipartisan and bicameral meetings throughout August to try to find a consensus that could pass both Chambers, and that legislation is what you see before you. Is it perfect? No, but I believe it is a good first step and a market-driven solution to this terrible tragedy.

I would like to thank Senator HARKIN for his tireless work on this bill, along with Chairman UPTON and Ranking Member WAXMAN of the Energy and Commerce Committee. Senator HARKIN's staff has also worked tirelessly on this bipartisan bill. They worked many late evenings, long weekends, and through countless discussions to get the bill to where it is today.

Specifically, I want to recognize and thank Jenelle Krishnamoorthy, Elizabeth Jungman, and Nathan Brown. I also want to thank Pam Smith, Senator HARKIN's staff director, for her leadership in getting this bill to the finish line.

I also would like to thank Jennifer Boyer with Senator ROBERTS and Hannah Katch with Senator FRANKEN for all their help as well.

Senators BENNET and BURR were instrumental in the drug tracing title on which they have been working for almost 2 years. Rohini Kosoglu with Senator BENNET and Anna Abram and Margaret Coulter with Senator BURR worked very hard to craft this section, and I would like to thank them, too. I would also like to thank our Senate legislative counsels Stacy Kern Scherer and Kim Tamber, and from the Congressional Budget Office Julia Christensen, Jean Hearne and Ellen Werble.

Finally, I would like to thank my staff—Grace Stuntz, and my Health Policy Director, Mary-Sumpter Lapiniski. I also want to thank my staff director, David Cleary, for his work on this bill. My staff has been working around the clock for many days and weeks, and I sincerely appreciate their dedication to getting this bill passed.

I know Members are pulled in many different directions and there is always a lot of work to complete. We have a bipartisan bill that we believe will pass the Senate later today and passed the House on Saturday, September 28th, that takes a big step in addressing the regulation of compounded drugs and preventing counterfeit, stolen, and substandard drugs from reaching consumers. I urge my colleagues to support this compromise.

Mr. BOOZMAN. Mr. President, more than a year ago we witnessed the fatal New England Compounding Center meningitis outbreak. The Food and Drug Administration failed to pursue enforcement action against NECC, despite clear warning signs. Moreover, the Massachusetts Board of Pharmacy did not do its job. It failed to provide basic oversight. This inaction allowed a criminal compounder to operate with impunity—ending the lives of many Americans.

In contrast, the Arkansas Board of Pharmacy is competent and thorough. It does a great job. Arkansas regularly inspects all pharmacies. We are a small State, but we run a tight ship.

However, Arkansas has no way of knowing whether other State pharmacy boards are doing their job.

We need to take steps to protect patients from precarious, poorly inspected, out-of-State drugs. However, I want to make clear of something before we move on this legislation.

The practice of pharmacy, including pharmacy compounding, is a State issue. Nothing in this law changes that. Compounded drugs for office-use is a State issue. Nothing in this law changes that. Commonplace drug repackaging for drugs—like Avastin—is a State issue. I relied on compounders regularly when I practiced in a surgery center. Office-use compounding and repackaging is acceptable under Arkansas law. Nothing in this law changes that.

The omission of office-use from section 503(a) of the Food, Drug, and Cosmetic Act should not signal to the FDA that it has the authority to encroach upon State authority to regulate office-use. This is not the intent of the law, and I will closely monitor FDA implementation as this process moves forward.

If the State of Minnesota wants to prohibit drug repackaging and compounding—that is its decision. But again, this law is by no means a green light for the FDA to usurp the rights of States. I want to make that crystal clear.

Lastly, contrary to much of what has been said, compounders have really stepped up to assist providers in need. Today, America faces a serious drug shortage problem. Sterile injectable generic drugs constitute 80 percent of the drugs in short supply.

Not surprisingly, government pricing caps have caused these shortages. Thankfully, compound pharmacists in Arkansas and across the country have been meeting critical market needs that manufacturers have been unable to satisfy. Compounders have helped address supply chain gaps and sudden spikes in demand—particularly in rural and neglected areas. They have plugged holes in the system, and they have tended to overlooked markets.

Without compounders, doctors would not perform surgeries. Without compounders, oncologists would be forced to administer alternative chemotherapy drugs. Without compounders, patients would suffer from limited access. These are real issues and real problems, and we must take these realities into consideration. I look forward to working with all stakeholders to ensure commonsense compounding, repackaging, and office-use administration of compounded drugs.

Mr. LEVIN. Mr. President, the Senate is poised to pass legislation aimed at strengthening the safety of compounded pharmaceuticals and the security of the drug supply chain. It has been more than 1 year since the public became aware of what quickly became a far reaching fungal meningitis outbreak affecting citizens in 20 States, including my home State of Michigan. Following an investigation by the Centers for Disease Control and Prevention and the Food and Drug Administration, along with local health departments, it became clear the outbreak was caused by contaminated steroid injections produced by the now defunct New England Compounding Center, NECC, a compounding pharmacy in Framingham, MA. This tragedy brought a spotlight to bear on the opaque regulation of mass compounding pharmacies.

According to the CDC, over 750 people from across the United States were affected by tainted pain steroid injections produced by NECC. Victims numbering 264, more than one third of the hundreds made severely ill from contaminated injections, reside in Michigan. Sixty-four of the victims lost their life as a result of illness, including 19 Michiganians. While it is certainly important that we clarify Federal regulatory responsibilities to help ensure similar tragedies are not repeated in the future, we could have begun debate on a solution far earlier. A legislative response is surely long overdue.

Colleagues on both sides of the aisle and the Capitol have worked through this issue to produce a bill that will both strengthen Federal authority to regulate mass-compounding facilities and will lay the groundwork for a nationwide system to track prescription drugs. While not as far reaching as some may have initially intended, the bill we are considering does represent an important and necessary step forward and was unanimously passed by the House of Representatives in September.

It is important to draw a distinction, as this bill does, between so-called traditional compounding—where a pharmacist tailors a particular drug to meet the unique needs of a patient, such as removing a certain dye or altering the dosage level of an adult

medication to be suitable for a child—and the mass compounding of drugs for wholesale distribution. Compounding pharmacists have long been regulated by State boards of pharmacy. However, as was made clear in the investigation that followed the meningitis outbreak, NECC, a mass compounding pharmacy, was operating in a regulatory gray area where neither the State nor Federal Government took full responsibility for ensuring their facility and compounding practices were safe and sterile.

The Drug Quality and Security Act aims to address this regulatory gray area by clarifying the responsibilities of the FDA with regard to the oversight of mass compounded pharmaceuticals. Specifically, it further defines the distinction between traditional compounding and compounding manufacturers that make large volumes of drugs without individual prescriptions.

Under this bill, mass compounding pharmacies can choose to register as outsourcing facilities that would be subject to new FDA regulatory oversight similar to that of other pharmaceutical manufactures. And, in an effort to provide patients with better information about compounded drugs, this legislation calls for detailed labeling of compounded drugs and directs the FDA to make available on their website a list of FDA-regulated facilities. Importantly, this legislation also will implement a new system for tracking drugs from the manufacturer to the pharmacy in an effort to ensure accountability at every step along the way. This new system will replace the current State tracing laws with a uniform standard and also will establish nationwide drug serial numbers to allow for efficient tracing.

While this legislation will not compensate those who have been harmed or bring back those who we have lost, I am hopeful it will help to ensure Americans are not faced with a similarly tragic, avoidable situation in the future. I urge my colleagues to join me in supporting final passage of this important legislation.

Mr. WARNER. Mr. President, hundreds of people in Virginia were sickened and 2 died from an outbreak of fungal meningitis last year that was traced to a single compounding pharmacy in Massachusetts. Hundreds more in several States became sick, and dozens perished. This public health crisis highlighted the critical need for better oversight of pharmacies that are producing compounded drugs.

The Compounding Quality Act and Drug Supply Chain Security Act, which the Senate will consider for final passage today, includes important provisions that ensures that patients and providers have access to safe compounded drugs.

This legislation also includes important provisions that deal with how to better monitor and track the drug distribution supply chain. It improves on patient safety by developing a workable pathway that will ultimately result in tracing for the entire country. Additionally, it strengthens licensure requirements for wholesale distributions and third-party logistics providers, and establishes nationwide drug serial numbers. Finally, this legislation works to address the growing problem of pharmaceutical theft, counterfeiting and diversion. The Compounding Quality Act and Drug Supply Chain Security Act is the most significant piece of legislation on drug distribution supply chain in 25 years.

I am appreciative of Senators HARKIN, ALEXANDER, and all members of the Health, Education, Labor and Pension committees for their tireless work on putting together these smart, bipartisan provisions which will help improve the lives of countless Virginians and Americans.

I offer my strong support to the Compounding Quality Act and Drug Supply Chain Security Act, and encourage its swift passage.

Mrs. FEINSTEIN. Mr. President, I am proud today to support the Drug Quality and Security Act because it marks an important step forward in protecting the safety and integrity of our Nation's drug supply. California has been a leader in addressing this issue and played a key role in creating a solution.

Patients deserve peace of mind when it comes to purchasing drugs. When a parent walks into a pharmacy to pick up a prescription for a sick child, she should be confident that the drugs she is picking up are safe and have not been tampered with. What is perhaps not known to many people, however, is that in today's drug supply system, there is no standard process for oversight to trace drugs through the supply chain system and make sure they were in the right hands and properly stored the whole time.

We hear occasionally about infected or counterfeit drugs. These are shocking stories. Last year, New England Compounding Center, or NECC, a compounding manufacturer from Framingham, MA, produced contaminated medicine that sickened over 750 people all across the country. I'm very sad to say that 64 people have died, needlessly, because of these contaminated drugs.

A report by the Senate Health, Education, Labor, and Pensions, HELP, Committee from earlier this year found that NECC was known to produce drugs that were mislabeled, did not contain the correct dosage of active ingredients and were made using equipment that was not properly sterilized.

You might think that a story like this is rare. What we have learned is that it is not. The report by the HELP Committee found that in the 8 months immediately after the outbreak caused by NECC-manufactured drugs, 48 other compounding companies were found to be producing drugs that were either unsafe or were made in unsafe environments.

The problems do not stop with the manufacturers. People often do not realize that drugs do not usually travel directly from a manufacturer to a pharmacist. In fact, they may make many stops along the way. Manufacturers, resellers, wholesalers, distributors—these are some of the entities that can receive, resell and ship drugs before they get to the pharmacist or patient. At any time in the delivery process, there is opportunity for counterfeit drugs to enter the supply chain or real drugs to be diverted for illegitimate uses.

In 2009, for example, 129,000 vials of insulin were stolen. These vials later reappeared and were then sold to pharmacies and hospitals. We do not know who was handling these vials after they were stolen, or if they were stored under appropriate conditions—a real threat to patients.

This bill does the following:

First, it establishes a comprehensive, electronic, interoperable framework for tracing the distribution history of every individual unit that passes through the drug supply chain. The effect of this part of the bill is to establish a ''chain of custody'' or ''pedigree'' for each prescription drug dispensed to patients. Should a drug be diverted, this ''chain of custody'' will provide important information to Federal regulators when counterfeit drugs are detected in the supply chain.

Second, it clearly distinguishes the scope of what constitutes the traditional pharmacy practice of drug compounding from those, like NECC, who seek to exploit a patchwork of current Federal laws and regulations to produce large quantities of unsafe drug products under the guise of compounding.

I am proud that California has led the Nation in taking real steps to address the issue of pharmaceutical supply chain safety.

In fact, California passed a law to require more oversight of the drug supply chain in 2004. Since then, the State Board of Pharmacy and State legislators have worked together with representatives from industry to perfect the law.

This action by California has been a key influence in drafting language on the Federal level. The Board of Pharmacy has provided many hours of technical assistance and has really been a team player. I commend the hard work of Chairman HARKIN, Ranking Member ALEXANDER, and his predecessor Senator ENZI, as well as Senators BENNET and BURR and their staff who have worked tirelessly to bring this legislation to the finish line. Many stakeholders were involved in drafting this bipartisan, bicameral solution that addresses the issue of substandard manufacturing practices and drug supply chain safety.

This is a remarkable step toward improved safety of medicine that Americans rely on every day.

Mr. BURR. Mr. President, we worked to ensure that the Drug Quality and

Security Act achieves a balanced approach to strengthen the safety, security and accountability of our Nation's pharmaceutical drug supply chain. This legislation establishes a uniform electronic unit-level system over the next decade that will increase security and ensure a safer pharmaceutical drug supply chain from manufacturers to dispensers. The charitable distribution of prescription drugs from the manufacturer to patients through patient assistance programs, PAPs, is a valuable and unique approach to providing American patients access to critical, lifesaving medicines. As this legislation is implemented, the varied and unique approaches of PAPs should be taken into consideration to ensure patients who access needed treatments through these effective programs are able to continue accessing the prescription drug medications provided through PAPs.

The PRESIDING OFFICER. Is there further debate? If not, the question is on passage of the bill.

The bill (H.R. 3204) was passed.

Mr. REID. I ask unanimous consent that the motion to reconsider be laid upon the table, with no intervening action or debate.

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

● Ms. WARREN. Mr. President, today the Senate passed the Drug Quality and Security Act. I am proud to have worked together with Chairman HARKIN, Ranking Member ALEXANDER, and all of the Senators on the HELP Committee from both sides of the aisle over several months to develop this law, which will create commonsense oversight of the pharmaceutical compounding industry and the pharmaceutical supply chain.

Some politicians use the word ''regulation'' as if it were a curse. Certainly no one wants bad regulations or over regulation, but the impact of failing to regulate when public safety is at risk can be dangerous and even deadly.

We have an example just how deadly right in front of us—and an example of what happens when Congress fails to regulate. It starts with compounding pharmacies.

Compounding pharmacies serve individual patients who need specialized drugs. Without these customized products, some of our most vulnerable patients would not be able to get the precisely formulated medications they need. But customers have no way to evaluate the safety or purity or cleanliness of the compounded medications they receive. That is what regulations are for.

For too long, bad actors in this industry have taken advantage of lax State enforcement and confusion about Federal regulations. The consequences of too little regulation and too little enforcement were brought into sharp focus last year when a compounding pharmacy in Massachusetts, the New England Compounding Center, was identified as the source of a widespread fungal meningitis outbreak that sickened 751 people and killed 64. I wish NECC were an isolated case, but companies like it have engaged in shoddy practices for years practices that have caused sickness and injuries and even death.

There have been many attempts to fix the law and require FDA oversight in this area. In 2007 Senator Kennedy worked with Senator ROBERTS to develop bipartisan legislation that would have addressed this issue. If that effort had succeeded, we might have been able to spare many people great suffering. Sixty-four people from just one incident would probably be alive today. But the industry lobbyists beat back their efforts. The result? People got sick and people died.

This issue is of particular importance to Massachusetts, and I am proud to have worked with my colleagues on the HELP Committee throughout my first year in the Senate to shape earlier versions of this legislation. Throughout the bipartisan development process and the public hearings and votes in the HELP Committee, I pushed for a bill that would subject compounding pharmacies to strong FDA oversight. Those efforts, and negotiations with the House of Representatives, have produced the Drug Quality and Security Act. The bill strengthens current law and establishes tough, new regulations that will keep us all safer.

The compounding provisions of this bill are not the final word in what is needed. I believe the FDA should have more authority to inspect the records of compounding pharmacies, and we have included in the bill a GAO study that will assess the impact and effectiveness of this new law and tell us if more work is needed. But this bill is big step forward in making people safer, so I support it strongly.

This legislation has another feature that will help make drugs safer. It creates an important new oversight system to ensure we have a secure supply chain for our pharmaceutical products. Today, we can track a gallon of milk in the grocery store all the way back to its producer, but we can't verify the origins of a prescription drug on the shelves of our pharmacies. Counterfeit or illegally imported drugs can be integrated into the supply chain, and currently there is no detection mechanism. This bill ensures that we can trace a particular drug from its manufacturer all the way to the pharmacy. It will allow consumers to buy prescription medications with greater confidence that the drugs are safe, legal, and free of counterfeit or substandard ingredients. It will allow patients to have greater confidence that the pills in the bottle from the pharmacy are exactly what their doctors have ordered—nothing more and nothing less.

I commend my colleagues for stepping up to the challenge and showing that it is possible for Congress to do what is right—pass commonsense reforms that protect patients and consumers from harm. This is one of the basic functions of government: making sure that markets work by ensuring that no one cuts corners that the customer can't see or that put someone's family at risk. When all the manufacturers have to follow the same standards of cleanliness, when all of them have to account for where they got the chemicals they used in their products, the playing field is level and the customer is free to make good, independent decisions. This is how government should work—through actions to improve public health and public safety through smart, fair, and reasonable regulations that will improve the lives of all Americans. I hope that the Drug Quality and Security Act will do just that. I am proud to support it.●

Mr. HARKIN. Mr. President, today, with final passage of the Drug Quality and Security Act, we have helped to ensure the safety of compounded drug products and secure the pharmaceutical supply chain. We have clarified the law governing traditional compounding and created a new source of high-quality compounded products for hospitals and other providers who need large volumes of compounded drugs. We have also set in motion a revolution in the distribution of pharmaceuticals—within a decade we will know exactly how our drug products travel through the often-complicated distribution system so that we can identify counterfeit and adulterated drugs before they get into American medicine cabinets.

By passing the Drug Quality and Security Act, we have taken an important step to improve American families' access to lifesaving drugs and medical devices.

The bipartisan process that produced this bill has been quite remarkable. I have worked closely with my colleagues on both sides of the aisle and both sides of the Capitol, as well as industry stakeholders, patient groups, and consumer groups, to solicit ideas and improvements on the critical provisions in this bill. We have a better product thanks to everyone's input.

I would like to extend a special thank you to my colleague, Ranking Member ALEXANDER. I have been working with Senator ALEXANDER on this since he became ranking member, and it has been a wonderful and cooperative partnership. I can honestly say that we would not have gotten this done without his excellent leadership and wise council. I thank the Senator.

I also thank all of the HELP Committee members, as well as members off the committee and their staff, who were thoroughly engaged with this process from the beginning as part of the bipartisan working groups. Each of you has contributed significantly to this legislation, and I am sincerely grateful for your contributions.

On that note, I specifically thank the staff of Ranking Member ALEXANDER's office. I thank David Cleary, Mary-Sumpter Lapinski, and Grace Stuntz. I

also thank Hannah Katch from Senator FRANKEN's staff, Rohini Kosoglu from Senator BENNET's staff, Jennifer Boyer from Senator ROBERTS staff, and Anna Abram and Margaret Coulter from Senator BURR's staff. I know that they have developed close working relationships with my staff throughout this process, and I am sincerely grateful for your dedicated efforts.

I also thank my own staff on the HELP Committee, who have spent many a night and weekend with Senator ALEXANDER's staff, other member offices, and our colleagues in the House working to come to consensus on the critical policy issues in this legislation. I thank Pam Smith, Jenelle Krishnamoorthy, Elizabeth Jungman, Nathan Brown, Emily Schlichting, Allison Preiss, Kate Frischmann, Abraham White, Jim Whitmire, Chung Shek, Frank Zhang and Evan Griffis.

We would be remiss if we did not also thank the Congressional Budget Office for their knowledgeable and capable team that dedicated many hours to estimating the budgetary effects of this legislation. Finally, we owe an enormous debt of gratitude to the staff members in the Legislative Counsel's Office—specifically Kim Tamber, Stacy Kern-Sheerer, and Bill Baird. They, too, worked long hours, nights, and weekends to assist my staff in drafting this legislation and working out technical issues.

This bill's final passage is a victory for the millions of Americans who need safe medicines—a victory that would not have been possible without the dedicated work of our Senate family. I thank you all for your extraordinary public service.

WELCOMING BACK SENATOR INHOFE

Mr. REID. Mr. President, I see our friend here who has returned from his surgery and the death of his son, if he wishes to say something before I complete my remarks.

Mr. INHOFE. Mr. President, the majority leader should go ahead. My remarks will be longer.

Mr. REID. Mr. President, through the Chair to the senior Senator from Oklahoma, we are glad to have him back. We all empathize with something only a parent can understand. I am grateful to him for the example he sets for all of us.

SCHEDULE

Mr. President, we are going to be in a period of morning business until 5 o'clock today. Following morning business, the Senate will proceed to executive session to consider the nomination of Robert Wilkins to be U.S. Circuit judge for the DC Circuit. At 5:30, there will be up to two rollcall votes, including cloture on the Wilkins nomination. If cloture is not invoked, there will be a second cloture vote on the Defense authorization bill.

NOMINATIONS

Mr. REID. Mr. President, today the Senate will consider yet another qualified nominee to be a DC Circuit Court of Appeals judge, considered by many to be the second highest court in all the land.

It is troubling that Senate Republicans, for the fourth time this year, appear poised to reject an exceedingly capable nominee to this court for blatantly political reasons. Republicans have blocked three highly qualified female DC Circuit nominees in a row: Caitlin Halligan, Patricia Millett, and Nina Pillard. Today they are expected to block confirmation of District Judge Robert Wilkins, an extremely competent and experienced nominee and one who has bipartisan support. I say that because no one has questioned his qualifications or abilities; likewise, no Senator objected to the qualifications of Ms. Halligan, Ms. Millett or Ms. Pillard. Instead, Republicans have blocked these nominees solely to deny President Obama his constitutional right to appoint judges.

In years passed, my Republican colleagues agreed to block judicial nominees only in ''extraordinary circumstances.'' These are their words, not mine.

In 2005, the senior Senator from South Carolina LINDSEY GRAHAM defined extraordinary circumstances for the benefit of this body. Being a highly qualified trial lawyer, I think he is qualified to respond and set this definition that we all agreed with. Here is what he said:

> Ideological attacks are not an ''extraordinary circumstance.'' To me, it would have to be a character problem, an ethics problem, some allegation about the qualifications of a person, not an ideological bent.

No Senator—I repeat, no Senator—has questioned the character, ethics, or qualifications of these three women that have already been rejected for the DC Circuit. No one has questioned the character, ethics or qualifications of Judge Wilkins. So I am frustrated that Republicans would once again filibuster such a highly qualified nominee—a nominee so highly qualified, in fact, that he was confirmed 3 years ago by voice vote to become a district court judge.

Judge Wilkins is an Indiana native who graduated cum laude with a degree in chemical engineering, and then he got a law degree from Harvard Law School. He has worked as a staff attorney for the DC Public Defender Service. He was a partner specializing in white-collar defense, intellectual property, and complex civil litigation at the private law firm of Venable. That is an outstanding law firm with lawyers all over the country.

Judge Wilkins also helped shine a national spotlight on national profiling when he brought a landmark lawsuit against the Maryland State Police in 1992 after he and three family members were stopped and searched. Why? Because they were African Americans. It is landmark litigation.

This nominee has a bright legal mind and a remarkable dedication to the rule of law. Under normal circumstances, such as the circumstances of his 2010 confirmation, he would be quickly confirmed, but now he faces a Republican filibuster. Unfortunately, the type of Republican obstruction we face today has become quite commonplace. President Obama's circuit court nominees, including nominees for the vital DC Circuit, have waited seven times longer than those nominated by President Bush.

Republicans claim they are blocking nominees to this crucial court because the court is underworked and doesn't need to fill its complement of judges. Republicans also claim that filling these three vacancies would amount to court packing. That is absurd on its face. My Republican colleagues were happy to confirm four Bush nominees to this court. In fact, 15 of the last 19 to the DC Circuit were appointed by Republican presidents. Appointing judges to fill vacant judicial seats is not court packing, it is the President's right as well as his duty.

I do not ask Republican Senators to support President Obama's nominees or even that they vote for them, but it is right and proper that they should give President Obama's nominees the same fair consideration afforded the nominees that came before them.

RESERVATION OF LEADER TIME

Would the Chair announce the business of the day.

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 5 p.m. with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Oklahoma.

ORDER OF PROCEDURE

Mr. INHOFE. Mr. President, I ask unanimous consent that my 10 minutes might be extended by about 10 more minutes.

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

THANKS TO THE MAJORITY LEADER

Mr. INHOFE. Mr. President, let me start off, before the leader leaves the floor—and I was hoping to do this before the Chaplain of the Senate, Dr. Barry Black, left. I had a horrible loss eight days ago, losing a son. It was so touching to me—and I thank Barry Black, who included a good bit of some things about my son and about me in his opening prayer. Also, the comments that were made, the very gentle comments, and very helpful, that were made by the majority leader. So, through the Chair, I wish to thank HARRY REID very much for the comments he made.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. INHOFE. Mr. President, we have something coming up that we are going to be talking about this week, and I am a little disturbed because I don't know exactly when it is going to be coming up, and I don't know how many objections there are going to be. I just know there are some people who want to delay, since it is a must-pass bill, the National Defense Authorization Act. We have passed it every year for, I think, 51 years. We have never failed to pass it. This is not going to be the first year that we fail to pass it. But I am hoping our Members will recognize how significant this is.

First of all, as the ranking member on the Senate Armed Services Committee, I thank my colleague, the chairman of the committee, Senator LEVIN, for his leadership and for his cooperation, which we enjoyed during the committee markup of this bill. We got it through the committee in pretty fast order. People realized there are some things that had to be taken up on the floor—three very controversial issues. Fine. This is where it should be taken up. It will be taken up. There will be amendments I will strongly oppose and some I will support. But I have always considered the National Defense Authorization Act to be the most important piece of legislation Congress considers each year.

This bill contains crucial authorizations that support our men and women in harm's way in Afghanistan and around the world. It supports training of our servicemembers and maintenance and modernization of their equipment to ensure they are prepared to overwhelm any adversary and return home safely to their loved ones. But—and this is a big but—it does so only as the reduced defense spending will allow.

It authorizes research and development efforts that will ensure we maintain technological superiority over our enemies and can successfully defeat the threats of tomorrow. But, again, it does so only—this is different; this has never happened before—when we are facing a reduction in our military spending. It is so unacceptably low that it has caused our leaders in all core services, which I will read in just a moment, to talk about how this is life-threatening.

But, most importantly, one thing we will continue to do is provide for the pay and the benefits of the brave men and women who are in harm's way to defend this Nation. In an era increasingly defined by partisan gridlock, the NDAA—the National Defense Authorization Act—is one of the rare occasions where Members of both parties can come together out of a shared commitment to our military men and women. This enduring commitment was exemplified this year again by the overwhelming bipartisan majority that supported the passage of the NDAA from the committee in June. I look forward to continuing this tradition and this cooperation until we get this bill passed.

Consideration of this year's NDAA comes at a pivotal moment for our national security. The global security environment we face is more volatile and dangerous than any other time in my memory or, I suggest, in the history of the country. Yet our ability to protect the country against these growing threats is at serious risk. After losing $487 billion—that just came out of the defense budget through the first 4½, 5 years of this administration—we now are looking at sequestration. Sequestration is an outcome thought to be so egregious and irresponsible that it would never be allowed to happen. None of us believed it would happen, that we would—after already losing $487 billion from our defense system—have to be facing sequestration.

I never can say ''sequestration'' without reminding people why it is only 18 percent of our budget goes to defending America. Yet they have been forced to endure 50 percent of the cuts. It is wrong. But, nonetheless, that is what has been happening over the last—it has been in effect for 8 months. Its drastic across-the-board cuts are exacerbating the effects of an already declining national security budget.

As a result, the military is experiencing a dramatic decline in readiness and capabilities. I have a chart in the Chamber.

General Odierno, the Chief of Staff of the Army, recently said that his forces are at the—I am quoting now—''lowest readiness levels I've seen within our Army since I've been serving for the last 37 years'' and that only two brigades are ready for combat—only two brigades. This is General Odierno.

The reason I wanted this chart put up is because it tells us where we are today. The part shown in orange, which is the huge cuts coming from sequestration, is far greater than the rest of it. That is readiness. That is what we are talking about.

We do hear a lot about the cost of personnel and all of that, but that is shown in the lower colored blue. So you are not talking about if you are able to do away with those actually coming up with any major reductions. The part shown in yellow is force structure. Now we are talking about, as General Odierno said, being down to only two brigades that are ready for combat. That is because of what has already been happening in the last 8 months in the force structure.

The modernization is shown in green on the chart. Modernization is always the first to be cut when force cuts come in because they figure that is something you don't feel the pain of today. But I want you to concentrate on the part shown in orange because that is where it really would hurt us.

So we had General Odierno saying his forces were at the lowest readiness levels he has seen in his 37 years in the U.S. Army. I was in the Army many years ago, and I can remember back then when it always had priority over everything. Defending America seemed to be the thing.

Admiral Greenert, Chief of Naval Operations, said:

> . . . because of fiscal limitations and the situation we're in we don't have another strike group trained and ready to respond on short notice in case of a contingency. We're tapped out.

That is our Navy.

Our top military leaders now warn of being unable to protect American interests around the world. Admiral Winnefeld—he is the Vice Chairman of the Joint Chiefs of Staff, the next-to-the-highest military person—said earlier this year: ''There could be, for the first time in my career, instances where we may be asked to respond to a crisis and we will have to say we cannot.''

General Dempsey, the No. 1 military person, the Chairman of the Joint Chiefs of Staff, has warned that continued national security cuts will—and I am again quoting—''severely limit our ability to implement our defense strategy. It will put the nation at greater risk of coercion, and it will break faith with the men and women in uniform.''

That is why I am so troubled by this disastrous path we are on. In the face of mounting threats to America, prolonged budgetary uncertainties and the mindless sequestration cuts are crippling the people who are vital to our security, our men and women in the military.

To be clear, our military was facing readiness shortfalls even before sequestration took effect. Sequestration has only been in effect for 8 months. We never dreamed it would, after all the cuts we have gotten out of it from, quite frankly, this administration.

So the equipment, the problems we have—rather than rebuilding the ability of our military to defend the country, we are digging ourselves deeper into a hole. The longer we allow military readiness and capabilities to decline, the more money and time it will take to rebuild.

We are falling victim to the misguided belief that as the wars of today wind down, we can afford to gut investments in our Nation's defense. This is an irresponsible and dangerous course. I remember back during the middle of the 1990s. They talked about a peace dividend at that time. I can remember them saying: Well, the Cold War is over. We no longer need that strong of a military. Now, in this day and age, it is so much more serious than it has been in the past.

Our top military leaders agree. In testimony before the Armed Services Committee last week, General Amos—he is the Commandant of the Marine Corps—testified that if he is asked to respond to a contingency in the current budget environment—I am quoting—''we will have fewer forces arriving less-trained, arriving later to the fight. This would delay the buildup

of combat power, allow the enemy more time to build its defenses, and would likely prolong combat operations altogether. This a formula for more American casualties.''

That is the Commandant of the Marine Corps.

Such an outcome would be immoral and a dereliction of duty. If we expect the men and women of our military to go into harm's way to protect America, we have an obligation to provide them with the training, technology, and capabilities required to decisively overwhelm any adversary at any time and return safely home to their loved ones. Under this sequestration, we cannot do it. That is what we are talking about right here when I say we are talking about our obligation to provide the training, technology, and capabilities. That is shown in all that orange on the chart. That means that is what we are not going to do.

This is why ending sequestration and protecting the readiness of our military men and women remains my top priority. However, something must be done now to mitigate the devastating impacts to readiness until we can find a long-term solution.

Again, I am just talking a little bit about the significance of having our Defense authorization bill come to the floor, get it started, start working on amendments. This is what is important. But in order to address the shortfalls we have, I have an amendment that would phase sequester in a way that would allow our senior military leaders to enact reforms without disproportionately degrading our ability to train and prepare our military men and women to protect this country.

Let me say quickly, one of my closest friends in this Chamber is one of the Senators from Alabama, JEFF SESSIONS. JEFF SESSIONS, as we speak, is on a plane on his way back from California, so he cannot be here. JEFF SESSIONS has come up with an amendment. He is on the Budget Committee. He is a real budget hawk, and he still is willing to increase the military by 1 percent with a proposed amendment he might have. When JEFF SESSIONS gets back, I am going to talk to him about going together on his amendment so we can maybe merge the two amendments.

My amendment seeks to leverage what General Odierno refers to as ''ramping,'' a rephasing of the sequestration cuts that reduces the impact in fiscal year 2014 and 2015 to a more manageable level and shifts the remainder of the required cuts across the remaining years. So we are talking about that you would not feel it as much in these first 2 years, and yet we would make up for it, and that is why it is budget neutral. The Congressional Budget Office has told me this amendment will not score. That is very important to a lot of people.

Let me be real clear: I remain committed to ending sequestration of our military men and women. My amendment does not fix sequestration nor will it impede my continued push for fixing sequestration. We are going to continue to do that. It is immoral that we are not doing it. However, the damage being done to our military is so egregious and reckless under the current sequester mechanism that I have no choice but to take this step to avoid an even greater readiness catastrophe that would seriously damage our national security.

I talked just a few minutes ago to General Odierno. He is the Commander, the top person in the U.S. Army. I made a couple of notes here. I want to make sure I do not misquote him because he said if we can do what we are trying to do with this amendment—in other words, backload some of this stuff—it would actually save money 3 or 4 years from now because if you start cutting right now across the board, as would be mandated by sequestering, then you are going to be cutting in areas where it is going to cost you more to come back and do that. So I think you will find most of the military is very anxious to do that.

Again, I am not going to offer this until we have a chance to talk to Senator SESSIONS and hopefully come up with something that will be sellable to this body.

In addition to my concerns about sequestration, this bill contains several provisions that I find deeply problematic. In particular, I strongly oppose the sections that would loosen restrictions on the transfer of detainees from Guantanamo Bay into the United States or to countries such as Yemen that remain vulnerable to Al Qaeda and its terrorist affiliates.

I have to ad-lib here a little bit because I cannot remember how many years I have been trying to save one of the greatest assets this country has, and that is Guantanamo Bay. I say to my good friend, the Presiding Officer, this is one of the few good deals we have because we have had Guantanamo Bay since 1904, and it has cost us—I think the total is $4,000 a year—and Castro forgets to collect about every other year. So it is one of the few good deals we have out there.

It is the only place you can put these combatants where they are in a position where they can be interrogated and we can save American lives, and I do not know why this President, President Obama, has this obsession to turn these people out of Guantanamo Bay back into the United States. He first did this his first year—4 years ago. He had a plan. He had located, I think it was, 17 places in America where he could send these terrorists.

One of them happened to be in my State of Oklahoma at Fort Sill. I will always remember that. I went down to Fort Sill, I say to the Presiding Officer, because I found out we have a small prison down there. And the major, a female who runs that prison, said to me: I can't understand what is wrong with you people in Washington. You have that perfectly good facility down there that will save American lives, and people are treated better than they have ever been treated before. One of the major problems we have down there is obesity because they are eating so much. So it is not a matter of not being treated fairly.

Well, for some reason this President has had a—and one of the problems with turning these people back in to America into our system is that a terrorist is not a criminal. A terrorist teaches others. They are in the business of teaching other people to be terrorists. You put them in our prison system and they are going to be working on the people who are there. That is why I have such strong feelings about the closing of Guantanamo—or the President trying to do that. We have stopped him from doing that for 4½ years now. We will continue. However, they are trying to make it easier for them to take people out of Guantanamo Bay and send them to my State of Oklahoma and throughout America. Hopefully we can defeat that part of this bill.

While I am pleased the bill fully funds the budget request for missile defense and includes a provision that would establish a radar site on the east coast, I remain concerned that we are vulnerable to a growing ballistic missile threat from the Middle East.

Let me comment here. I was upset. The first budget that President Obama had, I knew—and again, when you say ''liberal'' and ''conservative'' that is not name calling. ''Liberal'' simply means you want government to have more involvement in our lives, and he is a liberal person. And most liberals do not think we need a military, to start with.

I always remember his first budget. I went over to Afghanistan so I could be there when he announced his budget, knowing if I was doing it from there with tanks going back and forth, I would get some attention on it. Sure enough, it worked.

In that first budget, the President, in his budget, did away with our only fifth-generation fighter, the F–22; did away with our lift capacity, the C–17; did away with our future combat system, which had been the first advance in ground capability in probably 50 years.

But I think the worst of everything was, he did away with the site that we were building in Poland and the Czech Republic to be a ground-based interceptor that would take care of something coming from that direction into the United States.

You see, we have 33 ground-based interceptors. They are all located on the west coast. Our intelligence has told us since 2007 that Iran is going to have the capability of a weapon and a delivery system—by weapon, I am talking about a nuclear weapon—and a delivery system by 2015. We are talking about in less than a year and a half from now. He is going to have that capability. So we were building that for

the purpose of being able to catch something coming from that direction. Well, he took that out, and we stopped that.

There are other problems with that too because I remember when we were trying to sell Poland and the Czech Republic on the idea. They said: Are you sure now? If we agree and we make Russia angry at us by agreeing to have a ground-based interceptor in Poland and the radar in the Czech Republic, are you sure that some President is not going to come along and pull the rug out from under us?

I said: I am absolutely positive.

That is exactly what happened.

I only mention that because the radar site on the east coast certainly would not be effective by the time they are going to have that capability. Nonetheless, we are addressing it.

I am pleased that under Chairman LEVIN's leadership the committee was able to reach a compromise during the markup to address the scourge of sexual assault in the military. The Senate bill includes 16 provisions that are specifically targeted to improving the tools the Department, the services, and the commanders have at their disposal for fighting sexual assault. It includes an additional 12 provisions to make important improvements to the military justice system and the Uniform Code of Military Justice. This is a comprehensive, targeted legislative initiative that would address that. That is going to be controversial. I understand that.

I think a lot of us served in the military. It happens that I was in the military court many years before most of you guys were born. At that time the one thing I learned—and this was way back then—was that the commander's influence in discipline is necessary. We are all going to keep that in mind as we look at some of these amendments.

I look forward to bringing this to the floor as soon as we can, getting these controversial issues out of the way. I am hoping I will get favorable consideration on my amendment that is going to make it much less devastating to the military.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

DRUG QUALITY AND SECURITY ACT

Mr. ALEXANDER. Mr. President, this afternoon the Senate passed and sent to the President legislation that Tennesseans and Americans will welcome because it deals with the terrifying fungal meningitis outbreak that occurred more than a year ago that killed 16 Tennesseans and made many others sick.

The problem at that time was sterile compounded drugs that turned out not to be sterile. So when they were injected into patients for back pain or neck pain, those tainted drugs caused fungal meningitis and caused a number of Tennesseans to die and many others to become sick. Had it not been for the heroic efforts of the Tennessee State Department of Public Health, many others across the country may have been injected with that tainted medicine and become sick.

This is a very important piece of legislation which Senators and House Members have been working on for a year. I am glad it passed. I am sure the President will sign it. In our State, we know how personal this was. There is the story of Diana Reed from Brentwood, TN, who was the caregiver for her husband, who has Lou Gehrig's disease. She had neck pain—maybe because of helping him in and out of a wheelchair—went to the doctor, and got an injection for her neck pain. The next thing she knew, she had fungal meningitis and she died. Still, her husband with Lou Gehrig's disease lives on.

That story has been told in many States. We have been told by the Commissioner of the Food and Drug Administration that if we do not act, it will happen again. If we do not act, Commissioner Hamburg said, the question is not if but when there will be another tragedy. We have acted. No one should believe we can guarantee such a tragedy will never happen again, but for two reasons, it is much less likely we will have another tragedy like fungal meningitis as the result of contaminated drugs.

No. 1, we have cleared up the question of accountability. After this happened, and it was discovered that the tainted drugs came from the Massachusetts compounding pharmacy, there was a lot of finger pointing back and forth between the FDA and the State board about who should have been regulating this pharmacy, because there were other trouble signs. This never should have happened and would not have happened if they had been either properly regulated either by the State or the Federal agency, the FDA.

That often happens when there is not accountability, when it is not clear who is on the flagpole, as I like to say—when it is not clear who is in charge. We have used the example of Admiral Hyman Rickover, who was a Navy officer. In the 1950s, when he was assigned the job of the nuclear Navy, he told his captains two things: No. 1, you are in charge of the ship; and, No. 2, you are in charge of the reactor. If anything goes wrong with the nuclear reactor, your career is over.

As a result of that level of clear accountability, since the 1950s there has never been a death as a result of a reactor accident on one of our nuclear ships. This legislation creates that kind of accountability for compounded drugs.

It preserves the traditional role of States to regulate drugstores. Compounding is something almost every drugstore does. We have 60,000 of those, and that is an important job to the States. Most States do an excellent job.

It preserves the role of the Food and Drug Administration for manufacturers, those who manufacture large amounts of drugs which are prepared without an individual prescription. But it creates a new sort of facility which we call outsourcing facility. This facility is regulated by the FDA.

Two things have happened. One is either the FDA or the State is in charge of a compounding pharmacy. It will be one or the other. The second is there is a new outsourcing facility. A doctor or a hospital in Virginia or Tennessee may choose to buy all of its sterile drugs, for example, from a compounding pharmacy that is regulated by the FDA. It doesn't have to, but it may choose to do that.

We believe many will choose to do that, particularly with the sterile drugs that are sent across State lines without a prescription. This legislation affects the health and safety of millions of Americans.

There was a second part this legislation that was passed this afternoon that is equally as important and in some ways more far-reaching. We call it track and trace. That is the shorthand name for it. Four billion prescriptions are written every year.

What this legislation does is attach a serial number to each drug that is manufactured and follows it all the way from the drug manufacturer to the individual pharmacy. Why is that important. It is important so that one will know, if given a prescribed drug, that it works, is not counterfeit, and that it is safe. It will take several years to implement this, but the drugs that make the 4 billion prescriptions will now be able to be tracked and traced from the manufacturer to the pharmacy.

Many of our disputes are well advertised around the Senate. In fact, one could argue that is what we are for—the resolution of disputes. If there weren't a dispute, we probably wouldn't be here. We would work everything out at the city council, the Governor's office or somewhere else.

The big issues of the day stand here. Some of those are hard to resolve. ObamaCare is hard to resolve, fixing the debt is hard to resolve. We have very different points of view.

On this issue, which was difficult to do, we worked for more than 1 year on the compounding pharmacy bill and more than 2 years on the track-and-trace bill. It was very difficult to do. We were able to do it.

I commend Senator HARKIN, who is chairman of our committee, Senator FRANKEN, Senator ROBERTS, Senator BURR, Senator BENNET, and many other Members of the committee. We were able to involve many people in it and

come out with the unanimous recommendation of our committee, and it was unanimous today.

Just because it was unanimous, I don't want anyone to think it was easy. It was hard work. Because it was unanimous, I don't want anyone to think it is not important.

It is important in Tennessee to those 16 families who had a family member die. It is important to the dozens of families with a member of their family who is sick because of those injections. It is important to those families who may still become sick in our State and other States.

No. 1, it is important to know after this who is on the flagpole. It is either the FDA or the State agencies, and there will be no more finger pointing.

No. 2, any doctor or hospital that chooses to buy its sterile compounded drugs that are shipped interstate in large amounts without prescription from an FDA-related facility may do that.

This is a day of results in the Senate, which I am pleased to see.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. While the Senator is on the floor, I wish to thank my colleague from Tennessee for this legislation and the hard work he has done on it. Also, there was significant pain and difficulties experienced by his constituents in Tennessee. This is something that I think will benefit all Americans and a rare bipartisan occasion in the Senate, which we should all celebrate. I thank my colleague from Tennessee.

DEFENSE AUTHORIZATION

Mr. MCCAIN. First, I obviously wish to join all of my colleagues in welcoming back our dear friend, the Senator from Oklahoma, JIM INHOFE. We know he has gone through a very terrible family tragedy, and our thoughts and prayers continue to be with him and the members of his family. We are very happy to see him return, working and leading on this very important aspect of our work, the National Defense Authorization Act.

Today I will have filed an amendment on behalf of Senator SESSIONS and myself—Senator SESSIONS, as we all know, is the ranking member of the Budget Committee—to try to address the issue of this terrible effect on our defense establishment as a result of sequestration. Rather than go into the background of why it happened, the fact is that now in 2012, 2013, and into 2014, we see a continued decline in funding for national defense and then a rise, as it is currently planned. This is current law.

Obviously, it is not a rational approach because our defense business and people in the Pentagon do not plan on a day-to-day or week-to-week or month-to-month basis.

What this amendment does is it preserves sequestration—which I am opposed to—but the fact remains that in order to try to ease the burden of sequestration on our military, this would smooth out this dip that has taken place over an 8-year period until the expiration of current law in 2021, and next year and the years after for 2014, 2015, 2016, and 2017 it would give increases in spending and then reductions in those outyears and still achieve the same reductions in spending as dictated by sequestration.

The reason I say this is because we are looking at a dramatic impact on our military if we allow spending to go down to that level for 2014 before we start climbing back up.

What is happening to our military today? It has a large impact, it is disgraceful, and it is harmful. In this very unsettled world we live in, we are seeing unprecedented reductions and impact on our national security that we have not seen since the end of the Vietnam war.

Two weeks ago the Armed Services Committee held a hearing to understand how the sequester had impacted the Department of Defense. We learned, according to the Chief of Staff of the Army, GEN Ray Odierno, that continued sequestration along this line will cause the Army to end, restructure or delay over 100 acquisition programs. The Army, already drawing down by 80,000 Active-Duty troops, will be forced to reduce and eliminate an additional 60,000. The Guard and Reserve would also be forced to remove tens of thousands of men and women from their ranks. It amounts to an almost 20-percent cut in troop strength over the next 5 years and will result in an Army that has tens of thousands fewer soldiers than it had in 2011. Unit training has been curtailed such that by the end of 2014, if we go down this scale, General Odierno forecasts that only 15 percent of Army brigade combat teams will be fully ready in the event of a contingency.

The Chief of Naval Operations, Admiral Greenert, testified that sequestration means the Navy will operate more sparsely across the globe and be less able to reassure our allies that U.S. interests around the world are properly served. The Navy is the most visible sign of America's strategic deterrent, and we are putting that deterrent at risk.

The Commandant of the Marine Corps, Gen. James Amos, said that because of sequestration, he was ''mortgaging'' long-term modernization to pay for keeping his marines trained and ready today, but he also said the plan is not sustainable. As equipment and facilities age, he won't be able to pay for their upkeep while simultaneously paying for training. What will give, unfortunately, is readiness.

As all the service chiefs testified, ''readiness'' means lives. The lower their readiness, the greater the risk to the lives of soldiers, sailors, airmen, and marines in the event of a deployment.

The Chief of Staff of the Air Force, Gen. Mark Welsh, told us that the Air Force had to ground 13 combat squadrons—had to ground 13 combat squadrons—because they lacked funding due to sequestration. Other squadrons' flying hours were cut in half. He warned that continued cuts to flying hours, which are a certainty under this present plan, will guarantee that many more squadrons will forego mission readiness in the coming years. General Welsh's least damaging plan to pay for sequestration is to cut some 25,000 airmen and 500 aircraft, almost 10 percent of the aircraft inventory.

Obviously, what is not reflected in these numbers is the impact on morale and retention. The Air Force is deeply concerned about the number of pilots it is losing to private industry. My colleagues may not know that there is a large exodus of airline pilots that will be leaving the airlines due to retirement in the next few years.

There is a recent story where a number of Air Force pilots were offered a bonus of $225,000 to remain in the U.S. Air Force and most of them turned it down. Why are they turning it down? It is because they are not flying, and they are not sure whether they are going to be flying.

We are cutting their flying hours to the bone. We are grounding entire squadrons. We are harming the morale and readiness of our military today in all of the services.

I provide those examples, but as one Air Force leader said recently: ''If you're not flying your aircraft because it's grounded, you might as well go fly something else.''

I provide these examples because it is important for us to understand that our actions in Congress are presently and materially degrading our military's ability to defend the Nation and protect our interests abroad. This is not an abstraction, especially at a time when international threats and instability are growing and not lessening.

I acknowledge there is a fatigue after more than a decade of war. Cutting the defense budget seems an easy way to ameliorate the Nation's dire budget problems, but such thinking is wrong.

I remember the troop cuts and the budget reductions after Vietnam. I remember that it took us 15 years to restore the military to the proficiency, capability, and professionalism that we have today.

Defense represents less than 20 percent of total government spending. We could zero out the entire defense budget and would still, with the growth of entitlement spending and the prevalence of tax loopholes, not be able to reduce the Federal deficit.

I have worked with colleagues for 2 years trying to address this issue. I have toured the country with KELLY AYOTTE and LINDSEY GRAHAM and met with community and business leaders. I joined with our distinguished chairman CARL LEVIN and hosted a series of meetings with Senators to find common ground. None was to be found.

So here we are, with an obvious impact for next year of sequestration which would dramatically impact our ability to defend this Nation. In desperation, I am asking my colleagues to at least agree to smoothing out this path—which would end up with the same reductions in the spending but at least not hit this bottom level which would cause us to have planes that will not fly, ships that can't sail, and men and women in the military unable to train and operate. Once we reduce and impact operations and maintenance, readiness suffers, and readiness incapability only shows up over time.

I spent last Sunday with my friend Senator ALEXANDER. The Senator from Tennessee and I were at Fort Campbell, KY, where we spent some time with the men and women who are serving in the military. We were briefed by the military leadership and the command master sergeants of the various units based at Fort Campbell, KY. We found that already the ability to train, the ability to retain, the ability to act with the kind of proficiency which is necessary in today's world is already being seriously degraded.

So I ask my colleagues, in working with Senator SESSIONS via the Sessions amendment, to consider this amendment to the National Defense Authorization Act so we can at least soften the blow, to some degree, of sequestration.

Senator LAMAR ALEXANDER and I were taken by the patriotism, the hard work, and the quality of the men and women serving our Nation in the United States Army at Fort Campbell, KY. Senator ALEXANDER and I were both deeply alarmed at the fact that these people are literally having to budget and operate on a month-to-month basis. They are not able to sustain the level of readiness and capability that this Nation needs at this very difficult time.

So I urge my colleagues to consider this amendment that Senator SESSIONS will be sponsoring. I look forward to debating and hopefully passing this legislation to give our men and women the relief they need to serve this country with the patriotism and the efficiency we need in these difficult times.

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

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

SEVERE NOVEMBER STORMS

Mr. COATS. Mr. President, I am here to talk about legislation I have introduced that I hope my colleagues will join me in supporting, but first I would like to make a couple of comments about the terrific storms that roared through the Midwest, including my State, yesterday afternoon and evening. Mother Nature was in full fury and caused significant damage to my State. Fortunately, no deaths were reported, but there were injuries, destroyed buildings, turned-over cars, and downed trees and power lines. There was quite a bit of damage across our State affecting a significant number of towns—Muncie, Kokomo, Marion, Lebanon, Washington, Lafayette, and others. It was a line of storms that packed a lot of power and did a lot of damage.

We were fortunate in Indiana not to suffer loss of life. Our neighbors to the west in Illinois took the brunt of this storm. Our thoughts and prayers go out to those families and those loved ones who were lost in that storm.

There has been a good response by FEMA. People are on the ground already. Assessments are being made and Hoosiers are rolling up their sleeves and cleaning it up, as we fully expect them to do. The response has been terrific. I certainly have to acknowledge that this caused some severe damage but the response addressing it has been terrific.

NATIONAL CEMETERIES ACT

Mr. COATS. The bill I would like to talk about is S. 1471, the Alicia Dawn Koehl Respect for National Cemeteries Act, which hopefully will come before the Senate this week. I wish this legislation were not necessary. It should not be. Tragic events happened on May 30, 2012. Obviously, we wish that had never happened and wish there never had to be a bill named after Alicia Dawn Koehl. I regret that the Department of Veterans Affairs made a mistake that resulted in even more pain and heartbreak for this family who is already suffering from heartbreak from the loss of Alicia Dawn Koehl.

These are the circumstances. On May 30, 2012, Michael LaShawn Anderson went on a shooting spree at an Indianapolis apartment complex, injuring three people and taking the life of Alicia Dawn Koehl, a devoted wife and loving mother of two children. As police were arriving at the scene, Anderson then killed himself.

Shortly after the Koehl family faced the unimaginable—putting their mother and wife to rest—they discovered that the local Department of Veterans Affairs had made a very disturbing mistake. The VA erroneously granted the shooter a burial with military honors at Fort Custer National Cemetery in Augusta, MI, on June 6, 2012. Although Anderson was a U.S. veteran, his unthinkable act made him ineligible by law to be buried in a national cemetery. We passed a law prohibiting a veteran who has committed a federal or state capital crime, even though they have given service, from benefiting from the honors of a military cemetery burial.

After learning that Anderson was given this distinct honor of being buried alongside our country's heroes in a national cemetery, the Koehl family requested that the VA disinter his remains. They contacted our staff, me, and for over a year, together, we worked and we have been working with the VA and the Koehl family to remove Anderson's remains from the Custer National Cemetery in Michigan.

However, earlier this year the VA informed me personally that it could not exhume the remains of Anderson because the Department does not believe it has the legal authority to do so without the Congress passing legislation and signature by the President. In other words, the VA was not permitted under current law to bury Anderson at the national cemetery, but the Department's legal interpretation of the law says it does not have the legal authority to fix that mistake and exhume the remains of this ineligible veteran. Legislation had to be offered to right this wrong. The bill that is being presented here would grant both the Department of Veterans Affairs and the Department of Defense the authority to disinter ineligible veterans buried at national cemeteries who have committed a Federal or State capital crime. It would give the VA the authority it needs to exhume the remains of Michael Anderson.

Last month I testified in support of this bill before the Senate Veterans' Affairs Committee hearing, and I was pleased to be joined by Alicia's father-in-law Frank and mother-in-law Carol, who traveled from Fort Wayne, IN, in support of this particular bill. I thank chairman BERNIE SANDERS and ranking member RICHARD BURR and members of the committee for immediately grasping the nature of this and being willing to do everything possible to help us move this legislation. It could not have been done without their support, and their efforts have been advanced and expedited by their commitment to support this and to have Senate action on the legislation as soon as possible.

I am here today to urge my colleagues to support and pass this Alicia Dawn Koehl Respect for National Cemeteries Act. The victims and family members of this tragic shooting have suffered enough and should not be forced to wait much longer to have their requests met. As a veteran myself, I have the deepest respect for those who have worn the uniform to serve and defend our country. But no veteran who commits a capital crime should be given the honor of a military burial and being laid to rest next to our Nation's military heroes. That is the law today, and we need to make sure that law is followed. By passing this legislation, we can resolve an unacceptable mistake and help provide the family with a sense of peace and closure.

My Indiana colleague, Congresswoman SUSAN BROOKS, has introduced legislation in the House and is working to carry this across the finish line.

I urge my colleagues to pass S. 1471, the Alicia Dawn Koehl Respect for National Cemeteries Act, and ensure that our fallen veterans can rest in peace next to loved ones and fellow servicemembers, not criminals who were guilty of such a horrendous crime.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. KING). Without objection, it is so ordered.

CALLING FOR THE RELEASE OF YULIA TYMOSHENKO

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 95, S. Res. 165.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 165) calling for the release from prison of former Prime Minister of Ukraine Yulia Tymoshenko in light of the recent European Court of Human Rights ruling.

The PRESIDING OFFICER. There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations, with an amendment and an amendment to the preamble, as follows:

(Strike out all after the resolving clause and insert the part printed in italic.)

(Strike the preamble and insert the part printed in italic.)

S. RES. 165

Whereas, in August 1991, the Ukrainian Parliament declared independence from the Soviet Union and approved decrees to mint its own currency and take command of all Soviet military units on its soil;

Whereas, in December 1991, 90 percent of Ukrainians voted in a referendum to support independence from the Soviet Union;

Whereas Ukraine has experienced increased economic and political cooperation with Europe and the United States since its independence from the Soviet Union;

Whereas, in 1996, Ukraine adopted its first democratic constitution that included basic freedoms of speech, assembly, religion, and press;

Whereas in 2004, Ukrainians organized a series of historic protests, strikes, and sit-ins known as the ''Orange Revolution'' to protest electoral fraud in the 2004 presidential election;

Whereas Yulia Tymoshenko was a leader of the Orange Revolution and was first elected as Prime Minister in 2005;

Whereas, in the 2010 presidential election, incumbent President Viktor Yushchenko won only 5.5 percent in the first round of voting, which left former Prime Minister Viktor Yanukovich and then Prime Minister Yulia Tymoshenko to face one another in a run-off election;

Whereas Mr. Yanukovich defeated Ms. Tymoshenko by a margin of 49 percent to 44 percent;

Whereas, on October 11, 2011, Ms. Tymoshenko was found guilty and sentenced to seven years in prison on charges that she abused her position as Prime Minister in connection with a Russian natural gas contract;

Whereas, on January 26, 2012, the Parliamentary Assembly Council of Europe (PACE) passed a resolution (1862) that declared that the articles under which Ms. Tymoshenko was convicted were ''overly broad in application and effectively allow for ex post facto criminalization of normal political decision making'';

Whereas, on May 30, 2012, the European Parliament passed a resolution (C153/21) deploring the sentencing of Ms. Tymoshenko;

Whereas, on September 22, 2012, the United States Senate passed a resolution (S. Res 466, 112th Congress) that condemned the selective and politically motivated prosecution and imprisonment of Yulia Tymoshenko, called for her release based on the politicized charges, and called on the Department of State to institute a visa ban against those responsible for the imprisonment of Ms. Tymoshenko and the other political leaders associated with the 2004 Orange Revolution;

Whereas, on April 7, 2013, President of Ukraine Viktor Yanukovich pardoned former interior minister Yuri Lutsenko and several other opposition figures allied with Ms. Tymoshenko;

Whereas, on April 30, 2013, the European Court of Human Rights, which settles cases of rights abuses after plaintiffs have exhausted appeals in their home country courts, ruled that Ms. Tymoshenko's pre-trial detention had been arbitrary; that the lawfulness of her pre-trial detention had not been properly reviewed; that her right to liberty had been restricted; and, that she had no possibility to seek compensation for her unlawful deprivation of liberty;

Whereas, on April 30, 2013, Department of State Spokesman Patrick Ventrell reiterated the United States call that Ms. Tymoshenko ''be released and that the practice of selective prosecution end immediately'' in light of the European Court of Human Rights decision;

Whereas Ukraine hopes to sign an association agreement with the European Union during the Eastern Partnership Summit in November 2013; and

Whereas, after the European Court of Human Rights ruling, European Parliament Committee on Foreign Affairs chairman Elmar Brok stated that ''Ukraine is still miles away from fulfilling European standards'' and must ''end its selective justice'' before signing the association agreement: Now, therefore, be it

Resolved That the Senate—

(1) calls on the Government of Ukraine to release former Prime Minister Yulia Tymoshenko from imprisonment based on politicized and selective charges and in light of the April 2013 European Court of Human Rights verdict;

(2) calls on the European Union members to include the release of Ms. Tymoshenko from imprisonment based on politicized and selective charges as a criterion for signing an association agreement with Ukraine at the upcoming Eastern Partnership Summit in Lithuania;

(3) expresses its belief and hope that Ukraine's future rests with stronger ties to Europe, the United States, and others in the community of democracies; and

(4) expresses its concern and disappointment that the continued selective and politically motivated imprisonment of former Prime Minister Yulia Tymoshenko unnecessarily detracts from Ukraine's otherwise strong relationship with Europe, the United States, and the community of democracies.

Mr. DURBIN. Mr. President, I rise to speak to an issue relative to the nation of Ukraine. It is the continued imprisonment of former Ukrainian Prime Minister Yulia Tymoshenko. Sadly, for over 2 years now, she has been languishing in prison on politicized charges that she abused her position in connection with a natural gas contract with Russia.

This is a photo showing the former Prime Minister's trial in Ukraine. This occurred, as I said, more than 2 years ago.

I am not going to judge the wisdom of that contract—one of an endless series of policy decisions any chief executive makes in most nations. But this is an imprisonment that has been recognized by the international community and countless human rights organizations and by the European Court of Human Rights as selectively prosecuted and politically motivated. This is an imprisonment that has a whiff of the neighboring nation of Belarus, where those who run for President against strongman dictator Alexander Lukashenko not only always lose the election but virtually always get thrown in jail—talk about a disincentive to run for office—but not from Ukraine, which has looked to solidify its place among the community of democracies, do we expect this kind of conduct.

When I visited Ukraine last May, I had the opportunity to meet with President Yanukovich, the Prime Minister, and the Foreign Minister. I was grateful they gave me their time. During those discussions, I always raised the issue of Ms. Tymoshenko's imprisonment, hoping it would be solved. They gave me kind of indirect assurances that it would in a very brief time.

Last year, Senator INHOFE of Oklahoma, as well as Senators BOXER, CASEY, MENENDEZ, and I, introduced a Senate resolution calling for her release. It passed unanimously last September—over 1 year ago. Yet here we are today, more than 1 year later and a few weeks before an important opportunity for Ukraine to strengthen its ties to the West by potentially signing an agreement with the European Union, and Ms. Tymoshenko is still in jail.

This is not only embarrassing, it is disgraceful. This is a costly distraction from all the other important issues in the Ukraine, a nation which has such great potential. It plays into Russian President Putin's hands, who would like nothing more than to see the European Union Association Agreement scuttled because of the failure of the Ukrainian Government to release Ms. Tymoshenko. Why would Ukraine's leaders want to succumb to Russian bullying and jeopardize political ties to the West over a simple grudge regarding the previous Prime Minister?

I am dismayed by the seeming inability to find a reasonable compromise that would allow Ms. Tymoshenko to seek medical treatment abroad, a move that would allow us to instead focus on strengthening the important ties between the United States, the European Union, and Ukraine.

Ukraine is our friend and ally. It helped us in Libya and in Afghanistan.

Its leadership rightly sees Ukraine's future with the West. But when you join the community of democracies, you simply do not throw your former political opponents in jail over policy disagreements. You instead offer better ideas and beat them in an election.

That is why this summer, regrettably, I introduced a followup resolution again calling for the release of Ms. Tymoshenko. I am happy to note that Senators BARRASSO, BOOZMAN, BOXER, CARDIN, INHOFE, MENENDEZ, MURPHY, PORTMAN, RUBIO, SESSIONS, and SHAHEEN have joined me on that resolution. Let me add that is not a group of Senators we see agree on too many issues. We all agree on this. For months, we have been waiting, assured that a resolution to Ms. Tymoshenko's case would come to fruition. We saw Ukraine take promising steps toward political reform. We saw some of Ms. Tymoshenko's allies pardoned.

Over the course of the last few weeks in particular, we were optimistic that the negotiations led by former President of the European Parliament Pat Cox and former Polish President Aleksander Kwasniewski were seemingly making headway toward a solution in which Ms. Tymoshenko would leave to go to Germany for medical treatment. We were hopeful such a solution would come in time for Ukraine to sign an association agreement with the EU during the Eastern Partnership Summit in Vilnius at the end of this month—a step strongly supported by the United States.

We held off in calling this resolution with the hope that real progress would take place. But last Wednesday, after 2 years of delay and obfuscation on this issue, the Ukrainian Parliament postponed a vote on the bill that would have secured this resolution—a move that only adds to the long list of missed opportunities in Ukraine. That is why today, with some disappointment, my colleagues and I have decided to move forward and pass this resolution in the Senate.

There is still time to find a solution before the Eastern partnership summit takes place at the end of the month, so I am hopeful our friends in the Ukraine will be able to find an honorable way forward to put the best interests of the country first and end Ms. Tymoshenko's detention.

I ask unanimous consent that the committee-reported substitute amendment to the resolution be agreed to; the resolution, as amended, be agreed to; the committee-reported amendment to the preamble be agreed to; the preamble, as amended, 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. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The resolution, (S. Res. 165), as amended, was agreed to.

The amendment to the preamble was agreed to.

The resolution, as amended, with its preamble, as amended, was agreed to.

TORNADOES IN ILLINOIS

Mr. DURBIN. Mr. President, search and rescue operations are underway in several Illinois v communities today after deadly tornadoes tore through my home State yesterday.

Eight people died as a result of the storms—six in Illinois—and dozens are seriously injured.

My heart goes out to the people who have lost so much and today are beginning to sort through the rubble.

Take a look at what the people in Washington, IL, near Peoria, woke up to this morning.

This photo shows what is left of the neighborhood on Devonshire Road.

It is difficult to know which property is which because the homes have been reduced to splinters.

The tornado cut a path from one end of Washington to the other, knocking down power lines, rupturing gas lines, and ripping off roofs.

This is another picture of the devastation in Washington, IL. It looks as though this whole neighborhood has been destroyed.

Mayor Gary Manier says between 2,000 and 3,000 homes were damaged by tornadoes in his city, alone. He credits the advance warning system for saving many lives. Mayor Manier estimates people in Washington had about 4-to-5 minutes to take cover.

Washington is a city of about 15,000 people. It is about 150 miles southeast of Chicago.

At least 400 homes were destroyed there—wiped off their foundations.

Standalone homes, multifamily homes, and apartment buildings were damaged. Rescue teams are searching the debris to make sure all the victims of the storm are accounted for.

Several stories have been reported of debris from Washington ending up near Streator, IL, which is more than 50 miles away. People in Streator found part of a plastic recycling bin with the Washington city emblem on it and a UPS package addressed to one of Washington's hardest hit neighborhoods. A person in Lockport, IL; which is two hours away, found a savings bond with a Washington, IL, address.

Many other Illinois communities were struck by the twisters. This photo shows some of the aftermath in Brookport, IL, which is in Massac County, in the southern part of the State.

Several people in Brookport said some homes moved as much as 20-feet off their foundations. Seventy homes were destroyed and many more are damaged.

Three of the six people who died in Illinois lived in Massac County.

The Village of Gifford, IL, a small community of 500 people, suffered severe damage. About 160 homes were destroyed there. People there say it looks as though half of the town has been wiped away.

In Washington County, two siblings, Joseph Hoy, who was 80 years old, and Frances Hoy, who was 78, died in the storms. They lived in the Village of New Minden.

Coal City, Nashville, East Peoria, Pekin—many Illinois communities were struck by the tornadoes.

In the face of all this devastation, people all over the State are beginning the painful task of assessing the damage.

In fact, we are starting to hear stories of bravery during the tornadoes.

In Washington, a 6-year-old boy is being credited for saving the lives of his mother and older brother.

Six-year-old Brevin Hunter was playing a video game when he heard the wail of the siren yesterday. He urged his mom to go down to the basement.

His mother, Lisa Hunter, had heard the siren, too, but said the skies looked deceptively calm, so she thought it was a drill.

Brevin wouldn't let up. He told his mother that he learned in school that when you hear the siren, you have to go somewhere safe.

Brevin, his mother, and Brevin's older brother, Brody, grabbed a futon and went to the basement just minutes before the tornado slammed into their duplex in Washington Estates.

Lisa Hunter credits her little boy for saving their lives.

Lorelei Cox, a teacher in the City of Washington, credits a former student for saving her life and her husband's.

Cox's house was directly in the path of the storm. She and her husband, Dave, took shelter when they heard the sirens, but they were buried by debris when the twister hit. They survived but could not get out.

Cox says she and her husband were dug out from under the rubble by one of her former students.

Governor Pat Quinn has declared seven Illinois counties State disaster areas.

Champaign, Grundy, LaSalle, Massac, Tazewell, Washington, and Woodford Counties are receiving the trucks, communications equipment, and heavy equipment needed to remove debris. More than 60 National Guardsmen are helping with recovery.

Earlier today I spoke with Jonathon Monken, the head of the Illinois Emergency Management Agency. He assured me that FEMA representatives are in the State, assessing the damage, and working with State and local officials to help people.

The State has dispatched technical rescue teams to a number of locations across the State, and is providing emergency generators, light towers, and communications systems.

The extent of the damage is breathtaking. I commend the mayors and first responders who are on the front lines, bringing order to the chaos, and Governor Quinn and his team, who are getting immediate help to the communities hardest hit.

And I am confident that the State will need Federal assistance to help

with the cleanup and recovery. I stand ready to help ensure there is Federal assistance to augment the arduous but critical recovery work that the municipalities and the State already have begun.

Tornadoes aren't new to Illinois. They are pretty common in our part of the world, but this is an unusual situation we face. In the last 27 years, there have been approximately 194 tornadoes in our State recorded in the month of November; 101 of them were recorded yesterday—again, 194 in 27 years, and 101 yesterday. Is the weather changing in America? I think the people in Illinois would say it is changing for the worse when it comes to the incidences of tornadoes out of season in our State of Illinois.

There are two things I can predict about this disaster, without fail. One year from now, we will go back to these scenes and we will see the most amazing work having been done by so many families and so many neighbors to pitch in and rebuild. They never quit and never give up. They will be back. They will be back with their homes and playgrounds and churches and schools and shops. They will be back.

The second thing I can predict without fail—and it is not unique to Illinois, but I am so proud of it—is that neighborly quality where people pitch in to help one another in ways large and small, from showing up last night in Washington, IL, at one of the shelters with 35 hot pizzas; somebody just brought them in and said give them to whoever wants them. It is the little gestures such as that, and many others, large and small, which I am so proud to report that are just part of who we are. Again, not unique to Illinois, not unique to the Midwest, maybe not even unique to America, but time and again in times of crisis it comes out and shows itself over and over again.

WILKINS NOMINATION

Mr. DURBIN. Mr. President, I rise to speak about the President's nominations to fill vacancies on the Court of Appeals for the DC Circuit.

The DC Circuit, which is considered to be the second most important court in America, has 8 active judges of the 11 judgeships authorized by law. My colleagues on the other side of the aisle have argued that the Senate should not confirm any of President Obama's nominees for these vacancies. But when there are vacancies in the Federal judiciary, it is the duty of the President to fill them, and it is the duty of the Senate to advise and consent in an honest and professional way to the filling of these vacancies. The Senate does not have the right to unilaterally determine that certain judicial seats and posts should never be filled by certain Presidents. That is exactly what is happening today in the U.S. Senate.

Today we are considering the nomination of Judge Robert Wilkins to serve on the DC Circuit. He currently serves as a Federal judge for the U.S. District Court for the District of Columbia. He was confirmed by the Senate in 2010 by a voice vote—no controversy. Seventy of my colleagues, including 28 Republicans, were here for that confirmation.

There is no question that Judge Wilkins has the experience, qualifications, and integrity to be an outstanding circuit court judge. He is a native of Indiana and a graduate of Harvard Law. He worked for 11 years as a public defender in Washington, DC, and then joined the Venable law firm, where he served as a partner for nearly a decade.

As a judge, he has presided over hundreds of civil and criminal cases. He has a reputation, an unblemished reputation, for fairness and integrity. The Leadership Conference on Civil and Human Rights, which strongly supports his nomination, said he has a ''wealth of experience and impartiality'' and a ''steadfast commitment to enforcing the rule of law.''

He has been rated ''unanimously well-qualified'' to serve on the DC Circuit by the nonpartisan American Bar Association.

No Senator—not one—questioned his qualifications during his hearing before the Senate Judiciary Committee. As a sitting Federal judge, he has already demonstrated sound judgment and integrity.

He deserves an up-or-down vote on his nomination. And he deserves to be confirmed. But my Republican colleagues have made it clear that, once again, they are going to filibuster President Obama's nominee to the DC Circuit. It has nothing to do with Judge Wilkins, they say. They just do not want any Democratic President to fill this vacancy on this important court, period. This is becoming a pattern, an embarrassing pattern, in the U.S. Senate, and this court is exhibit A in the abuse of the filibuster.

President George W. Bush made six nominations for the DC Circuit during his Presidency. Four were confirmed by the Senate. President Obama has made five nominations for the DC Circuit. If the Republicans filibuster Judge Wilkins today, as they have threatened, then four out of the five of this President's nominees will have been filibustered.

Let's go through these nominees, just to recollect.

Caitlin Halligan, Patricia Millett, and Nina Pillard—some of the finest attorneys in the country, some of the most outstanding women who have ever been nominated for a Federal judgeship—were all filibustered and stopped by the Republicans.

My Republican colleagues say this is an argument about caseload because there is not enough work to justify these judges. This argument does not make sense. My Republican colleagues were eager to confirm nominees for the 9th, 10th, and 11th seats on the DC Circuit when it was a Republican President. You did not hear them talk about caseload then. This is a manufactured excuse for them to filibuster President Obama's nominees.

When it comes to DC Circuit nominees by our current Democratic President, it looks as though we will see four times as many filibusters as confirmations. This is unacceptable. It is disgraceful. These judicial vacancies are authorized by law, and the President has nominated extraordinarily well-qualified women and men to fill them. These nominees do not deserve a filibuster. They deserve a chance to be judged on their merits.

I urge my Republican colleagues to stop these filibusters now and to allow an up-or-down vote on Judge Wilkins and these other outstanding nominees.

We reached a bit of an agreement here a number of years ago that we would not stop these nominees unless there were ''extraordinary circumstances.'' That was the term that was used. It turns out one of those extraordinary circumstances is when a Democratic President named Barack Obama makes a nomination. Too many Republicans think that is extraordinary and that they can stop well-qualified, good people from serving our Nation and serving on this important court.

We will have a chance this afternoon. I hope Judge Wilkins will be given that chance to serve on this important court.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

RETIREMENT CRISIS

Ms. WARREN. Mr. President, I rise today to talk about the retirement crisis in this country—a crisis that has received far too little attention and far too little response from Washington.

I have spent most of my career studying the economic pressures on middle-class families—families who worked hard, who played by the rules, but who still found themselves just hanging on by their fingernails. Starting in the 1970s, even as workers became more productive, their wages flattened, while core expenses such as housing and health care and sending their kids to college kept going up.

Working families did not ask for a bailout. Instead, they rolled up their sleeves. They sent both parents into the workforce. But that meant higher childcare costs, a second car, and higher taxes. So they tightened their belts more, cutting spending wherever they could.

Adjusted for inflation, families today spend less than they did a generation

ago on food, clothing, furniture, appliances, and other flexible purchases. When that still was not enough to cover rising costs, they took on debt—credit card debt, college debt, debt just to pay for the necessities.

As families became increasingly desperate, unscrupulous financial institutions were all too happy to chain them to financial products that got them into even more trouble—products where fine print and legalese covered the true costs of credit. These trends are not new. There have been warning signs for years about what is happening to our middle class.

One major consequence of these increasing pressures on working people—a consequence that receives far too little attention—is that the dream of a secure retirement is slowly slipping away.

A generation ago, middle-class families were able to put away enough money during their working years to make it through their later years with dignity. On average, they saved about 11 percent of their take-home pay while working. Many paid off their homes, got rid of all their debts, and retired with strong pensions from their employers. And when pensions, savings, and investments fell short, they could rely on Social Security to make up the difference.

That was the story a generation ago. Since that time the retirement landscape has shifted dramatically against our families. Among working families on the verge of retirement, about a third have no retirement savings of any kind and another third have total savings that are less than a year's annual income. Many seniors have seen their housing wealth shrink as well. According to AARP, in 2012, one out of every seven older homers was paying down a mortgage that was higher than the value of their house.

And just as they need to rely more than ever on pensions, employers are withdrawing from their traditional role in helping provide a secure retirement. Two decades ago, more than a third of all private sector workers—35 percent—had traditional defined benefit pensions—pensions that guaranteed a certain monthly payment that retirees knew they could depend on. Today that number has been cut in half. Only 18 percent of private sector workers have defined benefit pensions. Employers have replaced guaranteed retirement income with savings plans, such as 401(k) plans, that leave the retiree at the mercy of a market that rises and falls and sometimes at the mercy of dangerous investment products. These plans often fall short of what retirees need and nearly half of all American workers do not even have access to those limited plans. This leaves more than 44 million workers without any retirement assistance from their employers.

Add all of this up—the dramatic decline in individual savings and the dramatic decline of guaranteed retirement benefits and employer support in return for a lifetime of work—and we are left with a retirement crisis, a crisis that is as real and as frightening as any policy problem facing the United States today.

With less savings and weaker private retirement protection, retirees depend more than ever on the safety and reliability of Social Security. Social Security works. No one runs out of benefits and the payments do not rise or fall with the stock market. Two-thirds of seniors rely on it for the majority of their income in retirement, and for 14 million seniors—14 million—this is the safety net that keeps them out of poverty. God bless Social Security.

And yet even Social Security has been under attack. Monthly payments are modest, averaging about $1,250, and over time those benefits are shrinking in value. This puts a terrible squeeze on seniors.

With tens of millions of people more financially stressed as they approach retirement, with more and more people left out of the private retirement security system, and with the economic security of our families unraveling, Social Security is rapidly becoming the only—only—lifeline that millions of seniors have to keep their heads above water. And yet instead of taking on the retirement crisis, instead of strengthening Social Security, some in Washington are fighting to cut benefits.

Just this morning the Washington Post ran an editorial mocking the idea of a looming retirement crisis. To make sure no one missed the point, they even put the words ''retirement crisis'' in quotation marks.

No retirement crisis? Tell that to the millions of Americans who are facing retirement without a pension. Tell that to the millions of Americans who have nothing to fall back on except Social Security. There is a $6.6 trillion gap between what Americans under 65 are currently saving and what they will need to maintain their standard of living when they hit retirement. Mr. President, $6.6 trillion—and that assumes that Social Security benefits are not cut. Make no mistake, there is a crisis.

The call to cut Social Security has an uglier side to it too. The Washington Post framed the choice as more children in poverty versus more seniors in poverty. The suggestion that we have become a country where those living in poverty fight each other for a handful of crumbs tossed off the tables of the very wealthy is fundamentally wrong. This is about our values, and our values tell us that we do not build a future by deciding first who among the vulnerable will be left to starve.

Look at the basic facts. Today Social Security has a $2.7 trillion surplus. If we do nothing, Social Security will be safe for the next 20 years and even after that will continue to pay most benefits. With some modest adjustments, we can keep the system solvent for many more years—and we could even increase benefits.

The tools to help us build a future are available to us now. We do not start the debate by deciding who gets kicked to the curb. We are Americans. We start the debate by figuring out how to create better efficiencies, how to make small changes that will make the system fairer, how to grow the pool of those who contribute, and how to rebuild the system that every single one of us can rely on to make sure there is a baseline in retirement that no one falls below.

We do not build a future for our children by cutting basic retirement benefits for their grandparents. No. We build a future for our kids by strengthening our economy, by investing in education and infrastructure and research, by rebuilding a strong and robust middle class in which every kid gets a chance and the most vulnerable have a strong safety net.

The most recent discussion about cutting benefits has focused on something called the chained CPI. Supporters of the chained CPI say it is a more accurate way of measuring the cost-of-living increases for seniors. That statement is simply not true. Chained CPI falls far short of the actual increases in costs that seniors face. Pure and simple, chained CPI is just a fancy way to say cut benefits.

The Bureau of Labor Statistics has developed a measure of the real impact of inflation on seniors. It is called the CPI–E. If we adopt it today, it would generally increase the benefits for our retirees, not cut them. Social Security is not the answer for all of our retirement problems. We need to find a way to tackle the financial squeeze that is crushing our families. We need to help families start saving again. We need to make sure more workers have access to better pensions. But in the meantime, so long as those problems continue to exist and as long as we are in the midst of a real and growing retirement crisis, a crisis that is shaking the foundations of what was once a vibrant and secure middle class, the absolute last thing we want to do is cut Social Security benefits. The absolute last thing we should do in 2013, at the very moment that Social Security has become the principal lifeline for millions of our seniors, is allow the program to be dismantled inch by inch.

Over the past generation, working families have been hacked at, chipped, and hammered. If we want a real middle class, a middle class that continues to serve as the backbone of our country, then we must take the retirement crisis seriously. Seniors have worked their entire lives and have paid into this system. But right now more people than ever are on the edge of financial disaster once they retire. The numbers continue to get worse. That is why we should be talking about expanding Social Security benefits, not cutting them.

Senator HARKIN from Iowa, Senator BEGICH from Alaska, Senator SANDERS from Vermont, and others have been

pushing hard in that direction. Social Security is incredibly effective. It is incredibly popular. The calls for strengthening it are growing louder day by day.

The conversation about retirement and Social Security benefits is not a conversation just about math. At its core this is a conversation about our values. It is a conversation about who we are as a country and who we are as a people. I believe we honor our promises. We make good on a system that millions of people paid into faithfully throughout their working years. We support the right of every person to retire with dignity.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

HEALTH CARE

Mr. MCCONNELL. Mr. President, as I noted last week, despite the repeated promises of President Obama, millions of people are losing their health insurance, health insurance they very much like and were assured that they could keep. It has been reported that so far 3.5 million Americans have lost their health insurance under ObamaCare. That includes over one-quarter of a million in Kentucky, one-third of a million people in Florida, and almost a million people in California. This is a serious problem that the President and congressional Democrats need to do something about. Unfortunately, they appear to be relying on half measures and creative accounting, not real solutions.

For example, we learned over the weekend that the administration's goal is to have the Web site serve only 80 percent of users, which is probably why our Democratic colleagues want to spend 100 percent of their time discussing other subjects, which brings us to the vote we will have today.

NOMINATIONS

For the third time in this work period, the majority will have the Senate vote on yet another nominee to the DC Circuit. This is not because the court needs more judges. It is the least busy court in our entire country. In fact, it is far less busy now than it was when Senate Democrats pocket-filibustered President Bush's nominee to that court, Peter Keisler, for 2 whole years. This is according to our Democratic colleagues' own standards.

Our colleagues are having the Senate spend time on this because doing so furthers their twin political goals: first, to quote a member of the Democratic leadership, to fill up that court because the President's agenda, according to an administration ally, runs through the DC Circuit; second, to divert as much attention as possible from the problem-plagued ObamaCare rollout at this formative stage of the 2014 campaign, according to published reports. In other words, rather than focusing on keeping their commitment to the American people, they are focusing on what appeals to their base. Rather than change the law that is causing so many problems for so many, they want to change the subject.

Unfortunately, the Senate will not be voting on legislation to allow Americans to keep their health insurance if they like it, as they were promised again and again and again. Rather, we will be voting on another nominee for a court that does not have enough work to do. The Senate ought to be spending its time dealing with a real crisis, not a manufactured one. We ought to be dealing with an ill-conceived law that is causing millions of Americans to lose their health insurance. Instead, we will spend our time today on a political exercise designed to distract the American people from the mess that is ObamaCare, rather than trying to fix it.

Last week I also suggested that if our Democratic colleagues are going to ignore the fact that millions of people are losing their health insurance plans, they should at least be working with us to fill judicial emergencies that actually exist, rather than complaining about fake ones. I noted there are nominees on the Executive Calendar who would fill actual judicial emergencies, unlike any of the DC Circuit nominations. Several of them, in fact, have been pending on the calendar longer than the nomination on which we will be voting today. Another week has gone by without any action by the majority to fill these actual judicial emergencies. Rather than work with us to schedule votes on them in an orderly manner as we have been doing, the majority chose to leapfrog over them in order to concoct a crisis on the DC Circuit so it can distract Americans from the failings of ObamaCare.

Unfortunately, our friends appear to be more concerned with playing politics than with actually solving problems. So like last week, I will vote no on this afternoon's political exercise. As I said last week, I hope the Senate will focus on what the American people care about rather than spend its time trying to distract them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, if I am in order, I would like to speak on the judicial nomination, the vote we are having.

The PRESIDING OFFICER. The Senator is recognized.

WILKINS NOMINATION

Mr. GRASSLEY. I am going to vote not to bring up the nomination of Judge Wilkins. I have some concerns about his record, but I am not going to focus on those concerns today, because there are a lot bigger issues we are dealing with. I have said it before and I will say it again: By the standards the Democrats established in the year 2006, we should not confirm anymore judges to the DC Circuit, especially when those additional judges cost approximately $1 million per year per judge.

The fact of the matter is, this DC Circuit they want to make three more appointments to—and this will be the third of these appointments we have dealt with—is underworked. The statistics make it abundantly clear, but I am not going to go through them all again as I have in the past. I will mention a couple brief points regarding the caseload. The DC Circuit ranks last, for instance, in both the number of appeals filed and the appeals terminated. These are the cases coming to the court and going out. Not only does DC rank last, but it is not even close. To give you a frame of reference compared to DC, the Eleventh Circuit, which has the highest caseload, has over five times as many appeals as are filed here in the DC Circuit. The same is true for appeals terminated. Again, it is not even close. The Eleventh Circuit has over five times as many appeals terminated as the DC Circuit.

The bottom line is that the DC Circuit does not have enough work as it is right now, let alone if we were to add even more judges, in this case the President's desire to add three.

That is why the current judges on the court, the current judges, have written to me and said things such as: ''If any more judges were added now, there wouldn't be enough work to go around.''

As I said last week, at least some on the other side concede that the DC Circuit's caseload is low, but they claim DC's caseload numbers don't take into account the complexity of the court's docket based upon the number of administrative appeals filed in that circuit.

As I have said, this argument doesn't stand against scrutiny. My colleagues argue that the DC Circuit docket is complex because 43 percent of its dockets are made up of administrative appeals. Of course, there is a reason they cite a percentage rather than a number. That is because it is a high percentage of a very small number.

When we look at the actual number of these so-called complex cases per judge, the Second Circuit has almost twice as many as the DC Circuit. In 2012 there were 512 administrative appeals filed in the DC Circuit, but in the Second Circuit there were 1,493 filed.

Stated differently, in DC there were only 64 administrative appeals per active judge. The Second Circuit has nearly twice as many with 115 files. Again, that is 64 administrative appeals per judge in DC compared with almost twice as many with the Second Circuit at 115.

This entire argument about complexity, I hope, comes out to be nonsense to most of my colleagues. To hear the other side, it is an outrage that we would hold them to the same standards they established in 2006 when they blocked Peter Keisler's nomination to the DC Circuit based upon caseload.

Since that time, by the standard that the other side established, the court's caseload has declined even further. It has declined so much, in fact, that the number of appeals back then, with 10 acting judges, is roughly the same as there are now with 8 active judges. Again, we didn't set this standard, the Democrats did.

That standard may be inconvenient for Democrats today, but that is not a reason to abandon the standard they established. Remember, the other side established the Keisler standard after the so-called Gang of 14 agreement. Even if that agreement hadn't expired by its own terms at the end of the 109th Congress, the Democrats established the Keisler standard after that agreement supposedly took effect.

As I have said, the other side has run out of legitimate arguments in support of these nominations. That is why they seem to be grasping at straws.

When the other side gasps at straws, they get desperate. When the other side gets desperate, they turn to their last line of defense, accuse us Republicans of bias.

Over the last week or so, my colleagues on the other side have argued that Republicans are opposing nominees based on gender. That argument—as I said last week and I still say—is offensive and patently absurd.

It is so absurd, in fact, that even the Los Angeles Times called the Democrats' attempt to play the ''gender card'' a ''pretty bogus argument,'' noting that in the past Republicans have ''happily confirmed female nominees.''

The fact is that the Republicans have supported over 80 women nominated to the bench by this President as well as a host of other nominees of diverse backgrounds. Those are the facts. It is unfortunate but sadly predictable that facts may not mean much.

These allegations of gender bias are unfortunate because they represent cheap attacks that the other side knows are untrue. It also is unfortunate because the entire exercise is designed to create the appearance of a crisis where there is no crisis. There is no crisis in the DC Circuit because they don't have enough work to do as it is. There is a crisis occurring now all across the country as a result of the health care reform bill that often goes by the terminology of ObamaCare.

Millions of Americans are losing their health insurance, even though the President promised over and over—we know the quote: ''If you like your health care, you can keep it.''

Even though we have a very real and serious crisis facing this country because of ObamaCare, the other side is desperately trying to divert attention to anything but the ObamaCare disaster.

This is how the Roll Call newspaper described this strategy:

> Senate Democrats . . . are readying their next assertive moves on three other issues important to their base:
> Abortion rights
> Minimum wage
> Federal judiciary
> The goal is to divert as much attention as possible away from the problem-plagued ObamaCare rollout.

Let me get this straight. A crisis is unfolding all across this country as millions of Americans are losing their health insurance because of ObamaCare. Yet the Democrats' strategy, according to Roll Call, is to conceal the ObamaCare crisis by using the DC Circuit as a smokescreen.

That is breathtaking, even by Washington, DC, standards. The other side is so eager to divert attention from the millions of Americans losing their insurance because of ObamaCare that they are willing to manufacture a crisis in the DC Circuit, even though the current judges say: ''If any more judges were added now, there wouldn't be enough work to go around.''

Not only that, but after running out of legitimate arguments to justify the President's attempt to stack the deck on this court, the other side has resorted to making allegations of gender bias. I have already explained that these allegations are offensive and absurd. But since the other side's strategy is to conceal the ObamaCare train wreck with a DC Circuit smokescreen and on top of that is willing to go so far as to accuse our side of gender bias, then I am going to take the opportunity to share some of the frustrations being experienced by my constituents in Iowa, meaning women in Iowa, as a result of ObamaCare.

A woman from Vinton, IA, writes:

> After 28 days of complete frustration, I got to look at 30 plans on the Iowa health care exchange at healthcare.gov. The CHEAPEST one is $1,886 per year with a $6,300 deductible.
> Last year, I spent $1,484 on health care. TOTAL. OUT OF MY OWN POCKET. I wouldn't even meet the deductible paying almost $350 a month on the one plan offered.
> At that rate, what I spent TOTAL last year would be spent on premiums in 4 months. . . .
> With more and more policies being cancelled by the insurance companies; with more and more doctors refusing to serve patients with Obamacare; and with the increasing anger towards elected officials, including President Obama, how do you plan to fix this mess???

Another woman from Sioux City, IA, writes:

> My company just had a meeting inform us of the changes to our healthcare plan thanks to ''Obamacare''.
> It is going to cost me $190 more each month next year for my family coverage.
> I am going to have to work more overtime, reduce my 401K contributions and opt out of my Flex 125 contributions to try to recover the extra money coming out of my paycheck because of the new laws. . . .
> While I suppose I should count myself lucky I didn't lose my employer health insurance coverage, I sure don't feel happy about the extra money I am going to have to pay for the same coverage I was getting this year. What a joke.
> I wish there was something that could be done about this. Socialized health care . . .

Then she used a word that I can't repeat in the Senate.

From a mom in Dayton, IA:

> Our family's health insurance agency contacted us last week to set up an appointment to talk to us about the changes in our health coverage due to Obamacare.
> We went to the meeting and found out that our HSA that we currently have will no longer be available because of Obamacare, plus our monthly rate will go from $350.00/month to $570.00/month.
> We have no idea how we are going to afford this increase. We feel blindsided. I know that you are committed to helping Iowans, as well as all Americans, so I ask that you keep fighting for affordable healthcare.

My final message is from a woman in Melbourne, IA, who writes:

> I got a full in your face understanding of just how horrible it was today when I went to renew my insurance.
> I currently pay $110 every two weeks for insurance for my whole family.
> Next year I will have to pay over $500 every two weeks to insure my family.
> The healthcare website Obamacare created is no better. I can't even get the website to work properly. It will not allow me to put my husband on a joint policy with me. . . . I actually have to weigh which is cheaper . . . paying the fine or paying for insurance. Sadly it will probably be paying the fine.

These are real stories from real women facing a real crisis in only 1 State of the 50 States, my State of Iowa. Of course, this isn't happening only in my State. Far from it. This is happening to millions of Americans all across the country.

Rather than focus on this crisis, a real crisis, the other side has developed a strategy specifically designed to divert attention from it. That strategy is to use the DC Circuit as a smokescreen.

In summary, the judges themselves say: ''If any more judges were added now, there wouldn't be enough work to go around.''

Even though we shouldn't fill these seats based upon the Democratic standard set in 2006 and even though filling these seats would waste $3 million per year in taxpayers' money that we don't have, the other side seems, in an unreasonable way, bent upon manufacturing a crisis for cynical, political reasons.

I urge my colleagues on the other side to come to their senses. Let us start focusing on the real crisis facing this country. I urge my colleagues to vote no on the Wilkins cloture petition.

I yield the floor, and 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. MORAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

TRIBUTE TO CONGRESSMAN DICK NICHOLS

Mr. MORAN. Mr. President, last month I was at the World War II Memorial greeting a number of Kansans who had arrived on an Honor Flight, and I certainly want to pay tribute to each of our service men and women and veterans. What a great experience it was on a beautiful day at the memorial. One of those veterans is someone I wish to talk about this evening to my colleagues here in the Senate.

Getting off the bus that day was my friend and a former Member of the U.S. House of Representatives for the Fifth Congressional District of Kansas, Dick Nichols. There are many things I admire about Kansans. Folks from my home State always look out for others. They commit their lives to helping and improving the lives of their communities, our State, and our Nation in order to make certain there is an even better opportunity for the next generation. Congressman Nichols is certainly one of those individuals. I wish to pay my regards to him today.

Dick was born in Kansas, raised in Fort Scott, and served during World War II as an ensign in the U.S. Navy. After serving our Nation with great integrity and humility, he pursued and achieved a bachelor's degree in science from Kansas State University in 1951. Congressman Nichols is a supporter of education but particularly a supporter of education that comes from Kansas State University. He is a Wildcat through and through.

Dick worked in a number of roles related to agriculture and banking in both the Topeka and Hutchinson communities in our State before he moved to McPherson—his home now. In McPherson, he began his career as a longtime community banker at the Home State Bank. He became president of that bank in 1969, and in 1986 he was elected to serve as president of the Kansas Bankers Association.

That same year Dick got some national notoriety: He was stabbed on the Staten Island Ferry by a homeless refugee from Cuba while touring the Statue of Liberty. While recuperating in the hospital, he was visited by then-New York Mayor Ed Koch, who apologized on behalf of the city of New York for the event. He was also invited to the Johnny Carson show to tell of his experiences in New York City. But even during that particular event, what he said on the talk show and what he told Mayor Koch was that he always looked for the best in every person and in every situation.

Dick continued as an active banker and served as the president and chairman of the board of his bank until he was elected to the U.S. Congress in 1990. Due to reapportionment in our State following the 1990 census, his district, the Fifth District, was eliminated and we went from five congressional districts to four, and Dick returned to the Home State Bank as chairman of its board. But whether he was a Congressman representing the Fifth District, a community banker in his hometown, or an ensign in the U.S. Navy, Dick always put service to others above self-interest.

Prior to his election to office in Congress, he was active in Kansas politics and particularly Republican politics. In my first campaign in 1996 for the U.S. House of Representatives, it was an honor for me to have him agree to serve as my campaign's honorary chairman.

In addition to his political involvement, Dick was also engaged in so many other things, many of them related to the community he cares so much about, McPherson, KS, including the chamber of commerce and the Rotary Club. He became the commanding general of the Kansas Cavalry, which is a group of business men and women from across our State who band together to recruit and encourage new businesses to come to our State, and he continued to serve other service men and women and veterans through his membership and participation in the American Legion and VFW.

Dick has often been quoted as saying:

> Much of life is in our mental attitude. If you think great things might happen, they do. If you question them ever happening, they won't.

I agree with that sentiment, and I have seen Dick Nichols live that in his life. Because of his attitude and character, many—including me—were inspired not only to get to know him but then to try to model their public service after his.

In McPherson, there are few people more loved and respected than Dick Nichols. It is a privilege for me to be able to call him a friend and mentor. When I initially ran for Congress and needed advice about his community and his county, he was the first person I reached out to. I always remember, as I was campaigning for the very first time for office in Congress, I had people tell me: If you are a friend of Dick Nichols', you are a friend of mine. And it is an opportunity we all ought to take to remember that how we conduct ourselves influence and affect so many others.

While I know that what happens here in the Senate and what happens in Washington, DC, has huge consequences and effect upon Kansans and Americans—and, in fact, people around the globe—I continue to believe that we change the world one person at a time, and it happens in communities across my State and across the country. Dick Nichols represents the kind of person who changes lives—in fact, changes the life of every person he meets.

So today, having seen Dick Nichols just a few weeks ago at the World War II Memorial, built in his and other World War II veterans' honor, I express my gratitude to Congressman Nichols for his service to his community, to our State of Kansas, and to our Nation. And I use this opportunity to remind myself about the true nature of public service, about caring for other people. I wish Dick and his wife Linda and their families all the very best.

Mr. President, I yield the floor, and 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. CARDIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF ROBERT LEON WILKINS TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the nomination of Robert Leon Wilkins to be United States Circuit Judge.

The assistant legislative clerk read the nomination of Robert Leon Wilkins, of the District of Columbia, to be United States Circuit Judge for the District Of Columbia Circuit.

The PRESIDING OFFICER. Under the previous order, the time until 5:30 p.m. will be equally divided and controlled in the usual form.

The Senator from Maryland.

Mr. CARDIN. Mr. President, I rise today in strong support of the nomination of Judge Robert L. Wilkins to be a circuit judge for the United States Court of Appeals for the District of Columbia Circuit. I was pleased to introduce Judge Wilkins to the Judiciary Committee in September, and the committee favorably reported his nomination in October.

Judge Wilkins currently serves as Federal District Judge for the U.S. District Court for the District of Columbia, and was unanimously confirmed by the Senate for this position in 2010. I urge the Senate to invoke cloture to allow an up-or-down vote on this extremely qualified nominee.

Judge Wilkins is a native of Muncie, IN. He obtained his B.S. cum laude in chemical engineering from Rose-Hulman Institute of Technology, and his J.D. from Harvard Law School.

Following graduation, Judge Wilkins clerked for the Honorable Earl B. Gilliam of the U.S. District Court for the Southern District of California. He later served as a staff attorney and as head of Special Litigation for the Public Defender Service for the District of Columbia. He then practiced as a partner with Venable LLP, specializing in white collar defense, intellectual property, and complex civil litigation, before taking the bench as a judge.

Besides Wilkins' professional accomplishments as an attorney, he also played a leading role as a plaintiff in a landmark civil rights case in Maryland involving racial profiling. During his tenure with the Public Defender Service and in private practice, Judge Wilkins served as the lead plaintiff in Wilkins, et al. v. State of Maryland, a civil rights lawsuit against the Maryland State Police for a traffic stop they conducted of Judge Wilkins and his family.

In 1992, Judge Wilkins attended his grandfather's funeral in Chicago, and then began an all-night road trip home with three family members. Judge Wilkins was due back in Washington, DC that coming morning for a court appearance as a public defender. A Maryland State Police trooper pulled over their car. The police detained the family and deployed a drug-sniffing dog to check the car, after Judge Wilkins declined to consent to a search of the car, stating there was no reasonable suspicion. The family stood in the rain during the search, which did not undercover any contraband.

It is hard to describe the frustration and pain you feel when people pressure you to be guilty for no good reason, and you know that you are innocent . . . [W]e fit the profile to a tee. We were traveling on I-68, early in the morning, in a Virginia rental car. And, my cousin and I, the front seat passengers, were young black males. The only problem was that we were not dangerous, armed drug traffickers. It should not be suspicious to travel on the highway early in the morning in a Virginia rental car. And it should not be suspicious to be black.

After the traffic stop, Judge Wilkins began reviewing Maryland State Police data, and noticed that while a majority of those drivers searched on 1–95 were black, blacks made up only a minority of drivers traveling there.

Judge Wilkins filed a civil rights lawsuit, which resulted in two landmark settlements that were the first to require systematic compilation and publication by a police agency of data for all highway drug and weapons searches, including data regarding the race of the motorist involved, the justification for the search and the outcome of the search. The settlements also required the State police to hire an independent consultant, install video cameras in their vehicles, conduct internal investigations of all citizen complaints of racial profiling, and provide the Maryland NAACP with quarterly reports containing detailed information on the number, nature, location, and disposition of racial profiling complaints.

These settlements inspired a June 1999 executive order by President Clinton, Congressional hearings and legislation that has been enacted in over half of the 50 States.

It was a landmark case. It pointed out the right way in which we should conduct oversight and the right way to end racial profiling. Judge Wilkins took the leadership and did something that many of us would have had a hard time doing, putting himself forward in order to do what was right.

As my colleagues know, I have introduced S. 1038, the End Racial Profiling Act—ERPA—which would codify many of the practices now used by the Maryland State Police to root out the use of racial profiling by law enforcement. The Judiciary Committee held a hearing on ending the use of racial profiling last year, and I am hopeful that with the broader discussion on racial profiling generated by the tragic Trayvon Martin case that we can come together and move forward on this legislation.

Judge Wilkins played a key role in the passage of the federal statute establishing the National Museum of African American History and Culture Plan for Action Presidential Commission, and he served as the Chairman of the Site and Building Committee of that Presidential Commission. The work of the Presidential Commission led to the passage of Public Law No. 108–184, which authorized the creation of the National Museum of African American History and Culture. This museum will be the newest addition to the Smithsonian, and it is scheduled to open in 2015 between the National Museum of American History and the Washington Monument on the National Mall.

Judge Wilkins continues his pro bono work to this day. He currently serves as the Court liaison to the Standing Committee on Pro Bono Legal Services of the Judicial Conference of the DC Circuit. He is committed to public service and equal justice under the law.

As a U.S. district judge for the District of Columbia since 2011, Judge Wilkins has presided over hundreds of civil and criminal cases, including both jury and bench trials. Judge Wilkins already sits on a Federal bench which hears an unusual number of cases of national importance to the Federal Government, including complex election law, voting rights, environmental, securities, and administrative law cases. Indeed, Judge Wilkins has been nominated for the appellate court that would directly hear appeals from the court on which he currently sits. He understands the responsibilities of the court that he has been nominated to by President Obama.

The American Bar Association gave Judge Wilkins a rating of unanimously well qualified to serve as a Federal appellate judge, which is the highest possible rating from the nonpartisan peer review.

The U.S. Court of Appeals for the District of Columbia Circuit is also referred to as the Nation's second-highest court. The Supreme Court only accepts a handful of cases each year, so the DC Circuit often has the last word and proclaims the final law of the land in a range of critical areas of the law. Only 8 of the 11 seats of the court authorized by the Congress are filled, resulting in a higher than 25-percent vacancy rate on this critical court.

This court handles unusually complex cases in the area of administrative law, including revealing decisions and rulemaking of many Federal agencies in policy areas such as environmental, labor, and financial regulations. Nationally, only about 15 percent of the appeals are administrative in nature. In the DC Circuit, that figure is 43 percent. They have a much larger caseload of complex cases. The court also hears a variety of sensitive terrorism cases involving complicated issues such as enemy combatants and detention policies.

I have a quote from former Chief Judge Henry Edwards who said:

[R]eview of large, multiparty, difficult administrative appeals is the staple of judicial work in the DC Circuit. This alone distinguishes the work of the DC Circuit from the work of other circuits. It also explains why it is impossible to compare the work of the DC Circuit with other circuits by simply referring to raw data on case filings.

Chief Justice Roberts noted that ''about two-thirds of the cases before the DC Circuit involved the Federal Government in some civil capacity, while that figure is less than twenty-five percent nationwide.'' He also described the ''D.C. Circuit's unique character, as a court with special responsibility to review legal challenges to the conduct of the national government.''

We have a person who is imminently qualified for this position in Judge Wilkins. We have a need to fill these vacancies. The Senate should carry out its responsibility and conduct an up-or-down vote on Judge Wilkins' nomination. We are going to have a chance to do that in a few moments.

Let me remind my colleagues that the Senate unanimously confirmed Judge Wilkins in 2010 for his current position, and he has a distinguished lifelong record of public service.

I ask the Senate and my colleagues to vote so we can move forward and get an up-or-down vote on this imminently qualified judge, and I hope my colleagues will support his confirmation.

Mr. HATCH. The Senate today takes yet another unnecessary cloture vote on a nomination to the U.S. Court of Appeals for the DC Circuit, a court that needs no more judges. Applying the same standards that Democrats used to oppose Republican nominees to this court shows without a doubt that it needs no more judges today.

In July 2006, Judiciary Committee Democrats—including four still serving on the committee today—wrote chairman Arlen Specter explaining two reasons for opposing more DC Circuit appointments. The caseload of the court had declined, Democrats wrote, and more pressing ''judicial emergency'' vacancies had not been filled. Today, as we also debate nominees to the DC Circuit, Democrats will not only mention, let alone apply, the criteria they used in the past. But if we are going to have more than a totally political, completely partisan judicial confirmation process, I believe we should do just that.

In 2006, Democrats opposed more DC Circuit appointments because written

decisions per active judge had declined by 17 percent. Since 2006, written decisions per active judge have declined by an even greater 27 percent. In 2006, Democrats opposed more DC Circuit appointments because total appeals had declined by 10 percent. Since 2006, total appeals have declined by an even greater 18 percent. The DC Circuit's caseload not only continues to decline, but is declining faster than before.

In 2006, Democrats opposed more DC Circuit appointments because there were 20 judicial emergency vacancies and there were nominees for only 60 percent of them. Since 2006, judicial emergency vacancies have nearly doubled and the percentage of those vacancies with nominees has declined to less than 50 percent.

These are not my criteria. I did not pull these criteria out of the air this morning because they helped the political spin surrounding this cloture vote. After all, it takes only an agenda and a calculator to create a politically useful statistic. No, these are the very same criteria that Democrats used to oppose Republican nominees to this very same court. No Democrat has yet admitted that they were wrong to use these criteria in 2006 or explained why we should use different criteria today simply because the other political party controls the White House.

Since these facts are so uncomfortable, Democrats simply ignore them and try a new tactic, claiming that the DC Circuit's caseload is at least not the lowest in the country. I really wish the truth mattered more around here, especially when it is so easy to identify. The Administrative Office of the U.S. Courts ranks the 12 circuits of the U.S. Court of Appeals on different measures of their caseload and have posted on its website the rankings for the past 17 years. Without exception, the DC Circuit has ranked last, 12th out of 12 circuits, in both appeals being filed and appeals being terminated.

Some, including the Judiciary Committee chairman just last week, claim that the DC Circuit is busier than the Tenth Circuit, which includes my State of Utah. I have no idea how that is relevant to whether the DC Circuit needs more judges today. But even if that made sense, the claim is simply not true. The only caseload measure he now mentions is ''pending cases,'' which is least relevant because it is a snapshot rather than a measure of the flow of cases through the court. But here's what a brief look at the Administrative Office's database quickly shows. This year is the only year in nearly two decades when the Tenth Circuit ever had more pending cases than the DC Circuit.

The Tenth and DC Circuits have been the same size for many years, and since 2008 the DC Circuit has had one fewer authorized judgeship. This year, the Tenth Circuit had 87 percent more new appeals, 150 percent more written decisions per active judge, and 220 percent more appeals terminated on the merits. Rather than using an irrelevant criterion from a single year, as Democrats do, I looked at these relevant criteria over the last 20 years. The Tenth Circuit has always had a higher caseload than the DC Circuit and, if anything, the gulf between them has increased over time.

Why are my Democratic colleagues trying so hard to ignore or distort the cold, hard facts? What is so crucial about appointing these particular nominees to this particular court at this particular time? The most obvious reason is also the most political. This court has jurisdiction over actions of the executive branch agencies that President Obama needs to pursue his political agenda. His go-it-alone strategy increasingly avoids Congress, the only branch directly elected by and representing the American people. He appears to think that the three branches are interchangeable, that the political ends justify the political means.

The DC Circuit is evenly balanced today, with four Republican and four Democratic appointees. So President Obama sees this as his chance to stack the DC Circuit with judges he believes will approve his agenda.

If we still believe in an independent judiciary, if we want to preserve at least a little integrity and not lose all confidence of the American people in the confirmation process, then we should stop this partisan gambit. We should do what Democrats in 2006 did. We should use meaningful, objective criteria to conclude that the DC Circuit needs no more judges today and instead focus on confirming qualified nominees to courts that need them.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I listened to the words of my good friend from Maryland. He is absolutely right in what he said. It is a strange time. I have been here almost four decades, and I have experienced some dramatic changes in the Senate majorities and leadership styles going back and forth between both parties. But nothing at all has compared to the change that has occurred in the last 5 years.

Since President Obama was sworn in as President of the United States, what has occurred here is something I have never seen with any other President, and I have been here since the time of President Ford. Senate Republicans have made it their priority to obstruct at every turn the consideration of nominations that he has put forward. The Republican leader has said that his main goal was to have the President fail. Confirmation votes that regularly occurred by consent, now require a lengthy cloture process. Bipartisan and home state support for a nominee no longer ensures a timely confirmation.

Make no mistake, through this obstruction, Senate Republicans have crossed the line from use of the Senate rules to abuse of the Senate rules. It is the same kind of abuse that shut down our Federal Government recently and cost the taxpayers billions of dollars. One of the things that concerns me, as chairman of the Senate Judiciary Committee, is what it is doing to undermine, and eventually destroy, both the integrity and independence of our Federal judiciary.

One of the great glories of our country's three-part government is the independence of the Federal Judiciary. But, over the last 5 years, Senate Republicans have dragged it into politics. This severely impacts the ability of our Federal justice system to serve the interests of the American people.

If you are a litigant and need the protection of our Federal courts, you do not care whether a judge is a Republican or Democrat. You do not care whether they were nominated by a Republican or a Democratic President. All you expect—whether you are a plaintiff or defendant, State or respondent—is to be able to go into that courthouse and be treated fairly. But, if you go to that courthouse now, there is nobody there due to the 93 vacancies caused by the stonewalling on the other side of the aisle.

The same Republicans who are stonewalling now once insisted that filibustering judicial nominees was unconstitutional. The Constitution has not changed but when a Democrat was elected to the White House, they reversed course and filibustered this President's very first judicial nominee. Can you imagine? Within a very short time after the President was sworn in, the very first person was filibustered. That was the precedent they started.

Incidentally, that judicial nominee had the strong support of the most senior Republican then serving in the Senate. The most senior Republican Senator supported that nomination, but his leadership said: No, we have to filibuster and block the nomination because, after all, it was President Obama's nomination, not President Bush's nomination.

This is the pattern Senate Republicans continued to follow, filibustering 34 of President Obama's judicial nominees. This is nearly twice as many nominees than required cloture during President Bush's two terms. Almost all of these nominees were, by any standard, noncontroversial, but it took a great deal of effort by the Senate Judiciary Committee members and by Majority Leader REID to get to a simple up or down vote on those confirmations. Most of these nominees were supported by well-known names in the law, both Republicans and Democrats, but we still had to fight and get cloture to get them through.

Most recently, Senate Republicans have decided to filibuster well-qualified nominee after well-qualified nominee for the United States Court of Appeals for the DC Circuit. This court has three vacant seats.

During the Bush Administration, the Senate confirmed President Bush's nominees to the 9th, 10th, and 11th

seats. Then when there was again a vacancy in the 10th seat, and the Senate confirmed President Bush's second nominee for the 10th seat. But, now, when a new President has been elected—and I might say reelected by a solid majority—the Senate Republicans say: Oh, no, wait a minute. We needed those judges when there was a Republican President. We don't need them now that there is a Democrat President. The Senate Republican blockade of DC Circuit nominees is at an unprecedented level of obstruction. In my four decades here, I have never seen anything like what the Senate Republicans are doing—by either party. As Maine's former senior Senator Olympia Snowe recently said, ''When you have these back-to-back rejections of nominees, at some point it may be trying to reverse the results of the election.''

I fear that the obstruction will continue tonight, when we will try to end the filibuster against Judge Robert Wilkins. Judge Wilkins was unanimously confirmed to the U.S. District Court for the District of Columbia less than three years ago. He has presided over hundreds of cases and issued significant decisions in various areas of the law, including in the fields of administrative and constitutional law. Prior to serving on the bench, he was a partner for nearly 10 years in private practice and served more than 10 years as a public defender in the District of Columbia.

This is a man who under past Presidents and in past Senates would probably be confirmed by a voice vote after dozens of Senators of both parties stood on the floor to praise him. The difference today is that Judge Wilkins was nominated by President Obama, and suddenly Republican Senators are trying to block him.

During his time at the Public Defender Service, Judge Wilkins served as the lead plaintiff in a racial profiling case, which arose out of an incident in which he and three family members were stopped and detained while returning from a funeral in Chicago. This lawsuit led to landmark settlements that required systematic statewide compilation and publication of highway traffic stop and search data by race.

These settlements inspired an Executive order by President Clinton, legislation in the House and Senate, and legislation in at least 28 States prohibiting racial profiling or requiring data collection. It was a landmark case. The distinguished Presiding Officer and I come from States where we hope we do not have racial profiling. But, many Senators here know there are cases of racial profiling. I am aware of that happening even to members of my own family. I believe this practice should be stopped.

Despite the progress made in the past several decades, the struggle to diversify our Federal bench continues. If confirmed, Judge Wilkins would be only the sixth African American to have ever served on what is often considered the second most powerful court in our country, the DC Circuit.

Judge Wilkins has earned the ABA's highest possible rating of unanimously well qualified. Most attorneys nominated to the federal courts by Republicans or Democrats wish they had Judge Wilkins' professional experience and qualifications. Judge Wilkins also has the support of the National Bar Association, the nation's largest professional association of African-American lawyers and judges, as well as several other prominent legal organizations. I ask unanimous consent to have printed in the RECORD a list of letters in support of Judge Wilkins.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LETTERS IN SUPPORT OF THE NOMINATION OF JUDGE ROBERT WILKINS

July 31, 2013—Diverse group of 97 organizations in support of Judge Wilkins, and the other two D.C. Circuit nominees, Patricia Millett and Nina Pillard. The organizations include National Bar Association, National Conference of Women's Bar Associations, Hispanic National Bar Association, American Association for Justice, National Association of Consumer Advocates, NAACP, and National Employment Lawyers Association.

August 28, 2013—Joseph C. Akers, Jr., Interim Executive Director, on behalf of National Organization of Black Law Enforcement Executives (NOBLE)

September 10, 2013—Benjamin F. Wilson, Managing Principal, Beveridge & Diamond, P.C. and John E. Page, SVP, Chief Legal Officer, Golden State Foods Corp. and Immediate Past President, National Bar Association on behalf of an ''ad hoc group of African American AmLaw 100 Managing Partners and Fortune 1000 General Counsel''

September 10, 2013—Nancy Duff Campbell and Marcia D. Greenberger, co-Presidents, on behalf of the National Women's Law Center

September 10, 2013—Doreen Hartwell, President, Las Vegas Chapter of the National Bar Association

September 11, 2013—The National Bar Association testimony in support.

September 18, 2013—William Martin, Washington Bar Association

September 27, 2013—Douglas Kendall, President, and Judith Schaeffer, Vice President, Constitutional Accountability Center

October 1, 2013—National Bar Association

October 1, 2013—Michael Madigan, Orrick, Herrington & Sutcliffe LLP

September 10, 2013 and October 2, 2013—Wade Henderson, President & CEO and Nancy Zirkin, Executive Vice President on behalf of The Leadership Conference on Civil and Human Rights

Mr. LEAHY. Republicans said the DC Circuit should be operating at full strength when President Bush held office. What is the difference between President Obama and President Bush's nominees? If it made sense to be operating at full strength with a Republican President, shouldn't it be operating at full strength under a Democratic President?

The Senate should consider Judge Wilkins based on his qualifications, and not hide behind some pretextual argument that most Americans can see through. As today's Washington Post editorial states, ''It's transparently self-serving of GOP lawmakers to oppose D.C. Circuit nominees only when it's a Democrat's turn to pick them.'' I as unanimous consent to have this editorial printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 17, 2013]

JUDICIAL NOMINEES FACE UNFAIR HURDLES IN THE SENATE

(By the Editorial Board)

Senate Republicans on Monday are likely to take a vote that is unfair, unwise and bad for the functioning of the government. Again.

For the third time in three weeks, the Senate will consider a presidential nominee to the powerful U.S. Court of Appeals for the District of Columbia Circuit. The first two nominees, Patricia Millett and Cornelia Pillard, failed to attract the 60 votes necessary to clear GOP filibusters. There's little reason to think that dynamic will change for the third, Judge Robert Wilkins.

Senate Republicans are not assessing these nominees on their merits, as each deserves. Rather, Republicans have made them victims of a toxic and unresolvable ''debate'' about the proper size of the D.C. Circuit. Republicans accuse President Obama of attempting to tilt its ideological balance, which, of course, he is. And they argue that the court isn't busy enough to require its vacant seats to be filled. Democrats insist the court still needs more active judges, and they point out that Republicans attempted to fill the court during the George W. Bush years, when the caseload wasn't much different.

But the question of whether the D.C. Circuit needs all 11 of its judicial slots doesn't need to be resolved to offer the president's legitimate nominees a fair up-or-down vote, and Republicans are wrong to use that as a pretext to block them. It's transparently self-serving of GOP lawmakers to oppose D.C. Circuit nominees only when it's a Democrat's turn to pick them. If Republicans truly are concerned that the court is too large, they should offer a plan to reduce its size—in future presidencies. That would separate raw partisan motivation from authentic concern about the state of the court system, and it's the only sensible way to make changes to its size amid sharp partisan contention. In the meantime, Republicans should give the president's legitimate, well-qualified nominees a fair hearing, instead of degrading further the already-broken process of staffing the government and the courts.

If the ''debate'' about the D.C. Circuit's size should doesn't end that way, Democrats might end it in another. Some of them would like to unblock the road for the president's nominees by forcing rules changes that would limit the filibuster. Following the rejection of the two women and Mr. Wilkins, who is African American, even some fairly even-keeled senators might be inclined to agree. That's a perilous path for the chamber that both sides probably would regret taking.

Instead, adults in the GOP should finally get together with Democrats and hammer out an understanding—the way previous judicial nomination crises have been resolved.

Mr. LEAHY. The halls are full of people talking about whether we are going to have a change in the cloture rule. I hope it does not come to that. But, make no mistake: the reason there is momentum toward considering a change in our rules is this kind of pettifoggery, delay for the sake of delay,

and treating this President differently from past Presidents.

If the Republican caucus continues to abuse the filibuster rules and obstruct these fine nominees without justification, then I believe this body must consider anew whether a rules change should be in order. As I stated above, that is not a change that I want to see happen but if Republican Senators are going to hold nominations hostage without consideration of their individual merit, drastic measures may be warranted.

Earlier this year, nearly every single Senate Democrat pushed the Majority Leader for a rules change in the face of Republican obstruction. I was one of the few members of the majority who voiced concern about changing the Senate rules. I believe that if Republicans filibuster yet another well-qualified nominee to this court tonight, it will be a tipping point. Senate Republicans have blocked three well-qualified women in a row from receiving a confirmation vote and now they are on the brink of filibustering the next nominee, Judge Robert Wilkins. I fear that after tonight the talk about changing the cloture rules for judicial nominations will no longer be just talk. There will be action. We cannot allow this unprecedented, wholesale obstruction to continue without undermining the Senate's role provided in the Constitution and without harming our independent Federal judiciary.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. All time has expired.

Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Robert Leon Wilkins, of the District of Columbia, to be United States Circuit Judge for the District of Columbia Circuit.

Harry Reid, Patrick J. Leahy, Tom Udall, Mark Begich, Brian Schatz, Al Franken, Barbara Boxer, Richard J. Durbin, Christopher A. Coons, Tammy Baldwin, Debbie Stabenow, Benjamin L. Cardin, Sheldon Whitehouse, Patty Murray, Barbara A. Mikulski, Kirsten E. Gillibrand, Tom Harkin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Robert Leon Wilkins, of the District of Columbia, to be United States Circuit Judge for the District of Columbia Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. HATCH (when his name was called). ''Present.''

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Virginia (Mr. WARNER), are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from South Carolina (Mr. GRAHAM), the Senator from Georgia (Mr. ISAKSON), the Senator from Florida (Mr. RUBIO), and the Senator from Louisiana (Mr. VITTER).

The yeas and nays resulted—yeas 53, nays 38, as follows:

[Rollcall Vote No. 235 Ex.]

YEAS—53

Baldwin	Hagan	Murphy
Baucus	Harkin	Murray
Bennet	Heinrich	Nelson
Blumenthal	Heitkamp	Pryor
Booker	Hirono	Reed
Boxer	Johnson (SD)	Rockefeller
Brown	Kaine	Sanders
Cantwell	King	Schatz
Cardin	Klobuchar	Schumer
Carper	Leahy	Shaheen
Casey	Levin	Stabenow
Collins	Manchin	Tester
Coons	Markey	Udall (CO)
Donnelly	McCaskill	Udall (NM)
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murkowski	

NAYS—38

Alexander	Enzi	Moran
Ayotte	Fischer	Paul
Barrasso	Flake	Portman
Boozman	Grassley	Reid
Burr	Heller	Risch
Chambliss	Hoeven	Roberts
Coats	Inhofe	Scott
Coburn	Johanns	Sessions
Cochran	Johnson (WI)	Shelby
Corker	Kirk	Thune
Cornyn	Lee	Toomey
Crapo	McCain	Wicker
Cruz	McConnell	

ANSWERED ''PRESENT'' —1

Hatch

NOT VOTING—8

Begich	Isakson	Vitter
Blunt	Landrieu	Warner
Graham	Rubio	

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 38. One Senator responded ''Present.'' Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on the Wilkins nomination.

The PRESIDING OFFICER. The motion is entered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014—MOTION TO PROCEED—Continued

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 91, S. 1197, a bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Harry Reid, Carl Levin, Jack Reed, Angus S. King, Jr., Mark Begich, Richard Blumenthal, Benjamin L. Cardin, Tim Kaine, Christopher A. Coons, Tom Udall, Sheldon Whitehouse, Bill Nelson, Joe Manchin III, Mark R. Warner, Debbie Stabenow, Amy Klobuchar, Richard J. Durbin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1197, a bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from Georgia (Mr. CHAMBLISS), the Senator from South Carolina (Mr. GRAHAM), the Senator from Georgia (Mr. ISAKSON), the Senator from Florida (Mr. RUBIO), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER (Mr. DONNELLY). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 91, nays 0, as follows:

[Rollcall Vote No. 236 Leg.]

YEAS—91

Alexander	Coons	Hirono
Ayotte	Corker	Hoeven
Baldwin	Cornyn	Inhofe
Barrasso	Crapo	Johanns
Baucus	Cruz	Johnson (SD)
Bennet	Donnelly	Johnson (WI)
Blumenthal	Durbin	Kaine
Booker	Enzi	King
Boozman	Feinstein	Kirk
Boxer	Fischer	Klobuchar
Brown	Flake	Leahy
Burr	Franken	Lee
Cantwell	Gillibrand	Levin
Cardin	Grassley	Manchin
Carper	Hagan	Markey
Casey	Harkin	McCain
Coats	Hatch	McCaskill
Coburn	Heinrich	McConnell
Cochran	Heitkamp	Menendez
Collins	Heller	Merkley

Mikulski	Risch	Tester
Moran	Roberts	Thune
Murkowski	Rockefeller	Toomey
Murphy	Sanders	Udall (CO)
Murray	Schatz	Udall (NM)
Nelson	Schumer	Warren
Paul	Scott	Whitehouse
Portman	Sessions	Wicker
Pryor	Shaheen	Wyden
Reed	Shelby	
Reid	Stabenow	

NOT VOTING—9

Begich	Graham	Rubio
Blunt	Isakson	Vitter
Chambliss	Landrieu	Warner

The PRESIDING OFFICER. On this vote, the yeas are 91 and the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the first amendments in order to S. 1197, the Defense authorization bill, be the following two amendments. First, an editorial comment. These are two very important amendments that I think we should resolve. The Guantanamo amendment—I think most all Democrats accept what is in the bill. The White House accepts what is in the bill. The Republicans and a few others want to change what is in the bill. We should have debate and a vote on that. I think that is appropriate. Gillibrand—that is an amendment that has received a lot of attention, and we should have that debate now. It has received nationwide attention.

So let's start over. The reason I mentioned these two, and these two only, tonight—I ask unanimous consent that the first amendments in order to S. 1197 be the following: the Republican leader or designee relative to Guantanamo and Gillibrand or designee relative to sexual assault; that each amendment be subject to one side-by-side amendment relevant to the amendment it is paired with; that a McCaskill-Ayotte amendment be considered the side-by-side to the Gillibrand amendment and the majority leader or designee have the side-by-side to the Republican Guantanamo amendment; that no second-degree amendments be in order to any of these amendments; that each of these amendments and any side-by-side be subject to a 60-affirmative vote threshold; that each side-by-side amendment be voted on prior to the amendment to which they were offered; further, that no motions to recommit be in order during the consideration of the bill; finally, that upon disposition of these amendments, I be recognized.

The PRESIDING OFFICER. Is there objection?

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, reserving the right to object, let me first say to my good friend the leader that I wholeheartedly agree that arguably the two most significant amendments and most controversial amendments that have to be addressed would be on Guantanamo and then, of course, the Gillibrand amendment on sexual assault. I think we probably have different views and positions, but I think we agree that these need to be addressed immediately.

My wish has been that we could do that and line up some of the other amendments but at the same time put ourselves in a position where we could have open amendments on our side. There is a great demand in our conference to have open amendments. I would like to get to the point where we could do that and have them somehow regulated so that they be relative to the subject matter of the bill, S. 1197.

So that would be my concern, and for that reason I would object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. REID. Mr. President, I hope we can work on additional amendments beyond these two after they are disposed of. It is an important bill. We need to finish it before we leave here this week, and it is a big task to do that. It is my understanding that Senator LEVIN, working with the ranking member, has already had some serious conversations about how to move forward, conferencing, preconferencing, and even though the ranking member has been indisposed because of a medical condition that lasted just a short period of time, he has been in touch with his staff and Senator LEVIN on almost a daily basis. So I hope we can move beyond these two amendments. I would sure like to get these two amendments out of the way as soon as possible.

As far as an open amendment process, I think that was then and we are here now. I am not sure that is going to happen on this bill. If we could work something out for a finite list of amendments or something that could help us get this done, I would be happy to be as reasonable as I can.

Mr. LEVIN. Mr. President, would the majority leader yield?

Mr. REID. Of course.

Mr. LEVIN. The majority leader has said we have to finish this bill this week. If we can't make progress on amendments that we agree should be called up and are important amendments—one coming basically from each side, even though there will probably be votes from each side for and against these amendments—if we can't make progress on these amendments where everyone seems to agree we ought to start moving, I am worried about the prospects of finishing this week. Frankly, I am worried anyway. I am very much worried. It has to happen. We have to finish this week or else we can't get to conference. We have to get to conference and then come back. So I hope that in the morning perhaps the majority leader might renew that unanimous consent request because the objection to it is going to make it less likely we can get our bill passed.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, to the senior Senator from Michigan, the chairman of this most prestigious and important committee, what I think would be a real shame is if we wind up having to file cloture on the bill as it is written. I know the committee did great work. They worked very hard, and the vast majority of the time they did it on a bipartisan basis to get the bill to where it is now. It would be a shame to have to file cloture on the bill itself. I would hope that if we have to do that, we can get cloture on it and get on with the conference. But I am very troubled. Today is Monday, and I would be happy to renew my request as soon as I get here in the morning, but I would hope that the people who are working on these two important pieces of legislation at the very least would come and start talking about them. Everyone knows what the amendments are. They may not be able to pass a test on every word in the amendments, but we know the concept of the amendments. Let them come and start talking about these amendments. To this stage, they have been negotiated and debated in the press. Let's debate them here on the Senate floor.

Mr. INHOFE. Would the leader yield?

Mr. REID. I would be happy to yield for a question.

Mr. INHOFE. I hope the leader is aware that I have just as strong feelings about these amendments. It is a starting place. And the leader said we need to be talking about it. I came down today and talked about both of these amendments at some length.

While I say we may not be in agreement with the amendments, they need to be debated. Historically, every year since I have been here, I say through the Chair, we have had a lot of amendments. We have always been able to get it through—50, 51 years— Mr. REID. It was 52, I think.

Mr. INHOFE. Fifty-two, and we are going to do it this time and I hope satisfy some of the concerns in our caucus at the same time.

I thank the leader for his comments, and I want him to know we are in agreement on getting to these amendments.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, before I yield to my friend from Michigan, there are things in this bill that are not resolved in the Defense appropriations bill that authorize things to be done in the military that can only be done by authorizing them. So I myself am very concerned about being able to move forward on this bill. We do not live in a vacuum. We have to work something out with the appropriate committees in the House of Representatives and then have both the House and the Senate vote. That is what conferences are all about. Time is of the essence.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank the Senator from Oklahoma, my ranking member, the ranking member on

Armed Services, because I know how much he wants to get to this bill. I do not understand the objection that I know is not his personally but comes from his side. I do not understand how we are advancing this bill and advancing the cause of reaching debate on amendments on this bill by objecting to move to the amendments that I think everybody wants to debate. I do not understand how that advances any cause. I know this is not the approach of the Senator from Oklahoma. We have a very bipartisan committee.

Anyway, I will leave it at that. I hope in the morning we can find a way to do what I think everybody says they want to do, which is to begin an amendment process on this bill.

I want to end by again thanking him. He has not only had his personal health issue, but, as the majority leader and all of us know in this body, he has had a very tragic loss, and he is working very hard through that. We doubly and triplely appreciate his service to this body and his bipartisan work on the Armed Services Committee. It is invaluable. I don't want anything that I say tonight about being frustrated that we cannot start debate on two amendments that everybody wants to debate in any way to imply anything other than a very positive relationship that we have.

Mr. REID. Reclaiming my time, I ask unanimous consent to yield back all postcloture time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question is on the motion to proceed.

The motion was agreed to.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014

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

The legislative clerk read as follows:

A bill (S. 1197) to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2123

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. On behalf of Senator LEVIN, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] for Mr. LEVIN, for himself and Mr. INHOFE, proposes an amendment numbered 2123.

The amendment is as follows:

(Purpose: To increase to $5,000,000,000 the ceiling on the general transfer authority of the Department of Defense)

On page 310, line 14, strike ''$4,000,000,000'' and insert ''$5,000,000,000''.

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2124 TO AMENDMENT NO. 2123

Mr. REID. Mr. President, on behalf of Senator LEVIN, I have an amendment at the desk. I ask the clerk to report.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. LEVIN, for himself and Mr. INHOFE, proposes an amendment numbered 2124 to amendment No. 2123.

The amendment is as follows:

(Purpose: To improve the amendment)

On page 1, line 2, strike '' ''$5,000,000,000'' '' and insert '' ''$5,000,000,001'' ''.

Mr. REID. I have a motion to recommit S. 1197 with instructions.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to recommit the bill to the Committee on Armed Services with instructions to report back forthwith with the following amendment, No. 2125.

The amendment is as follows:

At the end, add the following:

This Act shall become effective 3 days after enactment.

Mr. REID. On that motion, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2126

Mr. REID. I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], proposes an amendment numbered 2126 to the instructions of the motion to recommit.

The amendment is as follows:

In the amendment, strike ''3 days'' and insert ''2 days''.

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2127 TO AMENDMENT NO. 2126

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], proposes an amendment numbered 2127 to amendment No. 2126.

The amendment is as follows:

In the amendment, strike ''2 days'' and insert ''1 day''.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we proceed to a period of morning business, with Senators permitted to speak for 10 minutes each until 8 o'clock this evening, and as I thought I said, Mr. President, this will be for debate only.

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

The Senator from California.

Mrs. BOXER. Mr. President, what we have just seen on this floor tonight is just more and more of the same obstruction. This is now the fourth DC Circuit judge the Republicans have filibustered. That means they have not allowed us to have an up-or-down vote.

I am not going to go into the qualifications of these people; they are stellar. We will have more time to debate that. But it is extraordinary. We never heard that the DC court should become a smaller court when George Bush was President, or any other President. Now, all of a sudden they want to shrink the court when, in fact, this is probably—I would say it is the most important circuit in the country, and it has a very important caseload.

First we see that obstructionism, the filibuster of the court nominees, and then we see my dear friend the ranking member of the Armed Services Committee I think reluctantly object to moving forward with two amendments that are essential to the bill. There are two amendments; one has to do with Guantanamo, one has to do with sexual assault in the military.

My friend from Oklahoma, representing the Republicans, said: We want an open amendment process. Just so people know what that means, when someone says: We want an open amendment process, it means they want to offer amendments that have nothing to do with the Defense bill, to this particular bill. Again, we are stymied.

I was just home. People are saying: Why don't you guys get along? Why don't you get things done?

We are trying. We did not have one Democrat filibuster the judges. We didn't have one Democrat oppose moving forward with two critical amendments.

Mr. President, we see obstructionism here from my Republican friends. They are my friends. They are my friends, but I do not get this. This is a military bill. This is a dangerous world. We are bringing our troops back from hot spots around the world. They are still in great danger. We have sexual assault in the military that I am going to talk about that is rampant. We have so many issues we want to address. Yet we hear objection.

We can only hope that in the light of day tomorrow, cooler heads will prevail and we can begin debating and voting on these critical amendments. It is puzzling. It took us days and days to do the compounding bill, which is a bill necessary to make sure the pharmaceutical outlets that compound drugs are safe. It passed the House. It is uncontroversial—days and days because a Senator wants to talk about the health care of Members of Congress.

We better start doing the work of the people because that is why we are here.

We cannot go down any lower in public opinion. It is embarrassing—9 percent of the people think we are doing a good job. At first I thought it is our families, but now I am even doubting they think we are doing a good job. I don't know who the 9 percent is, but thank you, thank you, thank you. It will get better when we start working together.

I am very hopeful. I am going to chair the Water Resources Development Act conference. We are going to conference on that bill. It is 500,000 jobs. A bill passed the House. We have a good bill here in the Senate that passed. We hope to iron out our differences. I know Senator MURRAY and PAUL RYAN are trying to bring us agreement on the budget. I pray they get that done.

Meanwhile, we have a bill that should bring us together, the Defense Authorization Act. Yet what happens? Stymied. We have supremely qualified judges for the circuit court. What happens? They are filibustered. We cannot vote on them and they are left out there hanging, with all their qualifications. It is ridiculous.

Something has to give.

AMENDMENT NO. 2181

There are a couple of issues I have worked hard on in terms of this bill. I have a number of amendments, but I want to talk about two with which I have been very involved. One is my own amendment No. 2181, which is based on a bill I wrote with Senator GRAHAM, LINDSEY GRAHAM. The bill is quite bipartisan. We have an amazing list of cosponsors. I am going to read them in alphabetical order: AYOTTE, BAUCUS, BLUMENTHAL, BLUNT, CARDIN, CHAMBLISS, COLLINS, COONS, DONNELLY, FISCHER, GILLIBRAND, GRAHAM, HIRONO, KLOBUCHAR, MCCAIN, MCCASKILL, MURKOWSKI, SHAHEEN, TESTER, and WARNER. This is wonderful.

The amendment I have written is going to reform what we call the article 32 proceeding. In the military, when there is a sexual assault and the decision is made to move forward with a trial, there is first a pretrial investigation. This is called an article 32 proceeding. It is the equivalent of a civilian pretrial hearing. Even though there is supposed to be a rape shield law in place, it does not work. What is happening is these article 32 proceedings have become their own trials, an opportunity for the defense counsel to harass and intimidate sexual assault victims. In fact, according to the DOD, 30 percent of sexual assault victims who originally agree to help prosecute their offenders change their minds before the trial because they know and they told us they are revictimized by the process. I am going to give a few examples.

In April 2012, a 20-year-old female midshipman at the U.S. Naval Academy was raped by three football players at an off-campus party. The young woman testified during the article 32 proceeding, where she was forced to endure roughly 30 hours of relentless questioning by attorneys for her attackers. The questioning included graphic questions about her sexual history and even what she was wearing under her clothes. Anyone who knows anything about the civilian legal system knows this would never, ever be allowed—never.

In October 2008, while stationed at Marine Corps Air Station Miramar in San Diego, Elizabeth Lyman was raped in her barracks by another marine. She was 11 weeks pregnant at the time. She was forced to testify at two article 32 proceedings before her case was sent to a court-martial. This is what she said:

> My rapist hired a civilian attorney who asked me outrageous questions. . . . These questions were extremely upsetting to me. I had just been discharged from the hospital when I was told I had to take the stand for a second time and I was told I had no choice if I wanted the charges to go forward. This is what has become of the procedure for article 32.

I went to Senator LINDSEY GRAHAM because he is an expert and indeed an attorney. He has served in the position of counsel, and right away he said it was revictimization. It is wrong, it is a runaway train, and we have to fix it. I am so grateful to him for helping us.

In July 2012, a 23-year-old marine named Karalen Morthole was raped by a master sergeant in a bar on the grounds of the Marine Barracks in Washington, DC. Earlier this year she testified in an article 32 proceeding against her alleged attacker. According to her, ''The overall experience was painful. It was the first time since the night of the rape that I saw the man who hurt me. It was a terrifying and uncomfortable experience. I felt dehumanized being made out as a liar, and blamed for everything that happened to me. . . The intimidation tactics, the blaming, all in front of the man who raped me were completely overwhelming.''

She supports this bipartisan amendment to reform article 32. She said people don't come forward because they know they are going to be revictimized, and so they walk away.

I am very pleased we have strong bipartisan support for this amendment. I know we have a very big debate going on and everybody is torn asunder on the other issue of whether to keep the prosecution decisions in the chain of command for serious offenses. But on this one—limiting the scope of article 32—we have broad support. I am proud to say that I even have support of Chairman LEVIN and Senator INHOFE. We have a tremendous group of people who have helped us.

We will have these proceedings presided over by a military lawyer when possible. The proceedings are going to be recorded. We will prevent victims from being forced to testify in these proceedings. They can have alternative forms of testimony instead. So these are the basic commonsense reforms.

I am very happy to say that with the strong support we have from so many of my colleagues on both sides of the aisle, as well as the support of Chairman LEVIN, I feel very positive. But to get this done and stop this revictimization of people who are distraught after having been attacked and brutally raped and hurt, we need a bill to come up, and we don't need objections so we can move forward. We need to move forward with this bill, and I truly hope we can.

This article 32 reform brings us all together. It brings CLAIRE MCCASKILL and KIRSTEN GILLIBRAND together. It brings Senator BLUNT and myself together. It is a very bipartisan reform. There are already several reforms in this bill we are proud of. Senator MIKULSKI is organizing us tomorrow to talk about those reforms, and this is one more we can add.

In closing my remarks tonight, I wish to take on the issue of the Gillibrand amendment No. 2099. I am so very proud to stand with a very bipartisan group of colleagues in support of KIRSTEN GILLIBRAND's amendment. These colleagues perhaps don't agree on much. When I am on the same side as TED CRUZ, that is something; right? When KIRSTEN GILLIBRAND is on the same side as RAND PAUL, that is something. It goes on and on down the line. We also have Senator GRASSLEY's support.

By the way, 17 of 20 women Senators support the Gillibrand amendment. I hope that is a message—that this is the right way to go, and I am going to explain it.

My involvement in this is deep and long. Twenty years ago we were all outraged to learn that nearly 100 women and men had been sexually harassed and assaulted by a group of naval aviators during a convention of the Tailhook Association. I think a lot of us who were around then remember that. I was a new Senator at the time, and I was completely shocked at what happened. They had a gauntlet that people walked through. They were harassed, hurt, and distraught when it was over.

In the wake of the Tailhook scandal, senior military leaders promised to crack down on the crime of sexual assault with then-Secretary of Defense Dick Cheney declaring a zero tolerance policy.

I will show how many times different Secretaries of Defense—Democrat and Republican—have promised they were going to take care of this. When the military comes to lobby us against this, I say to them: When are you going to embrace true reform? Because for 20 years we have been hearing this baloney, and I will read now.

Secretary Rumsfeld, who served from January 2001 to December 2006, said: ''Sexual assault will not be tolerated in the Department of Defense.''

Secretary William Cohen, who served from January 1997 to January 2001, said: ''I intend to enforce a strict policy of zero tolerance of hazing, of sexual harassment, and of racism.'' He said that on January 31, 1997.

Secretary William Perry, who served from February 1994 until January 1997,

said: ''For all of these reasons, therefore, we have zero tolerance for sexual harassment.''

Secretary Cheney, who served from 1989 until 1993, said: ''Well, we've got a major effort underway to try to educate everybody, to let them know that we've got a zero-tolerance policy where sexual harassment's involved.''

I wish to correct the RECORD.

When Tailhook happened, I was in the House. I got to the Senate right after that because it was 1991, and I was elected in 1992. I continued my work on this when I got to the Senate. I have to be honest and say I believed the military when they said it would never happen again. I said: Well, that is it. This thing is out and it will never happen again. I was wrong. By the way, that is the worst thing a politician ever wants to say: I was wrong. Those are three words you never want to say: I was wrong.

I believed the Pentagon. I thought they would take care of it. They have never taken care of it. Now we have Chuck Hagel, who, to my knowledge, is now lobbying against the KIRSTEN GILLIBRAND approach.

Secretary Hagel said:

It's not good enough to say we have a zero tolerance policy. We do, but what does that mean? How does that translate into changing anything? I want to know.

He wants to know. I will tell him. Support the KIRSTEN GILLIBRAND amendment. Change and reform this. Take these serious offenses outside of the chain of command. It is not working.

Leon Panetta, who served from July 2011 until February 2013, said: ''We have absolutely no tolerance for any form of sexual assault.'' He didn't take anything outside the chain of command either.

Secretary Robert Gates, who served from 2006 until 2011, said: ''This is a matter of grave concern. I have zero tolerance for sexual assault.''

Really? Every one of these men had zero tolerance for sexual assault. Yet not one of them ever lived up to the promise. Sexual assault is running rampant. We have 26,000 cases a year, and do you know what percent get reported? Ten percent get reported. Do you know what percent of cases don't get reported? Ninety percent. We have a 90-percent problem. There are 26,000 cases and only 10 percent get reported. Ninety percent don't get reported.

So then you say: Why? Why is it? The answer comes back from the victims: Nothing will happen. We will be revictimized. We will get blamed. They will blame us. We will get kicked out. We have to go to our commander. He is not trained in this. Please change it.

If a whole group of people who have been victimized tell you the reason why they will not report the crime, you ought to listen. They know better than any Senator. They know better than any Defense Department blue ribbon panel.

Speaking of panels, there is a panel that has a funny name called DACOWITS, which stands for Defense Advisory Committee on Women in the Services. They have one job; that is to provide recommendations on policies relating to women in the military. Guess what. They endorsed the Gillibrand amendment. There was not one vote against it.

How can Senators—and I have friends on both sides of the aisle—stand with a straight face and say we can keep the status quo, when all the victims are saying no, and the one committee that has advised the military on women for over 60 years says no. I say listen to the victims, listen to the military's advisory committee. Don't listen to the top brass who are running around, going to everybody's offices trying to undermine us. Just for the record, they have not come to my office because they know where I stand.

If they came to my office, the first thing I would do is look at them and say: What would you do if this happened to your daughter? What would you do? Would you tell her to report it to a commander who may be very friendly with the guy who did this?

Let me tell you, there is a moment in time when you see an issue clearly, and it happens in funny ways. The woman who has been nominated to be Under Secretary of the Navy made a statement about this issue. When I read this statement, you will understand why the victims are so right.

I know the Presiding Officer has worked hard on this issue as well. Dr. Jo Ann Rooney, the nominee to be Under Secretary of the Navy was asked the following question: In your view, what would be the impact of requiring a judge advocate outside the chain of command to determine whether allegations of sexual assault should be prosecuted?

In other words, she was asked about the Gillibrand amendment. Should we take the prosecution of military sexual assault and other serious crimes outside the chain of command? Listen to her answer. This is the advertisement for the Gillibrand amendment.

She said:

A judge advocate outside the chain of command will be looking at a case through a different lens than a military commander. I believe the impact would be decisions based on evidence . . .

Can you believe that? She said: ''I believe the impact would be decisions based on evidence . . . ''

I ask rhetorically: Isn't that what justice is about, decisions based on the evidence? She goes on to say, '' . . . rather than the interest in preserving good order and discipline.'' I would argue, A, you base these decisions on the evidence; and, B, there is no good order and discipline when there are 26,000 cases of sexual assault and only 10 percent are reported.

What kind of order is that? We have thousands of perpetrators running around the military, and there are thousands of victims scared to death. They are brokenhearted, broken down, and their spirit is broken. How do Senators actually stand here and say: We are going to just keep it the way it is. We are going to turn our backs on these victims.

Listen to this story from a young woman in my State. I stood next to her and held her hand when she told this story. Stacey Thompson was drugged and brutally raped by a male sergeant while stationed in Okinawa, Japan. She reported the rape to her superiors, but her allegations were swept under the rug. While her attacker was allowed to leave the Marine Corps without ever facing trial, Stacey became the target of a drug investigation, and this is why. Her perpetrator drugged her and he dumped her on the street. He left her on the street after being raped and drugged. He gets out of the military scot-free and they start an investigation on her drug use, even though she never used drugs, except the drugs her perpetrator gave her.

I stood next to this young woman. She had never told her story until—and it happened in 1999—until KIRSTEN GILLIBRAND put her bill forward.

I want to make this point: Half of the victims are men. When I talk about 26,000 victims, half of them are men. These are violent crimes.

So here is the story of Amando Javier. He was serving in the Marine Corps in 1993. He was brutally raped and physically assaulted by a group of fellow marines. Ashamed and fearing for his life, he kept his rape a secret for 15 years. When he finally found the courage to share the story with a friend, he wrote it down, and I will read some of his words:

My experience left me torn apart physically, mentally, and spiritually. I was dehumanized and treated with ultimate cruelty, by my perpetrators . . . I was embarrassed and ashamed and didn't know what to do. I was young at that time. And being part of an elite organization that values brotherhood, integrity and faithfulness made it hard to come forward and reveal what happened.

So it is two decades later, and not one person—not one—has been held accountable for this heinous crime. The perpetrators are still out there and they are able to recommit these horrific crimes again.

Ariana Klay. Here is the last story. She graduated from the U.S. Naval Academy. She joined the Marines. She deployed to Iraq in 2008. Following her return from Iraq, she was selected to serve at the Marine Barracks in Washington, a very prestigious post. It is right down the street from here. At the Marine Barracks, Ariana was subjected to constant sexual harassment. When she tried to report it, do my colleagues know what her chain of command told her? ''Deal with it.'' That is akin to telling a little child who is being abused somewhere to deal with it.

That is the culture my colleagues want to keep—''deal with it''? No. It is a crime. Help the person. Go after the perpetrator. Get a trained prosecutor in there to find out if it is true and if it is true, prosecute to the hilt.

In August 2010, she was gang-raped by a senior Marine officer and his friend who broke into her home. Ariana, despite all the warning signs, reported her assault. But a Marine Corps investigation determined she had welcomed the harassment. Do my colleagues know why? This is what they said: She wore makeup and she exercised in shorts and tank tops. What?

The Marine Corps did court-martial one of Ariana's rapists, but they never convicted him of rape. Do my colleagues know what he was convicted of? Adultery and indecent language. Please. How could anyone who listens to the victims say they are not going to vote for the Gillibrand amendment?

I stood with Ariana along with a large group of colleagues, Republicans and Democrats, right here the other day. Her husband is a former Marine Corps officer and he spoke at the press conference. This is what he said. It is so important to listen to what he said:

> The first step to addressing sexual assault in the military is to remove its prosecution from the chain of command. It is unfair to expect commanders to be able to maintain good order and discipline as long as their justice system incentivizes and empowers them to deny their units' worst disciplinary failures ever happened.

In his statement—and it is on YouTube and I hope people will listen to it. In his statement, he talks about the fact that he was a commander and he was in the middle of war. He said, as a commander, I have one job to do; that is, to have a fighting machine that is second to none. I want you to know, when I am told to deal with sexual harassment or a crime of any sort, I am not trained to do it. It is a distraction.

I will read the exact quote so my colleagues don't think I am exaggerating. He said:

> I used to feel a commander's disinterest in the law, too. During my training and deployments to Iraq, I focused on fighting. My life and those of my Marines depended on it. Legal issues were divisive, distracting, and confusing; they made me resent those who brought them to my attention, and feel bias as strong as my relationships with those involved. Commanders can be forgiven for thinking war is their most important job, and it should be expected that they'll manage the judicial process as a side-show and an annoyance.

This is someone who served as a commander and is telling us it is not right to keep loading these commanders up with all of these different responsibilities when their main responsibility is to fight and win wars.

So our amendment, the Kirsten Gillibrand amendment, would take the decision about whether to prosecute serious crimes such as sexual assault out of the hands of commanders and give it to professionally trained military prosecutors outside the chain of command. If something, God forbid, were to happen in the Presiding Officer's office or my office—something very bad, some crime, upstairs in a room somewhere in our office—we are not trained to deal with that. We would immediately call law enforcement to deal with it, wouldn't we? We are not going to decide who is right and wrong. One person is saying he did it. The other one is saying she did it. People are crying and yelling in our office. We are not going to. It is not right. It has to be taken outside our office to the trained prosecutors to determine who was at fault. The chips will fall where they may. Maybe a Senator has a favorite of the two people involved in the altercation. We are not objective, and we are not trained for that—at least I am not. It would be similar to saying a CEO of a corporation should make a decision about whether one or more of her employees should be prosecuted for rape. That is not right. We don't have the decision made within the organization. It has to be outside.

Under our amendment, complex legal decisions would be made by experienced and impartial legal experts because the decision to prosecute serious crimes should be based on evidence. Nothing else should enter into it except evidence. Jo Ann Rooney made the point for us. She said, essentially, watch out if you take it outside the chain of command, it will be based on evidence, not on discipline. Some discipline. Some discipline: 26,000 cases and 90 percent go unreported. What kind of discipline is that? It is not discipline. People are getting away with it. They are getting away with it.

The men and women who risk their lives every day deserve a better system. I can't tell my colleagues how many victims I have met. They were destroyed by the system. They were destroyed by that culture. Men and women are begging us to act.

Tonight we had a chance to agree we would begin debate and voting on this important amendment. It was objected to by the Republicans. We need to get to the vote. I hope when we do that we will have the votes necessary.

I wish to make another point: There is a filibuster going on here. We are going to need 60 votes. We have over 50. Let's be clear. We have over 50. I am very sorry we have to get to 60, but there are those on both sides who are demanding that we get to 60. It is 20 years after Tailhook. This is our moment to make the change we should have made back then. It is time to stand up to all the people who say status quo, status quo, status quo. If the status quo was working, I would support it. If the status quo was working, the victims would come forward. They wouldn't run away and say: I can't deal with this.

Think about the thousands of perpetrators who are running around the military doing this over and over. Think about when they get out and now they are on the street in civilian life doing it over and over again. If they think they can get away with this behavior—this abuse of power, this violence, this hurt—they are going to continue.

I hope colleagues will make the decision to stand with us, with our terrific bipartisan group we have lined up behind this amendment, this Gillibrand amendment. I am very proud to have been working on this for a long time, and I think we are moving in the right direction. We are very close to 60 votes. I urge any colleague who might be within the sound of my voice, if they haven't decided, meet with a victim, meet with a victims' group, listen to their pleas. Listen to how smart they are. They understand what happened to them and they are begging us to stand up to the status quo, to the powerful Pentagon. We are taking on the most powerful organization in the world. But on this, they are wrong. They are right on a lot of other things, but on this they are wrong.

I look forward to proudly casting my vote for the Gillibrand amendment.

ADDITIONAL STATEMENTS

TRIBUTE TO CLAY LARKIN

● Mr. CRAPO. Mr. President, today I wish to recognize the outstanding work of Clay Larkin, who is retiring after serving for 13 years as Mayor of Post Falls, ID.

Mayor Larkin has dedicated immense time and covered considerable ground serving the people of Post Falls. He has devoted nearly 18 years to advancing the community, and Post Falls has thrived under his leadership. He served on the city council for 5 years before becoming mayor. As a strong and consistent advocate for the city, he helped bring considerable commerce to the area. His efforts also helped establish a foundation for further economic development and infrastructure improvements.

Additionally, under his leadership, community resources, including a library, city hall and police station, have been constructed, and he has worked to protect essential resources. Further, he has invested time and effort into emphasizing opportunities for youth, who are the future of our communities, State, and Nation. Mayor Larkin's work has understandably been recognized through numerous awards and honors. He is acknowledged for his devotion to making progress, his ability to adapt to changes, and his perseverance.

Post Falls and Idaho have been blessed to benefit from Clay's sound leadership. I thank Clay Larkin for his exceptional service, congratulate him on his retirement, and wish him all the best. I hope that retirement provides him more time with loved ones and the time for fishing he so greatly deserves.●

TRIBUTE TO REBECCA SPENCER

● Mr. WHITEHOUSE. Mr. President, for the past 25 years, Rev. Rebecca Spencer has provided parishioners at the United Church of Christ's Central

Congregational Church in Providence, RI, with thoughtful, dedicated, and selfless leadership.

I have been blessed to experience Reverend Spencer's inspiring stewardship firsthand. As a member of the Central Congregational Church for the years that I lived in Providence, I saw her regularly touch the lives of her parishioners by providing the spiritual guidance sought by so many in today's fast-paced and sometimes lonely world. And as the first woman in the United Church of Christ's history to become a senior minister without first serving as an associate of the congregation, Reverend Spencer has been a role model for the young women of her congregation who aspire to follow in her footsteps and one day take on leadership roles of their own.

Outside of church, Reverend Spencer has been a leader in Rhode Island's close-knit community. From her work to prevent domestic violence, to her service to our children through the United Way of Rhode Island, to the counsel she provides the Bioethics Committee at Women & Infants Hospital, Reverend Spencer has demonstrated a deep devotion to public service. Her contributions have made our State a better place for all.

Last year, I had the privilege of bringing Reverend Spencer to the Senate floor to deliver the opening prayer as a guest chaplain. Her invocation reminded each of us, particularly those us of elected to represent our fellow citizens, of our responsibility as members of the national and international community:

Gracious and loving God, we thank You for Your presence with us. You offer wisdom and perspective and grace. We ask Your blessings to be upon these elected representatives. May all that we do reflect Your purpose that we live together as Your children in harmony and freedom. May Your blessings and our work bring real hope to those who may be struggling or oppressed.

We do ask for Your special blessings to be with those who serve our country in the military—at home, at sea, in the air, and foreign countries. Shield them from danger as they work for peace.

This is indeed a gift of a new day You have given to us. May all our endeavors honor You and may we all serve the cause of life, liberty, and the pursuit of happiness in this beloved land of ours. May we truly do justice and love kindness and walk humbly with You, our God.

Congratulations to Reverend Spencer on her 25th anniversary at the Central Congregational Church. Rhode Island is proud to call her one of our own, and I am proud to call her a friend.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:02 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2655. An act to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes.

H.R. 3350. An act to authorize health insurance issuers to continue to offer for sale current individual health insurance coverage in satisfaction of the minimum essential health insurance coverage requirement, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 1848) to ensure that the Federal Aviation Administration advances the safety of small airplanes, and the continued development of the general aviation industry, and for other purposes.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3080) to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following Members as managers of the conference on the part of the House:

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. Shuster, Duncan of Tennessee, LoBiondo, Graves of Georgia, Mrs. Capito, Mrs. Miller of Michigan, Messrs. Hunter, Bucshon, Gibbs, Hanna, Webster of Florida, Rice of South Carolina, Mullin, Rodney Davis of Illinois, Rahall, DeFazio, Mses. Brown of Florida, Eddie Bernice Johnson of Texas, Mr. Bishop of New York, Ms. Edwards, Mr. Garamendi, Ms. Hahn, Mr. Nolan, Ms. Frankel of Florida, and Mrs. Bustos.

From the Committee on Natural Resources, for consideration of sections 103, 115, 144, 146, and 220 of the House bill, and sections 2017, 2027, 2028, 2033, 2051, 3005, 5002, 5003, 5005, 5007, 5012, 5018, 5020, title XII, and section 13002 of the Senate amendment, and modifications committed to conference: Messrs. Hastings of Washington, Bishop of Utah, and Mrs. Napolitano.

The message also announced that the Speaker removes the gentleman from Georgia, Mr. Graves, as a conferee and appoints the gentleman from Missouri, Mr. Graves, to fill the vacancy thereon to the bill (H.R. 3080) to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2655. An act to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3558. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Early Warning Reporting, Foreign Defect Reporting, and Motor Vehicle and Equipment Recall Regulations'' (RIN2127–AK72) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3559. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; Ejection Mitigation'' (RIN2127–AL40) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3560. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendments To Implement Certain Provisions of the Moving Ahead for Progress in the 21st Century Act (MAP–21)'' (RIN2126–AB60) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3561. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Penalty Guidelines'' (RIN2137–AF02) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3562. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Enhanced Enforcement Procedures—Resumption of Transportation'' (RIN2137–AE98) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3563. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of

Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Highway-Rail Grade Crossing; Safe Clearance'' (RIN2137–AE69) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3564. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Corrections and Response to Administrative Appeals (HM–215K, HM–215L, HM–218G and HM–219)'' (RIN2137–AF01) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3565. A communication from the Attorney-Advisor, Office of General Counsel, Department of Transportation, transmitting, pursuant to law, a report relative to a vacancy in the position of General Counsel, Office of the Secretary, Department of Transportation, received in the Office of the President of the Senate on November 4, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3566. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Freedom of Information Act (FOIA); Miscellaneous Rules Redelegation of Authority To Determine Appeals Under the FOIA'' (16 CFR Part 4) received in the Office of the President of the Senate on November 6, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3567. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Taking of Marine Mammals Incidental to Commercial Fishing Operations; Harbor Porpoise Take Reduction Plan Regulations'' (RIN0648–BD43) received in the Office of the President of the Senate on November 6, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3568. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (81); Amdt. No. 3553'' (RIN2120–AA65) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3569. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (4); Amdt. No. 3557'' (RIN2120–AA65) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3570. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (30); Amdt. No. 3552'' (RIN2120–AA65) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3571. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (84); Amdt. No. 3551'' (RIN2120–AA65) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3572. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (16); Amdt. No. 3554'' (RIN2120–AA65) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3573. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0463)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3574. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2013–0186)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3575. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Honeywell ASCa Inc. Emergency Locator Transmitters Installed on Various Transport Category Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0707)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3576. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; AgustaWestland S.p.A. Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2013–0350)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3577. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0527)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3578. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Services B.V. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0270)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3579. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter Deutschland GmbH Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2013–0398)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3580. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0301)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3581. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2013–0119)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3582. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0097)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3583. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopters Textron, Inc. (Bell) Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2013–0379)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3584. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Piper Aircraft, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0535)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3585. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopter Textron Canada Limited (Bell)'' ((RIN2120–AA64) (Docket No. FAA–2013–0400)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.7

EC–3586. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0931)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3587. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2013–0341)) received in the Office of the President of the Senate

on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3588. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter Deutschland GmbH Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2012–0887)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3589. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter Deutschland GmbH (ECD) Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2013–0020)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3590. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Embraer S.A. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0092)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.; to the Committee on Commerce, Science, and Transportation.

EC–3591. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–1076)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3592. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0335)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3593. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Lockheed Martin Corporation/Lockheed Martin Aeronautics Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–1078)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3594. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2008–0617)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3595. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2008–0615)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3596. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0808)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3597. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0424)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3598. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0422)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3599. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Alexander Schleicher GmbH and Co. Segelflugzeugbau Sailplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0450)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3600. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0459)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1254. A bill to amend the Harmful Algal Blooms and Hypoxia Research and Control Act of 1998, and for other purposes (Rept. No. 113–121).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID (for Mr. WARNER (for himself and Mr. KAINE)):

S. 1718. A bill to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. MURRAY (for herself and Mr. BURR):

S. 1719. A bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Mr. LEE, Mr. WHITEHOUSE, and Ms. KLOBUCHAR):

S. 1720. A bill to promote transparency in patent ownership and make other improvements to the patent system, and for other purposes; to the Committee on the Judiciary.

By Mr. BLUMENTHAL (for himself and Mr. MCCAIN):

S. 1721. A bill to decrease the frequency of sports blackouts, to require the application of the antitrust laws to Major League Baseball, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 298. A resolution to authorize testimony, documents, and representation in United States v. Allen; considered and agreed to.

ADDITIONAL COSPONSORS

S. 313

At the request of Mr. CASEY, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 313, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 338

At the request of Mr. BAUCUS, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 338, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 381

At the request of Mr. BROWN, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from West Virginia (Mr. MANCHIN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Tennessee (Mr. CORKER), and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 381, a bill to award a Congressional Gold Medal to the World War II members of the ''Doolittle Tokyo Raiders'', for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo.

S. 822

At the request of Mr. LEAHY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 822, a bill to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post conviction testing of DNA

evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

S. 916

At the request of Mr. COCHRAN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 916, a bill to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program.

S. 942

At the request of Mr. CASEY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 942, a bill to eliminate discrimination and promote women's health and economic security by ensuring reasonable workplace accommodations for workers whose ability to perform the functions of a job are limited by pregnancy, childbirth, or a related medical condition.

S. 994

At the request of Mr. WHITEHOUSE, his name was added as a cosponsor of S. 994, a bill to expand the Federal Funding Accountability and Transparency Act of 2006 to increase accountability and transparency in Federal spending, and for other purposes.

S. 1011

At the request of Mr. JOHANNS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1011, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of Boys Town, and for other purposes.

S. 1302

At the request of Mr. HARKIN, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 1302, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide for cooperative and small employer charity pension plans.

S. 1306

At the request of Mr. REED, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 1306, a bill to amend the Elementary and Secondary Education Act of 1965 in order to improve environmental literacy to better prepare students for postsecondary education and careers, and for other purposes.

S. 1320

At the request of Mr. DONNELLY, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1320, a bill to establish a tiered hiring preference for members of the reserve components of the armed forces.

S. 1323

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1323, a bill to address the continued threat posed by dangerous synthetic drugs by amending the Controlled Substances Act relating to controlled substance analogues.

S. 1351

At the request of Mr. THUNE, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 1351, a bill to provide for fiscal gap and generational accounting analysis in the legislative process, the President's budget, and annual long-term fiscal outlook reports.

S. 1441

At the request of Mr. BENNET, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1441, a bill to amend the Internal Revenue Code of 1986 to facilitate water leasing and water transfers to promote conservation and efficiency.

S. 1462

At the request of Mr. THUNE, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1462, a bill to extend the positive train control system implementation deadline, and for other purposes.

S. 1495

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 1495, a bill to direct the Administrator of the Federal Aviation Administration to issue an order with respect to secondary cockpit barriers, and for other purposes.

S. 1507

At the request of Ms. HEITKAMP, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 1507, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment of general welfare benefits provided by Indian tribes.

S. 1577

At the request of Mr. JOHANNS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1577, a bill to amend the Truth in Lending Act to improve upon the definitions provided for points and fees in connection with a mortgage transaction.

S. 1610

At the request of Mr. MENENDEZ, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. 1610, a bill to delay the implementation of certain provisions of the Biggert-Waters Flood Insurance Reform Act of 2012, and for other purposes.

S. 1622

At the request of Ms. HEITKAMP, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1622, a bill to establish the Alyce Spotted Bear and Walter Soboleff Commission on Native Children, and for other purposes.

S. 1644

At the request of Mrs. BOXER, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Ohio (Mr. PORTMAN), the Senator from Virginia (Mr. KAINE) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1644, a bill to amend title 10, United States Code, to provide for preliminary hearings on alleged offenses under the Uniform Code of Military Justice.

S. 1687

At the request of Mr. CASEY, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of S. 1687, a bill to amend the Fair Labor Standards Act of 1938 to ensure that employees are not misclassified as non-employees, and for other purposes.

S. 1696

At the request of Mr. BLUMENTHAL, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1696, a bill to protect a women's right to determine whether and when to bear a child or end a pregnancy by limiting restrictions on the provision of abortion services.

S. 1697

At the request of Mr. HARKIN, the names of the Senator from Montana (Mr. TESTER) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1697, a bill to support early learning.

S. 1709

At the request of Mr. KIRK, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1709, a bill to require the Committee on Technology of the National Science and Technology Council to develop and update a national manufacturing competitiveness strategic plan, and for other purposes.

S. RES. 269

At the request of Mr. CRUZ, his name was added as a cosponsor of S. Res. 269, a resolution expressing the sense of the Senate on United States policy regarding possession of enrichment and reprocessing capabilities by the Islamic Republic of Iran.

S. RES. 270

At the request of Mr. KIRK, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. Res. 270, a resolution supporting the goals and ideals of World Polio Day and commending the international community and others for their efforts to prevent and eradicate polio.

AMENDMENT NO. 2025

At the request of Mr. KAINE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 2025 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2040

At the request of Mr. BAUCUS, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of amendment No. 2040 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year

2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2042

At the request of Ms. AYOTTE, the names of the Senator from Florida (Mr. RUBIO), the Senator from Oklahoma (Mr. COBURN) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 2042 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2043

At the request of Ms. AYOTTE, the names of the Senator from Florida (Mr. RUBIO) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of amendment No. 2043 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2044

At the request of Ms. AYOTTE, the names of the Senator from Florida (Mr. RUBIO) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of amendment No. 2044 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2045

At the request of Ms. AYOTTE, the names of the Senator from Florida (Mr. RUBIO) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of amendment No. 2045 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2046

At the request of Ms. AYOTTE, the names of the Senator from Florida (Mr. RUBIO) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 2046 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2056

At the request of Ms. STABENOW, her name was added as a cosponsor of amendment No. 2056 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2057

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of amendment No. 2057 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2063

At the request of Ms. AYOTTE, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of amendment No. 2063 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 298—TO AUTHORIZE TESTIMONY, DOCUMENTS, AND REPRESENTATION IN UNITED STATES V. ALLEN

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 298

Whereas, in the case of *United States v. Allen*, Crim. No. 12–112, pending in the United States District Court for the Middle District of Florida, the prosecution has requested the production of documents and testimony from current and former employees of the offices of Senators Bill Nelson and Marco Rubio;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent current and former employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Peter Mitchell and Grace Pettus, a current and a former employee, respectively, of the Office of Senator Bill Nelson, and Adele Griffin and Ashley Cook, current employees of the Office of Senator Marco Rubio, and any other current or former employee from either office from whom relevant evidence may be sought, are authorized to produce documents and provide testimony in the case of *United States v. Allen*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counssel is authorized to represent current and former employees of the offices of Senators Nelson and Rubio in connection with the production of evidence authorized in section one of this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2075. Mr. MENENDEZ (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 1545, to extend authorities related to global HIV/AIDS and to promote oversight of United States programs; which was ordered to lie on the table.

SA 2076. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2077. Mr. CRUZ (for himself, Mr. CORNYN, Mr. GRAHAM, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2078. Mr. UDALL of Colorado (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2079. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2080. Mr. BLUMENTHAL (for himself, Ms. AYOTTE, Mr. CORNYN, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2081. Mrs. BOXER (for herself, Mr. GRAHAM, Mrs. SHAHEEN, Mr. BLUNT, Mrs. MCCASKILL, Mrs. GILLIBRAND, Mr. BAUCUS, Mr. BLUMENTHAL, Mr. MCCAIN, Mr. TESTER, Mr. KAINE, Mr. COONS, Mr. WYDEN, Mr. PORTMAN, and Mr. CARDIN) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2082. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2083. Mrs. BOXER (for herself and Mr. BURR) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2084. Mr. KAINE (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2085. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2086. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2087. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2088. Mr. BURR (for himself, Mr. RUBIO, and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2089. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2090. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2091. Mr. REED (for himself and Mr. JOHANNS) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2092. Mr. SCHATZ (for himself and Mr. DONNELLY) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2093. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2094. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2095. Mr. KAINE submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2096. Mr. MARKEY (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2097. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2098. Mr. FLAKE (for himself, Mr. MCCAIN, and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2099. Mrs. GILLIBRAND (for herself, Mrs. BOXER, Ms. COLLINS, Mr. GRASSLEY, Mr. BLUMENTHAL, Mr. PAUL, Mrs. SHAHEEN, Mr. KIRK, Mr. SCHUMER, Mr. JOHANNS, Ms. HIRONO, Mr. BEGICH, Mr. COONS, Mr. MARKEY, Mr. JOHNSON of South Dakota, Ms. BALDWIN, Ms. WARREN, Mr. UDALL of New Mexico, Mr. SCHATZ, Mr. HEINRICH, Mr. CARDIN, Mr. CRUZ, Mr. WYDEN, Mr. DONNELLY, Ms. MURKOWSKI, Mr. CASEY, Mr. BOOKER, and Mr. FRANKEN) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2100. Mr. WYDEN (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2101. Mr. DONNELLY (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2102. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2103. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2104. Mr. REID (for Mr. WARNER (for himself and Mr. CHAMBLISS)) submitted an amendment intended to be proposed by Mr. Reid of NV to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2105. Mr. REID (for Mr. WARNER (for himself and Mr. CHAMBLISS)) submitted an amendment intended to be proposed by Mr. Reid of NV to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2106. Mr. REID (for Mr. WARNER (for himself and Mr. CHAMBLISS)) submitted an amendment intended to be proposed by Mr. Reid of NV to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2107. Mr. REID (for Mr. WARNER (for himself and Mr. MORAN)) submitted an amendment intended to be proposed by Mr. Reid of NV to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2108. Mr. REID (for Mr. WARNER) submitted an amendment intended to be proposed by Mr. Reid of NV to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2109. Mr. REID (for Mr. WARNER (for himself and Mrs. GILLIBRAND)) submitted an amendment intended to be proposed by Mr. Reid of NV to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2110. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2111. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2112. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2113. Ms. AYOTTE (for herself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2114. Mr. PORTMAN (for himself and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2115. Mr. JOHNSON of Wisconsin (for himself and Ms. BALDWIN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2116. Mr. RISCH (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2117. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2118. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2119. Mr. RISCH (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2120. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2121. Mr. BLUMENTHAL (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2122. Mrs. GILLIBRAND (for herself and Ms. HIRONO) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2123. Mr. REID (for Mr. LEVIN (for himself and Mr. INHOFE)) proposed an amendment to the bill S. 1197, supra.

SA 2124. Mr. REID (for Mr. LEVIN (for himself and Mr. INHOFE)) proposed an amendment to amendment SA 2123 proposed by Mr. REID (for Mr. LEVIN (for himself and Mr. INHOFE)) to the bill S. 1197, supra.

SA 2125. Mr. REID proposed an amendment to the bill S. 1197, supra.

SA 2126. Mr. REID proposed an amendment to amendment SA 2125 proposed by Mr. REID to the bill S. 1197, supra.

SA 2127. Mr. REID proposed an amendment to amendment SA 2126 proposed by Mr. REID to the amendment SA 2125 proposed by Mr. REID to the bill S. 1197, supra.

SA 2128. Mr. KAINE submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2129. Mr. CARDIN (for himself, Mr. MCCAIN, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2130. Mr. CARDIN (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2131. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2132. Mr. CARDIN (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2133. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2134. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2135. Mr. MANCHIN (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2136. Mr. LEE (for himself and Mrs. FISCHER) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2137. Mr. LEE (for himself, Mr. CRUZ, Mr. BARRASSO, Mr. COBURN, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2138. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2139. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2140. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2141. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2142. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2143. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2144. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2145. Ms. AYOTTE (for herself, Mr. BLUMENTHAL, Mr. MORAN, and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2146. Mrs. BOXER (for Mr. SANDERS) proposed an amendment to the bill S. 1471, to authorize the Secretary of Veterans Affairs and the Secretary of the Army to reconsider

decisions to inter or honor the memory of a person in a national cemetery, and for other purposes.

SA 2147. Mrs. BOXER (for Mr. MENENDEZ (for himself and Mr. CORKER)) proposed an amendment to the bill S. 1545, to extend authorities related to global HIV/AIDS and to promote oversight of United States programs.

TEXT OF AMENDMENTS

SA 2075. Mr. MENENDEZ (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 1545, to extend authorities related to global HIV/AIDS and to promote oversight of United States programs; which was ordered to lie on the table; as follows:

On page 18, strike line 11 and insert the following:

''(R) A description of program evaluations completed during the reporting period, including whether all completed evaluations have been published on a publically available Internet website and whether any completed evaluations did not adhere to the common evaluation standards of practice published under paragraph (4).

''(4) COMMON EVALUATION STANDARDS.—Not later than February 1, 2014, the Global AIDS Coordinator shall publish on a publically available Internet website the common evaluation standards of practice referred to in paragraph (3)(R).

''(5) PARTNER COUNTRY DEFINED.—In this

On page 16, line 3, strike ''counties'' and insert ''countries''.

On page 18, line 1, strike the second set of quotation marks.

On page 18, line 4, strike the second set of quotation marks.

SA 2076. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1032 and insert the following:

SEC. 1032. TRANSFER OF MEDICAL PERSONNEL AND SUPPLIES TO UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, FOR TREATMENT OF INDIVIDUALS DETAINED AT GUANTANAMO.

(a) TRANSFER FOR EMERGENCY OR CRITICAL MEDICAL TREATMENT AUTHORIZED.—The Secretary of Defense may transfer any United States military medical personnel or medical supplies from a military medical treatment facility in the United States to United States Naval Station Guantanamo Bay, Cuba, for the purpose of providing medical treatment to prevent the death or significant injury or harm to the health of an individual detained at Guantanamo.

(b) INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.—In this section, the term ''individual detained at Guantanamo'' has the meaning given that term in section 1031(e)(2).

SA 2077. Mr. CRUZ (for himself, Mr. CORNYN, Mr. GRAHAM, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1035. REWARDS AUTHORIZED.

In accordance with the Rewards for Justice program authorized under section 36(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(b)), the Secretary of State shall offer a reward of not more than $5,000,000 to individuals who furnish information—

(1) regarding the attacks on the United States diplomatic mission at Benghazi, Libya that began on September 11, 2012; or

(2) leading to the capture of an individual who committed, conspired to commit, attempted to commit, or aided in the commission of the attacks described in paragraph (1).

SA 2078. Mr. UDALL of Colorado (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1066. REPORT ON HEALTH AND SAFETY RISKS ASSOCIATED WITH EJECTION SEATS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report setting forth an assessment of the risks to the health and safety of members of the Armed Forces of the ejection seats currently in operational use by the Air Force.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment whether aircrew members wearing advanced helmets, night vision systems, helmet-mounted cueing systems, or other helmet-mounted devices or attachments are at increased risk of serious injury or death during a high-speed ejection sequence.

(2) An analysis of how ejection seats currently in operational use provide protection against head, neck, and spinal cord injuries during an ejection sequence.

(3) An analysis of initiatives currently underway within the Air Force to decrease the risk of death or serious injury in an ejection sequence.

(4) The status of any testing or qualifications on upgraded ejection seats that may reduce the risk of death or serious injury in an ejection sequence.

SA 2079. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XXVIII, add the following new section:

SEC. 2842. CONDITIONS ON DEPARTMENT OF DEFENSE EXPANSION OF PIÑON CANYON MANEUVER SITE, FORT CARSON, COLORADO.

The Secretary of Defense and the Secretary of the Army may not acquire, in fee or by eminent domain, any land to expand the size of the Piñon Canyon Maneuver Site near Fort Carson, Colorado, unless each of the following occurs:

(1) The land acquisition is specifically authorized in an Act of Congress enacted after the date of the enactment of this Act.

(2) Funds are specifically appropriated for the land acquisition.

(3) The Secretary of Defense and the Secretary of the Army comply with the environmental review requirements of section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) with respect to the land acquisition.

SA 2080. Mr. BLUMENTHAL (for himself, Ms. AYOTTE, Mr. CORNYN, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle D—Syria Sanctions

SEC. 1241. DEFINITIONS.

In this subtitle:

(1) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms ''account'', ''correspondent account'', and ''payable-through account'' have the meanings given those terms in section 5318A of title 31, United States Code.

(2) AGRICULTURAL COMMODITY.—The term ''agricultural commodity'' has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives.

(4) COMPONENT PART.—The term ''component part'' has the meaning given that term in section 11A(e)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2410a(e)(1)) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

(5) FINANCIAL INSTITUTION.—The term ''financial institution'' has the meaning given that term in section 14 of the Iran Sanctions of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(6) FINISHED PRODUCT.—The term ''finished product'' has the meaning given that term in section 11A(e)(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2410a(e)(2)) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

(7) FOREIGN FINANCIAL INSTITUTION; DOMESTIC FINANCIAL INSTITUTION.—The terms ''foreign financial institution'' and ''domestic financial institution'' shall have the meanings

of those terms as determined by the Secretary of the Treasury.

(8) FOREIGN PERSON.—The term ''foreign person'' means an individual or entity that is not a United States person.

(9) GOOD AND TECHNOLOGY.—The terms ''good'' and ''technology'' have the meanings given those terms in section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

(10) GOVERNMENT OF SYRIA.—The term ''Government of Syria''—

(A) means the Government of Syria on the date of the enactment of this Act, including any agency or instrumentality of that Government, any entity controlled by that Government, and the Central Bank of Syria; and

(B) does not include a successor government of Syria.

(11) KNOWINGLY.—The term ''knowingly'', with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(12) MEDICAL DEVICE.—The term ''medical device'' has the meaning given the term ''device'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(13) MEDICINE.—The term ''medicine'' has the meaning given the term ''drug'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(14) MONEY LAUNDERING.—The term ''money laundering'' means the movement of illicit cash or cash equivalent proceeds into, out of, or through a country, or into, out of, or through a financial institution.

(15) PERSON.—The term ''person'' means an individual or entity.

(16) SERVICES.—The term ''services'' includes software, hardware, financial, professional consulting, engineering, and specialized energy information services, energy-related technical assistance, and maintenance and repairs.

(17) SUCCESSOR GOVERNMENT OF SYRIA.—The term ''successor government of Syria'' means a successor government to the Government of Syria that is recognized as the legitimate governing authority of Syria by the Government of the United States.

(18) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; and

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

PART I—IMPOSITION OF SANCTIONS WITH RESPECT TO SENIOR OFFICIALS OF THE GOVERNMENT OF SYRIA AND PERSONS THAT CONDUCT CERTAIN TRANSACTIONS WITH SYRIA

SEC. 1251. IMPOSITION OF SANCTIONS WITH RESPECT TO SENIOR OFFICIALS OF THE GOVERNMENT OF SYRIA.

(a) IDENTIFICATION OF PERSONS.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and every 60 days thereafter, the President shall submit to the appropriate congressional committees a list of persons the President determines—

(A) are senior officials of the Government of Syria;

(B) have provided support to or received support from a senior official of that Government;

(C) have acted or purported to act, directly or indirectly, for or on behalf of a senior official of that Government; or

(D) are owned or controlled, directly or indirectly, by a senior official of that Government.

(2) SENIOR OFFICIALS.—In making the determination required by paragraph (1)(A), the President shall consider the following individuals to be senior officials of the Government of Syria:

(A) President Bashar al-Assad.

(B) The Vice President of that Government.

(C) Any member of the cabinet of that Government.

(D) The head or heads of the National Progressive Front.

(E) Any senior leader of—

(i) the Syrian Arab Army;

(ii) the Syrian Arab Navy;

(iii) the Syrian Arab Air Force;

(iv) the Syrian Arab Air Defense Force; or

(v) any other military or paramilitary force that has taken up arms on behalf of that Government.

(3) SUPPORT TO OR FROM SENIOR OFFICIALS.—In making the determination required by paragraph (1)(B), the President shall consider the following persons to have provided support to or received support from a senior official of the Government of Syria:

(A) Any person that has materially assisted, sponsored, or provided goods, services, or financial, material, or technological support to or for the benefit of an individual the President has determined under paragraph (1)(A) to be a senior official of that Government.

(B) Any person that has received any funds, goods, or services from an individual the President has determined under paragraph (1)(A) to be a senior official of that Government.

(b) BLOCKING OF PROPERTY.—The President shall block and prohibit any transaction in property and interests in property of any person on the list required by subsection (a)(1) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(c) HUMANITARIAN EXCEPTION.—The President may not impose sanctions under this section with respect to any person for the provision of agricultural commodities, food, medicine, or medical devices to Syria or the provision of humanitarian assistance to the people of Syria.

(d) EXCEPTION FOR SUPPORT TO DISMANTLE CHEMICAL WEAPONS PROGRAM.—The President may not impose sanctions under this section with respect to any person for the provision of support in the process of dismantling the chemical weapons program of Syria.

(e) WAIVER.—

(1) IN GENERAL.—The President may waive the imposition of sanctions under this section for a period of not more than 180 days, and may renew that waiver for additional periods of not more than 90 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) FORM OF REPORT.—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1252. IMPOSITION OF PENALTIES WITH RESPECT TO UNITED STATES PERSONS THAT CONDUCT CERTAIN TRANSACTIONS WITH RESPECT TO SYRIA.

(a) IN GENERAL.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply, to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act, to a United States person that—

(1) violates, attempts to violate, conspires to violate, or causes a violation of section 1251 or regulations prescribed under section 1251;

(2) conducts investment activities in Syria on or after the date of the enactment of this Act;

(3) exports, reexports, sells, or supplies, directly or indirectly, a service from the United States to the Government of Syria;

(4) conducts a transaction with respect to petroleum or petroleum products of Syrian origin; or

(5) approves, finances, facilitates, or guarantees a transaction by a foreign person that would be prohibited under this section if conducted by a United States person.

(b) INVESTMENT ACTIVITIES DEFINED.—In this section, the term ''investment activities'' means—

(1) an investment of more than $100 in the aggregate in the economy of Syria in—

(A) the financial or banking sector;

(B) the military or defense sector;

(C) the law enforcement sector; or

(D) the energy sector; or

(2) a transfer of any amount to Bashar al-Assad or any person acting or purporting to act, directly or indirectly, for or on behalf of Bashar al-Assad.

SEC. 1253. APPLICABILITY TO CONTRACTS AND OTHER AGREEMENTS.

The blocking of property under section 1251(b) and the penalties under section 1252 shall apply to contracts or other agreements entered into on or after December 1, 2013.

PART II—MODIFICATION OF SANCTIONS WITH RESPECT TO HUMAN RIGHTS ABUSES IN SYRIA

SEC. 1261. MODIFICATION OF LIST OF PERSONS RESPONSIBLE FOR OR COMPLICIT IN HUMAN RIGHTS ABUSES COMMITTED AGAINST CITIZENS OF SYRIA OR THEIR FAMILY MEMBERS.

(a) IN GENERAL.—Section 702(b)(1) of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8791(b)(1)) is amended to read as follows:

''(1) IN GENERAL.—Not later than 120 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2014, the President shall submit to the appropriate congressional committees a list of the following persons:

''(A) Any person that the President determines, based on credible evidence, is responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, the commission of serious human rights abuses, including repression, against citizens of Syria or their family members, regardless of whether those abuses occurred in Syria.

''(B) A senior official or senior officer of a person described in subparagraph (A).

''(C) Any person that has materially assisted, sponsored, or provided goods, services, or financial, material, or technological support to a person—

''(i) described in subparagraph (A); or

''(ii) with respect to which sanctions have been imposed pursuant to Executive Order 13338 or Executive Order 13460 (50 U.S.C. 1701 note; relating to blocking property of certain persons and prohibiting the export of certain goods to Syria).

''(D) Any person owned or controlled, directly or indirectly, by a person with respect to which sanctions have been imposed pursuant to Executive Order 13460.

''(E) Any person acting or purporting to act, directly or indirectly, for or on behalf of a person with respect to which sanctions have been imposed pursuant to Executive Order 13460.''.

(b) UPDATE.—Section 702(b)(2) of the Iran Threat Reduction and Syria Human Rights

Act of 2012 (22 U.S.C. 8791(b)(2)) is amended by striking ''enactment of this Act'' and inserting ''enactment of the National Defense Authorization Act for Fiscal Year 2014''.

(c) TRANSITION RULE.—The President shall submit any list required to be submitted before the date that is 120 days after the date of the enactment of this Act by subsection (b) of section 702 of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8791), as in effect on the day before such date of enactment, in accordance with the provisions of such section 702.

SEC. 1262. MODIFICATION OF IMPOSITION OF SANCTIONS WITH RESPECT TO THE TRANSFER OF GOODS OR TECHNOLOGIES TO SYRIA THAT ARE LIKELY TO BE USED TO COMMIT HUMAN RIGHTS ABUSES.

(a) PERSONS AGAINST WHICH SANCTIONS ARE IMPOSED.—Section 703(a)(2) of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8792(a)(2)) is amended—

(1) in subparagraph (B), by striking ''; or'' and inserting a semicolon;

(2) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(D) has acted for or on behalf of a person on the list, if the person that acted for or on behalf of the person on the list knowingly engaged in the activity described in subsection (b)(2) for which the person was included in the list; or

''(E) has materially assisted, sponsored, or provided goods, services, or financial, material, or technological support to a person on the list, if the person that assisted, sponsored, or provided goods, services, or support had actual knowledge or should have known that the person on the list engaged in the activity described in subsection (b)(2) for which the person was included in the list.''.

(b) ACTIVITY DESCRIBED.—Section 703(b)(2)(A) of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8792(b)(2)(A)) is amended—

(1) in clause (i), by striking ''; or'' and inserting a semicolon;

(2) in clause (ii), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(iii) operates or directs the operation of goods or technologies described in subparagraph (C)(ii).''.

(c) SUBMISSION DATE.—Section 703(b)(1) of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8792(b)(1)) is amended by striking ''enactment of this Act'' and inserting ''enactment of the National Defense Authorization Act for Fiscal Year 2014''.

(d) UPDATE.—Section 703(b)(4) of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8792(b)(4)) is amended by striking ''enactment of this Act'' and inserting ''enactment of the National Defense Authorization Act for Fiscal Year 2014''.

(e) TRANSITION RULE.—The President shall submit any list required to be submitted before the date that is 120 days after the date of the enactment of this Act by section 703 of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8792), as in effect on the day before such date of enactment, in accordance with the provisions of such section 703.

PART III—IMPOSITION OF SANCTIONS TO PREVENT THE DEVELOPMENT OF WEAPONS CAPABILITIES OF SYRIA

SEC. 1271. DECLARATION OF POLICY.

It is the policy of the United States to prevent the massacre of the people of Syria by denying the Government of Syria the ability to develop and obtain weapons of mass destruction and conventional weapons and to use those and other weapons against the people of Syria.

SEC. 1272. MULTILATERAL REGIME.

(a) MULTILATERAL NEGOTIATIONS.—In order to further the objective of section 1271, Congress urges the President to commence immediately diplomatic efforts, both in appropriate international fora such as the United Nations, and bilaterally with allies of the United States, to establish a multilateral sanctions regime against Syria that will inhibit the efforts of the Government of Syria to develop and obtain conventional weapons and to use those and other weapons against the people of Syria.

(b) PERIODIC REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and every 120 days thereafter, the President shall report to the appropriate congressional committees on the extent to which diplomatic efforts described in subsection (a) have been successful.

(2) CONTENTS.—Each report required under paragraph (1) shall include the following:

(A) The countries that have agreed to undertake measures to inhibit the efforts of the Government of Syria described in subsection (a), and a description of those measures.

(B) The countries that have not agreed to measures described in subparagraph (A).

(C) Other measures the President recommends that the United States take to inhibit the efforts of the Government of Syria described in subsection (a).

(c) INVESTIGATIONS.—

(1) IN GENERAL.—The President shall initiate an investigation into the possible imposition of sanctions under section 1273 or 1274 against a person upon receipt by the United States of credible information indicating that such person is engaged in an activity described in such section.

(2) DETERMINATION AND NOTIFICATION.—Not later than 180 days after an investigation is initiated in accordance with paragraph (1), and subject to paragraph (3), the President shall—

(A) determine, pursuant to section 1273 or 1274, if a person has engaged in an activity described in that section; and

(B) notify the appropriate congressional committees of the basis for any such determination.

(3) SPECIAL RULE.—The President is not required to initiate an investigation, and may terminate an investigation, under this subsection if the President certifies in writing to the appropriate congressional committees that—

(A) the person whose activity was the basis for the investigation is no longer engaging in the activity or has taken significant verifiable steps toward stopping the activity; and

(B) the President has received reliable assurances that the person will not knowingly engage in an activity described in section 1273 or 1274 in the future.

SEC. 1273. IMPOSITION OF SANCTIONS WITH RESPECT TO DEVELOPMENT OF WEAPONS OF MASS DESTRUCTION OR OTHER MILITARY CAPABILITIES BY SYRIA.

(a) EXPORTS, TRANSFERS, AND TRANSSHIPMENTS.—The President shall impose 5 or more of the sanctions described in section 1280 with respect to a person if the President determines that the person—

(1) on or after the date of the enactment of this Act, exported or transferred, or permitted or otherwise facilitated the transshipment of, any goods, services, technology, or other items to any other person; and

(2) knew or should have known that—

(A) the export, transfer, or transshipment of the goods, services, technology, or other items would likely result in another person exporting, transferring, transshipping, or otherwise providing the goods, services, technology, or other items to Syria; and

(B) the export, transfer, transshipment, or other provision of the goods, services, technology, or other items to Syria would contribute materially to the ability of the Government of Syria to—

(i) acquire or develop chemical, biological, or nuclear weapons or related technologies; or

(ii) acquire or develop conventional weapons that are intended to be used, or are actually used, against the people of Syria.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall prohibit the Government of the United States from transporting weapons and aid to forces opposing the Government of Syria.

SEC. 1274. IMPOSITION OF SANCTIONS WITH RESPECT TO EXPORTATION OF DEFENSE ARTICLES TO SYRIA.

(a) IN GENERAL.—The President shall impose 5 or more of the sanctions described in section 1280 with respect to a person if the President determines that the person—

(1) sells or provides defense articles to the Government of Syria; or

(2) sells, leases, or provides to the Government of Syria goods, services, technology, information, or support described in subsection (b).

(b) GOODS, SERVICES, TECHNOLOGY, INFORMATION, OR SUPPORT DESCRIBED.—Goods, services, technology, information, or support described in this subsection are goods, services, technology, information, or support that could directly and significantly contribute to the enhancement of the ability of the Government of Syria to import defense articles, including—

(1) except as provided in subsection (c), underwriting or entering into a contract to provide insurance or reinsurance for the sale, lease, or provision of such goods, services, technology, information, or support;

(2) financing or brokering such sale, lease, or provision;

(3) providing ships or shipping services to deliver defense articles to Syria;

(4) bartering or contracting by which goods are exchanged for goods, including the insurance or reinsurance of such exchanges; or

(5) purchasing, subscribing to, or facilitating the issuance of sovereign debt of the Government of Syria, including governmental bonds.

(c) EXCEPTION FOR UNDERWRITERS AND INSURANCE PROVIDERS EXERCISING DUE DILIGENCE.—The President may not impose sanctions under this section with respect to a person that provides underwriting services or insurance or reinsurance if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not underwrite or enter into a contract to provide insurance or reinsurance for the sale, lease, or provision of goods, services, technology, information, or support described in subsection (b).

(d) DEFENSE ARTICLE DEFINED.—In this section, the term ''defense article'' has the meaning given that term in section 47(3) of the Arms Export Control Act (22 U.S.C. 2794(3)).

SEC. 1275. ADDITIONAL MANDATORY SANCTIONS RELATING TO TRANSFER OF NUCLEAR TECHNOLOGY.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), in any case in which a person is subject to sanctions under section 1273 or 1274 because of an activity described in that section that relates to the acquisition or development of nuclear weapons or related technology or of missiles or advanced conventional weapons that are designed or modified to deliver a nuclear weapon, no license may be issued for the export,

and no approval may be given for the transfer or retransfer, directly or indirectly, to the country the government of which has primary jurisdiction over the person, of any nuclear material, facilities, components, or other goods, services, or technology that are or would be subject to an agreement for cooperation between the United States and that government.

(b) EXCEPTION.—The sanctions described in subsection (a) shall not apply with respect to a country the government of which has primary jurisdiction over a person that engages in an activity described in that subsection if the President determines and notifies the appropriate congressional committees that the government of the country—

(1) does not know or have reason to know about the activity; or

(2) has taken, or is taking, all reasonable steps necessary to prevent a recurrence of the activity and to penalize the person for the activity.

(c) INDIVIDUAL APPROVAL.—Notwithstanding subsection (a), the President may, on a case-by-case basis, approve the issuance of a license for the export, or approve the transfer or retransfer, of any nuclear material, facilities, components, or other goods, services, or technology that are or would be subject to an agreement for cooperation, to a person in a country to which subsection (a) applies (other than a person that is subject to the sanctions under section 1273 or 1274) if the President—

(1) determines that such approval is vital to the national security interests of the United States; and

(2) not later than 15 days before issuing such license or approving such transfer or retransfer, submits to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives the justification for approving such license, transfer, or retransfer.

(d) CONSTRUCTION.—The sanctions described in subsection (a) shall apply in addition to all other applicable procedures, requirements, and restrictions contained in the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) and other related laws.

(e) AGREEMENT FOR COOPERATION DEFINED.—In this section, the term ''agreement for cooperation'' has the meaning given that term in section 11(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(b)).

SEC. 1276. IMPOSITION OF SANCTIONS WITH RESPECT TO PROVISION OF TRAINING TO MILITARY OR PARAMILITARY FORCES OF THE GOVERNMENT OF SYRIA.

The President shall impose 5 or more of the sanctions described in section 1280 with respect to a person if the President determines that the person knowingly engages in an activity that provides training to the military or paramilitary forces of the Government of Syria.

SEC. 1277. IMPOSITION OF SANCTIONS WITH RESPECT TO EXPORTATION OF REFINED PETROLEUM PRODUCTS TO SYRIA.

(a) IN GENERAL.—The President shall impose 5 or more of the sanctions described in section 1280 with respect to a person if the President determines that the person knowingly—

(1) sells or provides to the Government of Syria refined petroleum products—

(A) that have a fair market value of $1,000,000 or more; or

(B) that, during a 12-month period, have an aggregate fair market value of $5,000,000 or more; or

(2) sells, leases, or provides to the Government of Syria goods, services, technology, information, or support described in subsection (b)—

(A) any of which has a fair market value of $1,000,000 or more; or

(B) that, during a 12-month period, have an aggregate fair market value of $5,000,000 or more.

(b) GOODS, SERVICES, TECHNOLOGY, INFORMATION, OR SUPPORT DESCRIBED.—Goods, services, technology, information, or support described in this subsection are goods, services, technology, information, or support that could directly and significantly contribute to the enhancement of the ability of the Government of Syria to import refined petroleum products, including—

(1) except as provided in subsection (c), underwriting or entering into a contract to provide insurance or reinsurance for the sale, lease, or provision of such goods, services, technology, information, or support;

(2) financing or brokering such sale, lease, or provision;

(3) providing ships or shipping services to deliver refined petroleum products to Syria;

(4) bartering or contracting by which goods are exchanged for goods, including the insurance or reinsurance of such exchanges; or

(5) purchasing, subscribing to, or facilitating the issuance of sovereign debt of the Government of Syria, including governmental bonds.

(c) EXCEPTION FOR UNDERWRITERS AND INSURANCE PROVIDERS EXERCISING DUE DILIGENCE.—The President may not impose sanctions under this paragraph with respect to a person that provides underwriting services or insurance or reinsurance if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not underwrite or enter into a contract to provide insurance or reinsurance for the sale, lease, or provision of goods, services, technology, information, or support described in subsection (b).

SEC. 1278. SANCTIONED PERSONS.

(a) IN GENERAL.—The sanctions described in sections 1273, 1274, 1275, 1276, and 1277 shall be imposed with respect to—

(1) any person the President determines has carried out an activity described in any such section; and

(2) any person that—

(A) is a successor entity to the person referred to in paragraph (1);

(B) owns or controls the person referred to in paragraph (1), if the person that owns or controls the person referred to in paragraph (1) had actual knowledge or should have known that the person referred to in paragraph (1) engaged in the activity referred to in that paragraph; or

(C) is owned or controlled by, or under common ownership or control with, the person referred to in paragraph (1), if the person owned or controlled by, or under common ownership or control with (as the case may be), the person referred to in paragraph (1) knowingly engaged in the activity referred to in that paragraph.

(b) SANCTIONED PERSON DEFINED.—In this part, the term ''sanctioned person'' means any person described in subsection (a).

SEC. 1279. WAIVER.

(a) IN GENERAL.—Except as provided in subsection (b), the President may, on a case by case basis, waive for a period of not more than 180 days the application of section 1273, 1274, 1275, 1276, or 1277 with respect to a person if the President certifies to the appropriate congressional committees at least 30 days before the waiver is to take effect that the waiver is vital to the national security interests of the United States.

(b) EXCEPTION.—The President may not waive the application of section 1273 with respect to a person for the provision of goods, services, technology, or other items to Syria that would contribute materially to the ability of the Government of Syria to acquire or develop chemical, biological, or nuclear weapons or related technologies.

(c) SUBSEQUENT RENEWAL OF WAIVER.—At the conclusion of the period of a waiver under subsection (a), the President may renew the waiver for subsequent periods of not more than 180 days each if the President determines, in accordance with that subsection, that the waiver is appropriate.

SEC. 1280. DESCRIPTION OF SANCTIONS.

The sanctions to be imposed on a sanctioned person under this part are as follows:

(1) EXPORT-IMPORT BANK ASSISTANCE FOR EXPORTS TO SANCTIONED PERSONS.—The President may direct the Export-Import Bank of the United States not to approve any financing (including any guarantee, insurance, extension of credit, or participation in the extension of credit) in connection with the export of any goods or services to any sanctioned person.

(2) EXPORT SANCTION.—The President may order the United States Government not to issue any specific license and not to grant any other specific permission or authority to export any goods or technology to a sanctioned person under—

(A) the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.));

(B) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(C) the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(D) any other law that requires the prior review and approval of the United States Government as a condition for the export or reexport of goods or services.

(3) LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS.—The United States Government may prohibit any United States financial institution from making loans or providing credits to any sanctioned person totaling more than $10,000,000 in any 12-month period unless that person is engaged in activities to relieve human suffering and the loans or credits are provided for such activities.

(4) PROHIBITIONS ON FINANCIAL INSTITUTIONS.—

(A) IN GENERAL.—The following prohibitions may be imposed against a sanctioned person that is a financial institution:

(i) PROHIBITION ON DESIGNATION AS PRIMARY DEALER.—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of, such financial institution as a primary dealer in United States Government debt instruments.

(ii) PROHIBITION ON SERVICE AS A REPOSITORY OF GOVERNMENT FUNDS.—Such financial institution may not serve as agent of the United States Government or serve as repository for United States Government funds.

(B) CLARIFICATION.—The imposition of either sanction under clause (i) or (ii) of subparagraph (A) shall be treated as one sanction for purposes of this part, and the imposition of both such sanctions shall be treated as 2 sanctions for purposes of this part.

(5) PROCUREMENT SANCTION.—The United States Government may not procure, or enter into any contract for the procurement of, any goods or services from a sanctioned person.

(6) FOREIGN EXCHANGE.—The President may, pursuant to such regulations as the President may prescribe, prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which a sanctioned person has any interest.

(7) BANKING TRANSACTIONS.—The President may, pursuant to such regulations as the President may prescribe, prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the sanctioned person.

(8) PROPERTY TRANSACTIONS.—The President may, pursuant to such regulations as the President may prescribe, prohibit any person from—

(A) acquiring, holding, withholding, using, transferring, withdrawing, transporting, importing, or exporting any property that is subject to the jurisdiction of the United States and with respect to which the sanctioned person has any interest;

(B) dealing in or exercising any right, power, or privilege with respect to such property; or

(C) conducting any transaction involving such property.

(9) BAN ON INVESTMENT IN EQUITY OR DEBT OF SANCTIONED PERSON.—The President may, pursuant to such regulations or guidelines as the President may prescribe, prohibit any United States person from investing in or purchasing significant amounts of equity or debt instruments of a sanctioned person.

(10) EXCLUSION OF CORPORATE OFFICERS.—The President may direct the Secretary of State to deny a visa to, and the Secretary of Homeland Security to exclude from the United States, any alien that the President determines is a corporate officer or principal of, or a shareholder with a controlling interest in, a sanctioned person.

(11) SANCTIONS ON PRINCIPAL EXECUTIVE OFFICERS.—The President may impose on the principal executive officer or officers of any sanctioned person, or on persons performing similar functions and with similar authorities as such officer or officers, any of the sanctions under this subsection.

(12) ADDITIONAL SANCTIONS.—The President may impose sanctions, as appropriate, to restrict imports with respect to a sanctioned person, in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

SEC. 1280A. ADDITIONAL MEASURE RELATING TO GOVERNMENT CONTRACTS.

(a) MODIFICATION OF FEDERAL ACQUISITION REGULATION.—Not later than 90 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued pursuant to section 1303(a)(1) of title 41, United States Code, shall be revised to require a certification from each person that is a prospective contractor that the person, and any person owned or controlled by the person, does not engage in any activity for which sanctions may be imposed under this part.

(b) REMEDIES.—

(1) TERMINATION, DEBARMENT, OR SUSPENSION.—

(A) IN GENERAL.—If the head of an executive agency determines that a person has submitted a false certification under subsection (a) on or after the date on which the revision of the Federal Acquisition Regulation required by this section becomes effective, the head of that executive agency shall—

(i) terminate a contract with such person; or

(ii) debar or suspend such person from eligibility for Federal contracts for a period of not more than 3 years.

(B) PROCEDURE.—Any debarment or suspension shall be subject to the procedures that apply to debarment and suspension under the Federal Acquisition Regulation issued pursuant to section 1303(a)(1) of title 41, United States Code.

(2) INCLUSION ON LIST OF PARTIES EXCLUDED FROM FEDERAL PROCUREMENT AND NONPROCUREMENT PROGRAMS.—The Administrator of General Services shall include on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs maintained by the Administrator under part 9 of the Federal Acquisition Regulation issued pursuant to section 1303(a)(1) of title 41, United States Code, each person that is debarred, suspended, or proposed for debarment or suspension by the head of an executive agency pursuant to paragraph (1).

(c) CLARIFICATION REGARDING CERTAIN PRODUCTS.—The remedies set forth in subsection (b) shall not apply with respect to the procurement of eligible products, as defined in section 308(4) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)), of any foreign country or instrumentality designated under section 301(b) of that Act (19 U.S.C. 2511(b)).

(d) RULE OF CONSTRUCTION.—This section shall not be construed to limit the use of other remedies available to the head of an executive agency or any other official of the Federal Government on the basis of a determination of a false certification under subsection (a).

(e) WAIVERS.—The President may on a case-by-case basis waive the requirement that a person make a certification under subsection (a) if the President determines and certifies in writing to the appropriate congressional committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives, that it is in the national interest of the United States to do so.

(f) EXECUTIVE AGENCY DEFINED.—In this section, the term ''executive agency'' has the meaning given that term in section 133 of title 41, United States Code.

(g) APPLICABILITY.—The revisions to the Federal Acquisition Regulation required under subsection (a) shall apply with respect to contracts for which solicitations are issued on or after the date that is 90 days after the date of the enactment of this Act.

PART IV—IMPOSITION OF SANCTIONS WITH RESPECT TO FINANCIAL INSTITUTIONS THAT ENGAGE IN CERTAIN TRANSACTIONS WITH SYRIA

SEC. 1281. IMPOSITION OF SANCTIONS WITH RESPECT TO FINANCIAL INSTITUTIONS THAT ENGAGE IN CERTAIN TRANSACTIONS WITH SYRIA.

(a) PROHIBITIONS AND CONDITIONS WITH RESPECT TO CERTAIN ACCOUNTS HELD BY FOREIGN FINANCIAL INSTITUTIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe regulations to prohibit, or impose strict conditions on, the opening or maintaining in the United States of a correspondent account or a payable-through account by a foreign financial institution that the Secretary finds knowingly engages in an activity described in paragraph (2).

(2) ACTIVITIES DESCRIBED.—A foreign financial institution engages in an activity described in this paragraph if the foreign financial institution—

(A) facilitates the efforts of the Government of Syria, Hezbollah, or others that have knowingly engaged in armed conflict on behalf of the Government of Syria—

(i) to acquire or develop weapons of mass destruction or delivery systems for weapons of mass destruction; or

(ii) to provide support for organizations designated as foreign terrorist organizations under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)) or support for acts of international terrorism (as defined in section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note));

(B) engages in money laundering to carry out an activity described in subparagraph (A);

(C) facilitates efforts by the Central Bank of Syria or any other Syrian financial institution to carry out an activity described in subparagraph (A); or

(D) facilitates a significant transaction or transactions or provides significant financial services for a person whose property or interests in property are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) in connection with—

(i) the proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction by the Government of Syria;

(ii) the support by that Government for international terrorism; or

(iii) human rights abuses by that Government.

(3) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of regulations prescribed under paragraph (1) to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.

(b) PENALTIES FOR DOMESTIC FINANCIAL INSTITUTIONS FOR ACTIONS OF PERSONS OWNED OR CONTROLLED BY SUCH FINANCIAL INSTITUTIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe regulations to prohibit any person owned or controlled by a domestic financial institution from knowingly engaging in a transaction or transactions with or benefitting the Government of Syria, Hezbollah, or any of its agents or affiliates whose property or interests in property are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(2) PENALTIES.—The penalties provided for in section 206(b) of the International Emergency Economic Powers Act (50 U.S.C. 1705(b)) shall apply to a domestic financial institution to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act if—

(A) a person owned or controlled by the domestic financial institution violates, attempts to violate, conspires to violate, or causes a violation of regulations prescribed under paragraph (1) of this subsection; and

(B) the domestic financial institution knew or should have known that the person violated, attempted to violate, conspired to violate, or caused a violation of such regulations.

(c) REQUIREMENTS FOR FINANCIAL INSTITUTIONS MAINTAINING ACCOUNTS FOR FOREIGN FINANCIAL INSTITUTIONS.—

(1) IN GENERAL.—The Secretary of the Treasury shall prescribe regulations to require a domestic financial institution maintaining a correspondent account or payable-through account in the United States for a foreign financial institution to do following:

(A) Perform an audit of activities described in subsection (a)(2) that may be carried out by the foreign financial institution.

(B) Establish due diligence policies, procedures, and controls, such as the due diligence policies, procedures, and controls described in section 5318(i) of title 31, United States Code, reasonably designed to detect whether the foreign financial institution has knowingly engaged in any such activity.

(2) REPORT.—Any domestic financial institution maintaining a correspondent account or payable-through account in the United States for a foreign financial institution shall report to the Department of the Treasury any time the domestic financial institution suspects that the foreign financial institution is engaging in any activity described in subsection (a)(2), without regard to whether the Department requested such a report.

(3) PENALTIES.—The penalties provided for in sections 5321(a) and 5322 of title 31, United States Code, shall apply to a person that violates a regulation prescribed under paragraph (1) or the requirements of paragraph (2), in the same manner and to the same extent as such penalties would apply to any person that is otherwise subject to such section 5321(a) or 5322.

(d) WAIVER.—The Secretary of the Treasury may waive the application of a prohibition or condition imposed with respect to a foreign financial institution pursuant to subsection (a) or the imposition of a penalty under subsection (b) with respect to a domestic financial institution on and after the date that is 30 days after the Secretary—

(1) determines that such a waiver is necessary to the national interest of the United States; and

(2) submits to the appropriate congressional committees a report describing the reasons for the determination.

(e) PROCEDURES FOR JUDICIAL REVIEW OF CLASSIFIED INFORMATION.—

(1) IN GENERAL.—If a finding under subsection (a)(1), a prohibition, condition, or penalty imposed as a result of any such finding, or a penalty imposed under subsection (b), is based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.)) and a court reviews the finding or the imposition of the prohibition, condition, or penalty, the Secretary of the Treasury may submit such information to the court ex parte and in camera.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to confer or imply any right to judicial review of any finding under subsection (a)(1), any prohibition, condition, or penalty imposed as a result of any such finding, or any penalty imposed under subsection (b).

(f) CONSULTATIONS IN IMPLEMENTATION OF REGULATIONS.—In implementing this section and the regulations prescribed under this section, the Secretary of the Treasury—

(1) shall consult with the Secretary of State; and

(2) may, in the sole discretion of the Secretary of the Treasury, consult with such other agencies and departments and such other interested parties as the Secretary considers appropriate.

(g) AGENT DEFINED.—In this section, the term ''agent'' includes an entity established by a person for purposes of conducting transactions on behalf of the person in order to conceal the identity of the person.

PART V—GENERAL PROVISIONS

SEC. 1291. REPORT ON MILITARY CAPABILITIES OF GOVERNMENT OF SYRIA.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and every 120 days thereafter, the President shall report to the appropriate congressional committees on the military capabilities of the Government of Syria.

(b) CONTENTS.—Each report required under subsection (a) shall include the following:

(1) Information on the provision of weapons to the Government of Syria during the 120-day period preceding the submission of the report, including—

(A) the type and quantity of weapons being provided to that Government; and

(B) the entities providing those weapons to that Government.

(2) The types of weapons that are most commonly used by that Government against the people of Syria.

SEC. 1292. REPORTS ON IDENTIFICATION OF SYRIAN ASSETS.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of the Treasury shall submit to the appropriate congressional committees a report identifying assets of the Government of Syria held by financial institutions.

(b) CONTENTS.—The reports required by subsection (a) shall contain the following:

(1) The name of any financial institution holding assets of the Government of Syria.

(2) The country with primary jurisdiction over each such financial institution.

(3) Whether the assets described in paragraph (1) have been frozen.

SEC. 1293. TERMINATION OF SANCTIONS.

The provisions of this subtitle and any sanctions imposed pursuant to this subtitle shall terminate on the date on which the President submits to the appropriate congressional committees—

(1) a certification that the Government of Syria—

(A) is no longer using weapons of any kind against the people of Syria;

(B) is not providing support for international terrorist groups;

(C) is not developing or deploying medium- and long-range surface-to-surface ballistic missiles; and

(D) is not pursuing or engaging in the research, development, acquisition, production, transfer, or deployment of biological, chemical, or nuclear weapons and has provided credible assurances that it will not pursue or engage in such behavior; or

(2) a certification that—

(A) a successor government of Syria has been democratically elected and is representative of the people of Syria; or

(B) a legitimate transitional government of Syria is in place.

SA 2081. Mrs. BOXER (for herself, Mr. GRAHAM, Mrs. SHAHEEN, Mr. BLUNT, Mrs. MCCASKILL, Mrs. GILLIBRAND, Mr. BAUCUS, Mr. BLUMENTHAL, Mr. MCCAIN, Mr. TESTER, Mr. KAINE, Mr. COONS, Mr. WYDEN, Mr. PORTMAN, and Mr. CARDIN) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part III of subtitle E of title V, add the following:

SEC. 566. PRELIMINARY HEARINGS ON ALLEGED OFFENSES UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) PRELIMINARY HEARINGS.—

(1) IN GENERAL.—Section 832 of title 10, United States Code (article 32 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 832. Art. 32. Preliminary hearing

''(a)(1) No charge or specification may be referred to a general court-martial for trial until a judge advocate conducts a preliminary hearing.

''(2) In exceptional circumstances, an officer other than a judge advocate may conduct a preliminary hearing if it is determined that detailing a judge advocate to conduct the preliminary hearing is not supportable.

''(3) Wherever supportable, the judge advocate or officer conducting a preliminary hearing shall have a grade equal to or higher than the grade of any military counsel who, at the time the judge advocate or officer is detailed, has been assigned to represent a party at the preliminary hearing.

''(4) The preliminary hearing shall be limited to the purpose of determining whether there is probable cause to believe an offense has been committed and whether the accused committed it.

''(5) After conducting the preliminary hearing, the judge advocate or officer conducting the preliminary hearing shall prepare a report that includes the following:

''(A) A determination as to court-martial jurisdiction over the offense and the accused.

''(B) A determination as to probable cause.

''(C) A consideration of the form of charges.

''(D) A recommendation as to the disposition which should be made of the case.

''(b)(1) The accused shall be advised of the charges against the accused and of the accused's right to be represented by counsel at the preliminary hearing. The accused has the right to be represented at the preliminary hearing as provided in section 838 of this title (article 38) and in regulations prescribed under that section.

''(2) At the preliminary hearing, the accused may cross-examine adverse witnesses if they are available. The accused may offer evidence and call witnesses relevant to the probable cause determination.

''(3) A victim may not be required to testify at the preliminary hearing. A victim who declines to testify shall be deemed to be not available for purposes of the preliminary hearing.

''(4) The presentation of evidence and examination of witnesses at a preliminary hearing shall be limited to the question of probable cause.

''(c) A preliminary hearing under this section shall be recorded by a suitable recording device, and a copy of the recording shall be provided to any party upon request. The victim shall have access to the recording, upon request, in accordance with regulations prescribed by the Secretary concerned for purposes of this section.

''(d) The requirements of this section are binding on all persons administering this chapter but failure to follow them does not constitute jurisdictional error.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter VI of chapter 47 of such title (the Uniform Code of Military Justice) is amended by striking the item relating to section 832 (article 32) and inserting the following new item:

''832. Art. 32. Preliminary hearing.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 834(a)(2) of such title (article 34(a)(2) of the Uniform Code of Military Justice) is amended by striking ''the report of investigation'' and inserting ''the report of the preliminary hearing''.

(2) Section 838(b)(1) of such title (article 38(b)(1) of the Uniform Code of Military Justice) is amended by striking ''an investigation'' and inserting ''a preliminary hearing''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is one year after the date of the enactment of this Act, and shall apply with respect to offenses under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that occur on or after such effective date.

SA 2082. Mrs. BOXER submitted an amendment intended to be proposed by

her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1082. PROHIBITIONS RELATING TO REFERENCES TO GI BILL AND POST-9/11 GI BILL.

(a) IN GENERAL.—Subchapter II of chapter 36 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 3697B. Prohibition relating to references to GI Bill and Post-9/11 GI Bill

''(a) PROHIBITION.—(1) No person may, except with the written permission of the Secretary, use the words and phrases covered by this subsection in connection with any promotion, goods, services, or commercial activity in a manner that reasonably and falsely suggests that such use is approved, endorsed, or authorized by the Department or any component thereof.

''(2) For purposes of this subsection, the words and phrases covered by this subsection are as follows:

''(A) 'GI Bill'.

''(B) 'Post-9/11 GI Bill'.

''(3) A determination that a use of one or more words and phrases covered by this subsection in connection with a promotion, goods, services, or commercial activity is not a violation of this subsection may not be made solely on the ground that such promotion, goods, services, or commercial activity includes a disclaimer of affiliation with the Department or any component thereof.

''(b) ENFORCEMENT BY ATTORNEY GENERAL.—(1) When any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice.

''(2) Such court may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by inserting after the item relating to section 3697A the following new item:

''3697B. Prohibition relating to references to GI Bill and Post-9/11 GI Bill.''.

SA 2083. Mrs. BOXER (for herself and Mr. BURR) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1082. SAFE CHILD CARE ACT.

(a) SHORT TITLE.—This section may be cited as the ''Safe Child Care Act of 2013''.

(b) BACKGROUND CHECKS.—Section 231 of the Crime Control Act of 1990 (42 U.S.C. 13041) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''subsection (b)(3)'' and inserting ''paragraph (3)''; and

(B) by redesignating paragraph (2) as paragraph (4);

(2) by moving paragraphs (2) and (3) of subsection (b) to subsection (a), and inserting them after paragraph (1) of that subsection;

(3) in subsection (a)(3), as redesignated by paragraph (2) of this subsection, by striking ''subsection (a)(1)'' and inserting ''paragraph (1)'';

(4) in subsection (b), by striking paragraph (1) and inserting the following:

''(1) A background check required by subsection (a) shall be initiated through the personnel programs of the applicable Federal agencies.

''(2) A background check for a child care staff member under subsection (a) shall include—

''(A) a search, including a fingerprint check, of the State criminal registry or repository in—

''(i) the State where the child care staff member resides; and

''(ii) each State where the child care staff member previously resided during the longer of—

''(I) the 10-year period ending on the date on which the background check is initiated; or

''(II) the period beginning on the date on which the child care staff member attained 18 years of age and ending on the date on which the background check is initiated;

''(B) a search of State-based child abuse and neglect registries and databases in—

''(i) the State where the child care staff member resides; and

''(ii) each State where the child care staff member previously resided during the longer of—

''(I) the 10-year period ending on the date on which the background check is initiated; or

''(II) the period beginning on the date on which the child care staff member attained 18 years of age and ending on the date on which the background check is initiated;

''(C) a search of the National Crime Information Center database;

''(D) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System;

''(E) a search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); and

''(F) a search of the State sex offender registry established under that Act in—

''(i) the State where the child care staff member resides; and

''(ii) each State where the child care staff member previously resided during the longer of—

''(I) the 10-year period ending on the date on which the background check is initiated; or

''(II) the period beginning on the date on which the child care staff member attained 18 years of age and ending on the date on which the background check is initiated.

''(3) A child care staff member shall be ineligible for employment by a child care provider if such individual—

''(A) refuses to consent to the background check described in subsection (a);

''(B) makes a false statement in connection with such background check;

''(C) is registered, or is required to be registered, on a State sex offender registry or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006; or

''(D) has been convicted of a felony consisting of—

''(i) murder, as described in section 1111 of title 18, United States Code;

''(ii) child abuse or neglect;

''(iii) a crime against children, including child pornography;

''(iv) spousal abuse;

''(v) a crime involving rape or sexual assault;

''(vi) kidnapping;

''(vii) arson;

''(viii) physical assault or battery; or

''(ix) subject to paragraph (5)(D), a drug-related offense committed during the preceding 5 years.

''(4)(A) A child care provider covered by paragraph (3) shall submit a request, to the appropriate State agency designated by a State, for a background check described in subsection (a), for each child care staff member (including prospective child care staff members) of the provider.

''(B) In the case of an individual who is hired as a child care staff member before the date of enactment of the Safe Child Care Act of 2013, the provider shall submit such a request—

''(i) prior to the last day of the second full fiscal year after that date of enactment; and

''(ii) not less often than once during each 5-year period following the first submission date under this subparagraph for that staff member.

''(C) In the case of an individual who is a prospective child care staff member on or after that date of enactment, the provider shall submit such a request—

''(i) prior to the date the individual becomes a child care staff member of the provider; and

''(ii) not less often than once during each 5-year period following the first submission date under this subparagraph for that staff member.

''(5)(A) The State shall—

''(i) carry out the request of a child care provider for a background check described in subsection (a) as expeditiously as possible; and

''(ii) in accordance with subparagraph (B) of this paragraph, provide the results of the background check to—

''(I) the child care provider; and

''(II) the current or prospective child care staff member for whom the background check is conducted.

''(B)(i) The State shall provide the results of a background check to a child care provider as required under subparagraph (A)(ii)(I) in a statement that—

''(I) indicates whether the current or prospective child care staff member for whom the background check is conducted is eligible or ineligible for employment by a child care provider; and

''(II) does not reveal any disqualifying crime or other related information regarding the current or prospective child care staff member.

''(ii) If a current or prospective child care staff member is ineligible for employment by a child care provider due to a background check described in subsection (a), the State shall provide the results of the background check to the current or prospective child care staff member as required under subparagraph (A)(ii)(II) in a criminal background report that includes information relating to each disqualifying crime.

''(iii) A State—

''(I) may not publicly release or share the results of an individual background check described in subsection (a); and

''(II) may include the results of background checks described in subsection (a) in

the development or dissemination of local or statewide data relating to background checks if the results are not individually identifiable.

''(C)(i) The State shall provide for a process by which a child care staff member (including a prospective child care staff member) may appeal the results of a background check required under subsection (a) to challenge the accuracy or completeness of the information contained in the criminal background report of the staff member.

''(ii) The State shall ensure that—

''(I) the appeals process is completed in a timely manner for each child care staff member;

''(II) each child care staff member is given notice of the opportunity to appeal; and

''(III) each child care staff member who wishes to challenge the accuracy or completeness of the information in the criminal background report of the child care staff member is given instructions about how to complete the appeals process.

''(D)(i) The State may allow for a review process through which the State may determine that a child care staff member (including a prospective child care staff member) disqualified for a crime specified in paragraph (3)(D)(ix) is eligible for employment by a child care provider, notwithstanding paragraph (3).

''(ii) The review process under this subparagraph shall be consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.).

''(E) Nothing in this section shall be construed to create a private right of action against a child care provider if the child care provider is in compliance with this section.

''(F) This section shall apply to each State that receives funding under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.).

''(6) Fees that the State may charge for the costs of conducting a background check as required by subsection (a) shall not exceed the actual costs to the State for the administration of such background checks.

''(7) Nothing in this subsection shall be construed to prevent a Federal agency from disqualifying an individual as a child care staff member based on a conviction of the individual for a crime not specifically listed in this subsection that bears upon the fitness of an individual to provide care for and have responsibility for the safety and well-being of children.

''(8) In this subsection—

''(A) the term 'child care provider' means an agency of the Federal Government, or a unit of or contractor with the Federal Government that is operating a facility, described in subsection (a); and

''(B) the term 'child care staff member' means an individual who is hired, or seeks to be hired, by a child care provider to be involved with the provision of child care services, as described in subsection (a).''; and

(5) by striking subsection (c) and inserting the following:

''(c) SUSPENSION PENDING DISPOSITION OF CRIMINAL CASE.—In the case of an incident in which an individual has been charged with an offense described in subsection (b)(3)(D) and the charge has not yet been disposed of, an employer may suspend an employee from having any contact with children while on the job until the case is resolved.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1 of the second full fiscal year after the date of enactment of this Act.

SA 2084. Mr. KAINE (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1082. PETERSBURG NATIONAL BATTLEFIELD BOUNDARY MODIFICATION.

(a) IN GENERAL.—The boundary of the Petersburg National Battlefield is modified to include the land and interests in land as generally depicted on the map titled ''Petersburg National Battlefield Boundary Expansion'', numbered 325/80,080, and dated June 2007. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) ACQUISITION OF PROPERTIES.—The Secretary of the Interior (referred to in this section as the ''Secretary'') is authorized to acquire the land and interests in land, described in subsection (a), from willing sellers only, by donation, purchase with donated or appropriated funds, exchange, or transfer.

(c) ADMINISTRATION.—The Secretary shall administer any land or interests in land acquired under subsection (b) as part of the Petersburg National Battlefield in accordance with applicable laws and regulations.

(d) ADMINISTRATIVE JURISDICTION TRANSFER.—

(1) IN GENERAL.—There is transferred—

(A) from the Secretary to the Secretary of the Army administrative jurisdiction over the approximately 1.170-acre parcel of land depicted as ''Area to be transferred to Fort Lee Military Reservation'' on the map described in paragraph (2); and

(B) from the Secretary of the Army to the Secretary administrative jurisdiction over the approximately 1.171-acre parcel of land depicted as ''Area to be transferred to Petersburg National Battlefield'' on the map described in paragraph (2).

(2) MAP.—The land transferred is depicted on the map titled ''Petersburg National Battlefield Proposed Transfer of Administrative Jurisdiction'', numbered 325/80,801A, dated May 2011. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(3) CONDITIONS OF TRANSFER.—The transfer of administrative jurisdiction under paragraph (1) is subject to the following conditions:

(A) NO REIMBURSEMENT OR CONSIDERATION.—The transfer is without reimbursement or consideration.

(B) MANAGEMENT.—The land conveyed to the Secretary under paragraph (1) shall be included within the boundary of the Petersburg National Battlefield and shall be administered as part of that park in accordance with applicable laws and regulations.

SA 2085. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1082. DEFINITION OF SPOUSE FOR PURPOSES OF VETERAN BENEFITS TO REFLECT NEW STATE DEFINITIONS OF SPOUSE.

Section 101 of title 38, United States Code, is amended—

(1) in paragraph (3), by striking ''of the opposite sex''; and

(2) by striking paragraph (31) and inserting the following new paragraph:

''(31) Notwithstanding section 7 of title 1, an individual shall be considered a 'spouse' if the marriage of the individual is valid in the State in which the marriage was entered into or, in the case of a marriage entered into outside any State, if the marriage is valid in the place in which the marriage was entered into and the marriage could have been entered into in a State. In this paragraph, the term 'State' has the meaning given that term in paragraph (20), except that the term also includes the Commonwealth of the Northern Mariana Islands.''.

SA 2086. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

SEC. 2833. LAND CONVEYANCE, PAUL A. DOBLE ARMY RESERVE CENTER, PORTSMOUTH, NEW HAMPSHIRE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the City of Portsmouth, New Hampshire (in this section referred to as the ''City''), all right, title, and interest of the United States in and to the real property, including any improvements thereon, consisting of the Paul A. Doble Army Reserve Center for the purpose of permitting the City to use the property for public purposes.

(b) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of the Army shall require the City to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Army.

(d) ADDITIONAL TERMS.—The Secretary of the Army may require such additional terms

and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

SA 2087. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 344. ELIMINATION OF FUNDING FOR TECHNICAL SUPPORT FOR 2015 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

(a) LIMITATION.—No funds authorized to appropriated for fiscal year 2014 by section 301 for operation and maintenance, Defense-wide, may be obligated or expended for technical support to develop recommendations and manage a 2015 round of defense base closure and realignment.

(b) FUNDING REDUCTION.—The amount authorized to be appropriated by section 301 is hereby reduced by $8,000,000, with the amount of the reduction to be allocated to operation and maintenance, Defense-wide, and available for the Office of the Secretary of Defense as specified in the funding table in section 4301.

SA 2088. Mr. BURR (for himself, Mr. RUBIO, and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1035. STRATEGY TO DISRUPT AND DEGRADE HAQQANI NETWORK ACTIVITIES, FINANCES, AND RESOURCES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Haqqani Network is the primary partner for the Taliban, al Qaeda, regional militants, and other global Islamic jihadists committing acts of violence, as well as political and economic oppression in Afghanistan and Pakistan.

(2) The Haqqani Network continues to be a strategic threat to the safety, security, and stability of both Afghanistan and Pakistan, as well as the broader region.

(3) The Haqqani Network is directly responsible for a significant number of United States casualties and injuries on the battlefield in Afghanistan.

(4) The Haqqani Network continues to actively plan potentially catastrophic attacks against United States interests and personnel in Afghanistan.

(5) Congress has repeatedly urged the Administration to implement a comprehensive approach to disrupt and degrade the Haqqani Network's operations and finances.

(6) On September 19, 2012, the Secretary of State formally designated the Haqqani Network a Foreign Terrorist Organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(7) The Haqqani Network has not been pressured by a sustained and systemic campaign against its financial infrastructure.

(8) Without the implementation of a more robust strategy to disrupt and degrade the operations and finances of the Haqqani Network, the continued planned drawdown of United States and coalition forces will provide the Haqqani Network with additional opportunities to plot and execute attacks against the United States and western interests.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Administration should more urgently prioritize and execute its full authority to disrupt and degrade the Haqqani Network and to deny the organization finances and resources it requires to carry out their activities.

(c) STRATEGY TO DISRUPT AND DEGRADE HAQQANI NETWORK ACTIVITIES, FINANCES, AND RESOURCES.—

(1) STRATEGY REQUIRED.—The President shall establish a comprehensive strategy to disrupt and degrade Haqqani Network activities, finances, and resources.

(2) COORDINATION.—The strategy required by paragraph (1) shall be prepared by the Secretary of Defense in coordination with the Secretary of State, the Secretary of the Treasury, the Attorney General, and the Director of National Intelligence, and any other department or agency of the United States Government involved in activities related to disrupting and degrading the Haqqani Network.

(3) ELEMENTS.—The strategy required by paragraph (1) shall—

(A) build upon the current activities of the Department of Defense, the Department of State, the Department of the Treasury, the Department of Justice, and the elements of the intelligence community to disrupt and degrade Haqqani Network activities, finances, and resources;

(B) provide assessments by the appropriate element of the intelligence community assessment—

(i) of the operations and aspirations of the Haqqani Network in Afghanistan and Pakistan, and its activities outside the region; and

(ii) of the relationships, networks, and vulnerabilities of the Haqqani Network, including with Pakistan's military, intelligence services, and government officials, including provincial and district officials;

(C) review the plans and intentions of the Haqqani Network for the upcoming Afghan Presidential elections and the continued drawdown of United States and coalition troops;

(D) review the current United States policies, operations, and funding to identify impediments to applying sustained and systemic pressure against the Haqqani Network's financial infrastructure;

(E) examine the role current United States and coalition contracting processes have in furthering the financial interests of the Haqqani Network, and how such strategy will mitigate the unintended consequences of such processes;

(F) provide an assessment of individuals in Afghanistan and neighboring countries who facilitate the manufacturing, procurement, and transport of materials and components used to build and detonate improvised explosive devices and how the strategy will disrupt these efforts;

(G) include an assessment of formal and informal business sectors penetrated by the Haqqani Network in Afghanistan, Pakistan, and other countries, particularly in the Persian Gulf region, and how the strategy will counter these activities;

(H) include an assessment of other United States interests in targeting financial institutions and business entities that knowingly facilitate, or participate in assisting, including by acting on behalf of, at the direction of, or as an intermediary for, or otherwise assisting formal and informal Haqqani Network financial activities;

(I) include an estimate of associated costs required to plan and execute the proposed activities to disrupt and degrade the Haqqani Network's operations and resources; and

(J) include a discussion of the metrics to measure the strategy's and activities' success to disrupt and degrade Haqqani Network activities, finances, and resources.

(4) INTEGRATION AND COORDINATION.—The strategy required by paragraph (1) shall include an assessment of gaps in current efforts to disrupt and degrade the Haqqani Network's operations, an articulation of agencies' financial disruption priorities, the establishment of appropriate metrics for determining and measuring success, and steps to ensure that the strategy fits in broader United States efforts to stabilize Afghanistan and prevent the region from being a safe haven for al Qaeda and its affiliates.

(5) STRATEGY AND IMPLEMENTATION PLAN.—The Secretary of Defense shall submit to the appropriate committees of Congress—

(A) not later than March 31, 2014, the strategy required by paragraph (1); and

(B) not later than 180 days after the submission of such strategy, a plan for the implementation of such strategy.

(6) FORM.—The strategy required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

SA 2089. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title V, add the following:

SEC. 502. EXPANSION OF CATEGORIES OF REGULAR OFFICERS ON THE ACTIVE-DUTY LIST WHO MAY BE CONSIDERED FOR SELECTIVE EARLY RETIREMENT.

(a) LIEUTENANT COLONELS AND COMMANDERS.—Subparagraph (A) of section 638a(b)(2) of title 10, United States Code, is amended by striking ''would be subject to'' and all the follows through ''two or more times)'' and inserting ''have failed of selection for promotion at least one time and whose names are not on a list of officers recommended for promotion''.

(b) COLONELS AND NAVY CAPTAINS.—Subparagraph (B) of such section is amended by striking ''would be subject to'' and all that follows through ''not less than two years)''

and inserting ''have served on active duty in that grade for at least two years and whose names are not on a list of officers recommended for promotion''.

SA 2090. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IV, add the following:

SEC. 402. INCREASE IN ANNUAL LIMITATION ON END STRENGTH REDUCTIONS FOR REGULAR COMPONENTS OF THE ARMY AND MARINE CORPS.

(a) ANNUAL REDUCTIONS OF ARMY END STRENGTHS.—Subsection (a) of section 403 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1708) is amended by striking ''15,000 members'' and inserting ''25,000 members''.

(b) ANNUAL REDUCTIONS OF MARINE CORPS END STRENGTHS.—Subsection (b) of such section is amended by striking ''5,000 members'' and inserting ''7,500 members''.

SA 2091. Mr. REED (for himself and Mr. JOHANNS) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1082. PILOT PROGRAM TO REHABILITATE AND MODIFY HOMES OF DISABLED AND LOW-INCOME VETERANS.

(a) DEFINITIONS.—In this section:

(1) DISABLED.—The term ''disabled'' means an individual with a disability, as defined by section 12102 of title 42, United States Code.

(2) ELIGIBLE VETERAN.—The term ''eligible veteran'' means a disabled or low-income veteran.

(3) ENERGY EFFICIENT FEATURES OR EQUIPMENT.—The term ''energy efficient features or equipment'' means features of, or equipment in, a primary residence that help reduce the amount of electricity used to heat, cool, or ventilate such residence, including insulation, weatherstripping, air sealing, heating system repairs, duct sealing, or other measures.

(4) LOW-INCOME VETERAN.—The term ''low-income veteran'' means a veteran whose income does not exceed 80 percent of the median income for an area, as determined by the Secretary.

(5) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means an organization that is—

(A) described in section 501(c)(3) or 501(c)(19) of the Internal Revenue Code of 1986; and

(B) exempt from tax under section 501(a) of such Code.

(6) PRIMARY RESIDENCE.—

(A) IN GENERAL.—The term ''primary residence'' means a single family house, a duplex, or a unit within a multiple-dwelling structure that is the principal dwelling of an eligible veteran and is owned by such veteran or a family member of such veteran.

(B) FAMILY MEMBER DEFINED.—For purposes of this paragraph, the term ''family member'' includes—

(i) a spouse, child, grandchild, parent, or sibling;

(ii) a spouse of such a child, grandchild, parent, or sibling; or

(iii) any individual related by blood or affinity whose close association with a veteran is the equivalent of a family relationship.

(7) QUALIFIED ORGANIZATION.—The term ''qualified organization'' means a nonprofit organization that provides nationwide or statewide programs that primarily serve veterans or low-income individuals.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(9) VETERAN.—The term ''veteran'' has the meaning given the term in section 101 of title 38, United States Code.

(10) VETERANS SERVICE ORGANIZATION.—The term ''veterans service organization'' means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

(b) ESTABLISHMENT OF A PILOT PROGRAM.—

(1) GRANT.—

(A) IN GENERAL.—The Secretary shall establish a pilot program to award grants to qualified organizations to rehabilitate and modify the primary residence of eligible veterans.

(B) COORDINATION.—The Secretary shall work in conjunction with the Secretary of Veterans Affairs to establish and oversee the pilot program and to ensure that such program meets the needs of eligible veterans.

(C) MAXIMUM GRANT.—A grant award under the pilot program to any one qualified organization shall not exceed $1,000,000 in any one fiscal year, and such an award shall remain available until expended by such organization.

(2) APPLICATION.—

(A) IN GENERAL.—Each qualified organization that desires a grant under the pilot program shall submit an application to the Secretary at such time, in such manner, and, in addition to the information required under subparagraph (B), accompanied by such information as the Secretary may reasonably require.

(B) CONTENTS.—Each application submitted under subparagraph (A) shall include—

(i) a plan of action detailing outreach initiatives;

(ii) the approximate number of veterans the qualified organization intends to serve using grant funds;

(iii) a description of the type of work that will be conducted, such as interior home modifications, energy efficiency improvements, and other similar categories of work; and

(iv) a plan for working with the Department of Veterans Affairs and veterans service organizations to identify veterans who are not eligible for programs under chapter 21 of title 38, United States Code, and meet their needs.

(C) PREFERENCES.—In awarding grants under the pilot program, the Secretary shall give preference to a qualified organization—

(i) with experience in providing housing rehabilitation and modification services for disabled veterans; or

(ii) that proposes to provide housing rehabilitation and modification services for eligible veterans who live in rural areas (the Secretary, through regulations, shall define the term ''rural areas'').

(3) CRITERIA.—In order to receive a grant award under the pilot program, a qualified organization shall meet the following criteria:

(A) Demonstrate expertise in providing housing rehabilitation and modification services for disabled or low-income individuals for the purpose of making the homes of such individuals accessible, functional, and safe for such individuals.

(B) Have established outreach initiatives that—

(i) would engage eligible veterans and veterans service organizations in projects utilizing grant funds under the pilot program;

(ii) ensure veterans who are disabled receive preference in selection for assistance under this program; and

(iii) identify eligible veterans and their families and enlist veterans involved in skilled trades, such as carpentry, roofing, plumbing, or HVAC work.

(C) Have an established nationwide or statewide network of affiliates that are—

(i) nonprofit organizations; and

(ii) able to provide housing rehabilitation and modification services for eligible veterans.

(D) Have experience in successfully carrying out the accountability and reporting requirements involved in the proper administration of grant funds, including funds provided by private entities or Federal, State, or local government entities.

(4) USE OF FUNDS.—A grant award under the pilot program shall be used—

(A) to modify and rehabilitate the primary residence of an eligible veteran, and may include—

(i) installing wheelchair ramps, widening exterior and interior doors, reconfigurating and re-equipping bathrooms (which includes installing new fixtures and grab bars), removing doorway thresholds, installing special lighting, adding additional electrical outlets and electrical service, and installing appropriate floor coverings to—

(I) accommodate the functional limitations that result from having a disability; or

(II) if such residence does not have modifications necessary to reduce the chances that an elderly, but not disabled person, will fall in their home, reduce the risks of such an elderly person from falling;

(ii) rehabilitating such residence that is in a state of interior or exterior disrepair; and

(iii) installing energy efficient features or equipment if—

(I) an eligible veteran's monthly utility costs for such residence is more than 5 percent of such veteran's monthly income; and

(II) an energy audit of such residence indicates that the installation of energy efficient features or equipment will reduce such costs by 10 percent or more;

(B) in connection with modification and rehabilitation services provided under the pilot program, to provide technical, administrative, and training support to an affiliate of a qualified organization receiving a grant under such pilot program; and

(C) for other purposes as the Secretary may prescribe through regulations.

(5) OVERSIGHT.—The Secretary shall direct the oversight of the grant funds for the pilot program so that such funds are used efficiently until expended to fulfill the purpose of addressing the adaptive housing needs of eligible veterans.

(6) MATCHING FUNDS.—

(A) IN GENERAL.—A qualified organization receiving a grant under the pilot program shall contribute towards the housing modification and rehabilitation services provided to eligible veterans an amount equal to not less than 50 percent of the grant award received by such organization.

(B) IN-KIND CONTRIBUTIONS.—In order to meet the requirement under subparagraph

(A), such organization may arrange for in-kind contributions.

(7) LIMITATION COST TO THE VETERANS.—A qualified organization receiving a grant under the pilot program shall modify or rehabilitate the primary residence of an eligible veteran at no cost to such veteran (including application fees) or at a cost such that such veteran pays no more than 30 percent of his or her income in housing costs during any month.

(8) REPORTS.—

(A) ANNUAL REPORT.—The Secretary shall submit to Congress, on an annual basis, a report that provides, with respect to the year for which such report is written—

(i) the number of eligible veterans provided assistance under the pilot program;

(ii) the socioeconomic characteristics of such veterans, including their gender, age, race, and ethnicity;

(iii) the total number, types, and locations of entities contracted under such program to administer the grant funding;

(iv) the amount of matching funds and in-kind contributions raised with each grant;

(v) a description of the housing rehabilitation and modification services provided, costs saved, and actions taken under such program;

(vi) a description of the outreach initiatives implemented by the Secretary to educate the general public and eligible entities about such program;

(vii) a description of the outreach initiatives instituted by grant recipients to engage eligible veterans and veteran service organizations in projects utilizing grant funds under such program;

(viii) a description of the outreach initiatives instituted by grant recipients to identify eligible veterans and their families; and

(ix) any other information that the Secretary considers relevant in assessing such program.

(B) FINAL REPORT.—Not later than 6 months after the completion of the pilot program, the Secretary shall submit to Congress a report that provides such information that the Secretary considers relevant in assessing the pilot program.

(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for carrying out this section $4,000,000 for each of fiscal years 2015 through 2019.

SA 2092. Mr. SCHATZ (for himself and Mr. DONNELLY) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 722. COMPTROLLER GENERAL REPORT ON MENTAL HEALTH STIGMA REDUCTION EFFORTS IN THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—The Comptroller General of the United States shall carry out a review of the policies, procedures, and programs of the Department of Defense to reduce the stigma associated with mental health treatment for members of the Armed Forces and deployed civilian employees of the Department of Defense.

(b) ELEMENTS.—The review required by subsection (a) shall address, at a minimum, the following:

(1) An assessment of the availability and access to mental health treatment services for members of the Armed Forces and deployed civilian employees of the Department of Defense.

(2) An assessment of the perception of the impact of the stigma of mental health treatment on the career advancement and retention of Armed Forces members and such deployed civilian employees.

(3) An assessment of the policies, procedures, and programs, including training and education, of each of the Armed Forces to reduce the stigma of mental health treatment for Armed Forces members and such deployed civilians employees at each unit level of the organized forces.

(c) REPORT.—Not later than March 1, 2015, the Comptroller General shall submit to the congressional defense committees a report on the review required by subsection (a).

SA 2093. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 135. SENSE OF SENATE ON PROCUREMENT OF THE LONG RANGE STRIKE BOMBER AIRCRAFT.

It is the sense of the Senate that—

(1) advancements in air-to-air and surface-to-air weapons systems by foreign powers will require increasingly sophisticated long range strike capabilities;

(2) upgrading the existing United States bomber aircraft fleet of B–1B, B–2, and B–52 bomber aircraft must remain a high budget priority in order to maintain their combat effectiveness; and

(3) the Air Force should continue to prioritize development and acquisition of the Long Range Strike Bomber program.

SA 2094. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2832.

SA 2095. Mr. KAINE submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1003. SENSE OF THE SENATE REGARDING REPORTING ON THE LONG-TERM BUDGETARY EFFECTS OF SEQUESTRATION.

(a) FINDINGS.—Congress finds that—

(1) the reductions in discretionary appropriations and direct spending accounts under section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a) (in this section referred to as ''sequestration'') were never intended to take effect;

(2) the readiness of the Nation's military is weakened by sequestration;

(3) sequestration has budgetary and cost impacts beyond the programmatic level; and

(4) there is limited information about these indirect costs to the Federal Government.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Government Accountability Office and the Office of Management and Budget should establish a task force to report on the long-term budgetary costs and effects of sequestration, including on procurement activities and contracts with the Federal Government.

SA 2096. Mr. MARKEY (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 126. UPDATE OF COST ESTIMATES FOR SSBN(X) SUBMARINE PROGRAM ALTERNATIVES.

(a) REPORT ON UPDATE REQUIRED.—

(1) IN GENERAL.—Not later than March 31, 2014, the Secretary of the Navy shall submit to the congressional defense committees a report setting forth an update of the cost estimates prepared under subsection (a)(1) section 242 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1343) for each option considered under subsection (b) of that section for purposes of the report under that section on the Ohio-class replacement ballistic missile submarine.

(2) FORM.—Each updated cost estimate in the report under paragraph (1) shall be submitted in an unclassified form that may be made available to the public.

(b) COMPTROLLER GENERAL REPORT.—Not later than 90 days after the date of the submittal under subsection (a) of the report required by that subsection, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment by the Comptroller General of the accuracy of the updated cost estimates in the report under subsection (a).

SA 2097. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1237. MONITORING AND COMBATTING OF TRAFFICKING IN PERSONS.

(a) REDESIGNATION OF OFFICE.—

(1) IN GENERAL.—Section 105(e) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(e)) is amended—

(A) in the subsection heading, by striking ''OFFICE TO MONITOR AND COMBAT TRAFFICKING'' and inserting ''BUREAU TO MONITOR AND COMBAT TRAFFICKING IN PERSONS'';

(B) in paragraph (1)—

(i) in the first sentence, by striking ''Office to Monitor and Combat Trafficking'' and inserting ''Bureau to Monitor and Combat Trafficking in Persons'';

(ii) in the second sentence, by striking ''Office'' and inserting ''Bureau''; and

(iii) in the sixth sentence, by striking ''Office'' and inserting ''Bureau''; and

(C) in paragraph (2)(A), by striking ''Office to Monitor and Combat Trafficking'' and inserting ''Bureau to Monitor and Combat Trafficking in Persons''.

(2) CONFORMING AMENDMENTS.—(A) Section 112A(b)(3) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7109a(b)(3)) is amended by striking ''Office to Monitor and Combat Trafficking'' and inserting ''Bureau to Monitor and Combat Trafficking in Persons''.

(B) Section 113(a) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7110(a)) is amended by striking ''Office to Monitor and Combat Trafficking'' and inserting ''Bureau to Monitor and Combat Trafficking in Persons''.

(C) Section 105 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7112) is amended—

(i) by striking ''Office to Monitor and Combat Trafficking'' both places it appears and inserting ''Bureau to Monitor and Combat Trafficking in Persons''; and

(ii) in subsection (a)(2), by striking ''focus of the Office'' and inserting ''focus of the Bureau''.

(D) Section 708(a) of the Foreign Service Act of 1980 (22 U.S.C. 4028(a)) is amended by striking ''Office to Monitor and Combat Trafficking'' and inserting ''Bureau to Monitor and Combat Trafficking in Persons''.

(b) ASSISTANT SECRETARY OF THE BUREAU TO MONITOR AND COMBAT TRAFFICKING IN PERSONS.—

(1) IN GENERAL.—Section 105(e) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(e)), as amended by subsection (a)(1), is further amended—

(A) in paragraph (1)—

(i) by striking ''Director'' each place it appears and inserting ''Assistant Secretary''; and

(ii) by striking '', with the rank of Ambassador-at-Large''; and

(B) in paragraph (2), by striking ''Director'' both places it appears and inserting ''Assistant Secretary''.

(2) CONFORMING AMENDMENTS.—(A) Section 112A(b)(3) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7109a(b)(3)), as amended by subsection (a)(2)(A), is further amended by striking ''Director'' and inserting ''Assistant Secretary''.

(B) Section 105(a)(2) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7112(a)(2)), as amended by subsection (a)(2)(C), is further amended by striking ''Director'' and inserting ''Assistant Secretary''.

(C) Section 708(a) of the Foreign Service Act of 1980 (22 U.S.C. 4028(a)), as amended by subsection (a)(2)(D), is further amended by striking ''Director'' and inserting ''Assistant Secretary''.

(3) INCREASE IN AUTHORIZED ASSISTANT SECRETARY POSITIONS.—(A) Section 1(c)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)(1)) is amended by striking ''not more than 24 Assistant Secretaries'' and inserting ''not more than 25 Assistant Secretaries''.

(B) Section 5315 of title 5, United States Code, is amended by striking ''Assistant Secretaries of State (24)'' and inserting ''Assistant Secretaries of State (25)''.

(c) REFERENCES.—

(1) OFFICE TO MONITOR AND COMBAT TRAFFICKING.—Any reference to the Office to Monitor and Combat Trafficking in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Bureau to Monitor and Combat Trafficking in Persons.

(2) ASSISTANT SECRETARY OF THE BUREAU TO MONITOR AND COMBAT TRAFFICKING IN PERSONS.—Any reference to the Director of the Office to Monitor and Combat Trafficking in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Assistant Secretary of the Bureau to Monitor and Combat Trafficking in Persons.

SA 2098. Mr. FLAKE (for himself, Mr. MCCAIN, and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1082. REFUND OF FUNDS USED BY STATES TO OPERATE NATIONAL PARKS DURING SHUTDOWN.

(a) IN GENERAL.—The Director of the National Park Service shall refund to each State all funds of the State that were used to reopen and temporarily operate a unit of the National Park System during the period in October 2013 in which there was a lapse in appropriations for the unit.

(b) FUNDING.—Funds of the National Park Service that are not obligated as of the date of enactment of this Act shall be used to carry out this section.

SA 2099. Mrs. GILLIBRAND (for herself, Mrs. BOXER, Ms. COLLINS, Mr. GRASSLEY, Mr. BLUMENTHAL, Mr. PAUL, Mrs. SHAHEEN, Mr. KIRK, Mr. SCHUMER, Mr. JOHANNS, Ms. HIRONO, Mr. BEGICH, Mr. COONS, Mr. MARKEY, Mr. JOHNSON of South Dakota, Ms. BALDWIN, Ms. WARREN, Mr. UDALL of New Mexico, Mr. SCHATZ, Mr. HEINRICH, Mr. CARDIN, Mr. CRUZ, Mr. WYDEN, Mr. DONNELLY, Ms. MURKOWSKI, Mr. CASEY, Mr. BOOKER, and Mr. FRANKEN) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 552 and insert the following:

SEC. 552. MODIFICATION OF AUTHORITY TO DETERMINE TO PROCEED TO TRIAL BY COURT-MARTIAL ON CHARGES ON CERTAIN OFFENSES WITH AUTHORIZED MAXIMUM SENTENCE OF CONFINEMENT OF MORE THAN ONE YEAR.

(a) MODIFICATION OF AUTHORITY.—

(1) IN GENERAL.—

(A) MILITARY DEPARTMENTS.—With respect to charges under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that allege an offense specified in paragraph (2) and not excluded under paragraph (3), the Secretary of Defense shall require the Secretaries of the military departments to provide for the determination under section 830(b) of such chapter (article 30(b) of the Uniform Code of Military Justice) on whether to try such charges by court-martial as provided in paragraph (4).

(B) HOMELAND SECURITY.—With respect to charges under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that allege an offense specified in paragraph (2) and not excluded under paragraph (3) against a member of the Coast Guard (when it is not operating as a service in the Navy), the Secretary of Homeland Security shall provide for the determination under section 830(b) of such chapter (article 30(b) of the Uniform Code of Military Justice) on whether to try such charges by court-martial as provided in paragraph (4).

(2) COVERED OFFENSES.—An offense specified in this paragraph is an offense as follows:

(A) An offense under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that is triable by court-martial under that chapter for which the maximum punishment authorized under that chapter includes confinement for more than one year.

(B) A conspiracy to commit an offense specified in subparagraph (A) as punishable under section 881 of title 10, United States Code (article 81 of the Uniform Code of Military Justice).

(C) A solicitation to commit an offense specified in subparagraph (A) as punishable under section 882 of title 10, United States Code (article 82 of the Uniform Code of Military Justice).

(D) An attempt to commit an offense specified in subparagraph (A) through (C) as punishable under section 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

(3) EXCLUDED OFFENSES.—Paragraph (1) does not apply to an offense as follows:

(A) An offense under sections 883 through 917 of title 10, United States Code (articles 83 through 117 of the Uniform Code of Military Justice).

(B) An offense under section 933 or 934 of title 10, United States Code (articles 133 and 134 of the Uniform Code of Military Justice).

(C) A conspiracy to commit an offense specified in subparagraph (A) or (B) as punishable under section 881 of title 10, United States Code (article 81 of the Uniform Code of Military Justice).

(D) A solicitation to commit an offense specified in subparagraph (A) or (B) as punishable under section 882 of title 10, United States Code (article 82 of the Uniform Code of Military Justice).

(E) An attempt to commit an offense specified in subparagraph (A) through (D) as punishable under section 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

(4) REQUIREMENTS AND LIMITATIONS.—The disposition of charges pursuant to paragraph (1) shall be subject to the following:

(A) The determination whether to try such charges by court-martial shall be made by a commissioned officer of the Armed Forces designated in accordance with regulations prescribed for purposes of this subsection from among commissioned officers of the Armed Forces in grade O–6 or higher who—

(i) are available for detail as trial counsel under section 827 of title 10, United States Code (article 27 of the Uniform Code of Military Justice);

(ii) have significant experience in trials by general or special court-martial; and

(iii) are outside the chain of command of the member subject to such charges.

(B) Upon a determination under subparagraph (A) to try such charges by court-martial, the officer making that determination shall determine whether to try such charges by a general court-martial convened under section 822 of title 10, United States Code (article 22 of the Uniform Code of Military Justice), or a special court-martial convened under section 823 of title 10, United States Code (article 23 of the Uniform Code of Military Justice).

(C) A determination under subparagraph (A) to try charges by court-martial shall include a determination to try all known offenses, including lesser included offenses.

(D) The determination to try such charges by court-martial under subparagraph (A), and by type of court-martial under subparagraph (B), shall be binding on any applicable convening authority for a trial by court-martial on such charges.

(E) The actions of an officer described in subparagraph (A) in determining under that subparagraph whether or not to try charges by court-martial shall be free of unlawful or unauthorized influence or coercion.

(F) The determination under subparagraph (A) not to proceed to trial of such charges by general or special court-martial shall not operate to terminate or otherwise alter the authority of commanding officers to refer such charges for trial by summary court-martial convened under section 824 of title 10, United States Code (article 24 of the Uniform Code of Military Justice), or to impose non-judicial punishment in connection with the conduct covered by such charges as authorized by section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice).

(5) CONSTRUCTION WITH CHARGES ON OTHER OFFENSES.—Nothing in this subsection shall be construed to alter or affect the disposition of charges under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that allege an offense triable by court-martial under that chapter for which the maximum punishment authorized under that chapter includes confinement for one year or less.

(6) POLICIES AND PROCEDURES.—

(A) IN GENERAL.—The Secretaries of the military departments and the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy) shall revise policies and procedures as necessary to comply with this subsection.

(B) UNIFORMITY.—The General Counsel of the Department of Defense and the General Counsel of the Department of Homeland Security shall jointly review the policies and procedures revised under this paragraph in order to ensure that any lack of uniformity in policies and procedures, as so revised, among the military departments and the Department of Homeland Security does not render unconstitutional any policy or procedure, as so revised.

(7) MANUAL FOR COURTS-MARTIAL.—The Secretary of Defense shall recommend such changes to the Manual for Courts-Martial as are necessary to ensure compliance with this subsection.

(b) EFFECTIVE DATE AND APPLICABILITY.—Subsection (a), and the revisions required by that subsection, shall take effect on the date that is 180 days after the date of the enactment of this Act, and shall apply with respect to charges preferred under section 830 of title 10, United States Code (article 30 of the Uniform Code of Military Justice), on or after such effective date.

SEC. 552A. MODIFICATION OF OFFICERS AUTHORIZED TO CONVENE GENERAL AND SPECIAL COURTS-MARTIAL.

(a) IN GENERAL.—Subsection (a) of section 822 of title 10, United States Code (article 22 of the Uniform Code of Military Justice), is amended—

(1) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(2) by inserting after paragraph (7) the following new paragraph (8):

''(8) the officers in the offices established pursuant to section 552A(c) of the National Defense Authorization Act for Fiscal Year 2014 or officers in the grade of O–6 or higher who are assigned such responsibility by the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, or the Commandant of the Coast Guard, but only with respect to offenses to which section 552(a)(1) of the National Defense Authorization Act for Fiscal Year 2014 applies;''.

(b) NO EXERCISE BY OFFICERS IN CHAIN OF COMMAND OF ACCUSED OR VICTIM.—Such section (article) is further amended by adding at the end the following new subsection:

''(c) An officer specified in subsection (a)(8) may not convene a court-martial under this section if the person is in the chain of command of the accused or the victim.''.

(c) OFFICES OF CHIEFS OF STAFF ON COURTS-MARTIAL.—

(1) OFFICES REQUIRED.—Each Chief of Staff of the Armed Forces or Commandant specified in paragraph (8) of section 822(a) of title 10, United States Code (article 22(a) of the Uniform Code of Military Justice), as amended by subsection (a), shall establish an office to do the following:

(A) To convene general and special courts-martial under sections 822 and 823 of title 10, United States Code (articles 22 and 23 of the Uniform Code of Military Justice), pursuant to paragraph (8) of section 822(a) of title 10, United States Code (article 22(a) of the Uniform Code of Military Justice), as so amended, with respect to offenses to which section 552(a)(1) applies.

(B) To detail under section 825 of title 10, United States Code (article 25 of the Uniform Code of Military Justice), members of courts-martial convened as described in subparagraph (A).

(2) PERSONNEL.—The personnel of each office established under paragraph (1) shall consist of such members of the Armed Forces and civilian personnel of the Department of Defense, or such members of the Coast Guard or civilian personnel of the Department of Homeland Security, as may be detailed or assigned to the office by the Chief of Staff or Commandant concerned. The members and personnel so detailed or assigned, as the case may be, shall be detailed or assigned from personnel billets in existence on the date of the enactment of this Act.

SEC. 552B. DISCHARGE USING OTHERWISE AUTHORIZED PERSONNEL AND RESOURCES.

(a) IN GENERAL.—The Secretaries of the military departments and the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy) shall carry out sections 552 and 552A (and the amendments made by section 552A) using personnel, funds, and resources otherwise authorized by law.

(b) NO AUTHORIZATION OF ADDITIONAL PERSONNEL OR RESOURCES.—Sections 552 and 552A (and the amendments made by section 552A) shall not be construed as authorizations for personnel, personnel billets, or funds for the discharge of the requirements in such sections.

SEC. 552C. MONITORING AND ASSESSMENT OF MODIFICATION OF AUTHORITIES ON COURTS-MARTIAL BY INDEPENDENT PANEL ON REVIEW AND ASSESSMENT OF PROCEEDINGS UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

Paragraph (2) of section 576(d) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1762), as amended by section 546 of this Act, is further amended—

(1) by redesignating subparagraph (M) as subparagraph (N); and

(2) by inserting after subparagraph (L) the following new subparagraph (M):

''(J) Monitor and assess the implementation and efficacy of sections 552 through 552C of the National Defense Authorization Act for Fiscal Year 2014, and the amendments made by such sections.''.

SA 2100. Mr. WYDEN (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVIII, add the following:

Subtitle F—Military Land Withdrawals

SEC. 2851. SHORT TITLE.

This subtitle may be cited as the ''Military Land Withdrawals Act of 2013''.

SEC. 2852. DEFINITIONS.

In this subtitle:

(1) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

(2) MANAGE; MANAGEMENT.—

(A) INCLUSIONS.—The terms ''manage'' and ''management'' include the authority to exercise jurisdiction, custody, and control over the land withdrawn and reserved by title LI.

(B) EXCLUSIONS.—The terms ''manage'' and ''management'' do not include authority for disposal of the land withdrawn and reserved by title LI.

(3) SECRETARY CONCERNED.—The term ''Secretary concerned'' has the meaning given the term in section 101(a) of title 10, United States Code.

PART 1—GENERAL PROVISIONS

SEC. 2861. GENERAL APPLICABILITY; DEFINITIONS.

(a) APPLICABILITY OF PART.—The provisions of this part apply to any withdrawal made by this subtitle.

(b) RULES OF CONSTRUCTION.—Nothing in this part assigns management of real property under the administrative jurisdiction of the Secretary concerned to the Secretary of the Interior.

SEC. 2862. MAPS AND LEGAL DESCRIPTIONS.

(a) PREPARATION OF MAPS AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the land withdrawn and reserved by part 2; and

(2) file maps and legal descriptions of the land withdrawn and reserved by part 2 with—

(A) the Committee on Armed Services and the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Armed Services and the Committee on Natural Resources of the House of Representatives.

(b) LEGAL EFFECT.—The maps and legal descriptions filed under subsection (a)(2) shall have the same force and effect as if the maps and legal descriptions were included in this subtitle, except that the Secretary of the Interior may correct any clerical and typographical errors in the maps and legal descriptions.

(c) AVAILABILITY.—Copies of the maps and legal descriptions filed under subsection (a)(2) shall be available for public inspection—

(1) in the appropriate offices of the Bureau of Land Management;

(2) in the office of the commanding officer of the military installation for which the land is withdrawn; and

(3) if the military installation is under the management of the National Guard, in the office of the Adjutant General of the State in which the military installation is located.

(d) COSTS.—The Secretary concerned shall reimburse the Secretary of the Interior for the costs incurred by the Secretary of the Interior in implementing this section.

SEC. 2863. ACCESS RESTRICTIONS.

(a) IN GENERAL.—If the Secretary concerned determines that military operations, public safety, or national security require the closure to the public of any road, trail, or other portion of land withdrawn and reserved by this subtitle, the Secretary may take such action as the Secretary determines to be necessary to implement and maintain the closure.

(b) LIMITATION.—Any closure under subsection (a) shall be limited to the minimum area and duration that the Secretary concerned determines are required for the purposes of the closure.

(c) CONSULTATION REQUIRED.—

(1) IN GENERAL.—Subject to paragraph (3), before a closure is implemented under this section, the Secretary concerned shall consult with the Secretary of the Interior.

(2) INDIAN TRIBE.—Subject to paragraph (3), if a closure proposed under this section may affect access to or use of sacred sites or resources considered to be important by an Indian tribe, the Secretary concerned shall consult, at the earliest practicable date, with the affected Indian tribe.

(3) LIMITATION.—No consultation shall be required under paragraph (1) or (2)—

(A) if the closure is provided for in an integrated natural resources management plan, an installation cultural resources management plan, or a land use management plan; or

(B) in the case of an emergency, as determined by the Secretary concerned.

(d) NOTICE.—Immediately preceding and during any closure implemented under subsection (a), the Secretary concerned shall post appropriate warning notices and take other appropriate actions to notify the public of the closure.

SEC. 2864. CHANGES IN USE.

(a) OTHER USES AUTHORIZED.—In addition to the purposes described in part 2, the Secretary concerned may authorize the use of land withdrawn and reserved by this subtitle for defense-related purposes.

(b) NOTICE TO SECRETARY OF THE INTERIOR.—

(1) IN GENERAL.—The Secretary concerned shall promptly notify the Secretary of the Interior if the land withdrawn and reserved by this subtitle is used for additional defense-related purposes.

(2) REQUIREMENTS.—A notification under paragraph (1) shall specify—

(A) each additional use;

(B) the planned duration of each additional use; and

(C) the extent to which each additional use would require that additional or more stringent conditions or restrictions be imposed on otherwise-permitted nondefense-related uses of the withdrawn and reserved land or portions of withdrawn and reserved land.

SEC. 2865. AUTHORIZATIONS FOR NONDEFENSE-RELATED USES.

(a) AUTHORIZATIONS BY THE SECRETARY OF THE INTERIOR.—Subject to the applicable withdrawals under part 2, with the consent of the Secretary concerned, the Secretary of the Interior may authorize the use, occupancy, or development of the land withdrawn and reserved by this subtitle.

(b) AUTHORIZATIONS BY THE SECRETARY CONCERNED.—The Secretary concerned may authorize the use, occupancy, or development of the land withdrawn and reserved by this subtitle—

(1) for a defense-related purpose; or

(2) subject to the consent of the Secretary of the Interior, for a non-defense-related purpose.

(c) FORM OF AUTHORIZATION.—An authorization under this section may be provided by lease, easement, right-of-way, permit, license, or other instrument authorized by law.

(d) PREVENTION OF DRAINAGE OF OIL OR GAS RESOURCES.—

(1) IN GENERAL.—For the purpose of preventing drainage of oil or gas resources, the Secretary of the Interior may lease land otherwise withdrawn from operation of the mineral leasing laws and reserved for defense-related purposes under this subtitle, under such terms and conditions as the Secretary determines to be appropriate.

(2) CONSENT REQUIRED.—No surface occupancy may be approved by the Secretary of the Interior under this subtitle without the consent of the Secretary concerned.

(3) COMMUNITIZATION.—The Secretary of the Interior may unitize or consent to communitization of land leased under paragraph (1).

(4) REGULATIONS.—The Secretary of the Interior may promulgate regulations to implement this subsection.

SEC. 2866. BRUSH AND RANGE FIRE PREVENTION AND SUPPRESSION.

(a) REQUIRED ACTIVITIES.—The Secretary concerned shall, consistent with any applicable land management plan, take necessary precautions to prevent, and actions to suppress, brush and range fires occurring as a result of military activities on the land withdrawn and reserved by this subtitle, including fires that occur on other land that spread from the withdrawn and reserved land.

(b) COOPERATION OF SECRETARY OF THE INTERIOR.—

(1) IN GENERAL.—At the request of the Secretary concerned, the Secretary of the Interior shall—

(A) provide assistance in the suppression of fires under subsection (a); and

(B) be reimbursed by the Secretary concerned for the costs of the Secretary of the Interior in providing the assistance.

(2) TRANSFER OF FUNDS.—Notwithstanding section 2215 of title 10, United States Code, the Secretary concerned may transfer to the Secretary of the Interior, in advance, funds to reimburse the costs of the Department of the Interior in providing assistance under this subsection.

SEC. 2867. ONGOING DECONTAMINATION.

(a) IN GENERAL.—During the period of a withdrawal and reservation of land under this subtitle, the Secretary concerned shall maintain a program of decontamination of contamination caused by defense-related uses on the withdrawn land—

(1) to the extent funds are available to carry out this subsection; and

(2) consistent with applicable Federal and State law.

(b) ANNUAL REPORT.—The Secretary of Defense shall include in the annual report required by section 2711 of title 10, United States Code, a description of decontamination activities conducted under subsection (a).

SEC. 2868. WATER RIGHTS.

(a) NO RESERVATION OF WATER RIGHTS.—Nothing in this subtitle—

(1) establishes a reservation of the United States with respect to any water or water right on the land withdrawn and reserved by this subtitle; or

(2) authorizes the appropriation of water on the land withdrawn and reserved by this subtitle, except in accordance with applicable State law.

(b) EFFECT ON PREVIOUSLY ACQUIRED OR RESERVED WATER RIGHTS.—

(1) IN GENERAL.—Nothing in this section affects any water rights acquired or reserved by the United States before the date of enactment of this Act.

(2) AUTHORITY OF SECRETARY CONCERNED.—The Secretary concerned may exercise any water rights described in paragraph (1).

SEC. 2869. HUNTING, FISHING, AND TRAPPING.

Section 2671 of title 10, United States Code, shall apply to all hunting, fishing, and trapping on the land—

(1) that is withdrawn and reserved by this subtitle; and

(2) for which management of the land has been assigned to the Secretary concerned.

SEC. 2870. LIMITATION ON EXTENSIONS AND RENEWALS.

The withdrawals and reservations established under this subtitle may not be extended or renewed except by a law enacted after the date of enactment of this Act.

SEC. 2871. APPLICATION FOR RENEWAL OF A WITHDRAWAL AND RESERVATION.

To the extent practicable, not later than 5 years before the date of termination of a withdrawal and reservation established by this subtitle, the Secretary concerned shall—

(1) notify the Secretary of the Interior as to whether the Secretary concerned will have a continuing defense-related need for any of the land withdrawn and reserved by this subtitle after the termination date of the withdrawal and reservation; and

(2) transmit a copy of the notice submitted under paragraph (1) to—

(A) the Committee on Armed Services and the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Armed Services and the Committee on Natural Resources of the House of Representatives.

SEC. 2872. LIMITATION ON SUBSEQUENT AVAILABILITY OF LAND FOR APPROPRIATION.

On the termination of a withdrawal and reservation by this subtitle, the previously withdrawn land shall not be open to any form of appropriation under the public land laws, including the mining laws, the mineral leasing laws, and the geothermal leasing laws, unless the Secretary of the Interior publishes in the Federal Register an appropriate order specifying the date on which the land shall be—

(1) restored to the public domain; and

(2) opened for appropriation under the public land laws.

SEC. 2873. RELINQUISHMENT.

(a) NOTICE OF INTENTION TO RELINQUISH.—If, during the period of withdrawal and reservation under this subtitle, the Secretary concerned decides to relinquish any or all of the land withdrawn and reserved by this subtitle, the Secretary concerned shall submit to the Secretary of the Interior notice of the intention to relinquish the land.

(b) DETERMINATION OF CONTAMINATION.—The Secretary concerned shall include in the notice submitted under subsection (a) a written determination concerning whether and to what extent the land that is to be relinquished is contaminated with explosive materials or toxic or hazardous substances.

(c) PUBLIC NOTICE.—The Secretary of the Interior shall publish in the Federal Register the notice of intention to relinquish the land under this section, including the determination concerning the contaminated state of the land.

(d) DECONTAMINATION OF LAND TO BE RELINQUISHED.—

(1) DECONTAMINATION REQUIRED.—The Secretary concerned shall decontaminate land subject to a notice of intention under subsection (a) to the extent that funds are appropriated for that purpose, if—

(A) the land subject to the notice of intention is contaminated, as determined by the Secretary concerned; and

(B) the Secretary of the Interior, in consultation with the Secretary concerned, determines that—

(i) decontamination is practicable and economically feasible, after taking into consideration the potential future use and value of the contaminated land; and

(ii) on decontamination of the land, the land could be opened to operation of some or all of the public land laws, including the mining laws, the mineral leasing laws, and the geothermal leasing laws.

(2) ALTERNATIVES TO RELINQUISHMENT.—The Secretary of the Interior shall not be required to accept the land proposed for relinquishment under subsection (a), if—

(A) the Secretary of the Interior, after consultation with the Secretary concerned, determines that—

(i) decontamination of the land is not practicable or economically feasible; or

(ii) the land cannot be decontaminated sufficiently to be opened to operation of some or all of the public land laws; or

(B) sufficient funds are not appropriated for the decontamination of the land.

(3) STATUS OF CONTAMINATED LAND ON TERMINATION.—If, because of the contaminated state of the land, the Secretary of the Interior declines to accept land withdrawn and reserved by this subtitle that has been proposed for relinquishment, or if at the expiration of the withdrawal and reservation made by this subtitle, the Secretary of the Interior determines that a portion of the land withdrawn and reserved by this subtitle is contaminated to an extent that prevents opening the contaminated land to operation of the public land laws—

(A) the Secretary concerned shall take appropriate steps to warn the public of—

(i) the contaminated state of the land; and

(ii) any risks associated with entry onto the land;

(B) after the expiration of the withdrawal and reservation under this subtitle, the Secretary concerned shall undertake no activities on the contaminated land, except for activities relating to the decontamination of the land; and

(C) the Secretary concerned shall submit to the Secretary of the Interior and Congress a report describing—

(i) the status of the land; and

(ii) any actions taken under this paragraph.

(e) REVOCATION AUTHORITY.—

(1) IN GENERAL.—If the Secretary of the Interior determines that it is in the public interest to accept the land proposed for relinquishment under subsection (a), the Secretary of the Interior may order the revocation of a withdrawal and reservation established by this subtitle.

(2) REVOCATION ORDER.—To carry out a revocation under paragraph (1), the Secretary of the Interior shall publish in the Federal Register a revocation order that—

(A) terminates the withdrawal and reservation;

(B) constitutes official acceptance of the land by the Secretary of the Interior; and

(C) specifies the date on which the land will be opened to the operation of some or all of the public land laws, including the mining laws.

(f) ACCEPTANCE BY SECRETARY OF THE INTERIOR.—

(1) IN GENERAL.—Nothing in this section requires the Secretary of the Interior to accept the land proposed for relinquishment if the Secretary determines that the land is not suitable for return to the public domain.

(2) NOTICE.—If the Secretary makes a determination that the land is not suitable for return to the public domain, the Secretary shall provide notice of the determination to Congress.

SEC. 2874. LAND WITHDRAWALS; IMMUNITY OF THE UNITED STATES.

The United States and officers and employees of the United States shall be held harmless and shall not be liable for any injuries or damages to persons or property incurred as a result of any mining or mineral or geothermal leasing activity or other authorized nondefense-related activity conducted on land withdrawn and reserved by this subtitle.

PART 2—MILITARY LAND WITHDRAWALS

SEC. 2881. CHINA LAKE, CALIFORNIA.

(a) WITHDRAWAL AND RESERVATION.—

(1) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this section, the public land (including the interests in land) described in paragraph (2), and all other areas within the boundary of the land depicted on the map described in that paragraph that may become subject to the operation of the public land laws, is withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing laws).

(2) DESCRIPTION OF LAND.—The public land (including interests in land) referred to in paragraph (1) is the Federal land located within the boundaries of the Naval Air Weapons Station China Lake, comprising approximately 1,045,000 acres in Inyo, Kern, and San Bernardino Counties, California, as generally depicted on the maps entitled ''Naval Air Weapons Station China Lake Withdrawal—Renewal'', ''North Range'', and ''South Range'', dated March 18, 2013, and filed in accordance with section 2862.

(3) RESERVATION.—The land withdrawn by paragraph (1) is reserved for use by the Secretary of the Navy for the following purposes:

(A) Use as a research, development, test, and evaluation laboratory.

(B) Use as a range for air warfare weapons and weapon systems.

(C) Use as a high-hazard testing and training area for aerial gunnery, rocketry, electronic warfare and countermeasures, tactical maneuvering and air support, and directed energy and unmanned aerial systems.

(D) Geothermal leasing, development, and related power production activities.

(E) Other defense-related purposes consistent with the purposes described in subparagraphs (A) through (D) and authorized under section 2864.

(b) MANAGEMENT OF WITHDRAWN AND RESERVED LAND.—

(1) MANAGEMENT BY THE SECRETARY OF THE INTERIOR.—

(A) IN GENERAL.—Except as provided in paragraph (2), during the period of the withdrawal and reservation of land by this section, the Secretary of the Interior shall manage the land withdrawn and reserved by this section in accordance with—

(i) this subtitle;

(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(iii) any other applicable law.

(B) AUTHORIZED ACTIVITIES.—To the extent consistent with applicable law and Executive orders, the land withdrawn by this section may be managed in a manner that permits the following activities:

(i) Grazing.

(ii) Protection of wildlife and wildlife habitat.

(iii) Preservation of cultural properties.

(iv) Control of predatory and other animals.

(v) Recreation and education.

(vi) Prevention and appropriate suppression of brush and range fires resulting from non-military activities.

(vii) Geothermal leasing and development and related power production activities.

(C) NONDEFENSE USES.—All nondefense-related uses of the land withdrawn by this section (including the uses described in subparagraph (B)), shall be subject to any conditions and restrictions that the Secretary of the Interior and the Secretary of the Navy jointly determine to be necessary to permit the defense-related use of the land for the purposes described in this section.

(D) ISSUANCE OF LEASES.—

(i) IN GENERAL.—The Secretary of the Interior shall be responsible for the issuance of any lease, easement, right-of-way, permit, license, or other instrument authorized by law with respect to any activity that involves geothermal resources on—

(I) the land withdrawn and reserved by this section; and

(II) any other land not under the administrative jurisdiction of the Secretary of the Navy.

(ii) CONSENT REQUIRED.—Any authorization issued under clause (i) shall—

(I) only be issued with the consent of the Secretary of the Navy; and

(II) be subject to such conditions as the Secretary of the Navy may require with respect to the land withdrawn and reserved by this section.

(2) ASSIGNMENT TO THE SECRETARY OF THE NAVY.—

(A) IN GENERAL.—The Secretary of the Interior may assign the management responsibility, in whole or in part, for the land withdrawn and reserved by this section to the Secretary of the Navy.

(B) APPLICABLE LAW.—On assignment of the management responsibility under subparagraph (A), the Secretary of the Navy shall manage the land in accordance with—

(i) this subtitle;

(ii) title I of the Sikes Act (16 U.S.C. 670a et seq.);

(iii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(iv) cooperative management arrangements entered into by the Secretary of the Interior and the Secretary of the Navy; and

(v) any other applicable law.

(3) GEOTHERMAL RESOURCES.—

(A) IN GENERAL.—Nothing in this section or section 2865 affects—

(i) geothermal leases issued by the Secretary of the Interior before the date of enactment of this Act; or

(ii) the responsibility of the Secretary of the Interior to administer and manage the leases described in clause (i), consistent with the provisions of this section.

(B) AUTHORITY OF THE SECRETARY OF THE INTERIOR.—Nothing in this section or any other provision of law prohibits the Secretary of the Interior from issuing, subject to the concurrence of the Secretary of the Navy, and administering any lease under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) and any other applicable law for the development and use of geothermal steam and associated geothermal resources on the land withdrawn and reserved by this section.

(C) APPLICABLE LAW.—Nothing in this section affects the geothermal exploration and development authority of the Secretary of the Navy under section 2917 of title 10, United States Code, with respect to the land withdrawn and reserved by this section, except that the Secretary of the Navy shall be required to obtain the concurrence of the

Secretary of the Interior before taking action under section 2917 of title 10, United States Code.

(D) NAVY CONTRACTS.—On the expiration of the withdrawal and reservation of land under this section or the relinquishment of the land, any Navy contract for the development of geothermal resources at Naval Air Weapons Station, China Lake, in effect on the date of the expiration or relinquishment shall remain in effect, except that the Secretary of the Interior, with the consent of the Secretary of the Navy, may offer to substitute a standard geothermal lease for the contract.

(E) CONCURRENCE OF SECRETARY OF THE NAVY REQUIRED.—Any lease issued under section 2865(d) with respect to land withdrawn and reserved by this section shall require the concurrence of the Secretary of the Navy, if—

(i) the Secretary of the Interior anticipates the surface occupancy of the withdrawn land; or

(ii) the Secretary of the Interior determines that the proposed lease may interfere with geothermal resources on the land.

(4) WILD HORSES AND BURROS.—

(A) IN GENERAL.—The Secretary of the Navy—

(i) shall be responsible for the management of wild horses and burros located on the land withdrawn and reserved by this section; and

(ii) may use helicopters and motorized vehicles for the management of the wild horses and burros.

(B) REQUIREMENTS.—The activities authorized under subparagraph (A) shall be conducted in accordance with laws applicable to the management of wild horses and burros on public land.

(C) AGREEMENT.—The Secretary of the Interior and the Secretary of the Navy shall enter into an agreement for the implementation of the management of wild horses and burros under this paragraph.

(5) CONTINUATION OF EXISTING AGREEMENT.—The agreement between the Secretary of the Interior and the Secretary of the Navy entered into before the date of enactment of this Act under section 805 of the California Military Lands Withdrawal and Overflights Act of 1994 (Public Law 103–433; 108 Stat. 4503) shall continue in effect until the earlier of—

(A) the date on which the Secretary of the Interior and the Secretary of the Navy enter into a new agreement; or

(B) the date that is 1 year after the date of enactment of this Act.

(6) COOPERATION IN DEVELOPMENT OF MANAGEMENT PLAN.—

(A) IN GENERAL.—The Secretary of the Navy and the Secretary of the Interior shall update and maintain cooperative arrangements concerning land resources and land uses on the land withdrawn and reserved by this section.

(B) REQUIREMENTS.—A cooperative arrangement entered into under subparagraph (A) shall—

(i) focus on and apply to sustainable management and protection of the natural and cultural resources and environmental values found on the withdrawn and reserved land, consistent with the defense-related purposes for which the land is withdrawn and reserved; and

(ii) include a comprehensive land use management plan that—

(I) integrates and is consistent with any applicable law, including—

(aa) title I of the Sikes Act (16 U.S.C. 670a et seq.); and

(bb) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(II) shall be—

(aa) annually reviewed by the Secretary of the Navy and the Secretary of the Interior; and

(bb) updated, as the Secretary of the Navy and the Secretary of the Interior determine to be necessary—

(AA) to respond to evolving management requirements; and

(BB) to complement the updates of other applicable land use and resource management and planning.

(7) IMPLEMENTING AGREEMENT.—

(A) IN GENERAL.—The Secretary of the Interior and the Secretary of the Navy may enter into a written agreement to implement the comprehensive land use management plan developed under paragraph (6)(B)(ii).

(B) COMPONENTS.—An agreement entered into under subparagraph (A)—

(i) shall be for a duration that is equal to the period of the withdrawal and reservation of land under this section; and

(ii) may be amended from time to time.

(c) TERMINATION OF PRIOR WITHDRAWALS.—

(1) IN GENERAL.—Subject to paragraph (2), the withdrawal and reservation under section 803(a) of the California Military Lands Withdrawal and Overflights Act of 1994 (Public Law 103–433; 108 Stat. 4502) is terminated.

(2) LIMITATION.—Notwithstanding the termination under paragraph (1), all rules, regulations, orders, permits, and other privileges issued or granted by the Secretary of the Interior or the Secretary of the Navy with respect to the land withdrawn and reserved under that section, unless inconsistent with the provisions of this section, shall remain in force until modified, suspended, overruled, or otherwise changed by—

(A) the Secretary of the Interior or the Secretary of the Navy (as applicable);

(B) a court of competent jurisdiction; or

(C) operation of law.

(d) DURATION OF WITHDRAWAL AND RESERVATION.—The withdrawal and reservation made by this section terminate on March 31, 2039.

SEC. 2882. LIMESTONE HILLS, MONTANA.

(a) WITHDRAWAL AND RESERVATION OF PUBLIC LAND FOR LIMESTONE HILLS TRAINING AREA, MONTANA.—

(1) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this section, the public land (including the interests in land) described in paragraph (3), and all other areas within the boundaries of the land as depicted on the map provided for by paragraph (4) that may become subject to the operation of the public land laws, is withdrawn from all forms of appropriation under the public land laws (including the mining laws, the mineral leasing laws, and the geothermal leasing laws).

(2) RESERVATION; PURPOSE.—Subject to the limitations and restrictions contained in subsection (c), the public land withdrawn by paragraph (1) is reserved for use by the Secretary of the Army for the following purposes:

(A) The conduct of training for active and reserve components of the Armed Forces.

(B) The construction, operation, and maintenance of organizational support and maintenance facilities for component units conducting training.

(C) The conduct of training by the Montana Department of Military Affairs, provided that the training does not interfere with the purposes specified in subparagraphs (A) and (B).

(D) The conduct of training by State and local law enforcement agencies, civil defense organizations, and public education institutions, provided that the training does not interfere with the purposes specified in subparagraphs (A) and (B).

(E) Other defense-related purposes consistent with the purposes specified in subparagraphs (A) through (D).

(3) DESCRIPTION OF LAND.—The public land (including the interests in land) referred to in paragraph (1) comprises approximately 18,644 acres in Broadwater County, Montana, generally depicted as ''Proposed Land Withdrawal'' on the map entitled ''Limestone Hills Training Area Land Withdrawal'' and dated April 10, 2013.

(4) INDIAN TRIBES.—

(A) IN GENERAL.—Nothing in this subtitle alters any rights reserved for an Indian tribe for tribal use of the public land withdrawn by paragraph (1) by treaty or Federal law.

(B) CONSULTATION REQUIRED.—The Secretary of the Army shall consult with any Indian tribes in the vicinity of the public land withdrawn by paragraph (1) before taking any action within the public land affecting tribal rights or cultural resources protected by treaty or Federal law.

(b) MANAGEMENT OF WITHDRAWN AND RESERVED LAND.—During the period of the withdrawal and reservation specified in subsection (e), the Secretary of the Army shall manage the public land withdrawn by paragraph (1) of subsection (a) for the purposes specified in paragraph (2) of that subsection, subject to the limitations and restrictions contained in subsection (c).

(c) SPECIAL RULES GOVERNING MINERALS MANAGEMENT.—

(1) INDIAN CREEK MINE.—

(A) IN GENERAL.—Of the land withdrawn by subsection (a)(1), locatable mineral activities in the approved Indian Creek Mine plan of operations, MTM–78300, shall be regulated in accordance with subparts 3715 and 3809 of title 43, Code of Federal Regulations.

(B) RESTRICTIONS ON SECRETARY OF THE ARMY.—

(i) IN GENERAL.—The Secretary of the Army shall make no determination that the disposition of, or exploration for, minerals as provided for in the approved plan of operations described in subparagraph (A) is inconsistent with the defense-related uses of the land withdrawn under this section.

(ii) COORDINATION.—The coordination of the disposition of and exploration for minerals with defense-related uses of the land shall be determined in accordance with procedures in an agreement provided for under paragraph (3).

(2) REMOVAL OF UNEXPLODED ORDNANCE ON LAND TO BE MINED.—

(A) REMOVAL ACTIVITIES.—

(i) IN GENERAL.—Subject to the availability of funds appropriated for such purpose, the Secretary of the Army shall remove unexploded ordnance on land withdrawn by subsection (a)(1) that is subject to mining under paragraph (1), consistent with applicable Federal and State law.

(ii) PHASES.—The Secretary of the Army may provide for the removal of unexploded ordnance in phases to accommodate the development of the Indian Creek Mine under paragraph (1).

(B) REPORT ON REMOVAL ACTIVITIES.—

(i) IN GENERAL.—The Secretary of the Army shall annually submit to the Secretary of the Interior a report regarding any unexploded ordnance removal activities conducted during the previous fiscal year in accordance with this paragraph.

(ii) INCLUSIONS.—The report under clause (i) shall include—

(I) a description of the amounts expended for unexploded ordnance removal on the land withdrawn by subsection (a)(1) during the period covered by the report; and

(II) the identification of the land cleared of unexploded ordnance and approved for mining activities by the Secretary of the Interior under this paragraph.

(3) IMPLEMENTATION AGREEMENT FOR MINING ACTIVITIES.—

(A) IN GENERAL.—The Secretary of the Interior and the Secretary of the Army shall enter into an agreement to implement this subsection with respect to the coordination of defense-related uses and mining and the ongoing removal of unexploded ordnance.

(B) DURATION.—The duration of an agreement entered into under subparagraph (A) shall be equal to the period of the withdrawal under subsection (a)(1), but may be amended from time to time.

(C) REQUIREMENTS.—The agreement shall provide the following:

(i) That Graymont Western US, Inc., or any successor or assign of the approved Indian Creek Mine mining plan of operations, MTM–78300, shall be invited to be a party to the agreement.

(ii) Provisions regarding the day-to-day joint-use of the Limestone Hills Training Area.

(iii) Provisions addressing periods during which military and other authorized uses of the withdrawn land will occur.

(iv) Provisions regarding when and where military use or training with explosive material will occur.

(v) Provisions regarding the scheduling of training activities conducted within the withdrawn land that restrict mining activities.

(vi) Procedures for deconfliction with mining operations, including parameters for notification and resolution of anticipated changes to the schedule.

(vii) Procedures for access through mining operations covered by this section to training areas within the boundaries of the Limestone Hills Training Area.

(viii) Procedures for scheduling of the removal of unexploded ordnance.

(4) EXISTING MEMORANDUM OF AGREEMENT.—Until the date on which the agreement under paragraph (3) becomes effective, the compatible joint use of the land withdrawn and reserved by subsection (a)(1) shall be governed, to the extent compatible, by the terms of the 2005 Memorandum of Agreement among the Montana Army National Guard, Graymont Western US, Inc., and the Bureau of Land Management.

(d) GRAZING.—

(1) ISSUANCE AND ADMINISTRATION OF PERMITS AND LEASES.—The Secretary of the Interior shall manage the issuance and administration of grazing permits and leases, including the renewal of permits and leases, on the public land withdrawn by subsection (a)(1), consistent with all applicable laws (including regulations) and policies of the Secretary of the Interior relating to the permits and leases.

(2) SAFETY REQUIREMENTS.—With respect to any grazing permit or lease issued after the date of enactment of this Act for land withdrawn by subsection (a)(1), the Secretary of the Interior and the Secretary of the Army shall jointly establish procedures that—

(A) are consistent with Department of the Army explosive and range safety standards; and

(B) provide for the safe use of the withdrawn land.

(3) ASSIGNMENT.—The Secretary of the Interior may, with the agreement of the Secretary of the Army, assign the authority to issue and to administer grazing permits and leases to the Secretary of the Army, except that the assignment may not include the authority to discontinue grazing on the land withdrawn by subsection (a)(1).

(e) DURATION OF WITHDRAWAL AND RESERVATION.—The withdrawal of public land by subsection (a)(1) shall terminate on March 31, 2039.

SEC. 2883. CHOCOLATE MOUNTAIN, CALIFORNIA.

(a) WITHDRAWAL AND RESERVATION.—

(1) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this section, the public land (including the interests in land) described in paragraph (2), and all other areas within the boundary of the land depicted on the map described in that paragraph that become subject to the operation of the public land laws, is withdrawn from all forms of appropriation under the public land laws (including the mining laws, the mineral leasing laws, and the geothermal leasing laws).

(2) DESCRIPTION OF LAND.—The public land (including the interests in land) referred to in paragraph (1) is the Federal land comprising approximately 228,324 acres in Imperial and Riverside Counties, California, generally depicted on the map entitled ''Chocolate Mountain Aerial Gunnery Range—Administration's Land Withdrawal Legislative Proposal Map'', dated October 30, 2013, and filed in accordance with section 2862.

(3) RESERVATION.—The land withdrawn by paragraph (1) is reserved for use by the Secretary of the Navy for the following purposes:

(A) Testing and training for aerial bombing, missile firing, tactical maneuvering, and air support.

(B) Small unit ground forces training, including artillery firing, demolition activities, and small arms field training.

(C) Other defense-related purposes consistent with the purposes that are—

(i) described in subparagraphs (A) and (B); and

(ii) authorized under section 2864.

(b) MANAGEMENT OF WITHDRAWN AND RESERVED LAND.—

(1) MANAGEMENT BY THE SECRETARY OF THE INTERIOR.—Except as provided in paragraph (2), during the period of the withdrawal and reservation of land by this section, the Secretary of the Interior shall manage the land withdrawn and reserved by this section in accordance with—

(A) this subtitle;

(B) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(C) any other applicable law.

(2) ASSIGNMENT OF MANAGEMENT TO THE SECRETARY OF THE NAVY.—

(A) IN GENERAL.—The Secretary of the Interior may assign the management responsibility, in whole or in part, for the land withdrawn and reserved by this section to the Secretary of the Navy.

(B) ACCEPTANCE.—If the Secretary of the Navy accepts the assignment of responsibility under subparagraph (A), the Secretary of the Navy shall manage the land in accordance with—

(i) this subtitle;

(ii) title I of the Sikes Act (16 U.S.C. 670a et seq.); and

(iii) any other applicable law.

(3) IMPLEMENTING AGREEMENT.—The Secretary of the Interior and the Secretary of the Navy may enter into a written agreement—

(A) that implements the assignment of management responsibility under paragraph (2);

(B) the duration of which shall be equal to the period of the withdrawal and reservation of the land under this section; and

(C) that may be amended from time to time.

(4) ACCESS AGREEMENT.—The Secretary of the Interior and the Secretary of the Navy may enter into a written agreement to address access to and maintenance of Bureau of Reclamation facilities located within the boundary of the Chocolate Mountain Aerial Gunnery Range.

(c) ACCESS.—Notwithstanding section 2863, the land withdrawn and reserved by this section (other than the land comprising the Bradshaw Trail) shall be—

(1) closed to the public and all uses (other than the uses authorized by subsection (a)(3) or under section 2864); and

(2) subject to any conditions and restrictions that the Secretary of the Navy determines to be necessary to prevent any interference with the uses authorized by subsection (a)(3) or under section 2864.

(d) DURATION OF WITHDRAWAL AND RESERVATION.—The withdrawal and reservation made by this section terminates on March 31, 2039.

SEC. 2884. TWENTYNINE PALMS, CALIFORNIA.

(a) WITHDRAWAL AND RESERVATION.—

(1) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this section, the public land (including the interests in land) described in paragraph (2), and all other areas within the boundary of the land depicted on the map described in that paragraph that may become subject to the operation of the public land laws, is withdrawn from all forms of appropriation under the public land laws, including the mining laws, the mineral leasing laws, and the geothermal leasing laws.

(2) DESCRIPTION OF LAND.—The public land (including the interests in land) referred to in paragraph (1) is the Federal land comprising approximately 150,928 acres in San Bernardino County, California, generally depicted on the map entitled ''MCAGCC 29 Palms Expansion Map'', dated November 13, 2013 (3 sheets), and filed in accordance with section 2862, which are divided into the following 2 areas:

(A) The Exclusive Military Use Area, divided into 4 areas, consisting of—

(i) 1 area to the west of the Marine Corps Air Ground Combat Center, consisting of approximately 91,293 acres;

(ii) 1 area south of the Marine Corps Air Ground Combat Center, consisting of approximately 19,704 acres; and

(iii) 2 other areas, each measuring approximately 300 meters square (approximately 22 acres), located inside the boundaries of the Shared Use Area described in subparagraph (B), totaling approximately 44 acres.

(B) The Shared Use Area, consisting of approximately 40,931 acres.

(3) RESERVATION FOR SECRETARY OF THE NAVY.—The land withdrawn by paragraph (2)(A) is reserved for use by the Secretary of the Navy for the following purposes:

(A) Sustained, combined arms, live-fire, and maneuver field training for large-scale Marine air ground task forces.

(B) Individual and unit live-fire training ranges.

(C) Equipment and tactics development.

(D) Other defense-related purposes that are—

(i) consistent with the purposes described in subparagraphs (A) through (C); and

(ii) authorized under section 2864.

(4) RESERVATION FOR SECRETARY OF THE INTERIOR.—The land withdrawn by paragraph (2)(B) is reserved—

(A) for use by the Secretary of the Navy for the purposes described in paragraph (3); and

(B) for use by the Secretary of the Interior for the following purposes:

(i) Public recreation—

(I) during any period in which the land is not being used for military training; and

(II) as determined to be suitable for public use.

(ii) Natural resources conservation.

(b) MANAGEMENT OF WITHDRAWN AND RESERVED LAND.—

(1) MANAGEMENT BY THE SECRETARY OF THE NAVY.—Except as provided in paragraph (2),

during the period of withdrawal and reservation of land by this section, the Secretary of the Navy shall manage the land withdrawn and reserved by this section for the purposes described in subsection (a)(3), in accordance with—

(A) an integrated natural resources management plan prepared and implemented under title I of the Sikes Act (16 U.S.C. 670a et seq.);

(B) this subtitle;

(C) a programmatic agreement between the Marine Corps and the California State Historic Preservation Officer regarding operation, maintenance, training, and construction at the United States Marine Air Ground Task Force Training Command, Marine Corps Air Ground Combat Center, Twentynine Palms, California; and

(D) any other applicable law.

(2) MANAGEMENT BY THE SECRETARY OF THE INTERIOR.—

(A) IN GENERAL.—Except as provided in subparagraph (B), during the period of withdrawal and reservation of land by this section, the Secretary of the Interior shall manage the area described in subsection (a)(2)(B).

(B) EXCEPTION.—Twice a year during the period of withdrawal and reservation of land by this section, there shall be a 30-day period during which the Secretary of the Navy shall—

(i) manage the area described in subsection (a)(2)(B); and

(ii) exclusively use the area described in subsection (a)(2)(B) for military training purposes.

(C) APPLICABLE LAW.—The Secretary of the Interior, during the period of the management by the Secretary of the Interior under subparagraph (A), shall manage the area described in subsection (a)(2)(B) for the purposes described in subsection (a)(4), in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(ii) any other applicable law.

(D) SECRETARY OF THE NAVY.—

(i) IN GENERAL.—The Secretary of the Navy, during the period of the management by the Secretary of the Navy under subparagraph (A), shall manage the area described in subsection (a)(2)(B) for the purposes described in subsection (a)(3), in accordance with—

(I) an integrated natural resources management plan prepared and implemented in accordance with title I of the Sikes Act (16 U.S.C. 670a et seq.);

(II) this subtitle;

(III) the programmatic agreement described in paragraph (1)(C); and

(IV) any other applicable law.

(ii) LIMITATION.—The Department of the Navy shall not fire dud-producing ordnance onto the land withdrawn by subsection (a)(2)(B).

(3) PUBLIC ACCESS.—

(A) IN GENERAL.—Notwithstanding section 2863, the area described in subsection (a)(2)(A) shall be closed to all public access unless otherwise authorized by the Secretary of the Navy.

(B) PUBLIC RECREATIONAL USE.—

(i) IN GENERAL.—The area described in subsection (a)(2)(B) shall be open to public recreational use during the period in which the area is under the management of the Secretary of the Interior, if there is a determination by the Secretary of the Navy that the area is suitable for public use.

(ii) DETERMINATION.—A determination of suitability under clause (i) shall not be withheld without a specified reason.

(C) RESOURCE MANAGEMENT GROUP.—

(i) IN GENERAL.—The Secretary of the Navy and the Secretary of the Interior, by agreement, shall establish a Resource Management Group comprised of representatives of the Departments of the Interior and Navy.

(ii) DUTIES.—The Resource Management Group established under clause (i) shall—

(I) develop and implement a public outreach plan to inform the public of the land uses changes and safety restrictions affecting the land; and

(II) advise the Secretary of the Interior and the Secretary of the Navy with respect to the issues associated with the multiple uses of the area described in subsection (a)(2)(B).

(iii) MEETINGS.—The Resource Management Group established under clause (i) shall—

(I) meet at least once a year; and

(II) solicit input from relevant State agencies, private off-highway vehicle interest groups, event managers, environmental advocacy groups, and others relating to the management and facilitation of recreational use within the area described in subsection (a)(2)(B).

(D) MILITARY TRAINING.—

(i) NOT CONDITIONAL.—Military training within the area described in subsection (a)(2)(B) shall not be conditioned on, or precluded by—

(I) the lack of a recreation management plan or land use management plan for the area described in subsection (a)(2)(B) developed and implemented by the Secretary of the Interior; or

(II) any legal or administrative challenge to a recreation management plan or land use plan developed under subclause (I).

(ii) MANAGEMENT.—The area described in subsection (a)(2)(B) shall be managed in a manner that does not compromise the ability of the Department of the Navy to conduct military training in the area.

(4) IMPLEMENTATION AGREEMENT.—

(A) IN GENERAL.—The Secretary of the Interior and the Secretary of the Navy shall enter into a written agreement to implement the management responsibilities of the respective Secretaries with respect to the area described in subsection (a)(2)(B).

(B) COMPONENTS.—The agreement entered into under subparagraph (A)—

(i) shall be of a duration that is equal to the period of the withdrawal and reservation of land under this section;

(ii) may be amended from time to time;

(iii) may provide for the integration of the management plans required of the Secretary of the Interior and the Secretary of the Navy by this section;

(iv) may provide for delegation to civilian law enforcement personnel of the Department of the Navy of the authority of the Secretary of the Interior to enforce the laws relating to protection of natural and cultural resources and fish and wildlife; and

(v) may provide for the Secretary of the Interior and the Secretary of the Navy to share resources so as to most efficiently and effectively manage the area described in subsection (a)(2)(B).

(5) JOHNSON VALLEY OFF-HIGHWAY VEHICLE RECREATION AREA.—

(A) DESIGNATION.—The following areas are designated as the ''Johnson Valley Off-Highway Vehicle Recreation Area'':

(i) Approximately 45,000 acres (as depicted on the map referred to in subsection (a)(2)) of the existing Bureau of Land Management-designated Johnson Valley Off-Highway Vehicle Area that is not withdrawn and reserved for defense-related uses by this section.

(ii) The area described in subsection (a)(2)(B).

(B) AUTHORIZED ACTIVITIES.—To the extent consistent with applicable Federal law (including regulations) and this section, any authorized recreation activities and use designation in effect on the date of enactment of this Act and applicable to the Johnson Valley Off-Highway Vehicle Recreation Area may continue, including casual off-highway vehicular use and recreation.

(C) ADMINISTRATION.—The Secretary of the Interior shall administer the Johnson Valley Off-Highway Vehicle Recreation Area (other than the portion of the area described in subsection (a)(2)(B) that is being managed in accordance with the other provisions of this section), in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(ii) any other applicable law.

(D) TRANSIT.—In coordination with the Secretary of the Interior, the Secretary of the Navy may authorize transit through the Johnson Valley Off-Highway Vehicle Recreation Area for defense-related purposes supporting military training (including military range management and management of exercise activities) conducted on the land withdrawn and reserved by this section.

(c) DURATION OF WITHDRAWAL AND RESERVATION.—The withdrawal and reservation made by this section terminate on March 31, 2039.

SEC. 2885. WHITE SANDS MISSILE RANGE AND FORT BLISS.

(a) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights and paragraph (3), the Federal land described in paragraph (2) is withdrawn from—

(A) entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) DESCRIPTION OF FEDERAL LAND.—The Federal land referred to in paragraph (1) consists of—

(A) the approximately 5,100 acres of land depicted as ''Parcel 1'' on the map entitled ''White Sands Missile Range/Fort Bliss/BLM Land Transfer and Withdrawal'' and dated April 3, 2012 (referred to in this section as the ''map'');

(B) the approximately 37,600 acres of land depicted as ''Parcel 2'', ''Parcel 3'', and ''Parcel 4'' on the map; and

(C) any land or interest in land that is acquired by the United States within the boundaries of the parcels described in subparagraph (B).

(3) LIMITATION.—Notwithstanding paragraph (1), the land depicted as ''Parcel 4'' on the map is not withdrawn for purposes of the issuance of oil and gas pipeline rights-of-way.

(b) RESERVATION.—The Federal land described in subsection (a)(2)(A) is reserved for use by the Secretary of the Army for military purposes in accordance with Public Land Order 833, dated May 27, 1952 (17 Fed. Reg. 4822).

(c) REVOCATION OF WITHDRAWAL.—Effective on the date of enactment of this Act—

(1) Public Land Order 833, dated May 21, 1952 (17 Fed. Reg. 4822), is revoked with respect to the approximately 2,050 acres of land generally depicted as ''Parcel 2'' on the map; and

(2) the land described in paragraph (1) shall be managed by the Secretary of the Interior as public land, in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(B) any other applicable laws.

SA 2101. Mr. DONNELLY (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of

Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1237. REPORT ON UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION.

(a) IN GENERAL.—Not later than March 15, 2014, the Chairman of the United States-China Economic and Security Review Commission established under section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002) shall submit a report on the operations of the Commission to—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Appropriations, and the Committee on Finance of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Appropriations, and the Committee on Ways and Means of the House of Representatives.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the manner in which the Commission has carried out the requirements of section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), including how the Commission has—

(A) carried out the purpose described in subsection (b)(2) of that section;

(B) carried out the duties of the Commission described in subsection (c) of that section;

(C) compensated members of the Commission under subsection (e)(1) of that section; and

(D) appointed and compensated the executive director and other personnel of the Commission under subsection (e)(3) of that section.

(2) A list that includes—

(A) the name of each individual that has served or is serving as a member of the Commission as of the date of the submission of the report; and

(B) the term that each such individual served or is serving as of that date.

(3) A description of the extent to which the Commission has access to classified information and how the Commission has used that information in carrying out the duties of the Commission.

(4) A summary of all domestic and foreign travel by members and personnel of the Commission after December 31, 2005, including dates, locations, and purposes of travel and the names of members and personnel who participated.

(5) A summary and description of the changes that have occurred in the relationship between the United States and China after December 31, 2000, with respect to economics and national security.

(6) Recommendations of the Commission for statutory changes to update the mandate, purpose, duties, organization, and operations of the Commission, taking into account changes in the relationship between the United States and China.

SA 2102. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 713. INCLUSION OF SUICIDE PREVENTION IN PILOT PROGRAM ON ENHANCEMENTS OF DEPARTMENT OF DEFENSE EFFORTS ON MENTAL HEALTH IN THE NATIONAL GUARD AND RESERVES THROUGH COMMUNITY PARTNERSHIPS.

Section 706 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1800; 10 U.S.C. 10101 note) is amended by striking ''and substance use disorders and traumatic brain injury'' each place it appears (other than in paragraphs (1) and (2) of subsection (c)) and inserting ''substance use disorders, traumatic brain injury, and suicide prevention''.

SA 2103. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1237. REPORT ON ACTIVITIES BEING UNDERTAKEN BY THE PEOPLE'S REPUBLIC OF CHINA TO SUSTAIN THE ECONOMY OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a report on the activities being undertaken by the People's Republic of China to sustain the economy of the Democratic People's Republic of Korea.

(2) ELEMENTS.—The report shall include the following:

(A) A description of the activities of the People's Liberation Army (PLA) and Politburo members of the People's Republic of China in government and non-government bilateral trade, banking, investment, economic development, and infrastructure projects between the People's Republic of China and the Democratic People's Republic of Korea at the national, provincial, and local level.

(B) A description of the financial resources, flows, and structures of the entities and individuals of the People's Republic of China engaged in the activities described under subparagraph (A).

(C) An assessment of the impact of the activities described under subparagraph (A) on the weapons of mass destruction program and the ballistic missile program of the Democratic People's Republic of Korea.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SA 2104. Mr. REID (for Mr. WARNER (for himself and Mr. CHAMBLISS)) submitted an amendment intended to be proposed by Mr. REID of NV to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1082. EXPANSION OF CHARTER OF COUNCIL ON VETERANS EMPLOYMENT TO INCLUDE GOVERNMENT CONTRACTORS.

The President shall revise the mission and function of the Council on Veterans Employment, established pursuant to Executive Order 13518 of November 9, 2009—

(1) to include Government contractors within the scope of the Council's efforts to increase the number of veterans employed, including by encouraging Government contracts to enhance recruitment and training of veterans; and

(2) to integrate the inclusion of Government contractors into the Council's efforts and processes.

SA 2105. Mr. REID (for Mr. WARNER (for himself and Mr. CHAMBLISS)) submitted an amendment intended to be proposed by Mr. REID of NV to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 514. VOLUNTARY RELEASE OF CERTAIN INFORMATION FOR SEPARATING MEMBERS OF THE ARMED FORCES TO STATE EMPLOYMENT AGENCIES.

(a) RELEASE BY DOD.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, carry out a program under which the Department of Defense shall, upon the request of a member undergoing discharge, separation, or release from the Armed Forces, provide information on the member described in subsection (c) to the State employment agency of each State designated by the member in the request. Such information shall be so provided not earlier than 90 days before the date of the separation, discharge, or release of the member concerned.

(b) RELEASE BY VA.—The Secretary of Veterans Affairs shall carry out a program under which the Department of Veterans Affairs shall, upon the request of a veteran made not later than 90 days after the date of the veteran's discharge, separation, or release from the Armed Forces, provide information on the veteran described in subsection (c) to the State employment agency of each State designated by the veteran in the request. A veteran may make a request under this subsection only if the veteran did not make a request under subsection (a) for the provision of such information to State employment agencies.

(c) COVERED INFORMATION.—Information described in this subsection on an individual making a request under subsection (a) or (b) is the following:

(1) The individual's name.

(2) The date, or anticipated date, of the individual's discharge, separation, or release from the Armed Forces.

(3) The characterization, or anticipated characterization, of the individual's discharge from the Armed Forces.

(4) The individual's sex.

(5) The individual's marital status.

(6) The individual's State of domicile.

(7) The individual's level of education.

(8) Appropriate contact information for the individual.

(9) Whether the individual is participating, or did participate, in a transition orientation program for members of the Armed Forces such as the Transition Assistance Program (TAP).

(10) Any field of future employment for which the individual expresses a preference in the individual's request.

SA 2106. Mr. REID (for Mr. WARNER (for himself and Mr. CHAMBLISS)) submitted an amendment intended to be proposed by Mr. REID of NV to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1082. MODIFICATION OF FEDERAL ACQUISITION REGULATION TO ENCOURAGE GOVERNMENT CONTRACTORS TO HIRE UNEMPLOYED VETERANS.

The Director of the Office of Management and Budget shall direct the Federal Acquisition Regulatory Council to, by not later than 60 days after the date of the enactment of this Act, issue proposed rules and, by not later than 270 days after the date of the enactment of this Act, issue final rules amending the Federal Acquisition Regulation—

(1) to require contractors who are subject to the cost accounting standards under the Federal Acquisition Regulation and who received at least $25,000,000 in aggregated contracts in each of the prior two fiscal years to develop and maintain a single company-wide veterans employment plan that, at a minimum, establishes—

(A) performance metrics;

(B) a plan to hire unemployed veterans, with a particular focus on unemployed veterans who served on active duty in the Armed Forces after September 11, 2001; and

(C) [methods] for training veterans not later than on year after hiring them in skills applicable to Government contracts;

(2) to encourage Federal agencies to modify or waive a skill required for the performance of an awarded contract when the contract is to be performed by an otherwise unemployed veteran assigned to work on such contract and the contractor provides training to the veteran in order to meet the modified or waived requirement by not later than one year after the date of such assignment;

(3) to authorize any contractor to deem that an otherwise unemployed veteran hired by a contractor after the date of the enactment of this Act who is assigned to work on a new or existing government contract meets the minimum skill qualification requirements under the contract if the contractor is provides training to such veteran in order to meet the original qualification requirement of such contract within one year of such assignment; and

(4) to modify such audit, oversight, and allowable cost requirements as may be applicable to Federal contracts to recognize and take into account the actions taken by a contractor under paragraph (3) as being in compliance with the terms and conditions of a contract.

SA 2107. Mr. REID (for Mr. WARNER (for himself and Mr. MORAN)) submitted an amendment intended to be proposed by Mr. REID of NV to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VI, add the following:

SEC. 604. SENSE OF SENATE ON PAYMENT OF PAY AND ALLOWANCES FOR MEMBERS OF THE ARMED FORCES DURING A LAPSE IN APPROPRIATIONS.

It is the sense of the Senate that—

(1) the members of the Armed Forces and their families continue to make great sacrifices in the service of our nation;

(2) the government shutdown during the recent lapse in appropriations hurt military families, the Federal workforce, taxpayers, and businesses; and

(3) in the event of a lapse in appropriations, Congress should make continuing appropriations for—

(A) pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations for members of the Armed Forces (as defined in section 101(a)(4) of title 10, of the United States Code), including reserve components, who perform active service during such period; and

(B) pay and allowances for military technicians (dual status) during such period.

SA 2108. Mr. REID (for Mr. WARNER) submitted an amendment intended to be proposed by Mr. REID of NV to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 646. SENSE OF SENATE ON PAYMENT OF DEATH GRATUITIES AND RELATED BENEFITS TO SURVIVORS OF DECEASED MEMBERS OF THE ARMED FORCES.

It is the sense of the Senate that—

(1) the members of the Armed Forces and their families continue to make great sacrifices in the service of our nation;

(2) to not pay timely death benefits to the families of fallen members of the Armed Forces is unacceptable; and

(3) in the event of a lapse in appropriations, Congress should make continuing appropriations for the payment of death gratuities and related benefits to survivors of deceased members of the Armed Forces, including members of the Coast Guard when not in the service of the Navy, including—

(A) payment of a death gratuity under sections 1475 to 1477 and 1489 of title 10, United States Code;

(B) payment or reimbursement of funeral and burial expenses authorized under sections 1481 and 1482 of title 10, United States Code;

(C) payment or reimbursement of authorized funeral travel and travel related to the dignified transfer of remains and unit memorial services under section 481f of title 37, United States Code; and

(D) temporary continuation of a basic allowance of housing for dependents of members dying on active duty, as authorized by section 403(l) of title 37, United States Code.

SA 2109. Mr. REID (for Mr. WARNER (for himself and Mrs. GILLIBRAND)) submitted an amendment intended to be proposed by Mr. REID of NV to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1082. UNMANNED AIRCRAFT SYSTEMS AND NATIONAL AIRSPACE.

(a) MEMORANDA OF UNDERSTANDING.—Notwithstanding any other provision of law, the Secretary of Defense may enter into a memorandum of understanding with a non-Department of Defense entity that is engaged in the test range program authorized under section 332(c) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) to allow such entity to access non-regulatory special use airspace if such access—

(1) is used by the entity as part of such test range program; and

(2) does not—

(A) interfere with the activities of the Secretary; or

(B) otherwise interrupt or delay missions or training of the Department of Defense.

(b) ESTABLISHED PROCEDURES.—In carrying out subsection (a), the Secretary of Defense shall use the established procedures of the Department of Defense with respect to entering into a memorandum of understanding.

(c) RULE OF CONSTRUCTION.—A memorandum of understanding entered into under subsection (a) between the Secretary of Defense and a non-Department of Defense entity may not be construed as establishing the Secretary as a partner, proponent, or team member of such entity in the test range program specified in such subsection.

SA 2110. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 529. CONSIDERATION OF CERTAIN TIME SPENT RECEIVING MEDICAL CARE FROM SECRETARY OF DEFENSE AS ACTIVE DUTY FOR PURPOSES OF ELIGIBILITY FOR POST-9/11 EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Section 3301(1)(B) of title 38, United States Code, is amended by inserting ''12301(h),'' after ''12301(g),''.

(b) RETROACTIVE APPLICATION.—The amendment made by subsection (a) shall apply as if such amendment were enacted immediately after the enactment of the Post-9/11 Veterans Educational Assistance Act of 2008 (Public Law 110–252).

SA 2111. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

SEC. 1208. LIMITATION ON ASSISTANCE TO PROVIDE TEAR GAS OR OTHER RIOT CONTROL ITEMS.

None of the funds authorized to be appropriated by this Act may be used to provide tear gas or other riot control items to the government of a country undergoing a transition to democracy in the Middle East or North Africa unless the Secretary of Defense certifies to the Committees on Armed Services of the Senate and the House of Representatives that the security forces of such government are not using excessive force to repress peaceful, lawful, and organized dissent.

SA 2112. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 529. REQUIREMENT TO USE HUMAN-BASED METHODS FOR CERTAIN MEDICAL TRAINING.

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2017. Requirement to use human-based methods for certain medical training

''(a) COMBAT TRAUMA INJURIES.—(1) Not later than October 1, 2016, the Secretary of Defense shall develop, test, and validate human-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries with the goal of replacing live animal-based training methods.

''(2) Not later than October 1, 2018, the Secretary—

''(A) shall only use human-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries; and

''(B) may not use animals for such purpose.

''(b) EXCEPTION FOR PARTICULAR COMMANDS AND TRAINING METHODS.—(1) The Secretary may exempt a particular command, particular training method, or both, from the requirement for human-based training methods under subsection (a)(2) if the Secretary determines that human-based training methods will not provide an educationally equivalent or superior substitute for live animal-based training methods for such command or training method, as the case may be.

''(2) Any exemption under this subsection shall be for such period, not more than one year, as the Secretary shall specify in granting the exemption. Any exemption may be renewed (subject to the preceding sentence).

''(c) ANNUAL REPORTS.—(1) Not later than October 1, 2014, and each year thereafter, the Secretary shall submit to the congressional defense committees a report on the development and implementation of human-based training methods and replacement of live-animal based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries under this section.

''(2) Each report under this subsection on or after October 1, 2018, shall include a description of any exemption under subsection (b) that is in force as the time of such report, and a current justification for such exemption.

''(d) DEFINITIONS.—In this section:

''(1) The term 'combat trauma injuries' means severe injuries likely to occur during combat, including—

''(A) hemorrhage;

''(B) tension pneumothorax;

''(C) amputation resulting from blast injury;

''(D) compromises to the airway; and

''(E) other injuries.

''(2) The term 'human-based training methods' means, with respect to training individuals in medical treatment, the use of systems and devices that do not use animals, including—

''(A) simulators;

''(B) partial task trainers;

''(C) moulage;

''(D) simulated combat environments;

''(E) human cadavers; and

''(F) rotations in civilian and military trauma centers.

''(3) The term 'partial task trainers' means training aids that allow individuals to learn or practice specific medical procedures.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title is amended by adding at the end the following new item:

''2017. Requirement to use human-based methods for certain medical training.''.

SA 2113. Ms. AYOTTE (for herself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1066. REPORT ON UNDERSEA FIBER-OPTIC CABLE USE FOR DEPARTMENT OF DEFENSE ACTIVITIES WORLDWIDE.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the use by the Department of undersea fiber-optic cables to transmit information. The report shall set forth the following:

(1) A description of the quantity, type, and sensitivity of information transmitted by the Department on undersea fiber-optic cables.

(2) A description of the degree to which foreign companies manufacture or service undersea fiber-optic cables used by the Department to transmit information.

(3) A list of companies, and their countries of origin, that manufacture and service undersea fiber-optic cables used by the Department to transmit information.

(4) An assessment of the vulnerabilities created when undersea fiber-optic cables used by the Department to transmit information are manufactured or serviced by foreign companies.

(5) An estimate of the extent to which the reliance of the Department on undersea fiber-optic cables to transmit information will increase over the next decade.

(6) An assessment of the health of the United States industrial base for the manufacture and servicing of undersea fiber-optic cables.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SA 2114. Mr. PORTMAN (for himself and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 722. REPORT ON USE OF TELEHEALTH FOR TREATMENT OF POST-TRAUMATIC STRESS DISORDER, TRAUMATIC BRAIN INJURIES, AND MENTAL HEALTH CONDITIONS.

(a) REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the use of telehealth to improve the diagnosis and treatment of Post-Traumatic Stress Disorder (PTSD), Traumatic Brain Injuries (TBI), and mental health conditions.

(b) ELEMENTS.—The report required by subsection (a) shall address the following:

(1) The current status of telehealth initiatives within the Defense Department to diagnose and treat Post-Traumatic Stress Disorder, Traumatic Brain Injuries, and mental health conditions.

(2) Plans for integrating telehealth into the military health care system, including in health care delivery, records management, medical education, public health, and private sector partnerships.

(3) The status of the integration of telehealth initiatives of the Department with the telehealth initiatives of the Department of Veterans Affairs.

(4) A description and assessment of challenges to the use of telehealth as a means of in-home treatment, outreach in rural areas, and in settings which provide group treatment or therapy in connection with treatment of Post-Traumatic Stress Disorder, Traumatic Brain Injuries, and mental health conditions, and a description and assessment of efforts to address such challenges.

(5) A description of privacy issues related to use of telehealth for the treatment of Post-Traumatic Stress Disorder, Traumatic Brain Injuries, and mental health conditions, and recommendations for mechanisms to remedy any privacy concerns in connection with use of telehealth for such treatment.

SA 2115. Mr. JOHNSON of Wisconsin (for himself and Ms. BALDWIN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of

the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. AUTHORIZATION FOR AWARD OF THE MEDAL OF HONOR TO FIRST LIEUTENANT ALONZO H. CUSHING FOR ACTS OF VALOR DURING THE CIVIL WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized to award the Medal of Honor under section 3741 of such title to then First Lieutenant Alonzo H. Cushing for conspicuous acts of gallantry and intrepidity at the risk of life and beyond the call of duty in the Civil War, as described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of then First Lieutenant Alonzo H. Cushing while in command of Battery A, 4th United States Artillery, Army of the Potomac, at Gettysburg, Pennsylvania, on July 3, 1863, during the American Civil War.

SA 2116. Mr. RISCH (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

SEC. 1208. PROHIBITION ON FOREIGN ASSISTANCE TO GOVERNMENTS DEVELOPING GROUND-LAUNCHED NUCLEAR-CAPABLE MISSILE SYSTEMS WITH THE CAPABILITY OF STRIKING THE CONTINENTAL UNITED STATES.

Section 102(b) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking ''device, or'' and inserting ''device,'';

(B) in subparagraph (D), by inserting ''or'' after ''device,''; and

(C) by inserting after subparagraph (D) the following new subparagraph:

''(E) is in the process of developing or acquiring a ground-launched nuclear-capable missile system with an assessed range capable of striking the continental United States, and is not a permanent member of the United Nations Security Council,'';

(2) in paragraph (4)(A), by striking ''required under paragraph (1)(A) or (1)(B)'' and inserting ''required under paragraph (1)(A), (1)(B), or (1)(E)'';

(3) in paragraph (5)—

(A) by striking ''this subsection, if the Congress'' and inserting the following: ''this subsection—

''(A) if the Congress'';

(B) by striking ''required under paragraph (1)(A) or (1)(B) if he'' and inserting ''required under paragraph (1)(A), (1)(B), or (1)(E) if the President'';

(C) by striking ''security. The President shall transmit'' and inserting ''security, and transmits''; and

(D) by striking ''therefor.'' and inserting the following: ''therefor; and

''(B) if the Secretary of Defense, in consultation with the Director of National Intelligence, certifies to Congress that the government of a country subject to sanctions under paragraph (1) solely on the basis of subparagraph (E) of such paragraph is no longer in the process of developing or acquiring a missile system described under such subparagraph, the President may waive such sanctions.''; and

(4) by adding at the end the following new paragraph:

''(9)(A) Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2014, and annually thereafter, the Secretary of Defense, in consultation with the Director of National Intelligence, shall submit to the appropriate congressional committees a report on any countries determined in accordance with subparagraph (E) of paragraph (1) to be in the process of developing or acquiring a missile system described under such subparagraph.

''(B) In this paragraph, the term 'appropriate congressional committees' means—

''(i) the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

''(ii) the Committee on Armed Services, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.''.

SA 2117. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1066. REPORT ON WHEREABOUTS OF ARMY SERGEANT BOWE BERGDAHL.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees an unclassified report, with a classified annex, regarding the status of the search for U.S. Army Sergeant Bowe Bergdahl, who was captured by the Taliban on June 30, 2009, in Paktika Province in eastern Afghanistan. The report should include Sergeant Bergdahl's suspected whereabouts, his likely captors, and what efforts are being made to find and recover him.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional defense committees;

(2) the Select Committee on Intelligence and the Committee on Foreign Relations of the Senate; and

(3) the Permanent Select Committee on Intelligence and the Committee on Foreign Affairs of the House of Representatives.

SA 2118. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 335. COMPTROLLER GENERAL STUDY OF DEPARTMENT OF DEFENSE RESEARCH, DEVELOPMENT, AND INVESTMENT TO MEET THE REQUIREMENTS OF RENEWABLE ENERGY GOALS.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a review of Department of Defense programs and organizations related to, and resourcing of, renewable energy research, development, and investment in pursuit of meeting the renewable energy goals set forth in section 2911(e) of title 10, United States Code, by executive order, and through related legislative mandates. This review shall specify specific programs, costs, and estimated and expected savings of the programs.

(b) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees, the Committee on Natural Resources of the Senate, and the Committee on Energy and Commerce of the House of Representatives a report on the review conducted under subsection (a), including the following elements:

(1) A description of current Department of Defense renewable energy research initiatives throughout the Department of Defense, by military service, including the use of any ''renewable energy source'' as specified in section 2911(e)(2) of title 10, United States Code. These descriptions shall include the total dollars spent to date, the estimated total cost of each program, and the estimated lifetime of each program.

(2) A description of current Department of Defense renewable energy development initiatives throughout the Department of Defense, by military service, including the use of any ''renewable energy source'' as specified in section 2911(e)(2) of title 10, United States Code. These descriptions shall include the total dollars spent to date, the estimated total cost of each program, and the estimated lifetime of each program.

(3) A description of current Department of Defense renewable energy investment initiatives throughout the Department of Defense, by military service, including the use of any ''renewable energy source'' as specified in section 2911(e)(2) of title 10, United States Code. These descriptions will include the total dollars spent to date, the estimated total cost of the program, and the estimated lifetime of the program.

(4) A description of the estimated and expected savings of each of the programs described in paragraphs (1), (2), and (3), including a comparison of the renewable energy cost to the current cost of conventional energy sources, as well as a comparison of the renewable energy cost to the average energy cost for the previous 10 years.

(5) An assessment of the adequacy of the coordination by the Department of Defense of planning for renewable energy projects with consideration for savings realized for dollars invested and the capitalization costs of such investments.

(6) An assessment of the adequacy of the coordination by the Department of Defense among the service branches and the Department of Defense as a whole, and whether or not the Department of Defense has a cost-effective, capabilities-based, and coordinated renewable energy research, development, and investment strategy.

(7) An assessment of the programmatic, organizational, and resource challenges and gaps faced by the Department of Defense in optimizing research, development, and investment in renewable energy initiatives.

(8) Recommendations regarding the need for a new energy strategy for the Department of Defense that provides the Department with the energy supply required to meet all the needs and capabilities of the Armed Forces in the most cost-effective and efficient manner.

SA 2119. Mr. RISCH (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1035. PROHIBITION ON TRANSFER TO CERTAIN COUNTRIES OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

None of the funds authorized to be appropriated for fiscal year 2014 by this Act or any other Act may be used to transfer, release, or assist in the transfer or release, including a transfer or release otherwise authorized by section 1031, of an individual detained on or after January 20, 2009, at Naval Station, Guantanamo Bay, Cuba, to—

(1) the government of a foreign country determined to be repeatedly providing support for acts of international terrorism pursuant to section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) or section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j));

(2) the recognized leadership of a foreign entity designated as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189);

(3) the government of a foreign country determined to be not cooperating fully with United States antiterrorism efforts pursuant to Section 40A of the Arms Export Control Act (22 U.S.C. 2781); or

(4) to the government of a foreign country identified as having a terrorist safe haven within its borders in the Department of State 7120 Report on Terrorist Safe Havens.

SA 2120. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. 593. SENSE OF SENATE ON UPGRADE OF CHARACTERIZATION OF DISCHARGE OF CERTAIN VIETNAM ERA MEMBERS OF THE ARMED FORCES.

(a) SENSE OF SENATE.—It is the sense of the Senate that, when considering a request for correction of a less-than-honorable discharge issued to a member of the Armed Forces during the Vietnam era, the Board for Corrections of Military Records—

(1) should take into account whether the veteran—

(A) served in the Republic of Vietnam during the Vietnam era;

(B) following such service, was diagnosed with Post-Traumatic Stress Disorder after Post-Traumatic Stress Disorder was included in the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association; and

(C) has evidence to attest to current good standing within the veteran's community; and

(2) if the veteran meets the criteria specified in paragraph (1), should give all due consideration to an upgrade of characterization of discharge.

(b) VIETNAM ERA DEFINED.—In this section, the term ''Vietnam era'' has the meaning given that term in section 101(29) of title 38, United States Code.

SA 2121. Mr. BLUMENTHAL (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1534. REPORT ON POTENTIAL INCORPORATION OF UNITED STATES-MANUFACTURED ROTARY WING AIRCRAFT INTO THE AFGHAN NATIONAL SECURITY FORCES FLEET.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a proposal for the potential incorporation of United States-manufactured rotary wing aircraft into the Afghan National Security Forces (ANSF) fleet.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the anticipated cost, schedule, and training required for the incorporation of United States-manufactured rotary wing aircraft into the Afghan National Security Forces fleet, including costs associated with the procurement and sustainment of such aircraft.

(2) A description of any actions required to be undertaken to facilitate the incorporation of such aircraft into the Afghan National Security Forces fleet.

SA 2122. Mrs. GILLIBRAND (for herself and Ms. HIRONO) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title III, add the following:

SEC. 353. CLARIFICATION OF PROHIBITION ON DISPOSING OF WASTE IN OPEN-AIR BURN PITS.

Section 317(d)(2) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2249; 10 U.S.C. 2701 note) is amended—

(1) in subparagraph (B), by striking ''and'';

(2) by redesignating subparagraph (C) as subparagraph (Q); and

(3) by inserting after subparagraph (B) the following new subparagraphs:

''(C) tires;

''(D) treated wood;

''(E) batteries;

''(F) plastics, except insignificant amounts of plastic remaining after a good-faith effort to remove or recover plastic materials from the solid waste stream;

''(G) munitions and explosives, except when disposed of in compliance with guidance on the destruction of munitions and explosives contained in the Department of Defense Ammunition and Explosives Safety Standards, DoD Manual 6055.09-M;

''(H) compressed gas cylinders, unless empty with valves removed;

''(I) fuel containers, unless completely evacuated of its contents;

''(J) aerosol cans;

''(K) polychlorinated biphenyls;

''(L) petroleum, oils, and lubricants products (other than waste fuel for initial combustion);

''(M) asbestos;

''(N) mercury;

''(O) foam tent material;

''(P) any item containing any of the materials referred to in a preceding subparagraph; and''.

SA 2123. Mr. REID (for Mr. LEVIN (for himself and Mr. INHOFE)) proposed an amendment to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 310, line 14, strike ''$4,000,000,000'' and insert ''$5,000,000,000''.

SA 2124. Mr. REID (for Mr. LEVIN (for himself and Mr. INHOFE)) proposed an amendment to amendment SA 2123 proposed by Mr. REID (for Mr. LEVIN (for himself and Mr. INHOFE)) to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 1, line 2, strike '' ''$5,000,000,000' '' and insert '' ''$5,000,000,001' ''.

SA 2125. Mr. REID proposed an amendment to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end, add the following:

This Act shall become effective 3 days after enactment.

SA 2126. Mr. REID proposed an amendment to amendment SA 2125 proposed by Mr. REID to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

In the amendment, strike ''3 days'' and insert ''2 days''.

SA 2127. Mr. REID proposed an amendment to amendment SA 2126 proposed by Mr. REID to the amendment SA 2125 proposed by Mr. REID to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

In the amendment, strike ''2 days'' and insert ''1 day''.

SA 2128. Mr. KAINE submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 573. ASSESSMENT OF ELEMENTARY AND SECONDARY SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall conduct an assessment of each program as follows:

(A) The Army Educational Outreach Program (AEOP).

(B) The STEM2Stern program of the Navy.

(C) The DoD STARBASE program carried out by the Under Secretary of Defense for Personnel and Readiness.

(2) CONSULTATION.—The Secretary of Defense shall conduct assessments under this subsection in consultation with the Secretary of Education and the heads of other appropriate Federal agencies.

(b) ELEMENTS.—The assessment of a program under subsection (a) shall include the following:

(1) An assessment of the current status of the program.

(2) A determination as to the advisability of retaining, terminating, or transferring the program to another agency, together with a justification for the determination.

(3) For a program determined under paragraph (2) to be terminated, a justification why the science, technology, engineering, and mathematics education requirements of the program are no longer required.

(4) For a program determined under paragraph (2) to be transferred to the jurisdiction of another agency—

(A) the name of such agency;

(B) the funding anticipated to be provided the program by such agency during the five-year period beginning on the date of transfer; and

(C) mechanisms to ensure that education under the program will continue to meet the science, technology, engineering, and mathematics education requirements of the Department of Defense, including requirements for the dependents covered by the program.

(5) Metrics to assess whether a program under paragraph (3) or (4) is meeting the requirements applicable to such program under such paragraph.

(c) LIMITATION ON CERTAIN ACTIONS ON PROGRAMS PENDING ASSESSMENT.—A program specified in paragraph (1) of subsection (a) may not be terminated or transferred to the jurisdiction of another agency until the completion of the assessment required by that subsection.

(d) FUNDING.—

(1) TRANSFER OF CERTAIN FUNDS TO PK-12 STEM PROGRAMS.—Of the amount authorized to be appropriated for fiscal year 2014 by section 201 and available for Research, Development, Test, and Evaluation, Defense-wide for the National Defense Education Program (NDEP) for the National Security Science and Engineering Faculty Fellowship (NSSEFF) as specified in the funding table in section 4201, $10,000,000 shall be available for pre-kindergarten, elementary, and secondary science, technology, engineering, and mathematics programs of the Department of Defense.

(2) TRANSFER OF FUNDS BACK TO NSSEFF ON COMPLETION OF ASSESSMENT.—Upon certifying to the congressional defense committees that the assessment required by subsection (a) is complete, the Secretary may transfer to the National Security Science and Engineering Faculty Fellowship such amount from the amount transferred by paragraph (1) as the Secretary considers appropriate.

SA 2129. Mr. CARDIN (for himself, Mr. MCCAIN, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1237. VIETNAM EDUCATION FOUNDATION.

(a) FINDINGS.—Congress makes the following findings:

(1) The Secretary of Defense has called for more high-level exchanges and enhanced defense cooperation between the United States and Vietnam.

(2) Vietnam plays a major role in the President's strategic priority to rebalance United States policies toward Asia (popularly known as the ''Asia pivot'').

(3) The Department of Defense is increasing its United States force posture in Asia to achieve more geographical distribution, operational resilience, and politically sustainability.

(4) The Secretary of Defense and the Minister of Defense of the Socialist Republic of Vietnam have agreed to develop cooperation in the following 5 areas:

(A) High-level dialogues.

(B) Maritime security.

(C) Search and rescue operations.

(D) Peacekeeping operations.

(E) Humanitarian assistance and disaster relief.

(5) The Secretary of Defense has emphasized that enhanced defense cooperation must be accompanied by reform and liberalization in other sectors.

(b) GRANTS AUTHORIZED.—

(1) ESTABLISHMENT OF HIGHER EDUCATION INSTITUTION IN VIETNAM.—In order to support Vietnam's socioeconomic transition and promote the values of intellectual freedom and open enquiry, the Secretary of State may award 1 or more grants to not-for-profit organizations engaged in promoting institutional innovation in Vietnamese higher education to establish an independent, not-for-profit, higher education institution in Vietnam.

(2) USE OF FUNDS.—Grant funds awarded under this subsection shall be used to support the establishment of an independent, not-for-profit academic institution to be built in Vietnam, which shall—

(A) achieve standards comparable to those required for accreditation in the United States; and

(B) offer graduate and undergraduate level teaching and research programs in a broad range of fields, including public policy, management, and engineering.

(3) APPLICATION.—Eligible not-for-profit organizations desiring a grant under this subsection shall submit an application to the Secretary of State at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(4) FUNDING.—The Secretary of State may use amounts from the Vietnam Debt Repayment Fund made available under section 207(c) of the Vietnam Education Foundation Act of 2000 (22 U.S.C. 2452 note) for grants authorized under this subsection.

(5) ANNUAL REPORT.—The Secretary of State shall submit an annual report to the appropriate congressional committees that summarizes the activities carried out under this subsection during the most recent fiscal year.

(c) TRANSFER OF FUNCTIONS AND ASSETS.—All functions and assets of the Vietnam Education Foundation, as of the day before the date of the enactment of this Act, are transferred to the Bureau of Educational and Cultural Affairs of the Department of State.

(d) VIETNAM DEBT REPAYMENT FUND.—Section 207(c) of the Vietnam Education Foundation Act of 2000 (22 U.S.C. 2452 note) is amended to read as follows:

''(c) AVAILABILITY OF FUNDS.—

''(1) AMOUNTS TRANSFERRED TO THE FOUNDATION.—Except as provided in paragraph (2), for each of the fiscal years 2014 through 2018, $5,000,000 of the amounts deposited into the Fund (or accrued interest) shall be transferred to the Foundation to carry out the fellowship program described in section 206.

''(2) AMOUNTS ALLOTTED FOR GRANTS TO ESTABLISH AN INDEPENDENT, NOT-FOR-PROFIT, HIGHER EDUCATION INSTITUTION IN VIETNAM.—Notwithstanding paragraph (1), the Secretary of State may expend any amounts deposited into the Fund (or accrued interest) to carry out the grant program established under section 1237(b) of the National Defense Authorization Act for Fiscal Year 2014, to support the establishment of an independent, not-for-profit academic institution in Vietnam offering graduate and undergraduate level programs in a broad range of fields, including public policy, management, and engineering.

''(3) DISPOSITION OF EXCESS FUNDS.—For each of the fiscal years 2014 through 2018, the Secretary of the Treasury shall deposit all amounts in the Fund in excess of the amounts transferred or expended under paragraphs (1) and (2) for such year as miscellaneous receipts into the General Fund of the Treasury of the United States.''.

SA 2130. Mr. CARDIN (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VIII, add the following:

SEC. 804. EXTENSION OF LIMITATION ON AGGREGATE ANNUAL AMOUNT AVAILABLE FOR CONTRACT SERVICES.

Section 808 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1489) is amended—

(1) in subsections (a) and (b), by striking ''fiscal year 2012 or 2013'' and inserting ''fiscal year 2012, 2013, 2014, or 2015'';

(2) in subsection (c)—

(A) by striking ''during fiscal years 2012 and 2013'' in the matter preceding paragraph (1);

(B) by striking paragraphs (1) and (2) and redesignating paragraphs (3), (4), and (5) as paragraphs (1), (2), and (3), respectively; and

(C) in paragraph (3), as so redesignated, by striking ''fiscal years 2012 and 2013'' and inserting ''fiscal years 2012, 2013, 2014, and 2015'';

(3) in subsection (d)(4), by striking ''fiscal year 2012 or 2013'' and inserting ''fiscal year 2012, 2013, 2014, or 2015''; and

(4) by adding at the end the following new subsections:

''(e) CARRYOVER OF REDUCTIONS REQUIRED.—If the reductions required by subsection (c)(2) for fiscal years 2012 and 2013 are not implemented, the amounts remaining for those reductions in fiscal years 2012 and 2013 shall be implemented in fiscal years 2014 and 2015.

''(f) ANTI-DEFICIENCY ACT VIOLATION.—Failure to comply with subsections (a) and (e) shall be considered violations of section 1341 of title 31, United States Code (commonly referred to as the 'Anti-Deficiency Act').''.

SA 2131. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1237. REPORT ON ACCOUNTABILITY FOR WAR CRIMES AND CRIMES AGAINST HUMANITY IN SYRIA.

(a) SENSE OF CONGRESS.—Congress—

(1) strongly condemns the ongoing violence, the use of chemical weapons, and the systematic gross human rights violations carried out by Syrian government forces under the direction of President Bashar al-Assad, as well as abuses committed by al Qaeda affiliates and other jihadists involved in the civil war in Syria;

(2) expresses its support for the people of Syria seeking peaceful democratic change; and

(3) calls on the President to support Syrian and International Community efforts to ensure accountability for war crimes and crimes against humanity committed during the conflict.

(b) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and 180 days after the cessation of violence in Syria, the Secretary of State shall submit to the appropriate congressional committees a report on war crimes and crimes against humanity in Syria.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) A description of violations of internationally recognized human rights and crimes against humanity perpetrated during the civil war in Syria, including—

(i) an account of the war crimes and crimes against humanity committed by the regime of President Bashar al-Assad;

(ii) an account of the war crimes and crimes against humanity committed by al Qaeda affiliates and other jihadists involved in the conflict; and

(iii) a description of the conventional and unconventional weapons used for such crimes and, where possible, the origins of the weapons.

(B) A description of efforts by the Department of State and the United States Agency for International Development to ensure accountability for violations of internationally recognized human rights and crimes against humanity perpetrated against the people of Syria by President Bashar al-Assad and al Qaeda affiliates and other jihadists involved in the conflict, including—

(i) a description of initiatives that the United States has undertaken to train Syrian investigators on how to document, investigate, and develop findings of war-crimes; and

(ii) an assessment of the impact of those initiatives.

(c) APPROPRIATE CONGRESSIONAL COMMITTEE DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations of the Senate; and

(2) the Committee on Foreign Affairs of the House of Representatives.

SA 2132. Mr. CARDIN (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 713. COMPREHENSIVE POLICY ON IMPROVEMENTS TO CARE AND TRANSITION OF MEMBERS OF THE ARMED FORCES WITH UROTRAUMA.

(a) COMPREHENSIVE POLICY REQUIRED.—

(1) IN GENERAL.—Not later than January 1, 2014, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop and implement a comprehensive policy on improvements to the care, management, and transition of recovering members of the Armed Forces with urotrauma.

(2) SCOPE OF POLICY.—The policy shall cover each of the following:

(A) The care and management of the specific needs of members of the Armed Forces who are urotrauma patients, including eligibility for the Recovery Care Coordinator Program pursuant to the Wounded Warrior Act (10 U.S.C. 1071 note).

(B) The return to active duty of members of the Armed Forces who have recovered from urotrauma, when appropriate.

(C) The transition of recovering members of the Armed Forces from receipt of care and services for urotrauma through the Department of Defense to receipt of care and services for urotrauma through the Department of Veterans Affairs.

(3) CONSULTATION.—The Secretary of Defense and the Secretary of Veterans Affairs shall develop the policy in consultation with the heads of other appropriate departments and agencies of the Federal Government, with representatives of military service organizations representing the interests of members of the Armed Froces who are urotrauma patients, and with appropriate nongovernmental organizations having an expertise in matters relating to the policy.

(b) REPORT.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report that includes a review identifying options for responding to gaps in the care of members of the Armed Forces who are urotrauma patients.

SA 2133. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1082. NATIONAL BLUE ALERT COMMUNICATIONS NETWORK.

(a) SHORT TITLE.—This section may be cited as the ''National Blue Alert Act of 2013''.

(b) DEFINITIONS.—In this section:

(1) COORDINATOR.—The term ''Coordinator'' means the Blue Alert Coordinator of the Department of Justice designated under subsection (d)(1).

(2) BLUE ALERT.—The term ''Blue Alert'' means information relating to the serious injury or death of a law enforcement officer in the line of duty sent through the network.

(3) BLUE ALERT PLAN.—The term ''Blue Alert plan'' means the plan of a State, unit of local government, or Federal agency participating in the network for the dissemination of information received as a Blue Alert.

(4) LAW ENFORCEMENT OFFICER.—The term ''law enforcement officer'' shall have the same meaning as in section 1204(6) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(6)).

(5) NETWORK.—The term ''network'' means the Blue Alert communications network established by the Attorney General under subsection (c).

(6) STATE.—The term ''State'' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(c) BLUE ALERT COMMUNICATIONS NETWORK.—The Attorney General shall establish a national Blue Alert communications network within the Department of Justice to issue Blue Alerts through the initiation, facilitation, and promotion of Blue Alert plans, in coordination with States, units of local government, law enforcement agencies, and other appropriate entities.

(d) BLUE ALERT COORDINATOR; GUIDELINES.—

(1) COORDINATION WITHIN DEPARTMENT OF JUSTICE.—The Attorney General shall assign an existing officer of the Department of Justice to act as the national coordinator of the Blue Alert communications network.

(2) DUTIES OF THE COORDINATOR.—The Coordinator shall—

(A) provide assistance to States and units of local government that are using Blue Alert plans;

(B) establish voluntary guidelines for States and units of local government to use in developing Blue Alert plans that will promote compatible and integrated Blue Alert plans throughout the United States, including—

(i) a list of the resources necessary to establish a Blue Alert plan;

(ii) criteria for evaluating whether a situation warrants issuing a Blue Alert;

(iii) guidelines to protect the privacy, dignity, independence, and autonomy of any law enforcement officer who may be the subject of a Blue Alert and the family of the law enforcement officer;

(iv) guidelines that a Blue Alert should only be issued with respect to a law enforcement officer if—

(I) the law enforcement agency involved—

(aa) confirms—

(AA) the death or serious injury of the law enforcement officer; or

(BB) the attack on the law enforcement officer and that there is an indication of the death or serious injury of the officer; or

(bb) concludes that the law enforcement officer is missing in the line of duty;

(II) there is an indication of serious injury to or death of the law enforcement officer;

(III) the suspect involved has not been apprehended; and

(IV) there is sufficient descriptive information of the suspect involved and any relevant vehicle and tag numbers;

(v) guidelines—

(I) that information relating to a law enforcement officer who is seriously injured or killed in the line of duty should be provided to the National Crime Information Center database operated by the Federal Bureau of Investigation under section 534 of title 28, United States Code, and any relevant crime information repository of the State involved;

(II) that a Blue Alert should, to the maximum extent practicable (as determined by the Coordinator in consultation with law enforcement agencies of States and units of local governments), be limited to the geographic areas most likely to facilitate the apprehension of the suspect involved or which the suspect could reasonably reach, which should not be limited to State lines;

(III) for law enforcement agencies of States or units of local government to develop plans to communicate information to neighboring States to provide for seamless communication of a Blue Alert; and

(IV) providing that a Blue Alert should be suspended when the suspect involved is apprehended or when the law enforcement agency involved determines that the Blue Alert is no longer effective; and

(vi) guidelines for—

(I) the issuance of Blue Alerts through the network; and

(II) the extent of the dissemination of alerts issued through the network;

(C) develop protocols for efforts to apprehend suspects that address activities during the period beginning at the time of the initial notification of a law enforcement agency that a suspect has not been apprehended and ending at the time of apprehension of a suspect or when the law enforcement agency involved determines that the Blue Alert is no longer effective, including protocols regulating—

(i) the use of public safety communications;

(ii) command center operations; and

(iii) incident review, evaluation, debriefing, and public information procedures;

(D) work with States to ensure appropriate regional coordination of various elements of the network;

(E) establish an advisory group to assist States, units of local government, law enforcement agencies, and other entities involved in the network with initiating, facilitating, and promoting Blue Alert plans, which shall include—

(i) to the maximum extent practicable, representation from the various geographic regions of the United States; and

(ii) members who are—

(I) representatives of a law enforcement organization representing rank-and-file officers;

(II) representatives of other law enforcement agencies and public safety communications;

(III) broadcasters, first responders, dispatchers, and radio station personnel; and

(IV) representatives of any other individuals or organizations that the Coordinator determines are necessary to the success of the network;

(F) act as the nationwide point of contact for—

(i) the development of the network; and

(ii) regional coordination of Blue Alerts through the network; and

(G) determine—

(i) what procedures and practices are in use for notifying law enforcement and the public when a law enforcement officer is killed or seriously injured in the line of duty; and

(ii) which of the procedures and practices are effective and that do not require the expenditure of additional resources to implement.

(3) LIMITATIONS.—

(A) VOLUNTARY PARTICIPATION.—The guidelines established under paragraph (2)(B), protocols developed under paragraph (2)(C), and other programs established under paragraph (2), shall not be mandatory.

(B) DISSEMINATION OF INFORMATION.—The guidelines established under paragraph (2)(B) shall, to the maximum extent practicable (as determined by the Coordinator in consultation with law enforcement agencies of States and units of local government), provide that appropriate information relating to a Blue Alert is disseminated to the appropriate officials of law enforcement agencies, public health agencies, and other agencies.

(C) PRIVACY AND CIVIL LIBERTIES PROTECTIONS.—The guidelines established under paragraph (2)(B) shall—

(i) provide mechanisms that ensure that Blue Alerts comply with all applicable Federal, State, and local privacy laws and regulations; and

(ii) include standards that specifically provide for the protection of the civil liberties, including the privacy, of law enforcement officers who are seriously injured or killed in the line of duty and the families of the officers.

(4) COOPERATION WITH OTHER AGENCIES.—The Coordinator shall cooperate with the Secretary of Homeland Security, the Secretary of Transportation, the Chairman of the Federal Communications Commission, and appropriate offices of the Department of Justice in carrying out activities under this section.

(5) RESTRICTIONS ON COORDINATOR.—The Coordinator may not—

(A) perform any official travel for the sole purpose of carrying out the duties of the Coordinator;

(B) lobby any officer of a State regarding the funding or implementation of a Blue Alert plan; or

(C) host a conference focused solely on the Blue Alert program that requires the expenditure of Federal funds.

(6) REPORTS.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Coordinator shall submit to Congress a report on the activities of the Coordinator and the effectiveness and status of the Blue Alert plans that are in effect or being developed.

SA 2134. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VIII, add the following:

SEC. 804. EXTENSION OF LIMITATION ON AGGREGATE ANNUAL AMOUNT AVAILABLE FOR CONTRACT SERVICES.

Section 808 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1489) is amended—

(1) in subsections (a) and (b), by striking ''fiscal year 2012 or 2013'' and inserting ''fiscal year 2012, 2013, 2014, or 2015'';

(2) in subsection (c)—

(A) by striking ''during fiscal years 2012 and 2013'' in the matter preceding paragraph (1);

(B) by striking paragraphs (1) and (2) and redesignating paragraphs (3), (4), and (5) as paragraphs (1), (2), and (3), respectively; and

(C) in paragraph (3), as so redesignated, by striking ''fiscal years 2012 and 2013'' and inserting ''fiscal years 2012, 2013, 2014, and 2015'';

(3) in subsection (d)(4), by striking ''fiscal year 2012 or 2013'' and inserting ''fiscal year 2012, 2013, 2014, or 2015''; and

(4) by adding at the end the following new subsections:

''(e) CARRYOVER OF REDUCTIONS REQUIRED.—If the reductions required by subsection (c)(2) for fiscal years 2012 and 2013 are not implemented, the amounts remaining for those reductions in fiscal years 2012 and 2013 shall be implemented in fiscal years 2014 and 2015.

''(f) ANTI-DEFICIENCY ACT VIOLATION.—Failure to comply with subsections (a) and (e) shall be considered violations of section 1341 of title 31, United States Code (commonly referred to as the 'Anti-Deficiency Act').''.

SA 2135. Mr. MANCHIN (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 646. SENSE OF SENATE THAT FUNDS FOR DEATH GRATUITIES AND RELATED SURVIVOR BENEFITS FOR SURVIVORS OF DECEASED MEMBERS OF THE ARMED FORCES SHOULD NOT BE SUBJECT TO ANNUAL APPROPRIATIONS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The death gratuity and related survivor benefits are a one-time payment to help families with the acute financial hardships that accompany the loss of a deceased member of the Armed Forces.

(2) During the recent lapse in appropriations, the death gratuity and related survivor benefits were suspended until an appropriations Act covering payment of such benefits was enacted.

(3) Not paying the death gratuity and related survivor benefits in a timely manner stands against our values as a Nation to honor and support those who paid the ultimate sacrifice.

(4) While it is altruistic to declare that lapses in annual appropriations must be avoided, a history of periodic lapses in annual appropriations suggests other such lapses are possible.

(5) It is time for permanent legislation that will ensure death gratuities and related survivor benefit for families of deceased members of the Armed Forces are not subject to annual appropriations.

(b) SENSE OF SENATE.—It is the sense of the Senate that funds for death gratuities and related survivor benefits for survivors of deceased members of the Armed Forces should not be subject to annual appropriations.

SA 2136. Mr. LEE (for himself and Mrs. FISCHER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1046. SENSE OF CONGRESS ON FURTHER NUCLEAR ARMS REDUCTIONS WITH THE RUSSIAN FEDERATION.

It is the sense of Congress that, if the United States seeks further nuclear arms reductions with the Russian Federation, below the levels of the New START Treaty, such reductions—

(1) should only be pursued through mutual negotiated agreement with the Russian Federation;

(2) should be verifiable;

(3) should be made pursuant to the treaty-making power of the President as set forth in Article II, section 2, clause 2 of the Constitution of the United States; and

(4) should include the full range of nuclear weapons capabilities that threaten the United States, its forward-deployed forces, and its allies, including non-strategic nuclear weapons.

SA 2137. Mr. LEE (for himself, Mr. CRUZ, Mr. BARRASSO, Mr. COBURN, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1082. REPORT ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Director of the Office of Management and Budget shall submit to Congress a report on all assessed and voluntary contributions, including in-kind, of the United States Government to the United Nations and its affiliated agencies and related bodies during the previous fiscal year.

(b) CONTENT.—The report required under subsection (a) shall include the following elements:

(1) The total amount of all assessed and voluntary contributions, including in-kind, of the United States Government to the United Nations and United Nations affiliated agencies and related bodies.

(2) The approximate percentage of United States Government contributions to each United Nations affiliated agency or body in such fiscal year when compared with all contributions to such agency or body from any source in such fiscal year.

(3) For each such contribution—

(A) the amount of the contribution;

(B) a description of the contribution (including whether assessed or voluntary);

(C) the department or agency of the United States Government responsible for the contribution;

(D) the purpose of the contribution; and

(E) the United Nations or United Nations affiliated agency or related body receiving the contribution.

(c) SCOPE OF INITIAL REPORT.—The first report required under subsection (a) shall include the information required under this section for the previous three fiscal years.

(d) PUBLIC AVAILABILITY OF INFORMATION.—Not later than 14 days after submitting a report required under subsection (a), the Director of the Office of Management and Budget shall post a public version of the report on a text-based, searchable, and publicly available Internet website.

SA 2138. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title IX, add the following:

SEC. 922. AGREEMENTS WITH CERTAIN COMMERCIAL SPACEPORTS AND RANGE AND LAUNCH COMPLEXES.

(a) IN GENERAL.—Section 2276 of title 10, United States Code, is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (d) the following new subsection (e):

''(e) AGREEMENTS WITH COMMERCIAL SPACEPORTS AND RANGE AND LAUNCH COMPLEXES.—

''(1) IN GENERAL.—The Secretary shall—

''(A) seek to enter into an agreement under subsection (b) with each commercial spaceport or range and launch complex described in paragraph (2); and

''(B) provide funding to each such commercial spaceport or range and launch complex in accordance with this section.

''(2) COMMERCIAL SPACEPORTS AND RANGE AND LAUNCH COMPLEXES DESCRIBED.—A commercial spaceport or range and launch complex described in this paragraph is a commercial spaceport or range and launch complex that—

''(A) is licensed by the Federal Aviation Administration;

''(B) provides orbital launch capabilities in support of national security space programs; and

''(C) receives funding from amounts made available for space launch operations for the Air Force Space Command of the Department of Defense.''.

(b) CONFORMING AMENDMENT.—Subsection (d)(3) of such section is amended by inserting ''and as provided in subsection (e)'' after ''subsection (b)''.

SA 2139. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, between lines 10 and 11, insert the following:

Subtitle A—Army Programs

SEC. 111. TRANSFER OF CERTAIN C–23 AIRCRAFT.

(a) TRANSFER.—

(1) OFFER OF TRANSFER.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Army shall extend to the chief executive officer of the State of Alaska the opportunity to take title to not more than eight C–23 aircraft with tail numbers specified in paragraph (2).

(2) TAIL NUMBERS.—The tail numbers of the C–23 transfer subject to offer under paragraph (1) are as follows: 93–01319, 93–01329, 94–00308, 94–00309, 88–01869, 90–07015, 90–07016, 90–07012.

(b) REQUIREMENTS APPLICABLE TO TRANSFER.—The transfer of any C–23 aircraft under subsection (a) shall be occur in accordance with the provisions of subsections (b) and (c) of section 112 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1318).

SA 2140. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1066. REPORT ON READINESS OF AIR FORCE COMBAT RESCUE HELICOPTER FLEET.

(a) REPORT REQUIRED.—Not later than April 1, 2014, the Secretary of the Air Force shall, in consultation with the Chief of the National Guard Bureau and the Adjutants General of the States of Alaska, California and New York, submit to congressional defense committees a report setting for an assessment of the readiness of the Air Force combat rescue helicopter fleet.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the readiness of the Air Force combat rescue helicopter fleet, including—

(A) the Aircraft Availability Rate for each of the preceding 12 months for the portion of the fleet operated by each of the Air Force, the Air Force Reserve, and the Air National Guard; and

(B) in the case of the combat rescue helicopters operated by the Air National Guard, the Aircraft Availability Rate for each of the preceding 12 months for each helicopter and any recommendations for remedial actions for sustainment, modernization, or replacement of such helicopter as the Secretary considers appropriate.

(2) A plan for the immediate replacement of Air National Guard search and rescue helicopters that are at or near the end of their mission capable life.

(3) A plan for near-term, middle-term, and long-term recapitalization of the Air Force combat rescue helicopter fleet.

SA 2141. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 155, strike line 15 and insert the following:

ual assault.

''(5)(A) An individual specified in subparagraph (B) who is the victim of an offense described in paragraph (2) that is committed by a member of armed forces or cadet or midshipman may be provided assistance by a Special Victims' Counsel under this subsection as if such individual were a member of the armed forces. In this subsection, any reference to a member in connection with the provision of such assistance shall be deemed to be a reference to such individual.

''(B) An individual specified in this subparagraph is an individual as follows:

''(i) A cadet at the United States Military Academy.

''(ii) A midshipman at the Naval Academy.

''(iii) A cadet at the Air Force Academy.''.

At the end of part I of subtitle E of title V, add the following:

SEC. 547. CONTINUOUS AVAILABILITY OF SEXUAL ASSAULT FORENSIC EXAMINERS AND SEXUAL ASSAULT NURSE EXAMINERS-ADULT/ADOLESCENT FOR CADETS AND MIDSHIPMEN WHO ARE VICTIMS OF SEXUAL ASSAULT AT THE MILITARY SERVICE ACADEMIES.

(a) CONTINUOUS AVAILABILITY.—Each Secretary concerned shall ensure that the services specified in subsection (b) are available on a continuous basis for cadets or midshipmen, as the case may be, who are the victim of a sexual assault at the military service academy under the jurisdiction of such Secretary.

(b) COVERED SERVICES.—The services specified in this subsection are the following:

(1) Services of Sexual Assault Forensic Examiners (SAFEs).

(2) Services of Sexual Assault Nurse Examiners-Adult/Adolescent (SANEs).

(c) SECRETARY CONCERNED DEFINED.—In this section, the term ''Secretary concerned'' means the following:

(1) The Secretary of the Army with respect to the United States Military Academy.

(2) The Secretary of the Navy with respect to the Naval Academy.

(3) The Secretary of the Air Force with respect to the Air Force Academy.

SA 2142. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 226, between lines 14 and 15, insert the following:

Subtitle A—TRICARE Program

SEC. 701. MENTAL HEALTH COUNSELORS UNDER THE TRICARE PROGRAM.

(a) ONE-YEAR POSTPONEMENT OF DECREDENTIALING OF CERTAIN COUNSELORS.—Notwithstanding the provisions of the Interim Final Rule entitled ''TRICARE: Certified Mental Health Counselors'' and published on December 27, 2011, or any other provision of law or regulation—

(1) physician-supervised mental health counselors who are qualified mental health providers for purposes of section 199.4 of title 32, Code of Federal Regulations, on October 1, 2014, shall retain such status and continue to be recognized for purposes of the TRICARE program until not earlier than December 31, 2015; and

(2) such mental health counselors shall remain eligible for reimbursement under the TRICARE program while continuing to retain such states and be so recognized.

(b) REPORT.—Not later than April 1, 2014, the Secretary of Defense shall submit to the congressional defense committees a report setting for the following:

(1) The number of Certified Mental Health Counselors (as that term is defined in section 199.6(c)(3)(iii)(N) of title 32, Code of Federal Regulations) in each State and territory of the United States who are available to provide mental health counseling to beneficiaries of the TRICARE program in such State or territory.

(2) The number of physician-supervised mental health counselors in each State and territory of the United States who will no longer be eligible to provide mental health counseling to beneficiaries of the TRICARE program if decredentialed.

(3) An assessment whether a sufficient number of Certified Mental Health Counselors will be available in the communities in which beneficiaries of the TRICARE program reside to provide mental health counseling to beneficiaries of the TRICARE program whose mental health counselors are not eligible for continued credentialing under the TRICARE program, with special emphasis on the availability of Certified Mental Health Counselors—

(A) in Alaska;

(B) in other predominantly rural States and in rural communities in States that are not predominantly rural; and

(C) in the territories.

(4) A description and assessment of the availability of mental health counseling and training programs accredited by the Council for Accreditation of Counseling and Related Educational Programs, and a description of the availability of Certified Mental Health Counselors in States and territories in which such programs are not available.

(5) An assessment of the costs and benefits of requiring beneficiaries of the TRICARE program to abandon existing patient relationships with physician-supervised mental health counselors in the event of the decredentialing of mental health counselors for purposes of the TRICARE program, and an assessment of the impact of that eventuality on the continuity of care to patients.

(6) A description of any evidence available to the Secretary suggesting that patients of physician-supervised mental health counselors under the TRICARE program are dissatisfied with their professional relationships with such counselors.

(7) A justification for the determination to implement a blanket termination of physician-supervised mental health counselors under the TRICARE program as necessary to maintain quality of services under the TRICARE program, including whether evidence is available to the Secretary to demonstrate that a statistically significant number of physician-supervised mental health counselors currently credentialed under the TRICARE program are providing substandard care to beneficiaries of the TRICARE program.

(8) An assessment whether it is equitable to terminate experienced physician-supervised mental health counselors from further participation under the TRICARE program in favor of potentially less experienced Certified Mental Health Counselors.

(9) A description of the obstacles faced by physician-supervised mental health counselors who seek to transition to Certified Mental Health Counselor status, including obstacles in connection with lack of graduation from an educational program certified by the Council for Accreditation of Counseling and Related Educational Programs.

(10) A description of any modifications to regulations that the Secretary intends to propose or implement in light of the postponement under subsection (a) and the matters covered by the report.

SA 2143. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part I of subtitle E of title V, add the following:

SEC. 547. REPORTS ON MEDICAL CARE AND FORENSIC COLLECTION ACTIVITIES AVAILABLE FOR VICTIMS OF MILITARY SEXUAL TRAUMA AT THE MILITARY SERVICE ACADEMIES.

(a) REPORTS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, each Secretary concerned shall submit to Congress a report describing the following:

(1) The emergency and other medical care to include mental healthcare currently available for victims of military sexual trauma at the military service academy under the jurisdiction of such Secretary.

(2) The forensic collection activities currently undertaken in connection with military sexual trauma at such military service academy.

(b) SECRETARY CONCERNED DEFINED.—In this section, the term ''Secretary concerned'' means the following:

(1) The Secretary of the Army with respect to the United States Military Academy.

(2) The Secretary of the Navy with respect to the Naval Academy.

(3) The Secretary of the Air Force with respect to the Air Force Academy.

SA 2144. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 713. PROVISION OF INFORMATION TO MEMBERS OF THE ARMED FORCES ON AVAILABILITY OF MENTAL HEALTH SERVICES AND RELATED PRIVACY RIGHTS.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1090a the following new section:

"§ 1090b. Notice to members of the armed forces on availability of mental health services and privacy rights related to receipt of such services

''(a) PROVISION OF INFORMATION REQUIRED.—The Secretaries of the military departments shall ensure that the information described in subsection (b) is provided—

''(1) to each officer candidate during initial training;

''(2) to each recruit during basic training; and

''(3) to other members of the armed forces at such times as the Secretary of Defense considers appropriate.

''(b) REQUIRED INFORMATION.—The information required to be provided under subsection (a) shall include at a minimum the following:

''(1) Information regarding the availability of mental health services under this chapter.

''(2) Information on the applicability of Department of Defense Directive 6025.18 and other regulations regarding privacy prescribed pursuant to the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191) to records regarding a member seeking and receiving mental health services, including the extent to which—

''(A) any such records can be shared with promotion boards, commanding officers, and other members of the armed forces;

''(B) any adverse actions can be taken against the member for seeking and receiving mental health services; and

''(C) a diagnosis of a mental health condition can result in negative personnel action.

''(c) REDUCTION OF PERCEIVED STIGMA.—As provided in section 1090a(b)(1) of this title, in providing information under subsection (a), the Secretary of a military department shall seek to eliminate perceived stigma associated with seeking and receiving mental health services and to promote the use of mental health services on a basis comparable to the use of other medical and health services.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1090a the following new item:

''1090b. Notice to members of the armed forces on availability of mental health services and privacy rights related to receipt of such services.''.

(c) PROVISION OF INFORMATION TO CURRENT MEMBERS.—As soon as practicable after the date of the enactment of this Act, the Secretary of Defense shall ensure that all members of the Armed Forces, including members of the reserve components, serving in the Armed Forces as of that date are provided the information required to be provided to new recruits and officer candidates pursuant to section 1090b of title 10, United States Code, as added by subsection (a).

SA 2145. Ms. AYOTTE (for herself, Mr. BLUMENTHAL, Mr. MORAN, and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 861 and 862 and insert the following:

SEC. 843. PROHIBITION ON PROVIDING FUNDS TO THE ENEMY.

(a) STATEMENT OF POLICY.—It shall be the policy of the United States that—

(1) executive agencies shall not provide funds through a contract, grant, or cooperative agreement with a person or entity that is directly or indirectly supporting a designated terrorist organization or supporting a force against which the United States is actively engaged in hostilities in accordance with the law of armed conflict; and

(2) executive agencies shall not provide funds through a contract, grant, or cooperative agreement with a person or entity that fails to exercise due diligence to ensure that none of the funds, including goods and services, received under a contract, grant, or cooperative agreement of the United States Government are provided directly or indirectly to a person or entity that is supporting a designated terrorist organization or supporting a force against which the United States is actively engaged in hostilities in accordance with the law of armed conflict.

(b) IDENTIFICATION OF PERSONS AND ENTITIES.—The Secretary of Defense shall, in conjunction with the Director of National Intelligence, designate in each geographic combatant command an element to carry out intelligence missions within the area of responsibility of such combatant command outside the United States to identify persons and entities that—

(1) provide funds, including goods and services, received under a contract, grant, or cooperative agreement of an executive agency directly or indirectly to a person or entity that is supporting a designated terrorist organization or supporting a force against which the United States is actively engaged in hostilities in accordance with the law of armed conflict; or

(2) fail to exercise due diligence to ensure that none of the funds, including goods and services, received under a contract, grant, or cooperative agreement of an executive agency are provided directly or indirectly to a person or entity that is supporting a designated terrorist organization or supporting a force against which the United States is actively engaged in hostilities in accordance with the law of armed conflict.

(c) AGENCY ACTIONS ON IDENTIFICATION OF PERSONS OR ENTITIES.—

(1) IDENTIFICATION.—Not later than 270 days after the date of the enactment of this Act, the head of each executive agency shall carry out a program to use available intelligence (including information made available pursuant to subsections (b) and (i)(1)) to—

(A) review persons and entities who receive United States funds, including goods and services, through contracts, grants, and cooperative agreements performed for such executive agency; and

(B) identify any such persons and entities who are providing funds, including goods and services, received under a contract, grant, or cooperative agreement of such executive agency directly or indirectly to a person or entity that is supporting a designated terrorist organization or supporting a force against which the United States is actively engaged in hostilities in accordance with the law of armed conflict.

(2) DISCHARGE BY DOD THROUGH COMMANDERS OF COMBATANT COMMANDS.—The Secretary of Defense shall carry out the program required by paragraph (1) through the commanders of the geographic combatant commands.

(3) NOTIFICATION OF CONTRACTING ACTIVITIES.—If the head of an executive agency (or the designee of such head) or the commander of a geographic combatant command identifies a person or entity that is supporting a designated terrorist organization or supporting a force against which the United States is actively engaged in hostilities in accordance with the law of armed conflict, the head of such executive agency (or designee) or commander, as the case may be, shall notify the heads of contracting activities, or other appropriate officials, of the executive agencies in writing of such identification. Any written notification pursuant to this paragraph shall be made in accordance with procedures established to implement the revisions of regulations required by this section.

(d) AUTHORITY TO TERMINATE OR VOID CONTRACTS, GRANTS, AND COOPERATIVE AGREEMENTS AND TO RESTRICT FUTURE AWARD.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, applicable regulations shall be revised to provide that, upon notice from the head of an executive agency (or the designee of such head) or the commander of a geographic combatant command under subsection (c)(3), the head of contracting activity, or other appropriate official, of an executive agency may do the following:

(A) If the notice is that a person or entity has been identified as providing funds, including goods and services, received under a contract, grant, or cooperative agreement of the executive agency directly or indirectly to a person or entity that is supporting a designated terrorist organization or supporting a force against which the United States is actively engaged in hostilities in accordance with the law of armed conflict—

(i) either—

(I) terminate for default the contract, grant, or cooperative agreement; or

(II) void the contract, grant, or cooperative agreement in whole or in part; and

(ii) restrict the future award of contracts, grants, or cooperative agreements of the executive agency to the person or entity so identified.

(B) If the notice is that the person or entity has failed to exercise due diligence to ensure that none of the funds, including goods and services, received under a contract, grant, or cooperative agreement of the executive agency are provided directly or indirectly to a person or entity that is supporting a designated terrorist organization or supporting a force against which the United States is actively engaged in hostilities in accordance with the law of armed conflict, terminate for default, in whole or in part, the contract, grant, or cooperative agreement.

(2) TREATMENT AS VOID.—For purposes of this section:

(A) A contract, grant, or cooperative agreement that is void is unenforceable as contrary to public policy.

(B) A contract, grant, or cooperative agreement that is void in part is unenforceable as contrary to public policy with regard to a segregable task or effort under the contract, grant, or cooperative agreement.

(e) CLAUSE.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, applicable regulations shall be revised to require that—

(A) the clause described in paragraph (2) shall be included in each covered contract, grant, and cooperative agreement of an executive agency that is awarded on or after the date of the enactment of this Act; and

(B) to the maximum extent practicable, each covered contract, grant, and cooperative agreement of an executive agency that is awarded before the date of the enactment of this Act shall be modified to include the clause described in paragraph (2), other than the matter provided for in subparagraph (A) of that paragraph.

(2) CLAUSE DESCRIBED.—The clause described in this paragraph is a clause that—

(A) requires the contractor, or the recipient of the grant or cooperative agreement, to certify in connection with entry into the contract, grant, or cooperative agreement that the contractor or recipient, as the case may be, has never knowingly provided funds, including goods and services, directly or indirectly to a person or entity that is supporting a designated terrorist organization or supporting a force against which the United States is actively engaged in hostilities in accordance with the law of armed conflict;

(B) requires the contractor, or the recipient of the grant or cooperative agreement, to exercise due diligence to ensure that none of the funds, including goods and services, received under the contract, grant, or cooperative agreement are provided directly or indirectly to a person or entity that is supporting a designated terrorist organization or supporting a force against which the United States is actively engaged in hostilities in accordance with the law of armed conflict; and

(C) notifies the contractor, or the recipient of the grant or cooperative agreement, of the authority of the head of the contracting activity, or other appropriate official, to terminate or void the contract, grant, or cooperative agreement, in whole or in part, as provided in subsection (d).

(3) COVERED CONTRACT, GRANT, OR COOPERATIVE AGREEMENT DEFINED.—In this subsection, the term ''covered contract, grant, or cooperative agreement'' means a contract, grant, or cooperative agreement with an estimated value in excess of $20,000.

(f) REQUIREMENTS FOLLOWING CONTRACT ACTIONS.—Not later than 270 days after the date of the enactment of this Act, applicable regulations shall be revised as follows:

(1) To require that any head of contracting activity, or other appropriate official, taking an action under subsection (d) to terminate, void, or restrict a contract, grant, or cooperative agreement notify in writing the contractor or recipient of the grant or cooperative agreement, as applicable, of the action.

(2) To permit, in such manner as such regulations, as so revised, shall provide, the contractor or recipient of a grant or cooperative agreement subject to an action taken under subsection (d) to terminate or void the contract, grant, or cooperative agreement, as the case may be, an opportunity to contest the action within 30 days of receipt of notice of the action.

(g) ANNUAL REVIEW; PROTECTION OF CLASSIFIED INFORMATION.—

(1) ANNUAL REVIEW.—The heads of executive agencies (or the designees of such heads) and the commanders of the geographic combatant commands shall, on an annual basis, review the lists of persons and entities previously covered by a notice under subsection (c)(3) as having been identified pursuant to subsection (c)(1)(B) in order to determine whether or not such persons and entities continue to warrant identification pursuant to subsection (c)((1)(B). If the head of an executive agency (or designee) or commander determines pursuant to such a review that a person or entity no longer warrants identification pursuant to subsection (c)(1)(B), the head of the executive agency (or designee) or commander, as the case may be, shall notify the heads of contracting activities, or other appropriate officials, of the executive agencies in writing of such determination.

(2) PROTECTION OF CLASSIFIED INFORMATION.—Classified information relied upon to make an identification in accordance with subsection (b) or (c) may not be disclosed to a contractor or a recipient of a grant or cooperative agreement with respect to which an action is taken pursuant to the authority provided in subsection (d), or to their representatives, in the absence of a protective order issued by a court of competent jurisdiction established under Article I or Article III of the Constitution of the United States that specifically addresses the conditions upon which such classified information may be so disclosed.

(h) DELEGATION OF CERTAIN RESPONSIBILITIES.—

(1) COMBATANT COMMAND RESPONSIBILITY TO IDENTIFY AND PROVIDE NOTICE.—The commander of a geographic combatant command may delegate the responsibilities in paragraphs (1) through(3) of subsection (c) to the deputy commander of that combatant command. Any delegation of responsibilities under this paragraph shall be made in writing.

(2) NONDELEGATION OF RESPONSIBILITY FOR CERTAIN ACTIONS.—The authority provided by subsection (d) to terminate, void, or restrict contracts, grants, and cooperative agreements, in whole or in part, may not be delegated below the level of head of contracting activity or equivalent official for purposes of grants or cooperative agreements.

(i) ADDITIONAL RESPONSIBILITIES OF EXECUTIVE AGENCIES.—

(1) SHARING OF INFORMATION ON SUPPORTERS OF THE ENEMY.—The Secretary of Defense shall, in consultation with the Director of the Office of Management and Budget, carry out a program through which agency components may provide information to heads of executive agencies (or the designees of such heads) and the commanders of the geographic combatant commands relating to persons or entities who may be providing funds, including goods and services, received under contracts, grants, or cooperative agreements of the executive agencies directly or indirectly to a person or entity that is supporting a designated terrorist organization or supporting a force against which the United States is actively engaged in hostilities in accordance with the law of armed conflict. The program shall be designed to facilitate and encourage the sharing of risk and threat information between executive agencies and the geographic combatant commands.

(2) INCLUSION OF INFORMATION ON CONTRACT ACTIONS IN FAPIIS AND OTHER SYSTEMS.—Upon the termination, voiding, or restriction of a contract, grant, or cooperative agreement of an executive agency under subsection (c), the head of contracting activity, or other appropriate official, of the executive agency shall provide for the inclusion in the Federal Awardee Performance and Integrity Information System (FAPIIS), or other formal system of records on contractors or entities, of appropriate information on the termination, voiding, or restriction, as the case may be, of the contract, grant, or cooperative agreement.

(3) REPORTS.—The head of contracting activity, or other appropriate official, that receives a notice pursuant to subsection (c)(3) shall submit to the head of the executive agency (or designee) concerned or the appropriate geographic combatant command, as the case may be, a report on the action, if any, taken by the head of contracting activity pursuant to subsection (d), including a determination not to terminate, void, or restrict the contract, grant, or cooperative agreement as otherwise authorized by subsection (d). This paragraph shall expire on the date that is three years after the date of the enactment of this Act.

(j) REPORTS.—

(1) IN GENERAL.—Not later than March 1 of 2015, 2016, and 2017, the Director of the Office of Management and Budget shall submit to the appropriate committees of Congress a report on the use of the authorities in this section in the preceding calendar year, including the following:

(A) For each instance in which an executive agency exercised the authority to terminate, void, or restrict a contract, grant, and cooperative agreement pursuant to subsection (d), based on a notification under subsection (c)(3), the following:

(i) The executive agency taking such action.

(ii) An explanation of the basis for the action taken.

(iii) The value of the contract, grant, or cooperative agreement voided or terminated.

(iv) The value of all contracts, grants, or cooperative agreements of the executive agency in force with the person or entity concerned at the time the contract, grant, or cooperative agreement was terminated or voided.

(B) For each instance in which an executive agency did not exercise the authority to terminate, void, or restrict a contract, grant, and cooperative agreement pursuant to subsection (d), based on a notification under subsection (c)(3), the following:

(i) The executive agency concerned.

(ii) An explanation why the action was not taken.

(2) FORM.—Any report under this subsection may be submitted in classified form.

(k) OTHER DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Oversight and Government Reform, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) The term ''combatant command'' means a command established pursuant to chapter 6 of title 10, United States Code.

(3) The term ''contract'' includes a contract for commercial items but is not limited to a contract for commercial items.

(4) The term ''designated terrorist organization'' means any organization designated as a terrorist organization under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

(5) The term ''executive agency'' has the meaning given that term in section 133 of title 41, United States Code.

(6) The term ''head of contracting activity'' has the meaning given that term in subpart 601 of part 1 of the Federal Acquisition Regulation.

(l) COORDINATION WITH CURRENT AUTHORITIES APPLICABLE TO CENTCOM.—

(1) REPEAL OF SUPERSEDED AUTHORITY.—Effective 270 days after the date of the enactment of this Act, section 841 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1510; 10 U.S.C. 2302 note) is repealed.

(2) USE OF SUPERSEDED AUTHORITIES IN DISCHARGE OF REQUIREMENTS.—In providing for the discharge of the requirements of this section by the Department of Defense, the Secretary of Defense may use and modify for that purpose requirements and procedures established by the Secretary for purposes of the discharge of the requirements of section 841 of the National Defense Authorization Act for Fiscal Year 2012.

SEC. 844. ADDITIONAL ACCESS TO RECORDS.

(a) CONTRACTS, GRANTS, AND COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, applicable regulations shall be revised to require that the clause described in paragraph

(2) shall be included in each covered contract, grant, and cooperative agreement of an executive agency that is awarded on or after the date of the enactment of this Act.

(2) CLAUSE.—The clause described in this paragraph is a clause authorizing the head of the executive agency concerned, upon a written determination pursuant to paragraph (3), to examine any records of the contractor, the recipient of a grant or cooperative agreement, or any subcontractor or subgrantee under such contract, grant, or cooperative agreement to the extent necessary to ensure that funds, including goods and services, available under the contract, grant, or cooperative agreement are not provided directly or indirectly to a person or entity that is supporting a designated terrorist organization or supporting a force against which the United States is actively engaged in hostilities in accordance with the law of armed conflict.

(3) WRITTEN DETERMINATION.—The authority to examine records pursuant to the contract clause described in paragraph (2) may be exercised only upon a written determination by the contracting officer or comparable official responsible for a grant or cooperative agreement, upon a finding by the commander of a geographic combatant command or the head of an executive agency (or the designee of such head) that there is reason to believe that funds, including goods and services, available under the contract, grant, or cooperative agreement concerned may have been provided directly or indirectly to a person or entity that is supporting a designated terrorist organization or supporting a force against which the United States is actively engaged in hostilities in accordance with the law of armed conflict.

(4) FLOWDOWN.—A clause described in paragraph (2) shall also be required in any subcontract or subgrant under a covered contract, grant, or cooperative agreement if the subcontract or subgrant has an estimated value in excess of $20,000.

(b) REPORTS.—

(1) IN GENERAL.—Not later than March 1 of 2015, 2016, and 2017, the Director of the Office of Management and Budget shall submit to the appropriate committees of Congress a report on the use of the authority provided by this section in the preceding calendar year.

(2) ELEMENTS.—Each report under this subsection shall identify, for the calendar year covered by such report, each instance in which an executive agency exercised the authority provided under this section to examine records, explain the basis for the action taken, and summarize the results of any examination of records so undertaken.

(3) FORM.—Any report under this subsection may be submitted in classified form.

(c) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Oversight and Government Reform, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) The term ''combatant command'' means a command established pursuant to chapter 6 of title 10, United States Code.

(3) The term ''contract'' includes a contract for commercial items but is not limited to a contract for commercial items.

(4) The term ''covered contract, grant, or cooperative agreement'' means a contract, grant, or cooperative agreement with an estimated value in excess of $20,000.

(5) The term ''designated terrorist organization'' means any organization designated as a terrorist organization under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

(6) The term ''executive agency'' has the meaning given that term in section 133 of title 41, United States Code.

(d) COORDINATION WITH CURRENT AUTHORITIES APPLICABLE TO CENTCOM.—

(1) REPEAL OF SUPERSEDED AUTHORITY.—Effective 270 days after the date of the enactment of this Act, section 842 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1513; 10 U.S.C. 2313 note) is repealed.

(2) USE OF SUPERSEDED AUTHORITIES IN DISCHARGE OF REQUIREMENTS.—In providing for the discharge of the requirements of this section by the Department of Defense, the Secretary of Defense may use and modify for that purpose the regulations and procedures established for purposes of the discharge of the requirements of section 842 of the National Defense Authorization Act for Fiscal Year 2012.

SA 2146. Mrs. BOXER (for Mr. SANDERS) proposed an amendment to the bill S. 1471, to authorize the Secretary of Veterans Affairs and the Secretary of the Army to reconsider decisions to inter or honor the memory of a person in a national cemetery, and for other purposes; as follows:

Strike section 2 and insert the following new section 2:

SEC. 2. AUTHORITY TO RECONSIDER DECISIONS OF SECRETARY OF VETERANS AFFAIRS OR SECRETARY OF THE ARMY TO INTER THE REMAINS OR HONOR THE MEMORY OF A PERSON IN A NATIONAL CEMETERY.

(a) AUTHORITY TO RECONSIDER PRIOR DECISIONS.—Section 2411 of title 38, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following new subsections:

''(d)(1) In a case described in subsection (e), the appropriate Federal official may reconsider a decision to—

''(A) inter the remains of a person in a cemetery in the National Cemetery Administration or in Arlington National Cemetery; or

''(B) honor the memory of a person in a memorial area in a cemetery in the National Cemetery Administration (described in section 2403(a) of this title) or in such an area in Arlington National Cemetery (described in section 2409(a) of this title).

''(2)(A)(i) In a case described in subsection (e)(1)(A), the appropriate Federal official shall provide notice to the deceased person's next of kin or other person authorized to arrange burial or memorialization of the deceased person of the decision of the appropriate Federal official to disinter the remains of the deceased person or to remove a memorial headstone or marker memorializing the deceased person.

''(ii) In a case described in subsection (e)(1)(B), if the appropriate Federal official finds, based upon a showing of clear and convincing evidence and after an opportunity for a hearing in a manner prescribed by the appropriate Federal official, that the person had committed a Federal capital crime or a State capital crime but had not been convicted of such crime by reason of such person not being available for trial due to death or flight to avoid prosecution, the appropriate Federal official shall provide notice to the deceased person's next of kin or other person authorized to arrange burial or memorialization of the deceased person of the decision of the appropriate Federal official to disinter the remains of the deceased person or to remove a memorial headstone or marker memorializing the deceased person.

''(B) Notice under subparagraph (A) shall be provided by the appropriate Federal official as follows:

''(i) By the Secretary in accordance with section 5104 of this title.

''(ii) By the Secretary of Defense in accordance with such regulations as the Secretary of Defense shall prescribe for purposes of this subsection.

''(3)(A) Notwithstanding any other provision of law, the next of kin or other person authorized to arrange burial or memorialization of the deceased person shall be allowed a period of 60 days from the date of the notice required by paragraph (2) to file a notice of disagreement with the Federal official that provided the notice.

''(B)(i) A notice of disagreement filed with the Secretary under subparagraph (A) shall be treated as a notice of disagreement filed under section 7105 of this title and shall initiate appellate review in accordance with the provisions of chapter 71 of this title.

''(ii) A notice of disagreement filed with the Secretary of Defense under subparagraph (A) shall be decided in accordance with such regulations as the Secretary of Defense shall prescribe for purposes of this subsection.

''(4) When the decision of the appropriate Federal official to disinter the remains or remove a memorial headstone or marker of the deceased person becomes final either by failure to appeal the decision in accordance with paragraph (3)(A) or by final disposition of the appeal pursuant to paragraph (3)(B), the appropriate Federal official may take any of the following actions:

''(A) Disinter the remains of the person from the cemetery in the National Cemetery Administration or in Arlington National Cemetery and provide for the reburial or other appropriate disposition of the disinterred remains in a place other than a cemetery in the National Cemetery Administration or in Arlington National Cemetery.

''(B) Remove from a memorial area in a cemetery in the National Cemetery Administration or in Arlington National Cemetery any memorial headstone or marker placed to honor the memory of the person.

''(e)(1) A case described in this subsection is a case in which the appropriate federal official receives—

''(A) written notice of a conviction referred to in subsection (b)(1), (b)(2), or (b)(4) of a person described in paragraph (2); or

''(B) information that a person described in paragraph (2) may have committed a Federal capital crime or a State capital crime but was not convicted of such crime by reason of such person not being available for trial due to death or flight to avoid prosecution.

''(2) A person described in this paragraph is a person—

''(A) whose remains have been interred in a cemetery in the National Cemetery Administration or in Arlington National Cemetery; or

''(B) whose memory has been honored in a memorial area in a cemetery in the National Cemetery Administration or in such an area in Arlington National Cemetery.''.

(b) MODIFICATION OF EXCEPTION TO INTERMENT OR MEMORIALIZATION PROHIBITION.—Subsection (a)(2) of such section is amended by striking ''such official approves an application for''.

(c) APPLICABILITY.—The amendments made by this section shall apply with respect to any interment or memorialization conducted by the Secretary of Veterans Affairs or the Secretary of the Army in a cemetery in the

National Cemetery Administration or in Arlington National Cemetery after the date of the enactment of this Act.

SA 2147. Mrs. BOXER (for Mr. MENENDEZ (for himself and Mr. CORKER)) proposed an amendment to the bill S. 1545, to extend authorities related to global HIV/AIDS and to promote oversight of United States programs; as follows:

On page 18, strike line 11 and insert the following:

''(R) A description of program evaluations completed during the reporting period, including whether all completed evaluations have been published on a publically available Internet website and whether any completed evaluations did not adhere to the common evaluation standards of practice published under paragraph (4).

''(4) COMMON EVALUATION STANDARDS.—Not later than February 1, 2014, the Global AIDS Coordinator shall publish on a publically available Internet website the common evaluation standards of practice referred to in paragraph (3)(R).

''(5) PARTNER COUNTRY DEFINED.—In this

On page 16, line 3, strike ''counties'' and insert ''countries''.

On page 18, line 1, strike the second set of quotation marks.

On page 18, line 4, strike the second set of quotation marks.

NOTICES OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS, FORESTS, AND MINING

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public of an addition to a previously announced hearing before Subcommittee on Public Lands, Forests, and Mining of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, November 20, 2013, at 3:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

In addition to the other measures previously announced, the Committee will also consider:

S. 339, to facilitate the efficient extraction of mineral resources in southeast Arizona by authorizing and directing an exchange of Federal and non-Federal land, and for other purposes;

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to john_assini@energy.senate.gov.

For further information, please contact Meghan Conklin at (202) 224–8046, or John Assini at (202) 224–9313.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before the Committee on Energy and Natural Resources. The business meeting will be held on Thursday, November 21, 2013, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

The purpose of the Business Meeting is to consider pending calendar business.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Abigail_Campbell@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224–7571 or Abigail Campbell at (202) 224–4905.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on November 18, 2013, at 3 p.m., to conduct a hearing entitled ''Beyond Silk Road: Potential Risks, Threats, and Promises of Virtual Currencies.''

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

PRIVILEGES OF THE FLOOR

Mr. DURBIN. Mr. President, I ask unanimous consent that CDR Roberto L. Molina, a U.S. Naval Officer who is currently serving as Senator HARRY REID's defense legislative fellow this year, be granted floor privileges for the duration of S. 1197, the National Defense Authorization Act for 2014.

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

Mrs. BOXER. Mr. President, I ask unanimous consent that Maj. Nicole Stoneburg, who is serving as a defense legislative fellow in my office, be granted the privilege of the floor during the consideration of S. 1197, the Defense Authorization Act for Fiscal Year 2014.

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

Mrs. BOXER. Mr. President, I ask unanimous consent that a fellow in Senator WARNER's office, Mark D. Simakovsky, be granted the privilege of the floor for the duration of consideration of the Defense bill.

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

ALICIA DAWN KOEHL RESPECT FOR NATIONAL CEMETERIES ACT

Mrs. BOXER. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of S. 1471 and the Senate proceed to its consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1471) to authorize the Secretary of Veterans Affairs and the Secretary of the Army to reconsider decisions to inter or honor the memory of a person in a national cemetery, and for other purposes.

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

Mrs. BOXER. Mr. President, I ask unanimous consent that the Sanders amendment, which is at the desk, be agreed to, the bill, as amended, be read three times and passed, and the motion to reconsider be laid upon the table with no intervening action or debate.

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

The amendment (No. 2146) was agreed to, as follows:

Strike section 2 and insert the following new section 2:

SEC. 2. AUTHORITY TO RECONSIDER DECISIONS OF SECRETARY OF VETERANS AFFAIRS OR SECRETARY OF THE ARMY TO INTER THE REMAINS OR HONOR THE MEMORY OF A PERSON IN A NATIONAL CEMETERY.

(a) AUTHORITY TO RECONSIDER PRIOR DECISIONS.—Section 2411 of title 38, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following new subsections:

''(d)(1) In a case described in subsection (e), the appropriate Federal official may reconsider a decision to—

''(A) inter the remains of a person in a cemetery in the National Cemetery Administration or in Arlington National Cemetery; or

''(B) honor the memory of a person in a memorial area in a cemetery in the National Cemetery Administration (described in section 2403(a) of this title) or in such an area in Arlington National Cemetery (described in section 2409(a) of this title).

''(2)(A)(i) In a case described in subsection (e)(1)(A), the appropriate Federal official shall provide notice to the deceased person's next of kin or other person authorized to arrange burial or memorialization of the deceased person of the decision of the appropriate Federal official to disinter the remains of the deceased person or to remove a memorial headstone or marker memorializing the deceased person.

''(ii) In a case described in subsection (e)(1)(B), if the appropriate Federal official finds, based upon a showing of clear and convincing evidence and after an opportunity for a hearing in a manner prescribed by the appropriate Federal official, that the person had committed a Federal capital crime or a State capital crime but had not been convicted of such crime by reason of such person not being available for trial due to death or flight to avoid prosecution, the appropriate Federal official shall provide notice to the deceased person's next of kin or other person authorized to arrange burial or memorialization of the deceased person of the decision of the appropriate Federal official to disinter the remains of the deceased person or to remove a memorial headstone or marker memorializing the deceased person.

''(B) Notice under subparagraph (A) shall be provided by the appropriate Federal official as follows:

''(i) By the Secretary in accordance with section 5104 of this title.

''(ii) By the Secretary of Defense in accordance with such regulations as the Secretary of Defense shall prescribe for purposes of this subsection.

''(3)(A) Notwithstanding any other provision of law, the next of kin or other person

authorized to arrange burial or memorialization of the deceased person shall be allowed a period of 60 days from the date of the notice required by paragraph (2) to file a notice of disagreement with the Federal official that provided the notice.

''(B)(i) A notice of disagreement filed with the Secretary under subparagraph (A) shall be treated as a notice of disagreement filed under section 7105 of this title and shall initiate appellate review in accordance with the provisions of chapter 71 of this title.

''(ii) A notice of disagreement filed with the Secretary of Defense under subparagraph (A) shall be decided in accordance with such regulations as the Secretary of Defense shall prescribe for purposes of this subsection.

''(4) When the decision of the appropriate Federal official to disinter the remains or remove a memorial headstone or marker of the deceased person becomes final either by failure to appeal the decision in accordance with paragraph (3)(A) or by final disposition of the appeal pursuant to paragraph (3)(B), the appropriate Federal official may take any of the following actions:

''(A) Disinter the remains of the person from the cemetery in the National Cemetery Administration or in Arlington National Cemetery and provide for the reburial or other appropriate disposition of the disinterred remains in a place other than a cemetery in the National Cemetery Administration or in Arlington National Cemetery.

''(B) Remove from a memorial area in a cemetery in the National Cemetery Administration or in Arlington National Cemetery any memorial headstone or marker placed to honor the memory of the person.

''(e)(1) A case described in this subsection is a case in which the appropriate federal official receives—

''(A) written notice of a conviction referred to in subsection (b)(1), (b)(2), or (b)(4) of a person described in paragraph (2); or

''(B) information that a person described in paragraph (2) may have committed a Federal capital crime or a State capital crime but was not convicted of such crime by reason of such person not being available for trial due to death or flight to avoid prosecution.

''(2) A person described in this paragraph is a person—

''(A) whose remains have been interred in a cemetery in the National Cemetery Administration or in Arlington National Cemetery; or

''(B) whose memory has been honored in a memorial area in a cemetery in the National Cemetery Administration or in such an area in Arlington National Cemetery.''.

(b) MODIFICATION OF EXCEPTION TO INTERMENT OR MEMORIALIZATION PROHIBITION.—Subsection (a)(2) of such section is amended by striking ''such official approves an application for''.

(c) APPLICABILITY.—The amendments made by this section shall apply with respect to any interment or memorialization conducted by the Secretary of Veterans Affairs or the Secretary of the Army in a cemetery in the National Cemetery Administration or in Arlington National Cemetery after the date of the enactment of this Act.

The bill (S. 1471), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1471

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 ''Alicia Dawn Koehl Respect for National Cemeteries Act''.

SEC. 2. AUTHORITY TO RECONSIDER DECISIONS OF SECRETARY OF VETERANS AFFAIRS OR SECRETARY OF THE ARMY TO INTER THE REMAINS OR HONOR THE MEMORY OF A PERSON IN A NATIONAL CEMETERY.

(a) AUTHORITY TO RECONSIDER PRIOR DECISIONS.—Section 2411 of title 38, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following new subsections:

''(d)(1) In a case described in subsection (e), the appropriate Federal official may reconsider a decision to—

''(A) inter the remains of a person in a cemetery in the National Cemetery Administration or in Arlington National Cemetery; or

''(B) honor the memory of a person in a memorial area in a cemetery in the National Cemetery Administration (described in section 2403(a) of this title) or in such an area in Arlington National Cemetery (described in section 2409(a) of this title).

''(2)(A)(i) In a case described in subsection (e)(1)(A), the appropriate Federal official shall provide notice to the deceased person's next of kin or other person authorized to arrange burial or memorialization of the deceased person of the decision of the appropriate Federal official to disinter the remains of the deceased person or to remove a memorial headstone or marker memorializing the deceased person.

''(ii) In a case described in subsection (e)(1)(B), if the appropriate Federal official finds, based upon a showing of clear and convincing evidence and after an opportunity for a hearing in a manner prescribed by the appropriate Federal official, that the person had committed a Federal capital crime or a State capital crime but had not been convicted of such crime by reason of such person not being available for trial due to death or flight to avoid prosecution, the appropriate Federal official shall provide notice to the deceased person's next of kin or other person authorized to arrange burial or memorialization of the deceased person of the decision of the appropriate Federal official to disinter the remains of the deceased person or to remove a memorial headstone or marker memorializing the deceased person.

''(B) Notice under subparagraph (A) shall be provided by the appropriate Federal official as follows:

''(i) By the Secretary in accordance with section 5104 of this title.

''(ii) By the Secretary of Defense in accordance with such regulations as the Secretary of Defense shall prescribe for purposes of this subsection.

''(3)(A) Notwithstanding any other provision of law, the next of kin or other person authorized to arrange burial or memorialization of the deceased person shall be allowed a period of 60 days from the date of the notice required by paragraph (2) to file a notice of disagreement with the Federal official that provided the notice.

''(B)(i) A notice of disagreement filed with the Secretary under subparagraph (A) shall be treated as a notice of disagreement filed under section 7105 of this title and shall initiate appellate review in accordance with the provisions of chapter 71 of this title.

''(ii) A notice of disagreement filed with the Secretary of Defense under subparagraph (A) shall be decided in accordance with such regulations as the Secretary of Defense shall prescribe for purposes of this subsection.

''(4) When the decision of the appropriate Federal official to disinter the remains or remove a memorial headstone or marker of the deceased person becomes final either by failure to appeal the decision in accordance with paragraph (3)(A) or by final disposition of the appeal pursuant to paragraph (3)(B), the appropriate Federal official may take any of the following actions:

''(A) Disinter the remains of the person from the cemetery in the National Cemetery Administration or in Arlington National Cemetery and provide for the reburial or other appropriate disposition of the disinterred remains in a place other than a cemetery in the National Cemetery Administration or in Arlington National Cemetery.

''(B) Remove from a memorial area in a cemetery in the National Cemetery Administration or in Arlington National Cemetery any memorial headstone or marker placed to honor the memory of the person.

''(e)(1) A case described in this subsection is a case in which the appropriate federal official receives—

''(A) written notice of a conviction referred to in subsection (b)(1), (b)(2), or (b)(4) of a person described in paragraph (2); or

''(B) information that a person described in paragraph (2) may have committed a Federal capital crime or a State capital crime but was not convicted of such crime by reason of such person not being available for trial due to death or flight to avoid prosecution.

''(2) A person described in this paragraph is a person—

''(A) whose remains have been interred in a cemetery in the National Cemetery Administration or in Arlington National Cemetery; or

''(B) whose memory has been honored in a memorial area in a cemetery in the National Cemetery Administration or in such an area in Arlington National Cemetery.''.

(b) MODIFICATION OF EXCEPTION TO INTERMENT OR MEMORIALIZATION PROHIBITION.—Subsection (a)(2) of such section is amended by striking ''such official approves an application for''.

(c) APPLICABILITY.—The amendments made by this section shall apply with respect to any interment or memorialization conducted by the Secretary of Veterans Affairs or the Secretary of the Army in a cemetery in the National Cemetery Administration or in Arlington National Cemetery after the date of the enactment of this Act.

SEC. 3. DISINTERMENT OF REMAINS OF MICHAEL LASHAWN ANDERSON FROM FORT CUSTER NATIONAL CEMETERY.

(a) DISINTERMENT OF REMAINS.—The Secretary of Veterans Affairs shall disinter the remains of Michael LaShawn Anderson from Fort Custer National Cemetery.

(b) NOTIFICATION OF NEXT-OF-KIN.—The Secretary of Veterans Affairs shall—

(1) notify the next-of-kin of record for Michael LaShawn Anderson of the impending disinterment of his remains; and

(2) upon disinterment, relinquish the remains to the next-of-kin of record for Michael LaShawn Anderson or, if the next-of-kin of record for Michael LaShawn Anderson is unavailable, arrange for an appropriate disposition of the remains.

PEPFAR STEWARDSHIP AND OVERSIGHT ACT OF 2013

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 202, S. 1545.

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

The legislative clerk read as follows:

A bill (S. 1545) to extend authorities related to global HIV/AIDS and to promote oversight of United States programs.

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

had been reported from the Committee on Foreign Relations, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 1545

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 ''PEPFAR Stewardship and Oversight Act of 2013''.

SEC. 2. INSPECTOR GENERAL OVERSIGHT.

Section 101(f)(1) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7611(f)(1)) is amended—

(1) in subparagraph (A), by striking ''5 coordinated annual plans for oversight activity in each of the fiscal years 2009 through 2013'' and inserting ''coordinated annual plans for oversight activity in each of the fiscal years 2009 through 2018''; and

(2) in subparagraph (C)—

(A) in clause (ii)—

(i) in the heading, by striking ''SUBSEQUENT'' and inserting ''2010 THROUGH 2013''; and

(ii) by striking ''the last four plans'' and inserting ''the plans for fiscal years 2010 through 2013''; and

(B) by adding at the end the following new clause:

''(iii) 2014 PLAN.—The plan developed under subparagraph (A) for fiscal year 2014 shall be completed not later than 60 days after the date of the enactment of the PEPFAR Stewardship and Oversight Act of 2013.

''(iv) SUBSEQUENT PLANS.—Each of the last four plans developed under subparagraph (A) shall be completed not later than 30 days before each of the fiscal years 2015 through 2018, respectively.''.

SEC. 3. ANNUAL TREATMENT STUDY.

(a) ANNUAL STUDY; MESSAGE.—Section 101(g) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7611(g)) is amended—

(1) in paragraph (1), by striking ''through September 30, 2013'' and inserting ''through September 30, 2019'';

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph:

''(2) 2013 THROUGH 2018 STUDIES.—The studies required to be submitted by September 30, 2014, and annually thereafter through September 30, 2018, shall include, in addition to the elements set forth under paragraph (1), the following elements:

''(A) A plan for conducting cost studies of United States assistance under section 104A of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2) in partner countries, taking into account the goal for more systematic collection of data, as well as the demands of such analysis on available human and fiscal resources.

''(B) A comprehensive and harmonized expenditure analysis by partner country, including—

''(i) an analysis of Global Fund and national partner spending and comparable data across United States, Global Fund, and national partner spending; or

''(ii) where providing such comparable data is not currently practicable, an explanation of why it is not currently practicable, and when it will be practicable.''; and

(4) by adding at the end the following new paragraph:

''(4) PARTNER COUNTRY DEFINED.—In this subsection, the term 'partner country' means a country with a minimum United States Government investment of HIV/AIDS assistance of at least $5,000,000 **[**annually**]** *in the prior fiscal year*.''.

SEC. 4. PARTICIPATION IN THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS, AND MALARIA.

(a) LIMITATION.—Section 202(d)(4) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7622(d)(4)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking ''2013'' and inserting ''2018'';

(B) in clause (ii)—

(i) by striking ''2013'' and inserting ''2018''; and

(ii) by striking the last two sentences; and

(C) in clause (vi), by striking ''2013'' and inserting ''2018''; and

(2) in subparagraph (B)—

(A) by striking ''under this subsection'' each place it appears;

(B) in clause (ii), by striking ''pursuant to the authorization of appropriations under section 401'' and inserting ''to carry out section 104A of the Foreign Assistance Act of 1961''; and

(C) in clause (iv), by striking ''2013'' and inserting ''2018''.

(b) WITHHOLDING FUNDS.—Section 202(d)(5) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7622(d)) is amended by—

(1) in paragraph (5)—

(A) by striking ''2013'' and inserting ''2018'';

(B) in subparagraph (C)—

(i) by inserting ''in an open, machine readable format'' after ''site'';

(ii) by amending clause (v) to read as follows:

''(v) a regular collection, analysis, and reporting of performance data and funding of grants of the Global Fund, which covers all principal recipients and all subrecipients on the fiscal cycle of each grant, and includes the distribution of resources, by grant and principal recipient and subrecipient, for prevention, care, treatment, drugs, and commodities purchase, and other purposes as practicable;'';

(C) in subparagraph (D)(ii), by inserting '', in an open, machine readable format,'' after ''audits'';

(D) in subparagraph (E), by inserting '', in an open, machine readable format,'' after ''publicly'';

(E) in subparagraph (F)—

(i) in clause (i), by striking ''; and'' and inserting a semicolon; and

(ii) by striking clause (ii) and inserting the following new clauses:

''(ii) all principal recipients and subrecipients and the amount of funds disbursed to each principal recipient and subrecipient on the fiscal cycle of the grant;

''(iii) expenditure data—

''(I) tracked by principal recipients and subrecipients **[**by prevention, care, and treatment as practicable**]** *by program area, where practicable, prevention, care, and treatment* and reported in a format that allows comparison with other funding streams in each country; or

''(II) if such expenditure data is not available, outlay or disbursement data, and an explanation of progress made toward providing such expenditure data; and

''(iv) high-quality grant performance evaluations measuring inputs, outputs, and outcomes, as appropriate, with the goal of achieving outcome reporting;''; and

(F) by amending subparagraph (G) to read as follows:

''(G) has published an annual report on a publicly available Web site in an open, machine readable format, that includes—

''(i) a list of all countries imposing import duties and internal taxes on any goods or services financed by the Global Fund;

''(ii) a description of the types of goods or services on which the import duties and internal taxes are levied;

''(iii) the total cost of the import duties and internal taxes;

''(iv) recovered import duties or internal taxes; and

''(v) the status of country status-agreements;''.

SEC. 5. ANNUAL REPORT.

Section 104A(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2(f)) is amended to read as follows:

''(f) ANNUAL REPORT.—

''(1) IN GENERAL.—Not later than February 15, 2014, and annually thereafter, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report in an open, machine readable format, on the implementation of this section for the prior fiscal year.

''(2) REPORT DUE IN 2014.—The report due not later than February 15, 2014, shall include the elements required by law prior to the enactment of the PEPFAR Stewardship and Oversight Act of 2013.

''**[**2**]***(3)* REPORT ELEMENTS.—Each report submitted after February 15, 2014, shall include the following:

''(A) A description based on internationally available data, and where practicable high-quality country-based data, of the total global burden and need for HIV/AIDS prevention, treatment, and care, including—

''(i) estimates by partner country of the global burden and need; and

''(ii) HIV incidence, prevalence, and AIDS deaths for the reporting period.

''(B) Reporting on annual targets across prevention, treatment, and care interventions in partner countries, including—

''(i) a description of how those targets are designed to—

''(I) ensure that the annual increase in new patients on antiretroviral treatment exceeds the number of annual new HIV infections;

''(II) reduce the number of new HIV infections below the number of deaths among persons infected with HIV; and

''(III) achieve an AIDS-free generation;

''(ii) national targets across prevention, treatment, and care that are—

''(I) established by partner countries; or

''(II) where such national partner country-developed targets are unavailable, a description of progress towards developing national partner country targets; and

''(iii) bilateral programmatic targets across prevention, treatment, and care, including—

''(I) the number of adults and children to be directly supported on HIV treatment under United States-funded programs;

''(II) the number of adults and children to be otherwise supported on HIV treatment under United States-funded programs; and

''(III) other programmatic targets for activities directly and otherwise supported by United States-funded programs.

''(C) A description, by *partner* country, of HIV/AIDS funding from all sources, including funding levels from partner countries, other donors, and the private sector, as practicable.

''(D) A description of how United States-funded programs, in conjunction with the Global Fund, other donors, and partner countries, together set targets, measure progress, and achieve positive outcomes in partner countries.

''(E) An annual assessment of outcome indicator development, dissemination, and performance for programs supported under this section, including ongoing corrective actions to improve reporting.

''(F) A description and explanation of changes in related guidance or policies related to implementation of programs supported under this section.

''(G) An assessment and quantification of progress over the reporting period toward achieving the targets set forth in subparagraph (B), including—

''(i) the number, by *partner* country, of persons on HIV treatment, including specifically—

''(I) the number of adults and children on HIV treatment directly supported by United States-funded programs; and

''(II) the number of adults and children on HIV treatment otherwise supported by United States-funded programs;

''(ii) HIV treatment coverage rates by *partner* country;

''(iii) the net increase in persons on HIV treatment by *partner* country;

''(iv) new infections of HIV by *partner* country;

''(v) the number of HIV infections averted;

''(vi) antiretroviral treatment program retention rates by *partner* country, including—

''(I) performance against annual targets for program retention; and

''(II) the retention rate of persons on HIV treatment directly supported by United States-funded programs; and

''(vii) a description of supportive care [including management of co-morbidities]

''(H) A description of [national] *partner country* and United States-funded HIV/AIDS prevention programs and policies, including—

''(i) an assessment by country of progress towards targets set forth in subparagraph (B), with a detailed description of the metrics used to assess—

''(I) programs to prevent mother to child transmission of HIV/AIDS, including coverage rates;

''(II) programs to provide or promote voluntary medical male circumcision, including coverage rates;

''(III) programs for behavior-change; and

''(IV) other programmatic activities to prevent the transmission of HIV;

''(ii) antiretroviral treatment as prevention; and

''(iii) a description of any new preventative interventions or methodologies.

''(I) A description of the goals, scope, and measurement of program efforts aimed at women and girls.

''(J) A description of the goals, scope, and measurement of program efforts aimed at orphans, vulnerable children, and youth.

''(K) A description of the indicators and milestones used to assess effective, strategic, and appropriately timed country ownership, including—

''(i) an explanation of the metrics used to determine whether the pace of any transition to such ownership is appropriate for that country, given that country's level of readiness for such transition;

''(ii) an analysis of governmental and local nongovernmental capacity to sustain positive outcomes;

''(iii) a description of measures taken to improve partner country capacity to sustain positive outcomes where needed; and

''(iv) for countries undergoing a transition to greater country ownership, a description of strategies to assess and mitigate programmatic and financial risk and to ensure continued quality of care for essential services.

''(L) A description, globally and by *partner* country, of specific efforts to achieve and incentivize greater programmatic and cost effectiveness, including—

''(i) progress toward establishing common economic metrics across prevention, care and treatment with partner countries and the Global Fund;

''(ii) average costs, by country and by core intervention;

''(iii) expenditure reporting in all program areas, supplemented with targeted analyses of the cost-effectiveness of specific interventions; and

''(iv) import duties and internal taxes imposed on program commodities and services, by country.

''(M) A description of partnership framework agreements with countries, and regions where applicable, including—

''(i) the objectives and structure of partnership framework agreements with countries, including—

''(I) how these agreements are aligned with national HIV/AIDS plans and public health strategies and commitments of such countries; and

''(II) how these agreements incorporate a role for civil society; and

''(ii) a description of what has been learned in advancing partnership framework agreements with countries, and regions as applicable, in terms of improved coordination and collaboration, definition of clear roles and responsibilities of participants and signers, and implications for how to further strengthen these agreements with mutually accountable measures of progress.

''(N) A description of efforts and activities to engage new partners, including faith-based, [community based] *locally-based*, and United States minority-serving institutions.

''(O) A definition and description of the differentiation between directly and otherwise supported activities, including specific efforts to clarify programmatic attribution and contribution, as well as timelines for dissemination and implementation.

''(P) A description, globally and by country, of specific efforts to address co-infections and co-morbidities of HIV/AIDS, including—

''(i) the number and percent of people in HIV care or treatment who started tuberculosis treatment; and

''(ii) the number and percentage of eligible HIV positive patients starting isoniazid preventative therapy.

''(Q) A description of efforts by partner countries to train, employ, and retain health care workers, including efforts to address workforce shortages.

''[(3)]*(4)* PARTNER COUNTRY DEFINED.—In this subsection, the term 'partner country' means a country with a minimum United States Government investment of HIV/AIDS assistance of at least $5,000,000 [annually] *in the prior fiscal year*.''.

SEC. 6. ALLOCATION OF FUNDING.

(a) ORPHANS AND VULNERABLE CHILDREN.—Section 403(b) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7673(b)) is amended—

(1) by striking ''2013'' and inserting ''2018''; and

(2) by striking ''amounts appropriated pursuant to the authorization of appropriations under section 401'' and inserting ''amounts appropriated or otherwise made available to carry out the provisions of section 104A of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2)''.

(b) FUNDING ALLOCATION.—Section 403(c) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7673(c)) is amended—

(1) by striking ''2013'' and inserting ''2018''; and

(2) by striking ''amounts appropriated for bilateral global HIV/AIDS assistance pursuant to section 401'' and inserting ''amounts appropriated or otherwise made available to carry out the provisions of section 104A of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2)''.

Mrs. BOXER. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to as original text, the Menendez-Corker amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

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

The committee-reported amendments were agreed to.

The amendment (No. 2147) was agreed to, as follows:

(Purpose: To require reporting on program evaluations)

On page 18, strike line 11 and insert the following:

''(R) A description of program evaluations completed during the reporting period, including whether all completed evaluations have been published on a publically available Internet website and whether any completed evaluations did not adhere to the common evaluation standards of practice published under paragraph (4).

''(4) COMMON EVALUATION STANDARDS.—Not later than February 1, 2014, the Global AIDS Coordinator shall publish on a publically available Internet website the common evaluation standards of practice referred to in paragraph (3)(R).

''(5) PARTNER COUNTRY DEFINED.—In this

On page 16, line 3, strike ''counties'' and insert ''countries''.

On page 18, line 1, strike the second set of quotation marks.

On page 18, line 4, strike the second set of quotation marks.

The bill (S. 1545), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1545

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 ''PEPFAR Stewardship and Oversight Act of 2013''.

SEC. 2. INSPECTOR GENERAL OVERSIGHT.

Section 101(f)(1) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7611(f)(1)) is amended—

(1) in subparagraph (A), by striking ''5 coordinated annual plans for oversight activity in each of the fiscal years 2009 through 2013'' and inserting ''coordinated annual plans for oversight activity in each of the fiscal years 2009 through 2018''; and

(2) in subparagraph (C)—

(A) in clause (ii)—

(i) in the heading, by striking ''SUBSEQUENT'' and inserting ''2010 THROUGH 2013''; and

(ii) by striking ''the last four plans'' and inserting ''the plans for fiscal years 2010 through 2013''; and

(B) by adding at the end the following new clause:

''(iii) 2014 PLAN.—The plan developed under subparagraph (A) for fiscal year 2014 shall be completed not later than 60 days after the date of the enactment of the PEPFAR Stewardship and Oversight Act of 2013.

''(iv) SUBSEQUENT PLANS.—Each of the last four plans developed under subparagraph (A) shall be completed not later than 30 days before each of the fiscal years 2015 through 2018, respectively.''.

SEC. 3. ANNUAL TREATMENT STUDY.

(a) ANNUAL STUDY; MESSAGE.—Section 101(g) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7611(g)) is amended—

(1) in paragraph (1), by striking ''through September 30, 2013'' and inserting ''through September 30, 2019'';

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph:

''(2) 2013 THROUGH 2018 STUDIES.—The studies required to be submitted by September 30, 2014, and annually thereafter through September 30, 2018, shall include, in addition to the elements set forth under paragraph (1), the following elements:

''(A) A plan for conducting cost studies of United States assistance under section 104A of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2) in partner countries, taking into account the goal for more systematic collection of data, as well as the demands of such analysis on available human and fiscal resources.

''(B) A comprehensive and harmonized expenditure analysis by partner country, including—

''(i) an analysis of Global Fund and national partner spending and comparable data across United States, Global Fund, and national partner spending; or

''(ii) where providing such comparable data is not currently practicable, an explanation of why it is not currently practicable, and when it will be practicable.''; and

(4) by adding at the end the following new paragraph:

''(4) PARTNER COUNTRY DEFINED.—In this subsection, the term 'partner country' means a country with a minimum United States Government investment of HIV/AIDS assistance of at least $5,000,000 in the prior fiscal year.''.

SEC. 4. PARTICIPATION IN THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS, AND MALARIA.

(a) LIMITATION.—Section 202(d)(4) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7622(d)(4)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking ''2013'' and inserting ''2018'';

(B) in clause (ii)—

(i) by striking ''2013'' and inserting ''2018''; and

(ii) by striking the last two sentences; and

(C) in clause (vi), by striking ''2013'' and inserting ''2018''; and

(2) in subparagraph (B)—

(A) by striking ''under this subsection'' each place it appears;

(B) in clause (ii), by striking ''pursuant to the authorization of appropriations under section 401'' and inserting ''to carry out section 104A of the Foreign Assistance Act of 1961''; and

(C) in clause (iv), by striking ''2013'' and inserting ''2018''.

(b) WITHHOLDING FUNDS.—Section 202(d)(5) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7622(d)) is amended by—

(1) in paragraph (5)—

(A) by striking ''2013'' and inserting ''2018'';

(B) in subparagraph (C)—

(i) by inserting ''in an open, machine readable format'' after ''site'';

(ii) by amending clause (v) to read as follows:

''(v) a regular collection, analysis, and reporting of performance data and funding of grants of the Global Fund, which covers all principal recipients and all subrecipients on the fiscal cycle of each grant, and includes the distribution of resources, by grant and principal recipient and subrecipient, for prevention, care, treatment, drugs, and commodities purchase, and other purposes as practicable;'';

(C) in subparagraph (D)(ii), by inserting '', in an open, machine readable format,'' after ''audits'';

(D) in subparagraph (E), by inserting '', in an open, machine readable format,'' after ''publicly'';

(E) in subparagraph (F)—

(i) in clause (i), by striking ''; and'' and inserting a semicolon; and

(ii) by striking clause (ii) and inserting the following new clauses:

''(ii) all principal recipients and subrecipients and the amount of funds disbursed to each principal recipient and subrecipient on the fiscal cycle of the grant;

''(iii) expenditure data—

''(I) tracked by principal recipients and subrecipients by program area, where practicable, prevention, care, and treatment and reported in a format that allows comparison with other funding streams in each country; or

''(II) if such expenditure data is not available, outlay or disbursement data, and an explanation of progress made toward providing such expenditure data; and

''(iv) high-quality grant performance evaluations measuring inputs, outputs, and outcomes, as appropriate, with the goal of achieving outcome reporting;''; and

(F) by amending subparagraph (G) to read as follows:

''(G) has published an annual report on a publicly available Web site in an open, machine readable format, that includes—

''(i) a list of all countries imposing import duties and internal taxes on any goods or services financed by the Global Fund;

''(ii) a description of the types of goods or services on which the import duties and internal taxes are levied;

''(iii) the total cost of the import duties and internal taxes;

''(iv) recovered import duties or internal taxes; and

''(v) the status of country status-agreements;''.

SEC. 5. ANNUAL REPORT.

Section 104A(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2(f)) is amended to read as follows:

''(f) ANNUAL REPORT.—

''(1) IN GENERAL.—Not later than February 15, 2014, and annually thereafter, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report in an open, machine readable format, on the implementation of this section for the prior fiscal year.

''(2) REPORT DUE IN 2014.—The report due not later than February 15, 2014, shall include the elements required by law prior to the enactment of the PEPFAR Stewardship and Oversight Act of 2013.

''(3) REPORT ELEMENTS.—Each report submitted after February 15, 2014, shall include the following:

''(A) A description based on internationally available data, and where practicable high-quality country-based data, of the total global burden and need for HIV/AIDS prevention, treatment, and care, including—

''(i) estimates by partner country of the global burden and need; and

''(ii) HIV incidence, prevalence, and AIDS deaths for the reporting period.

''(B) Reporting on annual targets across prevention, treatment, and care interventions in partner countries, including—

''(i) a description of how those targets are designed to—

''(I) ensure that the annual increase in new patients on antiretroviral treatment exceeds the number of annual new HIV infections;

''(II) reduce the number of new HIV infections below the number of deaths among persons infected with HIV; and

''(III) achieve an AIDS-free generation;

''(ii) national targets across prevention, treatment, and care that are—

''(I) established by partner countries; or

''(II) where such national partner country-developed targets are unavailable, a description of progress towards developing national partner country targets; and

''(iii) bilateral programmatic targets across prevention, treatment, and care, including—

''(I) the number of adults and children to be directly supported on HIV treatment under United States-funded programs;

''(II) the number of adults and children to be otherwise supported on HIV treatment under United States-funded programs; and

''(III) other programmatic targets for activities directly and otherwise supported by United States-funded programs.

''(C) A description, by partner country, of HIV/AIDS funding from all sources, including funding levels from partner countries, other donors, and the private sector, as practicable.

''(D) A description of how United States-funded programs, in conjunction with the Global Fund, other donors, and partner countries, together set targets, measure progress, and achieve positive outcomes in partner countries.

''(E) An annual assessment of outcome indicator development, dissemination, and performance for programs supported under this section, including ongoing corrective actions to improve reporting.

''(F) A description and explanation of changes in related guidance or policies related to implementation of programs supported under this section.

''(G) An assessment and quantification of progress over the reporting period toward achieving the targets set forth in subparagraph (B), including—

''(i) the number, by partner country, of persons on HIV treatment, including specifically—

''(I) the number of adults and children on HIV treatment directly supported by United States-funded programs; and

''(II) the number of adults and children on HIV treatment otherwise supported by United States-funded programs;

''(ii) HIV treatment coverage rates by partner country;

''(iii) the net increase in persons on HIV treatment by partner country;

''(iv) new infections of HIV by partner country;

''(v) the number of HIV infections averted;

''(vi) antiretroviral treatment program retention rates by partner country, including—

''(I) performance against annual targets for program retention; and

''(II) the retention rate of persons on HIV treatment directly supported by United States-funded programs; and

''(vii) a description of supportive care.

''(H) A description of partner country and United States-funded HIV/AIDS prevention programs and policies, including—

''(i) an assessment by country of progress towards targets set forth in subparagraph (B), with a detailed description of the metrics used to assess—

''(I) programs to prevent mother to child transmission of HIV/AIDS, including coverage rates;

''(II) programs to provide or promote voluntary medical male circumcision, including coverage rates;

''(III) programs for behavior-change; and

''(IV) other programmatic activities to prevent the transmission of HIV;

''(ii) antiretroviral treatment as prevention; and

''(iii) a description of any new preventative interventions or methodologies.

''(I) A description of the goals, scope, and measurement of program efforts aimed at women and girls.

''(J) A description of the goals, scope, and measurement of program efforts aimed at orphans, vulnerable children, and youth.

''(K) A description of the indicators and milestones used to assess effective, strategic, and appropriately timed country ownership, including—

''(i) an explanation of the metrics used to determine whether the pace of any transition to such ownership is appropriate for that country, given that country's level of readiness for such transition;

''(ii) an analysis of governmental and local nongovernmental capacity to sustain positive outcomes;

''(iii) a description of measures taken to improve partner country capacity to sustain positive outcomes where needed; and

''(iv) for countries undergoing a transition to greater country ownership, a description of strategies to assess and mitigate programmatic and financial risk and to ensure continued quality of care for essential services.

''(L) A description, globally and by partner country, of specific efforts to achieve and incentivize greater programmatic and cost effectiveness, including—

''(i) progress toward establishing common economic metrics across prevention, care and treatment with partner countries and the Global Fund;

''(ii) average costs, by country and by core intervention;

''(iii) expenditure reporting in all program areas, supplemented with targeted analyses of the cost-effectiveness of specific interventions; and

''(iv) import duties and internal taxes imposed on program commodities and services, by country.

''(M) A description of partnership framework agreements with countries, and regions where applicable, including—

''(i) the objectives and structure of partnership framework agreements with countries, including—

''(I) how these agreements are aligned with national HIV/AIDS plans and public health strategies and commitments of such countries; and

''(II) how these agreements incorporate a role for civil society; and

''(ii) a description of what has been learned in advancing partnership framework agreements with countries, and regions as applicable, in terms of improved coordination and collaboration, definition of clear roles and responsibilities of participants and signers, and implications for how to further strengthen these agreements with mutually accountable measures of progress.

''(N) A description of efforts and activities to engage new partners, including faith-based, locally-based, and United States minority-serving institutions.

''(O) A definition and description of the differentiation between directly and otherwise supported activities, including specific efforts to clarify programmatic attribution and contribution, as well as timelines for dissemination and implementation.

''(P) A description, globally and by country, of specific efforts to address co-infections and co-morbidities of HIV/AIDS, including—

''(i) the number and percent of people in HIV care or treatment who started tuberculosis treatment; and

''(ii) the number and percentage of eligible HIV positive patients starting isoniazid preventative therapy.

''(Q) A description of efforts by partner countries to train, employ, and retain health care workers, including efforts to address workforce shortages.

''(R) A description of program evaluations completed during the reporting period, including whether all completed evaluations have been published on a publically available Internet website and whether any completed evaluations did not adhere to the common evaluation standards of practice published under paragraph (4).

''(4) COMMON EVALUATION STANDARDS.—Not later than February 1, 2014, the Global AIDS Coordinator shall publish on a publically available Internet website the common evaluation standards of practice referred to in paragraph (3)(R).

''(5) PARTNER COUNTRY DEFINED.—In this subsection, the term 'partner country' means a country with a minimum United States Government investment of HIV/AIDS assistance of at least $5,000,000 in the prior fiscal year.''.

SEC. 6. ALLOCATION OF FUNDING.

(a) ORPHANS AND VULNERABLE CHILDREN.—Section 403(b) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7673(b)) is amended—

(1) by striking ''2013'' and inserting ''2018''; and

(2) by striking ''amounts appropriated pursuant to the authorization of appropriations under section 401'' and inserting ''amounts appropriated or otherwise made available to carry out the provisions of section 104A of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2)''.

(b) FUNDING ALLOCATION.—Section 403(c) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7673(c)) is amended—

(1) by striking ''2013'' and inserting ''2018''; and

(2) by striking ''amounts appropriated for bilateral global HIV/AIDS assistance pursuant to section 401'' and inserting ''amounts appropriated or otherwise made available to carry out the provisions of section 104A of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2)''.

AUTHORIZING SENATE LEGAL COUNSEL

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 298, 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. 298) to authorize testimony, documents, and representation in United States v. Allen.

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

Mr. REID. Mr. President, this resolution concerns a request for testimony, documents, and representation in a Federal criminal action pending in Florida Federal District Court. The defendant is charged with sending through the mail to the Jacksonville, FL, offices of Senators BILL NELSON and MARCO RUBIO an envelope containing a white powdery substance and a letter containing alleged threats directed towards the Senators. The prosecution has requested from both Senators' offices the production of the letters at issue and testimony from current and former office employees who witnessed the relevant events. Senators NELSON and RUBIO would like to cooperate with these requests.

The enclosed resolution would authorize the production of the letters at issue and testimony by current and former employees of the offices of Senators NELSON and RUBIO. It would also authorize the Senate legal counsel to represent any current or former employees of those offices from whom evidence may be sought in this case.

Mrs. BOXER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 298) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR TUESDAY, NOVEMBER 19, 2013

Mrs. BOXER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, November 19, 2013; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for debate only for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees; that following morning business, the Senate resume consideration of S. 1197, the National Defense Authorization Act, with the time until 12:30 p.m. for debate only; finally, that the Senate recess from 12:30 p.m. to 2:15 p.m. to allow for the weekly caucus meetings.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mrs. BOXER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:41 p.m., adjourned until Tuesday, November 19, 2013, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

INTER–AMERICAN FOUNDATION

MARK E. LOPES, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER–AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2016, VICE HECTOR E. MORALES, TERM EXPIRED.

LEGAL SERVICES CORPORATION

HARRY JAMES FRANKLYN KORRELL III, OF WASHINGTON, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2014. (REAPPOINTMENT)

VICTOR B. MADDOX, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2016. (REAPPOINTMENT)

DEPARTMENT OF ENERGY

FRANKLIN M. ORR, JR., OF CALIFORNIA, TO BE UNDER SECRETARY FOR SCIENCE, DEPARTMENT OF ENERGY, VICE STEVEN ELLIOT KOONIN.

MARC A. KASTNER, OF MASSACHUSETTS, TO BE DIRECTOR OF THE OFFICE OF SCIENCE, DEPARTMENT OF ENERGY, VICE WILLIAM F. BRINKMAN.

PUBLIC HEALTH SERVICE

VIVEK HALLEGERE MURTHY, OF MASSACHUSETTS, TO BE MEDICAL DIRECTOR IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS, AND TO BE SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE FOR A TERM OF FOUR YEARS, VICE REGINA M. BENJAMIN, RESIGNED.

DEPARTMENT OF JUSTICE

DEBO P. ADEGBILE, OF NEW YORK, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE THOMAS E. PEREZ, RESIGNED.