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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable ANGUS S. KING, Jr., a Senator from the State of Maine.

PRAYER

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

Let us pray.

Eternal God, who transforms common days into transfiguring and redemptive moments, hallowed be Your Name.

Lord, make our lawmakers great enough for these momentous times as they seek to live worthy of Your great Name. May Your precepts keep them from life's pitfalls, guiding them through the darkness to a safe haven. Cleanse the fountains of their hearts from all that defiles them so that they may be fit vessels to be used for Your glory. Let Your peace be within them as Your spirit inspires them to glorify You in their thoughts, words, and actions.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The assistant legislative clerk read the following letter.

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 14, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ANGUS S. KING, Jr., a Senator from the State of Maine, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. KING thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

FINISHING SENATE BUSINESS

Mr. REID. Mr. President, this great body, the Senate, has a unique ability to work very quickly when cooperation is present. That is one of the many special things about this institution. Unfortunately, cooperation in the recent months has been very lacking.

Case in point: One Senator has delayed action for more than a month on a bill to ensure the safety of custom medications mixed by pharmacies for patients with unique health needs.

The reason that 97 Senators voted to move this legislation is because 64 people died and 800 people were made very, very sick, with some of them very sick. They had strokes and other medical issues because of the irresponsibility and negligence of this company in Massachusetts.

A lawsuit was filed recently in Nevada where two young boys were allegedly impacted significantly as a result of this medication. It was really bad medication.

Unless the entire U.S. Senate bends to that one Senator's wish, the one who voted no—and the vote was 97 to 1—he will force this body to jump through hoops and work through the next several days wasting time to finish the crucial drug safety bill, but we are going to finish that bill. This bill is important for our country, and I cannot let one Senator dictate what goes on in the Senate.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business for 2 hours, with Republicans controlling the first half and the majority controlling the final half.

Following morning business, we will vote on adoption of the motion to proceed to H.R. 3204, the pharmaceutical drug compounding bill. This is expected to be a voice vote—at least I hope that is, in fact, the case. If that is the case, then we will decide what will happen subsequent to that.

The Senate will recess from 1 p.m. to 2:15 p.m. to allow for an important meeting we are having. I understand that both the majority and minority are holding important meetings today.

There is no agreement that I am aware of to complete action on the compounding bill today, but hopefully we can do that.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 2 hours, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the leaders or their designees, with the Republicans controlling the first half.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

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

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OBAMACARE

Mr. MCCONNELL. Mr. President, by now I am sure every Member in this Chamber has received literally countless letters, emails, and phone calls from the millions of Americans who have been hurt by ObamaCare.

I recently saw a press release from the senior Senator from California saying that she has heard from more than 30,000 constituents who are facing skyrocketing costs or canceled plans.

Each story is unique. Each story is important. That is why this morning Senate Republicans will share some of those stories to put a human face to those who have suffered as a result of the Democrats' decision to force this law on our country.

I will start off with James Dodson, who is a constituent of mine from Owensboro. James has type 2 diabetes. He recently got a letter informing him that his high-risk pool coverage would expire next month. He says a replacement plan on the ObamaCare exchange will cause his premiums to spike from $676 to more than $1,000 a month.

Here is the question he asked me: ''Where [are] the savings the Democrats . . . promised 3 years ago?''

James' story is another reminder of why it is time for Democrats to work with us to repeal this law and start over with bipartisan reform. My constituent James is counting on them, and so are millions of others across the country who are suffering under this law.

I understand my friend from Texas has something he would like to share.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, earlier this month I launched a Web site where my constituents in Texas could describe their experiences with ObamaCare. As of this morning that site has received more than 500 submissions and the stories are simply maddening.

For example, Barry Linden of Brenham, TX, is currently waiting for an organ transplant, but because of ObamaCare his health insurance policy is being canceled, which could jeopardize his ability to access that transplant.

As Mr. Linden writes, losing his health care plan ''is a potential lifeending tragedy for me and my family. The forced dropping of my plan creates a variety of complications involving my transplant team [and] my medications.''

The ''most troubling'' thing, he adds, ''is that insurance will have to recertify my transplant.'' In other words, he will have to start all over.

Meanwhile, I also heard from another constituent in Lubbock, TX, whose 13-year-old daughter has type 1 diabetes. She has had it since age 4. Her family had a health insurance policy when she was first diagnosed and they have been happy with that policy. However, because of ObamaCare, they were recently notified that their daughter's health insurance is being canceled in December.

Stories such as this are simply infuriating and unnecessary, but they should strengthen our resolve to dismantle ObamaCare entirely and replace it with patient-centered alternatives.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. THUNE. Mr. President, the news out of South Dakota is like it is everywhere else—it is all bad. It is cancellation notices and sticker shock that families, individuals, and small businesses are experiencing.

This is a letter from a couple I received from my State. It says:

> We got the letter. We just received a cancellation letter from our health care provider . . . I am a self employed plumber . . . We have had the same kind of health insurance for years . . . It works for us, we are happy with it.
>
> When our current plan expires in 2014 it will no longer be available. We will have to get a new plan. We will be forced to lower our deductible, carry insurance for pregnancy, pediatric eye and dental care, etc. My wife is 50 years old, I'm almost there. WE DON'T NEED COVERAGE FOR PREGNANCY OR PEDIATRIC CARE!
>
> We were told that our new policy will most likely cost us over 100% more than what we pay now. WE WILL NOT BE ABLE TO AFFORD IT. We will be without insurance and I guess we'll have to pay the Obama tax and take our chances.
>
> Obama said we could keep our plan . . . PERIOD!

This is another example from my State of cancellations and sticker shock, and that is the experience Americans are having today with ObamaCare.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, The Tennessean reported on Tuesday morning in its headline that the State's largest underwriter is notifying 66,000 clients that their policies don't meet ACA coverage requirements. In other words, they are losing those policies.

I have a letter from a woman, Emilie, who lives in Middle Tennessee who was 1 of 16,000 Tennesseans who are part of another plan called CoverTN. She is losing her policy.

She says:

> I am a 39 year old single woman with a chronic illness, Lupus. I worked my way through college.
>
> As a person with a chronic illness that was deemed ''uninsurable,'' the only way I was able to obtain health insurance was through an employer based program called CoverTN . . . Although some call it a minimal coverage plan, it has been stellar AND affordable . . . I was excited to hear about the Affordable Health Care Act. I was glad to hear that ''uninsurables'' could no longer be denied coverage . . . unfortunately [that] is NOT TRUE.
>
> I cannot keep my current plan because it does not meet the standards of coverage. This alone is a travesty. CoverTN has been a lifeline.
>
> With the discontinuation of CoverTN, I am being forced to purchase a plan . . . that will increase [my costs] by a staggering 410%. My out of pocket expense will increase by more than $6,000.00 a year. Please help me understand how this is ''affordable.''
>
> I beg of you to continue the fight for those, like me, who would only ask to be allowed to continue to have what we already enjoy. A fair health insurance plan at a fair price.

That is from Emilie, who is a 39-year-old woman from Tennessee.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, if you like your health plan, you can keep it. It is a nice sound bite, isn't it? It is also not true. My constituents have learned that the very hard way.

A constituent from Perry, IA, wrote:

> My husband and I are farmers. For nine years now we have bought our own policy. We recently received our letter that our plan was going away and effective Jan 1, 2014 it will be updated to comply with the mandates of ObamaCare.
>
> We did not get to keep our current policy. We did not get to keep our lower rates. I now have to pay for coverage that I do not want or will never use.
>
> We are the small business owner that is trying to live the American dream. I do not believe in large government that wants to run my life.

This failed promise is hitting home but, more importantly, when the President promises something and doesn't keep that promise, it goes way beyond a promise to hurt an individual. It goes to the lack of credibility of all government. What we need to be doing in this country is building up credibility of government to strengthen our institutions of government.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. CRAPO. Mr. President, I join my colleagues on the floor today because, like many of them, my constituents are upset. Idahoans are finding out that America's promise to the American people that ''if you liked your health care plan you could keep it'' simply was not true.

Over 100,000 Idahoans will find out that they cannot keep their current plans. Idahoans such as Jennifer from Salmon, ID, are finding this out the hard way. Jennifer is a working self-employed mother of three whose current health care costs her family $375 a month. Now Jennifer is being told that her current plan is no longer available under the President's health care law and that the next available plan to her family will cost $900 per month with a $10,000 deductible. That plan will require Jennifer to spend $20,000 a year between premiums and deductibles before she has benefit coverage.

This is Kelly, another hard-working mother who was promised affordable and successful health care coverage under ObamaCare.

Optimistic to enroll, Kelly and her husband looked to sign up, only to find the plans available to their family were unaffordable and thus inaccessible.

The health care law was sold on the premise that it would help families

such as Kelly's—those struggling to get by month-to-month in our stifled economy—to obtain affordable, quality health insurance. Instead, Kelly and her husband are now considering taking the penalty fine for being uninsured under the new law as it is a more feasible option for their family at this time.

There are many more just like Kelly and Jennifer in Idaho and across the country dealing with new hardships as a result of this law. The President needs to work with Congress to find reasonable solutions to amend the many broken promises made about this law.

Thank you, Mr. President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. ROBERTS. Mr. President, Beth from Tribune, KS, is a single mother of a 3-year-old son with significant physical disabilities. Her son's insurance is being canceled. To replace this policy with a similar plan, it is going to cost far more than the $750 monthly premium Beth pays now.

She writes:

> How can this be? My little boy needs health insurance. . . . Now our insurance company is telling us this policy no longer exists because it doesn't meet the government's requirements and if we'd like to get another plan it's going to cost even more for the same child . . .
>
> We didn't change children . . . it's the same child!! This doesn't make sense. We frequently visit multiple specialists. We need this insurance. It baffles me as to why this is happening. It's not rocket science . . . it's healthcare. ObamaCare is affecting those that need it the most and NOT in a good way . . . It's very stressful raising a child with significant needs . . . I'd like to be concentrating on the health and well-being of my son and not on stressing out over health insurance.

For Beth and her son, we must repeal this law.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. WICKER. Mr. President, according to the U.S. Department of Health and Human Services, my State of Mississippi will have the third highest premiums in the Nation as a result of the so-called Affordable Care Act. This is unacceptable for my State, and my colleagues can be sure I am hearing from my constituents about this.

For example, I heard from a married couple in Long Beach who own a small business. The private insurance plan they have offered to their employees for over 20 years will suffer a 33-percent premium increase on December 1. Their insurance specifically cited the ACA's mandated coverage, fees, and taxes for the increased premiums. The couple will continue to insure their employees because if they were to discontinue the coverage, their employees and families would suffer because they would not be able to afford individual plans.

I also heard from a 58-year-old graphic designer from Madison, MS, stating that his insurance premiums will double at the beginning of the year from $355 to $755. This gentleman is understandably angry about this premium increase. He understands that his insurance will now cover mandated benefits such as maternity care and birth control—something he will never use as a 58-year-old male.

I also heard from a 51-year-old disabled retired doctor and the father of two high school students. Earlier this week, he was informed by his insurance provider that his family's premiums will skyrocket in January. He says he discovered that the least expensive coverage for his family will result in a 112-percent increase in his premiums.

After hours on healthcare.gov trying to enroll his family, a firefighter, a father, and a husband discovered that the cheapest plan, a bronze plan, will be too exorbitant a cost for him to pay. He will opt to pay the penalty, and he and his family will remain uninsured.

These are real Americans who are learning that the Affordable Care Act is less affordable and less accessible.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. ISAKSON. Mr. President, we all know that over 5 million Americans have lost their health care and can't keep the health care they wanted. The untold tragedy is the millions and millions more who are being priced out of the market because of the increases in costs caused by ObamaCare.

I will read an email from Rob and Jessica in Georgia that I think depicts exactly what that tragedy is.

> My husband lost a job in the recession. He could not find work, so we started our own business and have grown it over the last 3 years so that we are supporting ourselves with a modest income. We lost all of our savings, in the process of the recession, but we are proud from where we've come.
>
> We are in our 40's, healthy and self-insured. We just received a letter from our insurance company that our insurance will be going up 244 percent, from $203 a month to $495 a month. We can't believe that our government has made a decision that is costing us, and everyone we talk to, thousands of dollars. It is truly unbelievable. We have worked so hard to get where we are. We cannot afford this increase.

ObamaCare is pricing the average American out of health care.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise to discuss the impact ObamaCare is already having on my constituents, likewise, as my colleague said, in my home State of Georgia.

One of my constituents, Jeanie from Twin City, GA, is a registered nurse in a small hospital. Her husband is a retired Navy officer who served this country honorably for 20 years. They are on TRICARE, so Jeanie didn't need her employer to pay for her health care. However, because of ObamaCare, Jeanie's employer is cutting her hours to less than 30 hours a week, which means a drastic pay cut for her and her family. I fear this health care law will continue to force employers to reduce employee hours in order to avoid the unaffordable health care costs.

Another constituent, Thomas from Columbus, told me about the problem he is facing with his son. His son graduated from college, but as is the case with so many his age, he has been unable to find a job in this tough economy. His son works hard to make ends meet and was lucky to find a bartending position that would allow him to work full-time.

Service industry professionals, normally, as in the case of Thomas's son, do not receive benefits, so Thomas bought his son a catastrophic insurance plan they could afford. Now it looks certain that this plan is not going to be acceptable under ObamaCare. His son will not qualify for Medicaid, but will not be able to afford the premiums he will now have to pay for this catastrophic policy.

Our economy is still recovering and Americans are still struggling. Thomas and Jeanie are exactly the type of hardworking Americans that health care reform should be making life easier for and not harder.

It is time for the President and Democrats to join us in scrapping this law and starting anew.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. JOHANNS. Mr. President, a few weeks ago we opened our Web site to Nebraskans so they could tell us what they were dealing with regarding ObamaCare. I heard from a family in Grand Island, NE, and this is what they said:

> ObamaCare has made the prospect of getting sick very scary at our house. Our monthly premium is set to go up from $578 to $714. If that's not bad enough, our maximum out-of-pocket will go from $5,000 to $12,700.

This family is facing a 24-percent increase in premiums and a whopping 154-percent increase in their out-of-pocket maximum.

The letter goes on to say:

> That's not affordable; in fact, if a member of my family were to get sick and need hospitalization, we'd be in major financial trouble. Not only that, but we only qualify for a $6 tax credit. It really feels as if those of us who work hard, do the right thing, and set good examples for our children are now being punished.

It is time to stand with the American people and actually fulfill our promises and repeal this law.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Mr. President, thousands of Mainers are receiving notices that their health insurance is being canceled due to ObamaCare.

This past weekend I talked with Mark Pendergast, the owner of a small landscaping company, who just found out that the premiums for his small business plan will jump by 54 percent next year due to ObamaCare. He can't

pay that and stay competitive, and his workers can't afford it either. Their share of the premium will go up by $740 next year. Mark is worried they will simply drop their coverage and pay the fine instead.

Mark and his workers are not the only Mainers hurt by ObamaCare. Mrs. Beatrice Logan of Cape Elizabeth, ME, emailed me to express her deep concern that her family is facing an increase in their deductible from $4,500 to $12,000. Moreover, she is being told that they may not be able to continue with the health care team at Boston's Children's Hospital that has provided a lifetime of excellent care to her 19-year-old son who has cystic fibrosis.

Dave Eshelman of Falmouth told me that he and his wife are facing a more than 90-percent increase in their premiums. Having to spend an additional $5,000 a year for health insurance is no small matter to them at a time when they are struggling to start a small business.

One of the major reasons I strongly opposed the Affordable Care Act was that there was nothing ''affordable'' about it. I predicted it would lead to fewer choices and higher insurance costs for middle income families and small businesses.

Congress must work together to address the very real health care concerns of the American people and the budget realities we face. Repealing ObamaCare's poorly crafted and misguided mandates and replacing the law with a fiscally responsible reform bill that contains costs and provides more choices is the best path forward.

Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. JOHNSON of Wisconsin. Mr. President, Gina Sell is a 29-year-old registered nurse, a wife, a mother of two girls, and a lifelong Wisconsin native. She and her husband Joe, a heating and air-conditioning technician, currently purchase health insurance on the individual market.

Their best option under ObamaCare increases their monthly premium by $700 and their deductible by $12,000 per year. This is after an annual ObamaCare subsidy of $48. Because they both work, Gina and Joe make too much money to obtain an adequate subsidy but not enough to afford health insurance.

So what can they do? Gina has looked for a full-time job that provides health benefits, but those jobs are pretty scarce. Her only option may be to quit working altogether so they qualify for a larger subsidy. Because of ObamaCare, Gina might lose a career she loves and America might lose a much needed nurse.

In Gina's words: ''This scenario is life altering . . . My husband and I are at a loss for what we can do.''

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. Mr. President, many people supported President Obama's health care law based on his promises. Those words don't mean much now for millions of people receiving cancellation notices from insurers for their current plans, paying prices higher than promised and losing work hours, wages, and in some cases jobs.

In Wyoming alone, there are over 2,600 people who are losing health care coverage they like. I have received numerous letters from my constituents illustrating the scope of this problem. Greta from Laramie is one of them. Greta is in graduate school and paying for tuition out-of-pocket. She had the university's student BlueCross BlueShield insurance plan. In September, her husband and two daughters received notice that their family insurance policy was gone. They were happy with their coverage. Greta said their plan had very good coverage of maternity and well-child visits, low deductibles, and an affordable monthly premium. Her family can't afford a new health insurance plan which, according to her, ''costs more and gives me less.'' That is what we are facing as a Nation: Health care plans we can no longer keep and broken promises from the White House.

The President misinformed the American people when he said, ''If you like your health care plan, you can keep it.'' Just last week, he said the Democrats didn't do a good enough job crafting the law. To me, that sounds like a law that should have never been passed. We must continue to push for repeal of this law of broken promises and work on alternative solutions that really do what the people were promised.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BLUNT. Mr. President, Sonya and Jake, her husband, are from Troy, MO. She contacted us to tell me that when her husband quit his job a few years ago to start his own business they, of course, when that happened, lost their employer coverage, but they were able to check on health care coverage for the self-employed. They found what they thought was a really doable policy for them. They are young and they are healthy. They have six kids, but they are all pretty healthy. They were paying $400 a month, with a $5,000 deductible and 100-percent coverage after the $5,000. Their preventive care was already covered. But, of course, their policy just got canceled because it did not meet the ObamaCare guidelines. Their insurance company tells them that to get the same kind of coverage with the new guidelines, they are going to pay 125 percent more than they have been paying. Their insurance more than doubled. Their plan may not have been good enough for the new guidelines, but it was good enough for them. When the government begins to tell people what they have to have, it almost always costs people more.

Also, we are seeing the high-risk pool in our State and every State go away. I am having all kinds of people saying their insurance is going to cost more, their deductible is higher, and many times the doctor who has been part of their health care challenge right up until now is no longer available to them. So much for ''if you like your doctor, you can keep your doctor.''

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. PORTMAN. Mr. President, I think it is great that we have the opportunity to come to the floor today to talk about what our constituents are telling us. We do not do that enough.

Last night I had a tele-townhall meeting. We had about 25,000 Ohioans. At every one of these tele-townhalls, we do a poll asking what the most important issue is. And of the tele-townhalls we have done, which is one a month, every single time it has been jobs and the economy—until last night. Last night it was health care. That is because most of the questions I got were about health care coverage and people concerned about losing it.

Let me read a letter from one of my constituents. It is indicative of what I am hearing all around the State. This is from Dean. He lives in Sandusky, OH. He writes:

> Ever since I lost my job in 2009 I have been purchasing my own health care insurance. Last month I received a letter in the mail stating that my plan is being cancelled due to the ACA. I was told to look at plans on the exchange, which I did and I found a comparable plan that is over twice the cost of what I now have.
>
> In addition, this is over half of my monthly pension. I simply can't afford this. I have always been a responsible, hard-working, self-dependent person. Now, due to the actions of our government, for the first time in my life I will not have any health insurance coverage. I am 59 years old and I need this coverage. I am outraged to say the least. How can our government do this to us? I will remember this come election time. Please get rid of this insane law. This is unacceptable.

Well, to Dean and to my other constituents, I agree with you. It is unacceptable. We should repeal the law—it does not make sense—and then replace it with one that actually reduces the cost of health care and keep the promise the President made, which is that people can keep the health care they have.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

Mr. COATS. Mr. President, the President has publicly promised all Americans: If you like your plan, you can keep it. If you like your doctor, you can keep that doctor. The only change, he said, you will see is falling costs.

Well, Donna, a senior citizen from New Albany—senior citizens are not supposed to be affected by this ObamaCare—received a letter telling her that she and her husband could no longer keep their Medicare Advantage plan. It was terminated. So they found another plan—much higher cost, much higher premium, much higher deductible.

Cynthia from Lafayette, IN: I am self-employed and purchase health care

privately. I am a single parent with a mortgage payment and a child in high school. My plan was canceled, and I was given an estimate for a replacement plan that is almost double what I am paying today.

Mr. President, you have not kept your promise to seniors. You have not kept your promise to single working mothers. You have not kept your promise to families. You have not kept your promise to the people whom I represent. How can Americans trust that this government takeover will work if you cannot keep your promises to the American people?

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, in North Dakota we have a lot of farmers and we have a lot of ranchers. They are small businesspeople. They run small businesses. They are being hit very hard by ObamaCare like other small businesses across this country.

A rancher from Rhame contacted us. His name is Wayne. He ranches there. Rhame is an area where we have a lot of cowboys, a tremendous rodeo. They compete nationally. They have great livestock herds there. He writes and he says:

> I'm not one to get too upset about things, but this deal really has me mad. We got a letter a few weeks ago that said they were dropping our policy. I paid my own insurance for years and years. When I got that letter, it just hit me—because somebody in Washington decided I was too stupid to figure out if my policy was right for me or not.
>
> I don't pay a lot of attention to politics, but usually what gets decided in Washington doesn't slap you in the face like this law has with me. I have gone on HealthCare.gov and used the estimators they direct you to. I could be going from a $2,500 deductible to something between $10,000 and $12,000, the way it looks to me. This is going to cost me a lot more for something I don't even want.

If I could, I would like to read another short story from a couple in Grand Folks who got ahold of us on the marriage penalty that ObamaCare creates. She wrote:

> My husband and I met with the primary health insurance carrier in North Dakota and were told that our current coverage under the guidelines of the Affordable Care Act will cost us at least another $400 more a month, and our deductible will increase from $2,000 to $12,000. Because we are married, we cannot choose individual plans, which would be a lower deductible. In essence, we are being punished for being married. We are looking at paying more than $1,500 a month in health care because we are only 61 years old and not eligible for Medicare for another 4 years—$18,000 a year for health care!
>
> We were told that part of the problem is the provisions in the law which require us to choose a plan that has maternity benefits. How does this make sense for seniors to be forced to buy coverage that does not apply to them? We agree that benefits shouldn't be denied to people, but it is not fair to be forced to buy coverage that does not even apply.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mrs. FISCHER. Mr. President, I rise today to speak on behalf of nearly 3,000 Nebraskans who have contacted my office with their concerns about ObamaCare. Their stories are, unfortunately, not unique: skyrocketing premiums and cancellation of plans they were promised they could keep.

Curt from Lincoln, NE, wrote to tell me he has seen his Blue Cross Blue Shield premiums rise a shocking 300 percent. David, a father living in Omaha, is facing a potential total increase of $16,000 a year for his family's coverage—$16,000. Another constituent from Bertrand, NE, will see his family's deductible more than double next year. He asked: ''How is this the Affordable Care Act?'' An apology now will not help the hard-working Nebraskans who have lost or who will soon lose their current coverage. One constituent wrote, ''Folks shouldn't need a second mortgage to pay for ObamaCare.'' I agree.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I go home every weekend to talk to people. I was home last weekend for Veterans Day and was in the Target store in Casper and ran into a small business owner of a small electric company he runs. He has about four people who work with him. He is somebody on whom I have operated. He is a former patient of mine. He told me he was one of those 4 million Americans who had gotten that letter that they had lost their insurance.

He said: The President promised this would be easier to use than amazon.com. I can't get on. He said it would be cheaper than your cell phone bill. Well, that has not been the case. He said that the President said: If you like what you have, you can keep it. Clearly, that is not the case. He said: What is wrong? What is wrong with this? How can we fix it?

I got another letter from a rancher that I need to read. She is from New Castle, WY. She says:

> We are ranchers who buy our own health insurance. Currently, we pay $650 a month for an 80/20 policy with a $3,500 deductible. Our maximum family out-of-pocket is $10,000 a year. We do not carry maternity insurance because we have completed our family. I am 45 years old. I have had a hysterectomy.
>
> I recently called my insurance agent out of fear our policy could be canceled. Well, he said it would be canceled at the renewal time.

She said that he told her that their policy did not meet ObamaCare's requirement because of maternity coverage and they would have to choose a policy from the exchanges. Now, remember, she has had a hysterectomy. She does not need or want or will ever use maternity coverage.

She said the insurance agent quoted her rates for a comparable policy at $1,300 to $1,600 per month. Remember, they are now paying $650. She said the insurance agent also told her they could take a bronze policy—much less coverage than they currently have—for $900, which is still $250 a month higher than they would have to pay, but the out-of-pocket cost then was much higher, much more difficult for the family.

She said:

> We are being forced out of a good policy, which we pay for with hard-earned money and which we choose, into a dangerous financial and health care situation with less coverage and which puts my husband and I, who are proud of our sustainability, onto what we consider the welfare rolls by needing a government subsidy to afford a plan that we do not want or need.

She said:

> To say that we are angry is an understatement. Why is this happening? Why can Obama force me into this? We feel helpless. What are we supposed to do, just follow like sheep until we are either bankrupt or welfare recipients?

This is not what President of the United States promised the American people. It is not what every Democrat in this body who voted for this health care law promised the American people. The American people deserve better. They deserve to be able to get the care they need from a doctor they choose at lower costs. None of that has come true under this health care law.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the more my constituents learn about the administration's so-called Affordable Care Act, the more it becomes clear that major changes should be considered.

I recently heard from a constituent who had learned from accessing the Obama administration's enrollment Web site that the plan with the lowest cost available to him has a $7,000 yearly deductible, with a $12,000 out-of-pocket maximum and a premium of a little over $2,400 a month—nearly twice as much as he and his wife currently pay.

This family is just one example of millions of Americans who are suffering from sticker shock because of the cost of insurance plans on the President's new health insurance exchanges. The shock is made worse for those who are being rejected by the plans they were told they could keep but now cannot.

It is clear we need to urge the administration to consider going back to the drawing board. We should get together, too, here in the Senate and find common ground that makes better sense for the American people.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. SCOTT. Mr. President, for the last 3 years we have heard President Obama and our friends on the left promise—no, guarantee—that ObamaCare will help make health insurance more affordable. But day after day we see costs going up for hard-working families all across our country—not merely the rich families, not only the 1 percent, but middle-class Americans.

Last week I heard from Natalie Geiger, a wife and a mother of three in

Charleston, SC, whose health insurance costs are seeing double-digit increases.

These are the faces of real people impacted by ObamaCare. They are not stats; they are not numbers; they don't get waivers. They are taxpayers, middle-income taxpayers, and ObamaCare is forcing many to choose between saving for college for these three little kids and paying for health care. They shouldn't have to choose.

''ObamaCare'' and ''healthcare.gov'' are words that we now know are synonymous with ''failure.''

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mr. BOOZMAN. Mr. President, I would like to tell the story of a constituent who emailed and is so representative of what thousands are going through in Arkansas.

Mark from Little Rock wrote to me after receiving his cancellation notice. This is what he had to say:

I recently received a notice from Blue Cross-Blue Shield that my individual health insurance policy will not be renewed after 2014 due to ObamaCare. Although I am very happy with this policy, I'm being forced out of it after 2014.

The alternative options under the Affordable Care Act are not very affordable. The closest alternative plan will increase my deductible 25% and increase my monthly premiums 300%. . . . from $285 a month to $850 a month.

Mark notes that his current plan is Blue Cross, which he describes as not a ''bad apple'' provider, and that he will be required to pay for the entire cost of this new plan out-of-pocket. These are all very serious problems with the program, and certainly Mark is not alone.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mr. BURR. Mr. President, I recently received a letter from Kathleen Stephan of Fletcher, NC, who wrote to describe her experience with the Affordable Care Act and the impact on her health care. I wish to read her letter versus paraphrasing it.

Dear Senator BURR: I recently received a notice from Blue Cross Blue Shield of North Carolina that my health insurance policy will be cancelled effective January 1, 2014 because it does not meet all of the mandates under ObamaCare.

My current premium is $418 per month. The replacement policy being recommended to me will cost $928 per month—a 122 percent increase, and I do not qualify for subsidies.

I have had continuous coverage with Blue Cross Blue Shield for many years, and I like the plan I currently have.

I'm a 62 year old woman, and will not benefit from the mandatory additions to my plan, such as maternity coverage, newborn and pediatric care.

In the past, having continuous coverage provided a sense of security that my rates could not be raised based on a change in my health status.

I experienced such a change in 2012 when I was diagnosed with breast cancer and underwent seven months of treatment.

Now my rates are more than doubling, and the security is gone, not because of the change in my health, but because of ObamaCare.

When President Obama was selling the Affordable Care Act to the American people, he repeatedly promised that if you like your health care plan, you can keep your health care plan. Period.

I'm writing to you today to tell you that I do like my plan and I want to keep it. I'm asking for fairness for myself and the estimated millions of other Americans who will have their plans taken away by ObamaCare.

Sincerely,

KATHLEEN STEPHAN.

How do I answer Kathleen's letter?

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. RISCH. Mr. President, every one of us can stand here and tell thousands of stories. Mine will come from a gentleman by the name of Clint W., who is a small business owner. He received notice that he wasn't grandfathered, was being cancelled as of the first of the year. His premiums went from $320 to $1,200. His deductible went from $5,000 to $12,700. He says he can't afford it, and he canceled the policy so that he could save money for future medical expenses, and he is going to stay canceled for as long as he possibly can.

What struck me about this—I didn't get a lot of letters from poor people. I didn't get a lot of letters or contacts from rich people. My contacts came from middle-class America, which is what this country is. We are a middle-class country, by and large, with a small sliver of rich people at one end and some people who are deserving of our help at the other end, but those who are primarily affected by this are the middle class of America.

My good friends on the other side tried to claim they are the party that represents the middle class of America. I don't know whether they are getting the same letters we are, but if they are, they realize they have done something horrible. They didn't do a plan to help the disadvantaged, whom the Republican Party has always helped. What they have done is a social experiment that is collectivism or socialism at its worst. It is obvious it is a failure. These things don't work.

The American people, over 200 years, built a very successful insurance system and health care system in America. In 3 years this has been destroyed. There are 44 days left to make this work. If this isn't done right, there is going to be a collapse on January 1 and the American people are going to know exactly who caused it.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. RUBIO. One of the things I have discussed is the impact ObamaCare is having on Medicare and Medicare beneficiaries. Obviously, being from Florida, we have a significant number of Medicare beneficiaries and, in particular, people who are under something called Medicare Advantage. This is the only program in Medicare where seniors get to choose the type of coverage they want and things of that nature. My mom is a Medicare Advantage patient.

I wish to read a letter I received from a constituent of mine named Michelle Hatley, who lives in Destin, FL, which is in northwest Florida. This is a letter she received regarding her existing doctors. She also received a letter from one of her providers that talks about the changes that are happening. She sent this document attached to it. She states:

Here is a copy of the letter that I received from White Wilson Medical Group. As I indicated in our conversation, Sacred Heart might also be affected. My Medicare Advantage plan was the Medicare Completer through AARP and United Health Care. I have multiple chronic conditions which require treatment and consultation through several doctors. Three of my doctors are with White Wilson and 3 are with Sacred Heart. My rheumatologist, who directs my care for treatment of 2 autoimmune conditions, including rheumatoid arthritis, is with Sacred Heart and the only Rheumatologist in Destin. I am also legally blind, so transport to another doctor out of town is both difficult to arrange and expensive.

Of the plans that are available that will allow me to keep my doctors, the annual out of pocket is significantly higher as well as the co-payments and deductibles for patient visits, prescription drugs, and inpatient care. My choice has been reduced to finding ALL new doctors or enrolling in a different Medicare Advantage plan, which will cost more.

I wanted the Senator to be aware that Medicare clients are experiencing negative consequences from the ACA as well.

Since that time, after this experience, she has been able to find a plan that will help her avoid losing all six of her doctors, including her five specialists and the primary care physician. This is the catch: The new plan's out-of-pocket costs are now going from the $4,000-to-$4,500 range up to an expected $5,900. It was a tough decision for her to make, but she ultimately decided to pay more money in order to keep seeing all of her doctors who have been treating her for the past 4 to 6 years.

This is a real-life story of a Medicare Advantage recipient in this country whose out-of-pocket costs are going up because of ObamaCare. It is wrong. It is unfair. It should not stand.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I came to the floor yesterday to share many stories I am receiving from my constituents about them receiving cancellations of policies they wanted to keep and higher premiums under this law. Each story is very sad, and I feel badly for the people of my State and across this country who are suffering under this law. My constituents are pleading for relief. This is only one example.

A small business owner from Peterborough, NH, who voted for President Obama twice, told me that her family has a household income of $50,000 and their total health insurance will now cost over $19,000 for the year, which is more than their mortgage. Their local hospital isn't even on the exchange. In New Hampshire we only have one insurer on the exchange and 10 of our 26 hospitals have been excluded from that exchange.

This constituent from Peterborough wrote:

> We are frustrated, afraid, and angry beyond words. . . . I urge a postponement of implementation of the Affordable Care Act while those with the power look harder at the average American and come up with a better plan. Life shouldn't be this hard.

Citizens from across New Hampshire and this country are crying out for relief. I hope the President will listen to them and call a timeout on this law so that we can come together and, rather than what was done in this Chamber—passing a partisan law—come together for bipartisan health care solutions.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. MORAN. Mr. President, it is hard to narrow down the best story to tell. In fact, they are all bad stories. They are all terrible stories. Kansans are also struggling under the consequences of the passage of the Affordable Care Act. It bothers me so many times it is suggested that this is only a problem with implementation. The problem that Americans and Kansans are facing today really is the crux, the underlying basis for the provisions of the Affordable Care Act. This is not only an implementation problem; it is not only a computer problem; it is the theory on which the Affordable Care Act was based.

An example I would like to describe to my colleagues in the Senate is from a constituent from Newton, KS, which is a city in the center of the State. He writes:

> We were notified by our health insurance carrier that our premiums on our small business plan were to increase 24% on our renewal date because of the coverage mandated by the ACA starting in 2014.
>
> As small business owners in our late 50s we have struggled to find affordable health insurance for years. About 2 years ago we were able to sign up for a plan offered to small businesses through a well known carrier. It was not a ''Cadillac'' plan since we each had a $5,000 deductible and no coverage for maternity (didn't need), contraception (didn't need), but it covered the things we wanted and needed. Unfortunately, the premium increase is going to put this plan in the unaffordable range again.
>
> I have not yet been able to get on healthcare.gov. The few times I've tried it has either been down or locked up during access. As a business owner with employees and a lot of responsibilities, the time I have to spend messing around with a slow or nonresponsive web site is limited and personally expensive.

Our constituents need help, and the Affordable Care Act is why they need help.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. PAUL. The President promised the American people that if you like your doctor, you can keep him or her. He promised that if you like your insurance, you can keep it. But he needs to tell Andy Mangione and his family why they can't keep their insurance. They had an individual policy they were happy with. They paid $333 per month, and they are now going to be asked to pay $965 per month for things they don't want and didn't choose to have. This isn't only about health care; this is about freedom of choice. This is about whether one can choose what type of insurance they want. The next question is, What is next? What choices will be taken from us?

I am going to be signing up for ObamaCare. Yesterday I tried 15 times. I wasn't able to get beyond ''create an account'' because every time I pushed ''create an account,'' nothing happened.

This is a real problem—5 million people without insurance. The President said: If you can keep your insurance, you should be allowed to. You can keep your doctor.

Something has to be done because the Mangione family is going to have to pay three times as much for an insurance policy they don't want. We are taking their freedom of choice away. I, for one, say enough is enough. Let's get rid of this. Let's give back freedom to the consumer. Give back freedom to Kentucky families. In Kentucky, 10 times more families have been canceled than have actually accessed the Web site. Something has to give.

Mr. President, if you said ''you can keep your doctor,'' come forward and tell us why we can't keep our doctor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Mr. President, millions across this country are losing their health care, are losing their doctors because of ObamaCare. In Texas this past week the Austin American-Statesman reported that Austin's largest provider of cancer treatment won't participate in the health insurance plans offered through the marketplace set up by the Affordable Care Act. Indeed, they went on: ''ObamaCare looked like the sunshine on the horizon. And now it's a tornado,'' said one Austinite who has breast cancer and is being treated at Texas Oncology.

In its upcoming issue, Texas Medicine, a publication from the Texas Medical Association, references a survey by the Medical Group Management Association that says uncertainty has 40 percent of physician practices across the country pondering their participation in marketplace-based insurance plans.

But by reducing their risk, Texas Oncology is passing the burden on to some already stressed families, said Seth Winick, whose wife is being treated by Texas Oncology for breast cancer. Winick also said: ''It's an unwelcome burden and could seriously affect thousands of families who deal with cancer in our communities.''

If Winick's family is forced to pay out-of-network rates to treat his wife, the family will have to make some tough decisions. He says: ''We will make the financial sacrifice necessary to purchase the best care we can afford and we hope that it is enough.''

But Mr. Winick had nothing positive to say about the people and the care provided at Texas Oncology. He also said:

> Expanding health insurance coverage to people who don't have it is a noble goal, but the impact that has on those of us who do have it remains to be seen. Folks in the individual market don't really know what is in store.

President Obama promised the American people: If you like your health care plan, you can keep it. We now know that promise wasn't true. ObamaCare isn't working and it is time to start over.

I thank the Chair.

The PRESIDING OFFICER (Mr. BOOKER). The Senator from Arizona.

Mr. FLAKE. As my colleagues have said, I think all of us have heard from hundreds of our constituents in the past week who have had their insurance policies canceled or their insurance policies have been made unaffordable by the Affordable Care Act.

I wish to talk a minute about Greg and Linda. They live a couple doors down from me. I heard from Greg earlier this week. Greg and Linda are in their late fifties, early sixties. They know at this stage in life what kind of policy they need. They know what they do not need. They had a premium of about $400 under their old policy. They paid $440, to be exact. The new plan they have been able to find that matches most closely with what they had, after their other policy was canceled, would cost them just over $1,000—$1,055 to be exact. How is that affordable?

The President promised: If you like your plan, you can keep it. If you like your doctor, you can keep him or her. Period. That has not been the case. The President needs to explain to Greg and Linda and to hundreds and thousands of other Arizonans who are losing their health coverage how it is he said they could keep their coverage and now they can't.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, the President of the United States promised: If you like your plan, you can keep it. We all know now that simply wasn't true. Though many of us have been saying this for years, many Americans, including many in my State, are realizing the pain of the President's false statement.

Dave from Utah says: My company just dropped the good insurance plan we have had for years due to ObamaCare. The Affordable Care Act is costing me more money. I am barely able to keep my family out of poverty, and now health care is going to cost me even more. Please do something to change this.

Marcy from Utah says: We own a small business in Utah and we will be forced to cancel our insurance and ourselves go on ObamaCare.

We can start over with a new way to fix our health care system, but starting

over doesn't necessarily have to mean starting from scratch. We should take those lessons we have learned and we should build around the concept of a market-driven, patient-centered health care system, one that empowers individual Americans to choose their own health insurance based on their own personal needs and based on their own preferences.

I thank the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I have two stories from South Carolina I will quickly share with the body.

Scott, from Goose Creek, SC:

> I am a college professor from Columbia, SC, at a private university. We are up for our insurance open enrollment. I am 35 years old, a vegetarian, never smoked, ridiculously low blood pressure and cholesterol.

Obviously, I have nothing in common with Scott.

Continuing Scott's story:

> I noticed the following about my policy: My share of premiums went up by 35 percent to 40 percent. In addition, my actual policy changed. My deductible tripled from $250 to $750. I cannot get regular monthly prescriptions at my pharmacy now. I am sure there are other changes that I have not examined closely enough to notice.

Thomas Dougall, from Elgin, SC: After submitting his personal information on healthcare.gov received a phone call from a Mr. Justin Hadley, a North Carolina resident, who informed him that when he signed onto healthcare.gov, he received all of Mr. and Mrs. Dougall's personal information.

This is beginning to be a very famous case.

There are 572 people who have been enrolled in ObamaCare in the State of South Carolina.

ObamaCare care is not working, and I fear it will never work. The best way to fix it is to repeal it and replace it with something that will work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have received letters from constituents all over Utah who are scared, angry, and confused about the changes they are facing under ObamaCare. I have heard countless stories from Utahns losing their coverage and who will be forced into more expensive plans, thanks to the so-called Affordable Care Act.

One such story came from Kathy in Salt Lake City. I spoke briefly about Kathy on the floor a few weeks ago. Kathy wrote to tell me how she was notified by mail that her existing health care plan was no longer going to be offered. Instead, she was presented with an ObamaCare-compliant policy that will increase her deductible from $3,000 to $5,000, increase her copays for doctor visits by 30 percent, and increase her copays for prescription drugs as much as 50 percent.

As a result of these changes, Kathy's health care expenses will exceed her income. To quote Kathy:

> The claim that only substandard policies were canceled is a lie—the plan I was on was a good policy.

She does not trust the new healthcare.gov Web site and feels there is not adequate security to protect her personal information. In her words: ''I wouldn't touch the exchange with a 10-foot pole.''

She is not alone in feeling this way, which spells trouble for these new health care exchanges and for the President's health care law.

I yield the floor.

Ms. MURKOWSKI. Mr. President, I rise today to discuss higher premiums and deductibles facing Alaskans, despite President Obama's promise that he will lower premiums by up to $2,500 for a typical family per year. I can assure you that families in Alaska that I have heard from are experiencing just the opposite; significant, double digit increases in their premiums and they are not pleased with the President's failed promise to lower their healthcare costs.

I received a letter from a couple in Fairbanks, AK who is in the 55-plus age group and make ''decent'' but not significant incomes. They also do not qualify for Federal subsidies. They say the new cost of their insurance is ''like another mortgage payment—over $1,500 per month with an increase from $5,000 to $6,350 for each deductible.'' By my assessment, that's over $18,000 in premiums plus $6,350 for their initial out-of-pocket expenses, which totals over $24,000 before any non-routine checkups are covered. They say they would rather pay the penalty, and unfortunately, this couple is not alone in their thinking. In Alaska, a State with the second highest premiums in the Nation according to CMS' own data, many of my constituents will opt for the penalty rather than bankrupting themselves to pay for a health insurance policy. It's not surprising that the letter ends by saying, ''Not happy with the Affordable Care Act.'' I agree. And recent polls indicate that many Americans aren't happy with the Affordable Care Act.

Contrary to what we've been hearing about how higher premiums are actually making health insurance better or more affordable, that's just not the case. Mr. President, this couple wants to contribute to society. They want to be responsible citizens. But they can't when their insurance premiums costs are like another mortgage payment. This is the harsh impact the Affordable Care Act is having on everyday Alaskans who are trying to do the right thing.

The PRESIDING OFFICER. The Republican time has expired.

The Senator from California.

Mrs. BOXER. Mr. President, we have seen an array of my Republican colleagues come to the floor, which is their right—and I am glad the government is open so they can have their staff help them prepare their speeches—but I have to say this is typical of the Republicans when it comes to health care. All they do is criticize. Not one—not one because I monitored the speeches—gave one new idea of how to make sure our citizens are protected with the insurance they have or how to insure the 48 million uninsured Americans—not one.

But this is the way the Republican Party has been for years. Let's look at what happened when Medicare came to the Senate floor and to the House floor—Medicare, which is one of the most beloved programs. Sixty percent of Republicans in the Senate and 50 percent of House Republicans voted against Medicare in 1965.

Representative Durward Hall, a Republican from Missouri, said:

> We cannot stand idly by now, as the Nation is urged to embark on an ill-conceived adventure in government medicine, the end of which no one can see, and from which the patient is certain to be the ultimate sufferer.

This is typical of Republicans through the generations. Every time we have tried to expand health care they have opposed it and opposed it and tried to derail it.

Senator Milward Simpson, a Republican from Wyoming, said:

> I am disturbed about the effect this legislation would have upon our economy and upon our private insurance system.

That is what they said about Medicare, and they read horror stories. They read horror stories about it.

Here is what the Republicans aren't saying. They are saying there is a problem with the health care law that needs to be fixed, which is that people who want to keep their substandard plans are having trouble keeping their substandard plans. But President Obama has already said he is going to fix that. There is legislation to fix that. We will fix it. But that is not good enough for our Republican friends. They want to tear it down, just like they wanted to tear down Medicare.

They have even wanted to tear down Medicare more recently. This isn't ancient history, let's be clear. In 1995, Dick Armey, the Republican House majority leader, said that Medicare is ''a program I would have no part of in a free world.''

This is the Republican sentiment about health care being offered to our people. That same year, after leading an effort to raise premiums and costs for seniors, Newt Gingrich predicted that Medicare was ''going to wither on the vine.''

We have tea partiers saying hands off my Medicare. OK. That is how out of touch the Republicans are with where the people are.

In 1996, Senate majority leader Bob Dole bragged:

> I was there, fighting the fight, voting against Medicare . . . because we knew it wouldn't work in 1965.

Now PAUL RYAN's budget ends Medicare as we know it.

So let's be clear. When you see almost the entire Republican caucus come down and try to repeal the Affordable Care Act, this is not just

stemming from today or yesterday or a glitch in the Web site or a problem we have that we have to fix about people losing their substandard plans. If they want to keep them, we will figure out a way to help them fix that. But notice they never said anything about the good things the Affordable Care Act is doing for millions of people.

Because of the Affordable Care Act, 3 million young adults are now insured on their parents' plan. Yet they want to repeal the Affordable Care Act. What is going to happen to those 3 million young adults?

We have 71 million Americans getting free preventive care such as checkups, birth control, and immunizations. There are 17 million kids with preexisting conditions, such as asthma and diabetes, who can no longer be denied coverage.

They want to talk about people who are having a problem. We are going to fix that. We think it is about 5 percent of the people, but even if it is 1 percent, we should fix it.

Yesterday we learned in the first month of the open enrollment period, 106,000, or 1.4 percent of consumers expected to sign up in the first year, have enrolled. If you look at Massachusetts during its first month—and I am sure the Chair is aware of this, being from New Jersey, close to Massachusetts—only 0.3 percent, or 123 people, signed up for coverage out of the 36,000 who ultimately signed up in the first year.

So let's be clear: We all wanted to see bigger numbers, but the Affordable Care Act numbers are four times better than what Massachusetts did in its first month. If you talk to the people in Massachusetts, they love their health care plan, and our plan is based on their plan. By the way, the Massachusetts plan is a Republican plan.

Hundreds of thousands have started the enrollment process, and I am one of them. I have created an account and I am going to go shopping and buy my plan. I am taking my time because I have some time—until December—and I wish to discuss it with my husband. We are going to decide what is best for us and I am going to sign up. I think it was Secretary Sebelius who said this isn't like buying a toaster. This is a commitment for 1 year and you have to take your time.

So don't come here and tear down the Affordable Care Act without having to put anything in its place and focus on one problem the President has said he is going to fix—and we are going to fix it. Things are going to pick up.

But I wish to tell you the great news about California. Just in the first 2 weeks of November, California's enrollment has doubled. Our story is a truly good one. There is a huge amount of interest in California. People are enrolling. We do have a good Web site, which is important. People are finding affordable health care options.

At the end of the day, when the kinks are worked out, I believe the California experience will be repeated across the country to the benefit of all our families.

So I will break down some of the numbers from California. We have the largest State in the Union. I hate to say this to my friends here, but we are always ahead of the curve.

During the month of October, 370,000 Californians began the process of signing up for private coverage or Medicaid through our health insurance marketplace, Covered California—coveredCA.com. Of those, over 30,000 Californians enrolled in health exchange plans and over 72,000 applied for Medicaid. So we are off to an excellent start in California. In October, there were more than 2.4 million unique visits to Covered California. In other words, this doesn't count people going back and back. These are unique visits. More than 249,000 calls were made to Covered California call centers, and they have got it down to just a couple of minutes of wait time. To date, more than 17,000 counselors, agents, county workers, and others have been certified to offer in-person assistance to Californians.

We have heard the horror stories from over there—one side of the story—of people having a problem. We are going to fix the problem. I will quote what Californians are saying.

> I enrolled online on Monday! No website troubles! Took me about 15 minutes! I'll be saving $628 a month after January 1st! So grateful!
>
> Very short wait on the phone; helpful cheerful person to talk to. This online app is very easy. Thank you!
>
> The insurance package I am getting is more comprehensive and way cheaper than the one I've had for the last 9 years. Thank you for creating the marketplace and making the information more accessible and understandable.
>
> I find the new coverage provisions to be amazing compared to what was out there before. Many of the plans are cheaper than anything I've seen before and the one I chose has zero deductible.
>
> Simple, straightforward, and intuitive. I haven't had health insurance since 1985, so this site has made it unexpectedly easy to enroll. Thank you.

What we heard from the Republicans is from a group of people we are going to help who have substandard plans—they don't meet the standards of the Affordable Care Act; sometimes they are called junk plans—some a little better than junk, many of them are not there when you need them. I have to say, to come down here and echo that sentiment without saying the good things which have been done is outrageous.

I ask unanimous consent for 2 more minutes.

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

Mrs. BOXER. So we now know the history of the Republican Party. Sad to say, but they opposed Medicare when it went in. They tried to tear it down; they still are trying to tear it down in the Ryan budget. They come down here, and they talk about a problem that exists that we are going to fix. They never said: The President is going to fix it. He may be on the way to fixing it in moments here. But they ignore the fact that the signups are ahead of where Massachusetts was at this time.

Sage McCollister from Castro Valley told me how the law is helping her family. She was able to get insurance for her 7-year-old daughter, Leah, who was born with an autoimmune disorder. Sage said that before the Affordable Care Act was passed she applied to eight different companies to try to get insurance, but none were affordable. After the law went into effect, she was able to get insurance for Leah for $8 a month. Leah was able to get a procedure done to treat a spinal cord problem that could have resulted in paralysis. Sage said that without the Affordable Care Act, ''my family would be bankrupt and Leah wouldn't have gotten the health care she needs.''

''Obamacare saved my family from financial ruin,'' said another constituent, Janine Urbaniak Reid.

So let's be fair. To come down to the floor one after the other and shed light on one problem we are going to fix—that the President said he was going to fix—and then say you are going to repeal the whole thing sounds just like their predecessors who said that Medicare was terrible and that Social Security was an awful idea. That is what this is about.

We are going to make history here. We are going to do the right thing. We are going to fix the problems, and there will be more because that is what happens when we are tackling this big issue. But at the end of the day, we will be a better nation, a healthier nation. Our children will have a brighter future, and I stand with those who want progress. We are not going to tear something down like they want to do and go right back to where we were before—with parents like these having to choose between feeding their families and giving their kids health care.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Mr. President, I thank the Senator from California for telling the stories of people in California, which are not unlike the stories in Connecticut—an exchange that is working, a flood of people signing up way above expectations from where we originally thought the numbers would be. I thank her as well for pointing out what is the reality—which is that over 40 times Republicans in the House of Representatives and in the Senate have voted to repeal the health care reform law. Even well over the last 5 years, using over and over this mantra of repeal and replace, they have offered absolutely no replacement.

There is a story in one of the trade publications this morning saying that the Republicans were just going to change their strategy. Instead of piling on repeal vote after repeal vote, they are now just going to come down to the

floor and use their committee chairmanships to simply criticize the law, and shelve, for the time being, their incessant efforts to try to repeal the law entirely.

But make no mistake, that continues to be their intention. While they are going to come down to the floor of the Senate, as they did this morning, and tell a handful of anecdotes about people who are dissatisfied with the law, their true intention is to get rid of the entire law and go back to a world in which 30 million people in this country had no access to insurance; that if you got sick, you would lose your insurance; a world in which insurance companies essentially set the rules of the game, to the disadvantage of providers and patients. That is what the agenda is here, to repeal the law and go back to the status quo, which is unacceptable—the highest number of uninsured citizens in the industrialized world, the most expensive health care system by a factor of two, compared to all of our G–20 competitors.

I get it that there are people who are unhappy, and the President is going to make an announcement later today which is going to set a path forward to try to fix one of the issues with the law with respect to cancelled policies. But I will share a couple of other stories about what the reality of the old system was.

Kyle is today about 11 years old, but when we first came into my office he was an 8-year-old living with hemophilia. Kyle is an amazingly brave young man who inspires courage in his parents. But Kyle has to get three to four injections a week in order to treat his hemophilia, and each one of those injections costs $3,000.

His plan prior to health care reform had a feature in it that most people didn't know was included in their health care plan. That was a lifetime cap on the amount of money his health insurance company would pay for his care. Because Kyle was mounting up bills in the tens of thousands of dollars every week, his family was going to hit that cap very quickly and then be on the hook for those $3,000 injections that Kyle needs to take three to four times a week. That was going to bankrupt Kyle's family. They thank their lucky stars that we passed this health care reform law, because now their insurance has to be real insurance. It protects them against their lifetime exposure of high health care costs.

Think about the Burgers from Meriden, CT. Betty and her husband had insurance their entire life, except for a 1-week period of time when Betty's husband switched jobs. During that 1-week period of time, their son was diagnosed with cancer, and because that was then a preexisting condition, her husband's new insurance plan wouldn't cover their son's treatment. Their story, unfortunately, can be told millions of times over across this country—because the Burgers went bankrupt. They lost their savings, they lost their house, and they lost everything as they mounted up huge bills to pay for their son's cancer treatments, just because he got diagnosed during a 1-week period of time in which their family had no health care insurance. That practice ends with the implementation of this health care law. No sick person can be denied insurance simply because of a preexisting condition, simply because a diagnosis happened to happen during a small window of time in which their family didn't have insurance.

I get it that the road has been a little bumpy as we have implemented this new health care system. But it is nothing compared to the bumps which have been encountered by millions of families across this country who have been abused by a system which simply does not work.

If our biggest problem is that enough people who don't have insurance aren't signing up quick enough for insurance, that is a problem I will accept because it is a problem we can fix. If all we are talking about here is just the pace at which people are going from uninsured to insured, then we can fix that. We can fix that because we know the product is good.

Senator BOXER talked about the Massachusetts experience, where during the first month of their enrollment for the Massachusetts exchange only 0.3 percent of the total signed up during that month. Why? Because people take their time. This is not an easy decision, to sign up for health care. But in Connecticut, where we have an exchange which has been up and running and a Web site that is working, in the first month our number wasn't 0.3 percent. We enrolled nearly 10 percent of our expected total in the first 30 days.

Here is what people say about their experience with Connecticut's exchange. One person said: This is a great resource for Connecticut residents to apply for health coverage thanks to the health care law.

Another said: I chose Access Health because I have been denied in the past by other carriers before this law changed.

Another said: Thank you so much for this health care law. I haven't been insured in a decade. I am so, so thankful.

Another said: Thank you for this program. I lost my job a year ago and couldn't find anything that I can afford in health coverage before this law passed.

Finally, another said: Thank you. This law is helpful and appreciated. God bless America, and thank you President Obama.

The President is going to make an announcement which will paint a path forward for the relatively small number of Americans—4 percent—who get their insurance in the individual market, some of which have had their plans canceled. But the solution with respect to the timing of enrollment is not to abandon the law, as is the real agenda of people on this floor. The solution is to fix the problem so that, like in Connecticut, more people across this country can for the first time have access to affordable quality health care.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank my colleagues from Connecticut and California for coming to the floor.

We saw for the last hour Republican Senators come to floor and tell a number of stories about individuals and the difficulties they have run into with health insurance. I don't dispute the facts they have brought to the floor, but I do dispute their characterization of what America faces at this moment in time.

I supported the Affordable Care Act. I believe it was the right thing to do. I still believe it. I will tell you right off the bat—and most Democrats and Republicans would agree on this point—it is off to a rocky start.

This Web site that was supposed to be ready October 1 we are told will be ready by November 30. I hope it is, and the sooner the better. I am told it is improving by the day. That is good. Americans need access to information about health insurance. And when they have that access, they can do something—for many of them for the first time in their lives—go shopping for health insurance. There are a lot of people who have never had that luxury. Some have never had health insurance one day in their lives. Others have been given a ''take it or leave it'' situation, with a policy that may or may not be worth anything.

I listened carefully to the Republicans for a long time on the issue of health insurance. I have heard a lot of criticism, a lot of complaints. They want to defund ObamaCare. They want to delay the Affordable Care Act. They want to destroy it.

They do not have an alternative. ''We want to repair it and replace it.'' Then let's hear your proposal. We never heard one during the course of our debate on creating this law 3½ years ago. We kept waiting for a Republican plan. The honest answer is they had none and apparently they still do not.

The reason they do not is they fall back and say let the marketplace decide. Many of us know the marketplace in health care personally. We know a marketplace that has turned away 40 to 50 million people who are uninsured in America, people who still get sick, still go to the hospital, and whose bills are paid by everyone else.

The Republican Party is supposed to be the party of responsibility and rugged individualism. What about the responsibility we all have, if we can afford it, to have health insurance and as a country to provide the means for those who cannot afford it so they can have protection too. That to me is responsible. Trying to just stop this reform is irresponsible.

When you get into the specifics on the Affordable Care Act you never hear

a Republican Senator come to the floor and make a case against the specifics. Do you know why? They cannot. Is there a Republican Senator who will come to the floor and defend the right of a health insurance company to turn down a person or a family because of a preexisting condition? That is the situation we faced when we passed the Affordable Care Act. Is there a family in America who does not have someone with a preexisting condition? Most families do. My family has in the past and does now too.

Preexisting conditions can range from the very serious to conditions which are chronic and manageable, from asthma and diabetes to cancer survivors. The list is long. The Affordable Care Act says you cannot turn down a person in America for health insurance because of a preexisting condition.

The Republicans say they want to repeal that. If they want to go back to the day where you can turn down a person because of a preexisting condition, then have the courage to come to the floor and say it. They will not.

The law also says you cannot limit the lifetime payout on a health insurance policy. There were a lot of people who thought $100,000 was a lot of money for health care until they got into a serious situation. We are one diagnosis, one serious disease, one accident away from medical bills that would wipe out $100,000 in a day or two. So we put in the Affordable Care Act that there can be no upper lifetime limit when it comes to the payout under the health care insurance policy.

The Republicans say they want to repeal it. I challenge any Republican Senator to come to the floor and explain that one.

Did you know as well that of the family policies sold in America, 60 percent of the family policies did not cover maternity benefits? We require the coverage of maternity benefits. Let me tell you, my wife and I are not in a situation where we are likely to ever use those personally, but we happen to believe it is a good policy across America and it is family friendly across America to make sure policies cover maternity. Those who talk about family values and love of family and love of babies and children, why in the world would you not want to include that protection in all family policies? Spread the risk across the population but make sure every family can afford to have prenatal care for a healthy baby and a healthy mom when that blessed event arrives. I am waiting for the first Republican to come to the floor and say that is a bad idea too.

Incidentally, health insurance policies used to discriminate against certain groups, particularly women. We said that is over. You cannot discriminate against women and treat them differently. You have to be fair in the allocation of this risk and you cannot use gender as a basis for increasing the cost of a policy. The Republicans want to repeal that. I am waiting for the first Republican Senator to come to the floor and say health insurance policies, because of the free market, should be allowed to discriminate against women. That is a reality.

The other provision we provide in the Affordable Care Act, finally, is families with children coming out of college, looking for a job, can keep their kids on their health insurance policies to the age of 26. We do not know exactly how many are helped by this. Some estimate 300,000-plus young people still on their families' policies. Why is it a good thing? Because a lot of young people coming out of college do not find a job right away, and some that do may not have a full-time job or benefits. If you have ever been a mom or dad—and I have been in that circumstance as a father, where I called my daughter and I said: Jennifer, do you have health insurance? Dad, I don't need it; I am healthy. Those are things that keep you up at night. The Affordable Care Act provides additional protection for these young Americans who are just starting out in life and trying to find a job. The Republicans want to repeal it. I am waiting for the first Republican Senator to come to the floor and make that case. Oh, we should make sure young people in their twenties do not have health insurance. That is the result if you repeal the Affordable Care Act.

What about senior citizens? Medicare Part D provides prescription coverage so senior citizens can stay healthy, independent, and strong for as long as possible. The problem we had, of course, was something called the doughnut hole. It meant out-of-pocket expenses seniors had to pay for those prescriptions. We are closing and filling the doughnut hole so seniors are not giving up their life savings in order to have the prescription drugs they need for a healthy life. They want to repeal that. They want to repeal the Affordable Care Act. I am waiting for the first Republican Senator to come to the floor and say seniors ought to pay more for the prescriptions they need under Medicare, because that is the result of repealing the Affordable Care Act.

Let me also say this. Life experience tells us several things. First, premiums on health insurance go up with some frequency. We are trying to slow down the rate of growth, but they have been going up for a long time. In some markets, for example, when it comes to individual policies people are buying, those have gone up rather dramatically, sometimes 15 percent a year for a long period of time. Second, in that market of individuals buying health insurance, 67 percent of those policies are canceled every 2 years. Now they come to the floor and tell us stories about premiums going up and cancellations. Can I remind my friends on the Republican side that has been going on for a long time. Now they blame every cancellation on the Affordable Care Act. They blame every premium increase on the Affordable Care Act. That is just not factual. It is not true.

Let me tell you about some mail I have received on the subject. Here is an email from a constituent in Illinois I would like to read. Here is what this constituent writes:

> As a lifelong Republican I am absolutely appalled by the extremists who have hijacked MY party! And I am thoroughly ashamed of all the attempts to defund President Obama's healthcare act.
>
> Already, my medical costs have dropped due to early provisions of the act—and if it passes [becomes law] it appears I will be able to save $6,000 per year on the cost of my premiums!
>
> I realize that not everyone shares my enthusiasm for the healthcare bill, but I would make two comments:
>
> 1. When the act is broken down into its component parts, polls consistently show that the American people do agree with the program.
>
> 2. All I'm asking is that we give it a fair trial—[give it a fair chance]—say, two years. Of course it will need tweaking and revising.
>
> But if it doesn't work, it can be repealed then. Quite frankly, obstructionists are a public embarrassment to those of us who grew up with a different Republican party that cared about people and was not madly trying to exclude as many as possible through hateful bigotry and racism.
>
> This is TOO IMPORTANT to let it fail! I stand with the President and the Democratic Party on this issue and hope that you will do everything in your power to see that the Healthcare Act remains in force.

Take a look at what is going on around this country. There have been Senators from States who come to the floor, and I will use for example the Senators from the Commonwealth of Kentucky, both of whom came to the floor and called for the repeal of the Affordable Care Act. Let's take a look at the numbers. I believe, with a flawed startup, which I will readily concede, in the Commonwealth of Kentucky, according to the Washington Post, 76,294 people have already submitted completed applications under the new health care law; 39,207 are eligible to enroll in the plan, and as of this date, 5,586 have selected a plan. Kentucky is leading, on a per capita basis, many other States; some larger, some smaller. Kentucky is leading while its two Senators come to the floor and rail against the very health care law the people of Kentucky apparently need and want and are exercising their right to choose.

I salute Governor Beshear in Kentucky. He stood and said: Get out of the way. If you don't want to help Kentuckians to get good health care, get out of the way. We are going to give them a chance, and he is doing it. Other States, fighting the President and fighting Congress tooth and nail, they are not going to cooperate at all. We wonder why the startup has been so slow. It has to be without that cooperation, it makes it more difficult. I am not making any excuses for the Web site. It has to be improved. It has to be better—and it will be.

Take a look at that experience in Massachusetts. The Senator from California talked about that earlier. During the first month of enrollment in Massachusetts, 123 people signed up—in the first 30 days. By the end of the year, though, 36,000 had signed up. The number of uninsured young people went from 25 percent to 10 percent within 3 years. Massachusetts today, because of the leadership of Gov. Mitt Romney and the cooperation of the Democratic legislature in that State, has nearly universal health insurance coverage. However, the rollout was not without some problems, just as ours. The current Governor, Deval Patrick, said there were a series of Web site problems. He also said the Web site was a work in progress for the first few years. There were outages during peak times and problems searching for providers.

I recently met with a doctor from Boston. He is one of the best. He said people in Massachusetts cannot remember what it was like before, what it was like before people had health insurance. This doctor is an oncologist. He deals with people who are diagnosed with cancer. He had a 19-year-old woman come into his office before they had this version of the affordable health care act in the State of Massachusetts, and he said to her: We can cure you, but we have to really do this aggressively. It is going to take chemo, going to take radiation, it is going to take surgery.

This 19-year-old woman said: Please, don't tell my parents. I cannot afford to pay for this. If they hear this, they are going to mortgage their home to pay for my medical care and I don't want them to do it.

The parents learned and the parents made the decision and they mortgaged their home and their daughter's life was saved. This oncological doctor, this cancer doctor, said to me: Senator, I have never run into another case like that since Massachusetts passed its affordable health care act, since people have basic insurance and basic protection.

The life-and-death choices people make every single day should be front and center here and not the political squabbles that have become the trademark of this town. We have to understand that there are hard-working people across America who have no health insurance. There are families with people with preexisting conditions who cannot get a decent policy. They are going to be given their chance. We will be a better America for it, and I say to the Republican critics: After this is in place, after thousands, maybe even millions of Americans have signed up, you are not going to take it away. They are going to fight to keep it, and I am going to stand by them in that fight to make sure they have supporters and champions on the floor of the Senate.

Mrs. BOXER. Will the Senator yield through the Chair for a couple of questions?

Mr. DURBIN. I will be happy to yield for a question.

Mrs. BOXER. I thank the Senator. I see the Senator from Colorado is here as well. It was so interesting to see Republican Senator after Republican Senator come down here to focus on one of the problems we are having and are going to fix. Not one of them touched any of the issues my colleague spoke about or I spoke about or that the Senator from Connecticut did, which is the broad look at what we were facing when we passed the Affordable Care Act, the benefits that have gone into place that are saving our families from bankruptcy and saving lives. I know my friend was very clear.

When the Senator said that to see this become all about politics is something that is so wrong—we all know there is a time for politics. The Senator and I are into that. We understand that. There is a time and place.

There is also a time and place to put that aside and help our families. I wished to ask my friend a couple of questions. Does he not remember, as I do, that years ago as we were facing a crisis in health care in this Nation, before the Affordable Care Act, we found out from constituents over and over that their insurance company would walk away from them just at the time they got sick?

They thought they had a policy, as some of our people think they have good policies that do not meet the standards, but when they got sick—I remember constituents saying they get a call: You know, back 5 years ago you didn't mention the fact that you once had high blood pressure. We are sorry. We are canceling your policy.

Does my friend remember that? Does my friend remember learning, as I did, with shock, that being a woman was a preexisting condition? For example, if you were a victim of abuse as a woman, they said you were too much of a risk and they turned you away.

Does my friend remember just those two problems before we tackled the Affordable Care Act?

Mr. DURBIN. I thank the Senator, and responding through the Chair, there was a time, as a Member of Congress and a Senator, this was a normal request. People would call your office and say: I am at my wit's end. My health insurance company will not cover the problems my family faces. Can you make a call to an insurance executive? And we have. Almost to a person, Members of the House and Senate have done it, trying to advocate to get them to open coverage under a health insurance policy. That was the reality and, frankly, for many of these health insurance companies, any excuse would do. They would disqualify people on preexisting conditions because as an adolescent the insured had acne. Acne was deemed as a preexisting condition and subject to disqualification.

I see the Senator from Colorado is on the floor, and I want to yield time to him.

I thank my colleague from California for coming forward. I hope at some point the Republicans—who are so adamant about repealing and ending ObamaCare, as they call it, or the Affordable Care Act—would have one good idea on their own about providing affordable health insurance to the people across America. We all share that responsibility.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

DRUG QUALITY AND SECURITY ACT

Mr. BENNET. I have to say what a joy it is to see the Presiding Officer in that Chair, and welcome to the Senate.

I am here to talk about the Drug Quality and Security Act for a few minutes because at this moment of dysfunction in the Congress, we are at the brink of accomplishing something we have not been able to do for the last 25 years—the last quarter of a century.

This bill, which we are about to send to the President, reforms our drug distribution supply chain, making it more secure and safer for families. It puts us on a path to electronic interoperable tracing at the unit level for drugs.

It also raises the bar for wholesale distributors around the country and weeds out bad actors who find loopholes in the system to stockpile drugs and create shortages. This bill cannot come soon enough.

Our Colorado pharmacies fill over 60 million prescriptions every single year, and the Coloradans who take these prescriptions, just like people all over the country, expect their medicine to be safe. The sad fact is that given the current laws in place, we cannot guarantee this. Pharmacists cannot determine with any certainty where a drug has been and whether it has been secured and safely stored on its way to a pharmacy. Right now you can get more data from a barcode on a gallon of milk than you can from one bottle of aspirin two aisles over in the store.

The normal chain moves drugs from the manufacturer to a wholesaler to a pharmacy. Under the current patchwork of State laws, drugs travel back and forth across State lines among repackagers, wholesalers, and pharmacies with no real oversight by anybody.

The more times a drug goes back and forth and changes hands, the more opportunities criminals find to enter the system. In the last decade this lack of oversight has created an enormous gray market in the United States of America. Companies can stockpile drugs that are in high demand and sell them later at dramatically higher prices.

Hospitals in Colorado are bombarded by daily calls and messages from various businesses around the country offering them drugs that are on the FDA drug shortage list and unavailable through their contracted wholesaler.

According to a recent study by Premier Alliance, which includes 30 Colorado hospitals, sale prices of drugs that are in shortage are, on average, 650 percent higher than the contracted prices. These hospitals have absolutely no idea whether the businesses that are approaching them are reputable and how they can have supply of these drugs that are in shortage.

Investigations into the gray market have shown that the current law offers a huge incentive to make outrageous profits at the expense of patients, whether through selling and reselling or counterfeiting or tainting drugs.

A little over a decade ago, criminals in Florida made $46 million by counterfeiting 110,000 dosages of Epogen, a drug used to treat anemia—a side effect of chemotherapy and dialysis. These criminals sold the counterfeit drugs to pharmacies around the country. The FDA recovered less than 10 percent of the counterfeit product.

In 2009, nearly 130,000 vials of insulin, a temperature-sensitive drug to treat diabetes, were stolen and later found across the country in a national pharmacy chain. The FDA—which had been notified that patients who used some of this insulin were reporting poor control over their insulin levels—was able to recover less than 2 percent of these stolen drugs.

A few years ago $75 million worth of drugs were stolen from an Eli Lilly warehouse and later found in south Florida—becoming the largest drug heist in the country's history.

Just this year the FDA notified the public about counterfeit Avastin, a drug used to treat cancer, which was being sold from a licensed wholesaler in Tennessee.

These stories should scare any person in any State who takes a prescription. Fortunately, the practical compromise before us today will give consumers and businesses around the country peace of mind.

Over the next decade, manufacturers, repackagers, wholesale distributors, and pharmacies will form an electronic interoperable system to track and trace drugs at the unit level. The barcode on our pill bottles will soon tell us who has actually handled the medicine we take and give to our children.

Starting in 2015, the FDA will also know where every drug wholesaler is located across the country and begin to ensure that all wholesalers meet a minimum national standard.

This legislation, after 25 years, is a model of what can be accomplished through hard work and pragmatism in the U.S. Congress. This bipartisan effort has the support of business groups, such as PhRMA, GPhA, and BIO, as well as consumer groups, such as the Pew Charitable Trusts, and many others.

I cannot say enough about the leadership of Chairman HARKIN and Ranking Member ALEXANDER in driving us to get consensus on this bill. Their commitment to track and trace, as well as compounding, sets an example that I wish could be replicated many times over.

I thank Senator FRANKEN and Senator ROBERTS for their leadership on the compounding part of this bill.

Finally, I want to acknowledge the relentless—and that is the only way to describe it—effort of Senator RICHARD BURR. He has been a true advocate and outstanding partner with me and my staff. His tireless efforts, and that of his staff, helped us move this legislation into law.

While we are on that topic, and to close, I thank all of the staff who have worked on this important legislation.

I ask unanimous consent that their names be printed in the RECORD at the conclusion of my remarks.

I hope we have a strong show of support for this bill—as I know we will—on the floor of the Senate so we can get it to the President's desk. This bill will restore a sense of safety about our pharmaceutical distribution chain.

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

Rohini Kosoglu, Senator Bennet; Anna Abram, Senator Burr; Jenelle Krishnamoorthy, Senator Harkin; MarySumpter Lapinski, Senator Alexander; Elizabeth Jungman, Senator Harkin; Grace Stuntz, Senator Alexander; Nathan Brown, Senator Harkin; Molly Fishman, Senator Bennet; Margaret Coulter, Senator Burr; Pam Smith, Senator Harkin; David Cleary, Senator Alexander; Hannah Katch, Senator Franken; Jennifer Boyer, Senator Roberts.

Mr. BENNET. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I realize the Presiding Officer is not allowed to respond, but I want to add my words to those of the distinguished Senator from Colorado that I am delighted to see the Senator in the Chair. Again, as I did the other day, I welcome him to the Senate.

GUANTANAMO BAY

Mr. LEAHY. More than 12 years after the terrorist attacks of September 11, as we see our military presence in Afghanistan wind down, it is time to take a hard look at our counterterrorism policy. We need to consider which of our policies are working and which, while perhaps well-intentioned when they were adopted in the highly charged weeks and months after 9/11, are not making us safer. There is ample evidence that the status quo is unsustainable.

As recent revelations have made clear, we need a careful review of our surveillance activities. For example, this summer many Americans learned for the first time that Section 215 of the USA PATRIOT Act has for years been secretly interpreted to authorize the collection of Americans' phone records on an unprecedented scale.

Despite the massive privacy intrusion of this program, the executive branch has not made the case that this program is uniquely valuable to protecting our national security, and that is why I introduced the bipartisan USA FREEDOM Act with Congressman SENSENBRENNER. We want to end this dragnet collection and place appropriate safeguards on a wide range of government surveillance authorities.

We also must close the detention facility at Guantanamo Bay. In the coming days the Senate will take up and debate the National Defense Authorization Act for Fiscal Year 2014. That act contains many provisions that are central to our national security, and many of those provisions will help our allies around the world.

Among the most important are provisions that would help make it possible to close the facility at Guantanamo. As long as Guantanamo remains open, it doesn't protect our national security. It serves as a recruiting tool for terrorists, it needlessly siphons away critical national security dollars, and discredits America's historic role as a global leader that defends human rights and the rule of law. As a United States Senator, I feel that this is not the face of America I want the world to see.

Currently, 164 individuals remain detained at Guantanamo. Most of them have been there for more than a decade. More than half—84—have been cleared for transfer to another country, but efforts to do so have stalled largely due to irrationally onerous restrictions imposed by Congress. These unnecessary and counterproductive hurdles have made it all but impossible to close Guantanamo, and they have also severely damaged our credibility when we criticize other governments for their use of indefinite detention. We used to be able to do that. Now they look at us and say: How can you speak?

Provisions in the 2014 NDAA would ease these restrictions. While they are incremental, they would streamline procedures for transferring detainees to other countries, and, where appropriate, allow them to be transferred to the United States for trial or detention. These are common sense changes and they are necessary if we are serious about putting an end to what I believe is an ugly chapter in our history.

There are some who will come to the floor of this Chamber over the next several days to tell us how dangerous and irresponsible it would be to close Guantanamo. I would answer that the facts are simply not with them. The bottom line is that Guantanamo hurts us; it does not help us.

Guantanamo does not make us safer. We are all committed—all of us in this body—to protecting the national security of the United States and the American people, but Guantanamo undermines those efforts. Our national security and military leaders have concluded that keeping Guantanamo open is itself a risk to our national security.

The facility continues to serve as a recruitment tool for terrorists. It weakens our alliances with key international partners.

Guantanamo does not hold terrorists accountable. The military commission system for trying these detainees does not work. Federal courts have recently overturned two Guantanamo convictions in opinions that will actually prevent the military commission prosecutors from bringing conspiracy and material charges against detainees—a fact acknowledged by the lead military prosecutor at Guantanamo.

These charges, however, can be pursued in Federal courts where our prosecutors have a strong track record of obtaining long prison sentences against those who seek to do us harm. Since 9/11, Federal courts have convicted more than 500 terrorism-related suspects, and they remain securely behind bars.

Guantanamo is also diverting scarce resources from critical national security efforts at a time when the Department of Defense faces deep and ongoing cuts. Most Americans would be surprised to know how much it costs to maintain Guantanamo. It costs about $450 million a year to house 164 individuals. That means we are spending about $2.7 million per detainee every year—every year—year in, year out, and some have been there for more than a decade.

In Federal prisons, it costs less than $80,000 a year to hold an individual, compared to $2.7 million at Guantanamo. So $80,000 at our most secure Federal prisons, which have housed hundreds of convicted terrorists for decades. There has never been an escape. And, despite the fact the Pentagon rejected a request earlier this year to spend hundreds of millions of dollars to overhaul the aging compound, House Republicans included this spending in their version of the National Defense Authorization Act.

We can't get money for school lunches for our children, we can't get money for the Women, Infants, and Children Program, but we can continue to spend hundreds of millions of dollars more for Guantanamo. Our priorities as Americans are upside down.

The money squandered on this long-failed experiment would be better served helping disabled veterans returning home from war and soldiers preparing to defend our Nation in the future. We don't have enough money to do that, but we have enough money to keep Guantanamo open. Come on. This waste must end.

Guantanamo has undermined our reputation as a champion of human rights. Countries that respect the rule of law and human rights do not lock away prisoners indefinitely without charge or trial. We condemn authoritarian states that carry out such practices and we should not tolerate them ourselves, even for our worst enemies. We are a better people than that.

The status quo at Guantanamo is untenable and I appreciate President Obama's renewed vow to shutter this unnecessary, expensive, and counterproductive prison. But in order for the President's plan to be successful, Congress has to do its part.

We have to pass common sense provisions in the National Defense Authorization Act. I thank Senator LEVIN for his leadership on this issue as chairman of the Senate Armed Services Committee. I stand solidly with Senators FEINSTEIN, DURBIN, and others who have long recognized that it is in our national security interest to close Guantanamo. It is the fiscally responsible thing to do, it is the morally responsible thing to do, and, above all, it will actually make our country safer.

For over a decade, the indefinite detention of prisoners at Guantanamo has contradicted our most basic principles of justice, degraded our international standing, and harmed our national security. It is shameful we are still debating this issue. The status quo is unacceptable. Close Guantanamo.

Mr. President, I 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. REID. Mr. President, I ask unanimous consent that 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.

DRUG QUALITY AND SECURITY ACT

Mr. REID. Mr. President, what is the matter before the body?

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

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

The assistant legislative clerk read as follows:

A bill (H.R. 3204) to amend the Federal Food, Drug, and Cosmetic Act with respect to human drug compounding and drug supply chain security, and for other purposes.

AMENDMENT NO. 2033

Mr. REID. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2033.

The amendment is as follows:

At the end, add the following:

This Act shall become effective 1 day after enactment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2034 TO AMENDMENT NO. 2033

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2034 to amendment No. 2033.

The amendment is as follows:

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

MOTION TO COMMIT WITH AMENDMENT NO. 2035

Mr. REID. Mr. President, I have a motion to commit H.R. 3204 with instructions, which is at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill to the Committee on Health, Education, Labor and Pensions with instructions to report back with the following amendment numbered 2035.

The amendment is as follows:

At the end, add the following:

This Act shall become effective 3 days after enactment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2036

Mr. REID. Mr. President, I have an amendment to the instructions, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2036 to the instructions of the motion to commit H.R. 3204.

The amendment is as follows:

In the amendment, strike ''3 days'' and insert ''4 days''.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2037 TO AMENDMENT NO. 2036

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2037 to amendment No. 2036.

The amendment is as follows:

In the amendment, strike ''4 days'' and insert ''5 days''.

EXECUTIVE SESSION

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

Mr. REID. Mr. President, I move to proceed to executive session to consider Calendar No. 381.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

The clerk will report the nomination.

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.

CLOTURE MOTION

Mr. REID. Mr. President, I sent a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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.

Mr. REID. Mr. President, I ask unanimous consent the mandatory quorum under rule XXII be waived.

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

LEGISLATIVE SESSION

Mr. REID. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

DRUG QUALITY AND SECURITY ACT—MOTION TO PROCEED—Continued

Mr. REID. If I understand, H.R. 3204 is now the pending matter.

The PRESIDING OFFICER. The Senator is correct.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion with respect to the bill, which is at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 H.R. 3204, an Act to amend the Federal Food, Drug, and Cosmetic Act with respect to human drug compounding and drug supply chain security, and for other purposes.

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

Mr. REID. Mr. President, I ask unanimous consent the mandatory quorum under rule XXII be waived.

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

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

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to proceed to consider 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.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 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.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business until 5 p.m. today with Senators permitted during that time to speak for up to 10 minutes each.

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

The PRESIDING OFFICER. The Senator from Kansas.

DRUG QUALITY AND SECURITY ACT

Mr. ROBERTS. Mr. President, I come to the floor today to speak in support of the Drug Quality and Security Act, H.R. 3204. Getting this bill to where it is today—and I thank the leader for just making that possible, along with our minority leader—has been a long and sometimes very difficult road, one on which I have been working for over a decade—yes, 10 years.

This is an issue that hit far too close to home in Kansas. Several years ago, a pharmacist in Kansas City, Robert Courtney, was found to be diluting cancer drugs for his patients. Unfortunately, over 4,000 patients were affected before authorities could stop him. Senator Kit Bond at that time and myself worked together to hold the first Health, Education, Labor and Pensions Committee hearing on pharmacy compounding.

Since that time I have continued my interest in the compounding-related issues. Unfortunately, last September, over a year ago, the tragic meningitis outbreak began. This outbreak was the result of contaminated compounded medications produced by the New England Compounding Center.

Of the 751 people who became ill, 64 people lost their lives. Many of those who became ill are still suffering and have experienced painful relapses in their condition. Unfortunately, that is not the only occurrence in the last 10 years. Without proper safeguards and clear authority, I fear that these tragedies would only continue.

We acknowledged then that we had to buckle down and really get something done. Since that time, I have been working with my colleagues to draft the pending legislation before this body, the Drug Quality and Security Act, with the desire to protect patients and improve regulation of the pharmacy compounding industry.

I think that we have finally achieved what we all intended from the beginning, which is a bipartisan, bicameral product that is supported by a majority of the stakeholder groups and a variety of those groups. This legislation has the support of the pharmacists led by the National Community Pharmacists Association and the American Pharmacists Association. It has the support of the patient advocacy groups such as the Cancer Leadership Council and of industry groups such as the Pharmaceutical Distribution Security Alliance. In fact, this is quite a long list. I will not take the Senate's time to go over that list. But I would ask unanimous consent that this list be printed in the RECORD at this point in its entirety.

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

SUPPORTERS OF H.R. 3204—DRUG QUALITY AND SECURITY ACT

Abbvie (PDSA), Academy of Nutrition and Dietetics, Actavis (PDSA), Allergy and Asthma Network Mothers of Asthmatics, American Medical Student Association, American Pharmacists Association, American Public Health Association, American Society for Radiation Oncology (CLC), American Society for Reproductive Medicine, American Society of Clinical Oncology (CLC), American Society of Health System Pharmacists, American Women's Medical Association, AmerisourceBergen (PDSA), Annie Appleseed Foundation.

Association of State and Territorial Health Officials, AstraZeneca (PDSA), Bayer (PDSA), Biotechnology Industry Organization (PDSA), Bladder Cancer Advocacy Network (CLC), Blue Ribbon Advocacy Alliance, Boehringer Ingelheim (PDSA), Cancer Action Network (CLC), Cancer Leadership Council (CLC), Cancer Support Community (CLC), CancerCare (CLC), CAPS—Central Admixture Pharmacy Services, Cardinal Health, Caregiver Action Network.

Center for Medical Consumers, Center for Science and Democracy, Union of Concerned Scientists, Chamber of Commerce of the United States of America, The Children's Cause for Cancer Advocacy (CLC), Community Catalyst, Connecticut Center for Patient Safety, Covectra, CreakyJoints.org, DSC/HC (PDSA), EMD Serono, Federation of American Hospitals, Fight Colorectal Cancer (CLC), Friends of Cancer Research, Generic Pharmaceutical Manufacturers Association (PDSA).

Genentech (PDSA), Global Healthy Living Foundation, Grifols (PDSA), Healthcare Distribution Management Association (Big Drug Wholesalers) (PDSA), HIDA (PDSA), Institute for Nurse Practitioner Excellence, International Myeloma Foundation (CLC), International Warehouse Logistics Association (PDSA), Johnson and Johnson (PDSA), Kidney Cancer Association (CLC), Eli Lilly (PDSA), The Leukemia & Lymphoma Society (CLC), LIVESTRONG Foundation (CLC).

Lymphoma Research Foundation (CLC), McKesson Corporation, MD Support, Medline (PDSA), Men's Health Network, Merck (PDSA), Mylan (PDSA), National Association of Chain Drug Stores (PDSA), National Association of County and City Health Officials, National Coalition for Cancer Survivorship (CLC), National Community Pharmacists Association (PDSA), National Lung Cancer Partnership (CLC).

National Patient Advocate Foundation (CLC), North American Menopause Society, Novartis (PDSA), Ovarian Cancer National Alliance (CLC), Pancreatic Cancer Action Network (CLC), Perrigo (PDSA), Pfizer (PDSA), Pharmaceutical Distribution Security Alliance, Pharmedium, PhRMA (PDSA), Premier Healthcare Alliance, Prevent Cancer Foundation (CLC), Prostate Cancer Education and Support Network (CLC), Richie's Specialty Pharmacy, Sarcoma Foundation of America (CLC), Society for Women's Health Research, StopAfib.org, Susan G. Komen Advocacy Alliance (CLC), Takeda (PDSA), Tennessee Pharmacists Association, Terri Lewis, Meningitis Outbreak FB Community Manager, The Pew Charitable Trusts, Trust for America's Health, UPS (PDSA), Us TOO International (CLC), Walgreens (PDSA).

Mr. ROBERTS. Title I of the Drug Quality and Security Act addresses the oversight of compounding pharmacies, and Title II provides a mechanism for securing our pharmaceutical drug supply chain. Together, we are making patients safer and ensuring that they can better trust the drugs that they take.

This took a significant amount of time and effort. I especially thank Chairman HARKIN, Ranking Member ALEXANDER, Senators BURR, BENNETT, and FRANKEN for sticking with it. This is a true bipartisan effort. Personally, I thank my staffer Jennifer Boyer for her determined dedication and the many hours of work to get this job done.

In September, with the leadership of Mr. UPTON and Mr. WAXMAN in the other body, this legislation was passed by the House by a voice vote. I am hoping we can see a similar outcome in the Senate. I urge my colleagues to support this legislation and encourage its swift passage and the signature by the President of the United States.

I yield the floor.

Ms. MIKULSKI. Mr. President, I am here today to talk about the Drug Quality and Security Act. This legislation does two things. First, it improves the regulation of compounding pharmacies, and second, it strengthens the security of our drug supply chain. This legislation has been in the works for quite a while and I am so pleased that the HELP Committee came together on a bipartisan basis and put together legislation that will truly save lives—across the country and in my home State of Maryland.

This bill has been through regular order. We had multiple hearings in the HELP committee, we had working groups, of which I was a member, and we held a bipartisan markup. Our counterparts in the House did the same. And here we are today. This bill has passed the House and it is my hope that it will pass the Senate and be signed into law by the President.

Let me first talk about the Compounding Quality Title of the bill and why it is so important. Last year, our Nation was devastated by a meningitis outbreak that sickened 751 people and killed 64 people. In Maryland, 26 people fell ill and 3 people died. As the HELP Committee looked into this outbreak, we quickly learned two things. First, these illnesses and deaths were caused by contaminated compounded drugs from the New England Compounding Center, NECC, located in Massachusetts. And second, these illnesses and deaths were entirely preventable.

Hospitals, doctors, and patients are increasingly relying upon compounded drugs, which are supposed to be made on an individual basis to respond to a patient's unique health needs. For instance, if a patient is allergic to a certain ingredient in a drug, a compounding pharmacy can make the drug without that ingredient. Or if a child needs a smaller dosage strength, a compounding pharmacy can do that. Today, 1 to 3 percent of the U.S. prescription drug market is made up of compounded drugs.

But the problem we have is twofold. The first problem is that where there is need, there is greed. Compounded drugs are supposed to be made on an individual basis for an individual patient and provided only with a prescription from a doctor. What the HELP Committee learned was that certain compounding facilities were blatantly and flagrantly violating these rules. Not only was NECC mass producing drugs and dispensing them across State lines without prescriptions, NECC also knowingly disregarded sterility tests and prepared drugs in unsanitary conditions. And why? To make a profit.

The second problem is that our existing regulatory framework is insufficient. NECC made drugs in unsanitary conditions, mass produced drugs, and provided medicines without prescriptions. And our regulatory framework was ill-designed to catch problems and prevent the outbreak.

We cannot undo the tragedy caused by NECC's actions, but we can and must find a way to prevent this from happening again, and that is where this legislation comes into play. The bill before us makes two major changes, which will help prevent another NECC-like tragedy. First, it gives the FDA the authority to regulate large-scale compounding pharmacies. Compounders who wish to make large volumes of these drugs will be regulated by FDA, will be required to register with FDA, will be required to report adverse events to FDA, and will be subject to risk-based inspections by FDA. Smaller traditional compounding pharmacies will continue to be regulated by State boards of pharmacy.

Second, this legislation will ensure that patients and providers have better information about compounded drugs. The FDA will post online a list of compounding facilities they regulate, detailed labeling will be required on compounded drugs, and false and misleading advertising will be prohibited.

Let me now talk about the Drug Supply Chain Security Title of the bill. This deals with all drugs, not just compounded drugs. Today, we have a patchwork of 50 different State laws that govern drug distribution in our 50 different States. What this means is that if we become aware of a contaminated drug in our supply chain, there is no uniform way to track that drug back to its source and get it off the market quickly.

This bill will improve patient safety by replacing today's patchwork of product tracing laws with a strong, uniform standard that will ultimately lead to an electronic, interoperable product tracing system for the entire country. This is commonsense legislation that has been long in the making.

These issues are particularly important to me, not only because ensuring the safety of our Nation's drug supply is of the utmost importance but also because I have the distinct honor of representing Maryland, which is home to the FDA.

The FDA is our Federal agency tasked with ensuring the safety of our

Nation's drugs, through the more than 14,000 dedicated, talented, hardworking employees who work there. Fifty-five percent of FDA's employees were furloughed during the recent government shutdown. I would like to take this opportunity to remind my colleagues why the work that the FDA does is so important. If we want our drugs to be safe, if we want our food to be safe, if we want our medical devices to be safe, we cannot furlough our FDA staff and we cannot pursue cuts to FDA in coming years.

This bill was done the right way. We had hearings, markups, and working groups in both the House and Senate and we had input from both Republicans and Democrats. I want to thank Chairman HARKIN and Ranking Member ALEXANDER for all of their work to get us here. I urge my colleagues to support this bill, which will improve drug safety and save lives.

Mr. COBURN. Mr. President, it has now been about 1 year since the fungal meningitis outbreak last fall associated with the tainted sterile compounded drugs from the New England Compounding Center. This week on the floor of the Senate, we have a bill that is, in many senses, Congress's response to the lack of policy clarity that many have suggested failed to prevent that tragedy.

As I have watched the Senators and their staff who have been working on this bill over the past several months, I applaud the bipartisan manner they have used in creating legislation that could help prevent similar tragedies in the future.

I am planning on voting for this legislation because I do think Congress needs to legislate. The courts have not been clear. However, I want to note that, despite the strong bipartisan collaboration, this legislation leaves some regulatory oversight concerns outstanding that I want to comment on and make clear today.

There has been a lot of concern that by reaffirming section 503(a) of the Food, Drug and Cosmetic Act, office use of compounded drugs is not recognized as permissible compounding activity. Therefore, I want to make clear that this legislation does not change current State law or authority over the dispensing or distribution of medications by pharmacists, compounded or manufactured, for a prescriber's administration to or treatment of a patient within their practice.

Currently, the compounding and dispensing of prescription drugs for in-office administration by a prescriber to their patient is governed by State boards of pharmacy, and States have determined what is best for their State regarding office use. In fact, more than 40 States have passed laws over the last 15 years related to current practices of using compounded drugs in the office context.

The issue of office use, indeed all of pharmacy practice regulation, is best left to the States. So the omission of office use from 503(a) should not signal to the FDA that it has the authority to encroach upon State authority to regulate office use.

In addition, there have been concerns whether the provisions within the legislation that grant authority to the FDA to set up systems of procedure for the direct communication between State boards of pharmacy and the FDA will give FDA more authority over compounded prescriptions shipped across State lines. I want to also take this opportunity to make clear that these provisions within the legislation require ''appropriate investigation'' on complaints and other issues that arise by the FDA and in no way provide some new expansive authority to the FDA to restrict interstate commerce or regulate intrastate commerce.

Finally, the legislation does not change the ability of ophthalmologists to administer drugs in their office to individual patients for the purposes of reducing macular degeneration. Under this legislation, physicians retain the ability to use compounding drugs in their office for their patients. This is a practice-of-medicine issue, so the art and science of medicine should not be impeded by the FDA.

I will continue to monitor the implementation of section 503(A) in consultation with physicians, medical professionals, and pharmacy professionals. I also strongly encourage the FDA to ensure that these provisions are not used to restrict office use and restrict interstate sales of compounded pharmaceuticals within all applicable laws and regulations.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. BALDWIN.) The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RECESS

Mr. REID. Madam President, it is my understanding there is an order in effect that we would recess starting at 1 p.m.

The PRESIDING OFFICER. That is correct.

Mr. REID. Madam President, I ask unanimous consent that time be advanced and we begin recess now.

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

Thereupon, the Senate, at 12:40 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. HEITKAMP).

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

UNANIMOUS CONSENT REQUESTS

Mr. VITTER. Madam President, I come to the floor again to try to achieve what I think is a very simple and straightforward but important objective: to get a clear up-or-down vote on a pure disclosure proposal I have. This proposal would say that the elections all of us make as Members of the Senate and all of the House Members make with regard to how our offices go to the ObamaCare exchange as mandated by statute do not go through this end runaround of the OPM rule. That is simply public information. How each office handles the situation is public information.

Whatever we believe about the Washington exemption from ObamaCare, whatever we believe about that debate and that exemption and that subsidy, it should be a no-brainer, not partisan debate, how each of us and how each of our offices handle whether this election is public information. Right now it is not. A lot of Members, including me, have explained what they are doing, but certainly not all have, and that is not public information. This amendment which I am proposing would simply produce full disclosure and have that be public information.

I am open to any way to get a clear vote on that this calendar year, so I am completely flexible on how that happens—on this bill before us—and I would certainly like to expedite consideration and passage of this bill; or an amendment on the Defense bill next week—that would be another possibility; or a quick debate on my freestanding bill—that would be a third possibility. None of those would take significant time in the Senate. In fact, all of those would expedite Senate business, including leading to the passage of the bill now on the Senate floor right now, today. So it would actually expedite the process and expedite consideration.

With that, Madam President, I ask unanimous consent that my amendment No. 2024 be called up, that a Democratic side-by-side amendment be in order to be called up, and that those be the only amendments in order other than those currently pending; that both those amendments be subject to a 60-vote affirmative threshold for adoption; I further ask that there be a total of 2 hours of debate equally divided on both amendments and that upon the use or yielding back of that time, the Senate proceed to a vote on the Democratic amendment, followed by a vote on my amendment; that following the disposition of the amendments, the bill 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. Is there objection?

Mr. REID. Reserving the right to object, I have made statements over the past many weeks about why I object to this. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Madam President, reclaiming the floor, again I am open to any reasonable way to get a simple

vote on a pure disclosure provision anytime this calendar year. In that spirit, I have an alternative.

I ask unanimous consent that all remaining time on the motion to proceed to H.R. 3204, the compounding bill, be yielded back; that the Senate proceed to H.R. 3204; that the bill be read a third time and passed right now and the motion to reconsider be considered made and laid upon the table; I further ask that the Senate then proceed to the consideration of S. 1197, the Defense authorization bill; that my amendment which is at the desk be called up and that a Democratic side-by-side amendment be in order to be called up; that notwithstanding rule XXII, those amendments remain in order and that both amendments be subject to a 60-vote affirmative threshold for adoption.

The PRESIDING OFFICER. Is there objection?

The majority leader is recognized.

Mr. REID. Reserving the right to object, the Senator from Louisiana has been holding up things in the Senate for weeks. What he has now requested of the Senate is that every other Senator take second fiddle to him. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Madam President, again, I am open to any reasonable path forward that would produce this one, simple, straightforward vote on pure disclosure, information that I think should clearly be public information. So as a third alternative, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of S. 1629 and the Senate proceed to its immediate consideration; I further ask consent that there be 60 minutes of debate divided in the usual form; that upon the use or yielding back of time, the bill be read a third time and the Senate proceed to a vote on passage of the bill; and that a 60-affirmative vote threshold be required for passage.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Madam President, reclaiming the floor and wrapping up, I continue to find that very unfortunate and, frankly, really unreasonable. We, each of us as Members of the Senate, made an important election about how to handle this ObamaCare exemption issue. Some folks have classified a good part of their staff as not official staff—magic wand, somehow. They work here, they get a paycheck, they are on government property, they do official business, but they are not official staff. This is a charade, and at a minimum I think the public should know how each office and each Member is handling that situation. That is the only thing my disclosure proposals, which I have been asking for a vote on, would require. That is the only thing I am asking for a vote on this calendar year. I think offering these three unanimous consent routes to that is very reasonable and would also expedite consideration of many other matters, including the bill on the Senate floor right now. It is unfortunate that that reasonable route forward was not chosen and blocked in multiple ways, but I will certainly continue pursuing this important objective.

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

The PRESIDING OFFICER (Ms. WARREN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Connecticut is recognized.

Mr. BLUMENTHAL. I thank the Chair.

(The remarks of Senator BLUMENTHAL pertaining to the introduction of S. 1714 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BLUMENTHAL. 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. NELSON. Madam 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 REFORM

Mr. NELSON. Madam President, I think the President did the right thing today. The whole idea of health insurance reform was to get people into health insurance that do not have health insurance. The idea was not for those who had insurance, unless they wanted to improve that insurance or they did not have the insurance they needed.

The idea, certainly, was not that if they had insurance they were satisfied with, that they were not going to be able to keep that. That is what the President had said. That is what the President reaffirmed today. I think the President did the right thing.

Insurance is a very complicated subject. In all that we are hearing about in the setting up of those different health insurance exchanges in each of the States, you are creating a new pool of people, both young and old, both sick and healthy, and you spread that health risk over a larger number of people. If it is a typical population of young and old, not just all old, and not just all sick, the more you can spread that health risk over an average population, the more you can bring down the cost of that health insurance. That is basically the principle of health insurance.

So, unless we can get the young and healthy people who need health insurance—by the way, they may think they are invincible, but they may also have an accident. Instead of them ending up in the emergency room at the time that they have the accident, or when they really get sick and they do not have health insurance, and they do not pay—guess who pays. All the rest of us pay in our health insurance premiums.

So the whole idea is to reform this by getting as many of the 45 million people that do not have health insurance into the health insurance system. That is what these 50 State insurance exchanges are designed to be. So the issue today did not directly affect that, but for the fact that if those who have health insurance, and they say that they are happy with it, but they are really not because it is a subpar health insurance policy—I call them dog policies. If they realize they have a dog policy, then they see what they can really get in the exchange in a comprehensive policy that will cover maternity and all of the other things, on top of the guarantees that an insurance company cannot cancel them, on top of the guarantees that if they had a preexisting condition, their insurance is not only not going to be canceled but that they will, in fact, be able to get insurance.

What I have described—guess what it is. It is the Affordable Care Act. It is the ability to have health insurance when a big part of our population—45 million people in this country—has not been able to have it.

The narrow little issue addressed today by the President was that some people have health insurance that they like. They ought to be able to keep it. Some people who have health insurance don't realize how much better it could be with much more comprehensive coverage. Once they see the difference, those folks who the President said today can keep those subpar policies are going to want to go into the health insurance exchange. That is what this is all about.

Unfortunately, this has become all balled up in politics. It is a complicated subject. Most of us don't even want to think about it. We want to leave it to our insurance agent, someone who is skilled.

Now, as we are making our own individual choices, which we are able to do by going on a Web site and designing a policy for ourselves, we are empowering ourselves to have the health care coverage we want. In the meantime, we have a lot of turmoil, a lot of strife, and a lot of politics.

Give it some time. And this is a former insurance commissioner speaking, and I know most of the tricks the insurance companies will pull. But give it some time. Down the road, with the insurance companies I have seen, as I have talked with the CEOs, they want to cooperate because they realize this is good for their business as well because now they will be able to offer so

many more policies to people who, in fact, do need that health coverage. Give it a little time. It is going to work. There will be a few twists and turns. We are not going to get rid of the politics because it is the nature of the beast these day, but give it a little time and it will all work out.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

(The remarks of Mr. COONS pertaining to the introduction of S. 1709 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. COONS. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent to speak for such time as I may consume.

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

MILITARY JUSTICE IMPROVEMENT ACT

Mrs. GILLIBRAND. Mr. President, I rise today to talk about an amendment I plan to introduce to the National Defense Authorization Act next week. This is an amendment known as the bipartisan Military Justice Improvement Act.

I thank my colleagues on both sides of the aisle for their leadership in this effort. As we have said from the beginning, this is not a Democrat nor a Republican idea. It is good, plain old common sense. It is the right idea necessary to protect the men and women who fight for our country and our values in uniform every single day. So I thank the broad coalition of supporters for their leadership—former generals and commanders, veterans, advocates—who are making their voices heard so that they know these horrible crimes aren't going to happen to someone else; that the justice system we build is one of which they are deserving. They are urging Congress to use its responsibility of oversight and accountability, to use their role head-on, by finally creating an independent military justice system which gives survivors of these horrific acts of violence a fair shot at justice—a system free of inherent bias and conflicts of interest that currently exists within the chain of command, that will enable survivors to come forward and to hold their perpetrators accountable.

The strong and growing bipartisan coalition of Senators, survivors, veterans, retired generals, commanding officers, and advocates is showing this is not only free from partisan politics and ideology, but it is a promilitary piece of legislation which actually strengthens our military readiness, strengthens unit cohesion, and strengthens good order and discipline.

This week began with all Americans saluting our veterans, honoring our solemn commitment to the brave men and women who join the Armed Services for all the right reasons: To serve our country, defend all that we hold sacred, and make America's military the best the world has ever known.

These men and women put everything on the line to defend our country. Each time they are called to serve, they answer that call. But too often these brave men and women find themselves in the fight of their lives—not on some foreign battlefield in another place against an unknown enemy but within their own ranks, on this soil, among men and women with whom they serve. They are victims of horrific acts of sexual violence.

Sexual assault in the military is not new, but it has been allowed to fester. It has been festering in the shadows for far too long, and when our commanders for the past 25 years have said there is zero tolerance for sexual assault in the military, what they really meant was there is zero accountability—and that is the problem we are facing—going back to the Secretary of Defense under Dick Cheney in 1992. He uttered those words: ''Zero accountability.'' Every Secretary of Defense has since that time said ''zero accountability.'' But our system of justice in the military is broken, and our commanders are the ones who hold all the cards about whether these cases can go forward.

There are those who argue that moving these decisions to independent military prosecutors will somehow undermine good order and discipline. If you had 26,000 cases of unwanted sexual contact, rape, and assault in the military last year alone, you do not have good order and discipline.

Our allies with whom we fight side by side in every conflict—Israel, the UK, Canada, Australia, the Netherlands, Germany—have all already made this decision to say serious crimes deserve the objective review of trained military prosecutors. They should not rest in the chain of command. They should not rest where bias is possible, where conflicts of interest are rampant. It should not be there because the scales of justice are blind. That is the whole point of the American justice system: Blind justice. Not tipped for the defendant, not tipped for the victim. Blind, objective.

We have a Defense Department panel that is actually taking up evidence on this issue. They had a hearing. They asked members from our allies to come and testify about when they made this change. When you took this decision-making out of the chain of command, what happened? Did you have a falling off of good order and discipline? They testified no. The director-general of the Australian Defense Force Legal Service, Paul Cronin, said that Australia had faced the same set of arguments from their military leaders in the past.

> It's a bit like when we opened up to gays in the military in the late 1980s. There was a lot of concern at the time that there would be issues, but not surprisingly there haven't been any.

There are those who argue that somehow our commanders would no longer be accountable. Let me be clear about this. There is nothing in this bill that takes commanders off the hook. They are still responsible, solely responsible, for maintaining good order and discipline, for setting the command climate, for saying these rapes are not going to happen on my watch and, if they do, victims can come forward and know they will be protected. They are responsible for making sure there is no retaliation.

But you know what. Last year alone, of those 3,000 brave survivors who did come forward and report what happened to them, 62 percent were retaliated against—62 percent. That means those command climates failed to protect victims telling their commanders I have been raped; I have been sexually assaulted; I have been brutalized, and justice has to be done.

What does retaliation look like? Commanders saying things such as: It is your own fault; you are to blame; you are the problem. If you report this crime, I am going to write you up on drinking or adultery. Do you really want your military career to end?

For so many victims, that is what happened; they are forced out of the military. All they want to do is serve our country, some of our best and brightest. We are losing them because justice is impossible for them.

Some opponents say this reform will cost too much money. One estimate is that if you had enough lawyers to do all this legal work, it might cost you $113 million, $4,000 a victim. That is an absurd argument. Are you really telling me it costs too much to prosecute rapists in the military? Are you really telling me it costs too much to have enough lawyers to take these cases to trial? Are you really telling me it costs too much to have a criminal justice system that honors the men and women who serve in this military? You cannot possibly be saying that. You cannot possibly be saying that.

It is also an argument that makes no sense. Do you know how much it costs our military to have 26,000 sexual assaults, rapes, and unwanted sexual contacts every year in our military? Do you know what that costs? The RAND Corporation actually did an estimate. They said having this kind of rampant sexual assault, rape in our military, cost the military—because they lose so many of these good men and women there have to be new people retrained—$3.6 billion last year alone. That is the cost. That is a cost we should not be willing to pay.

Last argument. Our opponents say that commanders will actually move

more cases forward that prosecutors wouldn't. That is not true because, again, if you have 23,000 cases that are not being reported and you create an objective criminal justice system, you are going to have more reporting. With more reporting, you are going to have more cases going to trial, many more cases than any argument that there might be an aggressive commander here or there. Many more cases will go to trial and end in conviction if you create an objective system.

Every single year the DOD does estimates; they estimate what is actually the incident rate of sexual assault in the military. Last year they had confidential surveys men and women filled out. Based on that confidential survey, they estimated there were 26,000 cases last year alone, sexual assault, rape, unwanted sexual contact. Of that number, only 2,558—that is the 1 in 10—sought justice by filing unrestricted reports. Of those 2,500 cases, 300 went to trial. So you are really talking about 1 in 100 cases end in justice. That is an abysmal record. We owe so much more to the men and women who serve in our military, so much more to those who will even die for this country. A chain of command oriented system that produces only 302 convictions of 2,558 actionable reports is simply not holding enough alleged assailants accountable under any standard. One in one hundred cases ending in conviction is not good enough under any standard.

Further, an independent system will protect not just the rights of the victim but an accused who may well be innocent, because when a commander is the only decisionmaker and they may know the victim and they may know the perpetrator or the accused and they have a reason to deal with this case in a way that is reflective of his or her bias, what you are creating is an unjust system. Justice must be blind.

I have not come to this conclusion for this fundamentally needed reform lightly. But if you listen to the survivors, if you listen to what happened to them, where the breach in the system is, where the failure of trust occurred, there is no possible reform that does not include taking it out of the chain of command.

What I would like to do, as my colleague Senator GRASSLEY has just joined me on the floor—Senator GRASSLEY is one of our greatest champions on this bill. He has looked at this problem from the perspective of common sense. He has looked at this problem and said you cannot possibly have a system rife with bias and conflicts of interest and expect justice will be done. I am going to yield to my colleague when he is ready. He wants to address another issue.

I yield to my colleague.

The PRESIDING OFFICER. The Senator from Iowa.

HEALTH CARE

Mr. GRASSLEY. Mr. President, Webster's dictionary defines the word success as ''the correct or desired result of an attempt.'' I want to discuss the definition of the word success as we consider the Affordable Care Act.

On the day the bill was signed into law, President Obama said the following:

> Today we are affirming that essential truth, a truth every generation is called to discover for itself, that we are not a nation that scales back its aspirations.

Such grand words for where we are today on that piece of legislation. Today the success of the law that now bears his name, ObamaCare, is defined in much more meager terms. Today success is when the folks at Health and Human Services got up this morning, ObamaCare had not shut down, and when the folks at HHS go to sleep tonight, their day will have been a success if ObamaCare did not have to shut down.

Think of all that, think of all that we have been through to this point after 4 years, the fight over the bill and the extreme legislative means used to pass it through Congress. Then think about the 2010 and 2012 elections. Think about the Supreme Court decision that effectively repealed half of the law's coverage. Think of all the changes made to the law through regulation to make sure ObamaCare launched. Think of the postponing of the employer mandate. Think of the postponing of lifetime limits. Think of the impact this law has had on our economy. It has had quite an impact on the economy—people losing jobs, people losing health insurance they currently have, because if you like what you have you may not be able to keep it. Let's talk about that issue for a minute.

''If you like what you have, you can keep it'' was the promise the President made to the American people on at least 36 separate occasions. It is a great sound bite. It is easy to say. It rolls easily off the tongue.

It is also not true. It was never true. It was obviously not true when the law was written. It was obviously not true when the first proposed regulation came out. This is what I said on the Senate floor September 2010. Quoting myself:

> Only in the District of Columbia could you get away with telling the people if you like what you have you can keep it, and then pass regulations 6 months later that do just the opposite and figure that people are going to ignore it.

It is not that I have some magic crystal ball. Simple—we all knew it. The administration certainly knew the day would come when millions of people would receive cancellation notices of their insurance policy. Now my constituents clearly know it. I have heard from many Iowans who found out the hard way that the President made a bunch of pie-in-the-sky promises that he knew he couldn't keep, constituents such as this one from Perry, IA, saying:

> My husband and I are farmers. For 9 years now we have bought our own policy. To keep the costs affordable our plan is a major medical plan with a very high deductible. We recently received our letters that the plan was going away.
>
> Effective January 1, 2014, it will be updated to comply with the mandates of ObamaCare. To manage the risk of much higher premiums, our insurance company is asking us to cancel our current policy and sign on to a higher rate effective December 1, 2013 or we could go to the government exchange.
>
> We did not keep our current policy. We did not get to keep our lower rates. I now have to pay for coverage that I do not want or will never use. We are not low-income people that might qualify for assistance. We are the small business owner that is trying to live the American dream. I do not believe in large government that wants to run my life.

Or a constituent living in Mason City, IA:

> My wife and I are both 60 years old and I have been covered by an excellent Wellmark Blue Cross/Blue Shield policy for several years. It is not through my employer. We selected the plan because it had the features we wanted and needed . . . our choice. And because we are healthy we have a preferred premium rate. Yesterday we got a call from our agent explaining that since our plan is not grandfathered, it will need to be replaced at the end of 2014. The current plan has a $5,000 deductible and the premium is $511 per month. The best option going forward for us from Wellmark would cost $955 per month—a modest 87 percent increase—and have a $10,000 deductible.
>
> And because we have been diligent and responsible in saving for our upcoming retirement, we do not qualify for any taxpayer-funded subsidies.

These are just two of many letters, emails, and phone calls I have received from Iowans. Thousands have contacted me asking what can be done now that we clearly see that what the President sold the American people was a bag of Washington's best gift-wrapped hot air.

I ask the President, I ask my colleagues here in the Senate, to look at all we have been through as a country, all the grandiose talk about the importance of this statute, and what we ultimately have is an optional Medicaid expansion with a glorified high-risk pool and a government portal that makes the DMV look efficient.

Americans deserve better. They voted for better. But this administration will somehow trudge ahead; keep the doors open; thousands of people enrolled instead of millions. They just released a number this week for the 36 States using the malfunctioning Federal exchange: fewer than 27,000 people. Including people who have not actually committed to purchase the plans—those who have put it in their shopping cart—less than 27,000 people. That is about 19 people per day per State. So the administration will limp along with this pitiful signup process hoping to get people properly assigned to health plans.

If the assignment of individuals to plans fails miserably on January 1, the administration will dig in and sort it out. If the risk pools are a disaster, the administration will use extraregulatory—by any means necessary—tools to keep this program afloat. Because for all the talk of this

bill being—as we saw and heard the Vice President on TV—a big expletive deal, success is not defined in the desires of 2010 but in making sure ObamaCare exists in some form or fashion on January 20, 2017.

We saw more of this digging in and sorting out on this very day when the President spoke. Insurance companies sent 4 million cancellation notices to comply with the President's law. They did it to comply with the law. Let's be clear about it. In other words, these insurers read the law, and then do you know what they did. They did what every company ought to do: Follow the law. Unfortunately for them, the President did what he has been doing for 3 years: He has taken out his pencil and eraser and rewritten or delayed his law on the fly when it is not working.

So what does it now mean for insurers who were simply trying to follow the law as written, as you would expect them to follow the law? Let me tell you what one insurance company had to say:

> This means that the insurance companies have 32 days to reprogram their computer system for policies, rates, and eligibility, send notices to policyholders via US Mail, send a very complex letter that describes just what the differences are between specific policies and ObamaCare compliant plans, ask the consumer for their decision—and give them a reasonable time to make that decision—and then enter those decisions back into their system without creating massive billing, claim payments, and provider eligibility list mistakes.

That was a quote from the consultant who was commenting on what the President did today by delaying or by making sure you could keep your program.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRASSLEY. Mr. President, I ask unanimous consent for 4 more minutes.

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

Mr. GRASSLEY. So the only thing the President has accomplished with his announcement today is that he is delaying his broken promise for another year. I have to wonder: What will it take for him to admit his law is not working and at least call for a full delay?

Remember how all these big health insurance companies back in 2009 got behind the President's program for nationalizing our health insurance program. They put up a lot of money to sell it. Their lobbyists lobbied for it. What they ought to do is tell the American people what a big mistake they made because they are getting stuck with it right now—as I just quoted from this consultant from an insurance company.

It is time for us to admit that ObamaCare has not achieved the correct or desired results of an attempt—in other words, the definition of success as I stated earlier in my remarks. It has not been a success by any measure, unless, of course, you lower your standard to the point that the mere act of keeping the doors open is a success. How sad is it that after all we have been through—and we have been through a lot. Maybe, just maybe, it is time to admit that the massive restructuring has failed. It may be that partisanship has failed. Perhaps it is time to sit down and consider commonsense, bipartisan steps we could take to lower costs and improve quality. Perhaps we could enact alternative reforms aimed at solving America's biggest health care problems, such as revising the Tax Code to help individuals who buy their own health insurance; allowing people to purchase health coverage across State lines and form risk pools in the individual markets; expanding tax-free health savings accounts; making health care price and quality information more transparent; cracking down on frivolous medical malpractice lawsuits; using high-risk pools to insure people with preexisting conditions; giving States more freedom to improve Medicaid, such as Rhode Island got a few years ago and which seems to be a success; and using provider competition, consumer choice to bring down costs in Medicare, throughout the health care delivery system. The American people need to know this failed program is not the only answer.

I yield the floor.

I thank the Senator from New York for yielding to me. I forgot to say that earlier.

The PRESIDING OFFICER. The Senator from Connecticut.

MILITARY JUSTICE IMPROVEMENT ACT

Mr. BLUMENTHAL. Mr. President, my purpose in being here today is to support the Military Justice Improvement Act and the very urgent need to include its worthwhile and comprehensive provisions in the National Defense Authorization Act for Fiscal Year 2014, either by way of amendment or whatever measure may be appropriate, and to support the very eloquent remarks made by the Senator from New York. She has been a steadfast and strong advocate of necessary changes in the Military Code of Justice and has acted as chairman of the Subcommittee on Personnel of the Senate Armed Services Committee to approach this issue—a very difficult issue—in strengthening the system of justice for our men and women in uniform with care and caution as well as vigor and bravery.

I know how different the views may be in this body among our colleagues, and I have listened to people on both sides of this argument very carefully before reaching my own conclusion.

One statistic that strikes me as perhaps paramount in importance is the gap between the number of victims, which is estimated to be close to 30,000, or perhaps more. We don't have a precise number, but the estimates from the military indicate that there are tens of thousands, and very likely more than 30,000. The number of reported cases is around 3,000, or perhaps 2,500, who have sought justice for sexual assault in the military. By the way, only about 300 go to trial every year. At least that was the number for last year.

My view is that we must remove any concerns about undue command influence on the process so that more victims will seek justice. The only way to deter this heinous, horrific crime is to encourage more reporting so there can be more prosecution and enable more deterrents through strong and swift justice. The goal is justice. The goal is not necessarily punishment for its own sake but justice.

I have listened to my colleagues who feel that the act as written or as amended should keep prosecuting authority with the commander. I have listened carefully to them, and I believe their sincerity and respect for victims is unquestionable. This is not about who respects victims or cares for them the most, it is about what system will best seek justice and deter the epidemic—the spreading numbers of these horrific crimes.

I have also listened to military professionals who have come before Senator GILLIBRAND's subcommittee, as well as the committee as a whole. I have questioned them repeatedly in public and in private, and I am convinced beyond any doubt that they are as outraged and find this crime as abhorrent and antithetical to their profession as anyone in this body. Yet, for years and years, we have heard that the military has zero tolerance. Their renewed vigor is welcomed but in my view has to be matched by reforms in the process which will make sure that that commitment is real and realized in real life.

Most importantly, I have listened to the victims who have come, both publicly and privately, to the Armed Services Committee, where I serve, and have told their stories. They have told their stories also in writing and in documentaries, such as ''The Invisible War''—a very powerful and compelling argument for reform.

I have listened to them as they have expressed to me that what matters to them is the fear of retaliation and adverse effect on their careers from the present structure of prosecuting authority. I believe that prosecuting authority should be made the responsibility of an independent, experienced, objective, and trained professional.

I recognize and I understand that there is immense power in the present system given to any commander who sends men and women under his power potentially to give their lives for their country. Their argument and feeling is that they should hold the same power over punishment for crimes that those men and women may commit under their command.

Good order and discipline, I recognize, is a profoundly important goal, and a paramount, irreplaceable, and

undeniable goal. Good order and discipline is hardly well served by acts of sexual assault in the military, which is why those professionals say they have zero tolerance for this heinous crime. I have listened to them about why they feel the present system should be continued.

We need a military justice system that works as well in Camp Leatherneck as it does in Camp Pendleton or Camp Lejeune, and we need a justice system that works well not just in one season or another, politically, but in all seasons at all times for all men and women. I think the approach best suited to reach that goal is the one that embodies legislation that has been introduced by the Senator from New York, Mrs. GILLIBRAND. Of course, in listening to all of those sources of insight and perspective on this issue, I have also utilized my own experience as a prosecutor. I would say the most difficult decisions I made as a U.S. Attorney prosecuting under Federal law, and as State attorney general, largely with civil authority, was whether to charge and what violations of law to charge, because, as a practical matter, the charge can ruin a life, and often does. It can ruin a career, ruin a family, and ruin an individual's standing in society. Even if that individual is eventually found not guilty at trial, the charge stands forever. I found that the decision of whether to charge was often the most difficult decision I had to make not only because of the consequences to the individual, but the difficulty of making a decision about whether a fact finder—whether a court or a jury—would conclude that every element of the crime as charged was proved beyond a reasonable doubt. That is the responsibility of the jury or the judge, depending on who is trying the case and who the fact finder is. There are instances where these decisions are air tight and easy, but in many cases, and most particularly in cases involving sexual assault, they are sometimes difficult to make. There is forensic evidence, there are metrics, there are precise scientific measures, but there is also a judgment to be made about whom to believe when there are conflicting versions of an incident.

That is why I believe these decisions should be made by professionals who have experience, who know how to prove cases, how to try them and how to bring them to court, and who are capable of making decisions that will not only be fair and objective but will be seen as fair and objective, because in the criminal justice process often perception is as important as reality when it comes to a victim coming forward to put his or her life on the line and complain, particularly in a system such as the military, but often in society in general. Sexual assault as a crime in society is often underreported and underprosecuted because of the fears, correctly and understandably, on the part of victims.

We have made progress in encouraging victims to come forward in civilian life and in the military, but there is much more to be done. I believe the reforms offered by the Military Justice Improvement Act are important and essential to that goal.

The National Defense Authorization Act in title V has 14 specific revisions to our military justice system that will help ensure a more just process and a more just outcome for cases involving sexual assault. These changes to our current system were drafted in a bipartisan manner that defines so often—in fact, almost uniformly—the work of the Armed Services Committee under the leadership of Chairman LEVIN and Ranking Member INHOFE, and I wish to express my appreciation for their leadership. Those reforms are important to ensure a crime victim's rights are acknowledged under the Uniform Code of Military Justice and that victims receive a special victims advocate, and that those found guilty of sexual assault will receive a mandatory discharge. These reforms, which were initially proposed by myself and others, will help improve this system. They are a telling refutation of anyone who says, in testimony before our committee or otherwise, that the UCMJ is serving its intended purpose of justice when it previously dealt with cases of military assault.

These reforms are necessary and necessary now, and I support them. Yet, as I look at the totality of what is now contained in this bill, it seems insufficient. I am left with the conclusion—it is an uneasy conclusion but a very strong one—that we have not yet achieved what we need to accomplish, namely, a system of justice that has the full confidence and trust of victims and all parties, that has the confidence and trust of survivors. They are indeed survivors. It is vital to encourage reporting of this crime and building the evidence that is necessary for those trained and experienced prosecutors to decide whether to pursue charges, against whom, and what kind of charges.

I believe we can strike a balance and achieve justice and not only maintain good order and discipline but, in fact, enhance them. I think, if this reform is adopted, future military commanders will thank the Senate and the Congress for enabling them to pursue what they know best professionally—what is their calling and their mission—which is to make this Nation's national security and defense the best in the world, as it has always been. They are to be thanked, and we all thank them for their commitment and their professionalism in the service of that goal.

I am joined in supporting these reforms in the Military Justice Improvement Act by the Defense Advisory Committee on Women in the Service, which last month recommended that ''decisions to prosecute, to determine the kind of court martial to convene, to detail the judges and members of the court martial, and to decide the extent of the punishment, should be placed in the hands of military personnel with legal expertise and experience and who are outside the chain of command of the victim and the accused.''

That is also the view of Jeh Johnson, the President's nominee to head the Department of Homeland Security and former Pentagon general counsel who was asked whether there are shortcomings in the military justice system, and he replied, ''I have recently come to the conclusion that the answer to that question is yes.''

He went on to say:

> Last year Secretary Panetta raised the initial disposition authority for how these cases should be handled to the 06 colonel captain level, and the problem, I believe, has become so pervasive, the bad behavior is so pervasive, we need to look at fundamental change in the military justice system itself.

We are joined in this view also by the Vietnam Veterans of America, an organization that stands in favor of the Military Justice Improvement Act because ''far too many victims fail to report or choose restricted reporting primarily for two reasons: Retaliation and total lack of faith in fair just treatment within the chain of command.''

So despite my deference to our military leaders and my respect for them and my feeling that they are entitled to deference in issues that affect good order and discipline, I believe we have a responsibility in this Congress to fix this system, to repair it and reform it, and do it in ways that vindicate the rights of victims, survivors, as well as the accused, to make sure we do justice. Our responsibility under article I, section 4, clause 14 of the Constitution is ''[t]o make Rules for the Government and Regulation of the land and naval Forces.'' That is why the Uniform Code of Military Justice was adopted by Congress, and we will be held rightfully responsible and accountable if we fail to act and make effective reforms and if we fail to put an end to sexual assault in the military.

Our military system has some of the most dedicated, our best and our bravest, of this generation, just as has been true in past generations. I am proud to say two of my sons currently serve in the military. We need a system of justice that matches their excellence, that keeps faith with their dedication and sense of duty, that is as fair and just as they are strong and capable in protecting this country. We owe our freedom, we owe our own justice system in this country, and all of our rights and liberties to the defense they have provided decade after decade, war after war, to this Nation.

So I urge my colleagues to come together—and I know they are working on a bipartisan basis—to finish the work of reforming our system of military justice. I look forward to the day of realizing a very simple ideal—that every servicemember who is a survivor, a victim of sexual assault, is entitled to an independent arbiter and an objective prosecutor with the knowledge that the victim will be embraced and

supported by the system, and welcomed back into the ranks, even as they face the grueling and painful task of being involved in a prosecution. I look forward to the day also when any perpetrator knows, without question, that they will be separated from service and punished if they are found guilty. These ideals are as much engrained in our military as the ideals of valor, honor, and tradition. These changes will help our bravest and finest members who contribute and put their lives on the line to reach those ideals. These changes are necessary and I look forward to accomplishing them, working with my colleagues.

Mr. President, I thank the Chair, and I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak as in morning business for such time as I may consume.

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

TAX EXPENDITURES

Mr. WHITEHOUSE. Mr. President, I am here because I serve on the conference committee that is charged with negotiating a bipartisan budget deal. The Democrats have come to the table with a Senate-passed budget. The Presiding Officer will remember the long all-night ordeal of that budget.

Our budget replaces the dumb and harmful sequester cuts with balanced deficit reduction. If fact, you do not get much more balanced than the Democratic program. It is half from spending cuts and half from closing loopholes in the Tax Code. Our proposal would add almost $2 trillion more of deficit reduction to the $2.5 trillion we have already done so far.

Let's look at what we have done so far. Of the $2.5 trillion in deficit reduction to date, about $1.5 trillion has come from cuts in what we call discretionary spending; the spending that Congress approves each year that funds most government operations including our military. This is the $1.5 trillion in cuts out of all of the $12.6 trillion in spending.

We got another $600 billion in revenue, mostly from letting the Bush tax cuts expire for very high-income taxpayers. So this thin red line is the additional $600 billion in revenue compared to the existing revenue of the country. As you will see, we have cut far more in spending than we have added in revenues going into this budget discussion.

The remainder of the $2.5 trillion comes from the interest savings that are associated with those, just to make the numbers true up. This circle is here to demonstrate that to date we have yet to touch one dime in the other big budget item, which is loophole spending in the Tax Code.

This is a pretty good-sized chunk of annual spending, about 12 percent of the levels projected in 2010. The fiscal cliff bill that restored the Clinton-era rates to families making over $450,000 added about 2 percent to other revenue projections, to the loophole category which is worth at least $14 trillion, conceivably a lot more, because some of the loopholes are so wide you do not even know what is going through them. The money just shows up in the Cayman Islands. We do not know what we have lost. That remains totally untouched.

What we want to do is take just 7 percent, a tiny slice of this loophole revenue, and bring it back and use it for deficit reduction. That touching the loophole nerve is what has brought the Republicans to a screeching halt. In contrast to our exactly balanced approach—50 percent spending, 50 percent loopholes—Chairman RYAN's budget would 100 percent go after the programs on which low-income and middle-class Americans rely, without touching a single Tax Code giveaway—no balance at all.

But, of course, unbalanced is the Republican way in budgets. For instance, the Republican budget changes Medicare into a voucher program. That is not very balanced. That is not what the American people want. The Republican budget cuts nondefense discretionary spending to levels lower than anything the American public has ever seen since OMB started keeping track. That is an extreme budget and not a balanced approach.

The Republican budget would set annual domestic spending levels below 1962. If you think back to what America was like in 1962, there were no Pell grants. So if any of the pages were thinking of someday getting a Pell grant, that is gone. It did not exist in 1962. In 1962, 30 percent of American seniors lived in poverty. That is the level of spending the Republican budget would take us back to.

The rhetoric has been just as unbalanced as the proposals. Speaker BOEHNER has said talk about raising revenue is over—over. We have not even started and he says it is over, zero percent out of loopholes. He says the conversation is over. I do not think so. The conversation has not even begun.

But true to the Speaker's rhetoric, the Republican budget puts the burden of deficit reduction back onto Americans who can least afford it, while preserving for corporations and for the people who get the benefit of Tax Code giveaways every single dollar. In his conference committee opening remarks, Chairman RYAN said: If this conference becomes an argument about taxes, we are not going to get anywhere.

Let's take a look at the so-called taxes in this loophole area that Democrats would like to discuss. By the way, we get $975 billion out of that, which is a slice slightly larger than this one and considerably smaller than that one. So where do we get it from? We go to what I refer to as the Republican treasure trove. We go to their Ali Baba's cave of treasure carved aside and saved for corporations and the rich.

We go to the tax earmarks and the special deals, the special interests which year after year have been squirreled away into the Tax Code through their lobbyists and through their numbers. How big can Ali Baba's cave be? Seriously? How much money goes out the backdoor of the Tax Code through these loopholes and deductions? I will show you.

This bar represents $1.13 trillion, which is the amount of revenue collected by the government through the individual income sections of the Tax Code. That is what goes into Uncle Sam's pocket from the Tax Code. Here is what goes out the backdoor in loopholes and deductions: $1.02 trillion. So for every $1 that actually gets collected under the individual income tax, 90 cents goes out the backdoor through the loophole circle.

That is off-limits? Oh, I do not see why. It is a grand total every year of more than $1 trillion. Do not tell me we cannot touch it at all. By the way, when you are talking budget numbers, you multiply by 10. So $1 trillion over 10 years becomes $10 trillion. That is talking some pretty serious money, to pretend, as Chairman RYAN said: If we are going to have an argument about taxes, we are not going to get anywhere. You are not even going to look at $10 trillion and not get anywhere?

On the corporate side, for every $1 in revenues the United States collects, here it is, $242 billion that we actually collect, that goes into Uncle Sam's pocket from corporate income tax revenue, here is what goes out the bookdoor of the corporate Tax Code: $148 billion.

So like individual income, when it comes to corporate income, for every $1 Uncle Sam actually gets in revenues through the Tax Code, 60 cents-plus goes out the bookdoor through loopholes and deductions and other tax gimmicks. So, again, we budget for 10 years. So $148 billion becomes pretty close to $1.5 trillion. That is big bucks. If you add the two together and do it for 10 years, which is what we do in the budget world, and account for modest growth over those 10 years, we are talking about $14 trillion.

We need to do $975 billion in deficit reduction out of loopholes from a $14 trillion number. Do not tell me we cannot find it there. Of course, the $14 trillion does not even count the billions of dollars that corporations and wealthy tax avoiders hide offshore. They do not even go through the gateway of the Tax Code and then out the backdoor.

They do not even get counted in the first instance. They go off to the Cayman Islands, to tax havens, they get hidden in Swiss bank accounts, who knows what, but they do not get subjected to American taxation.

By the way, that is pretty big business. Chairman Conrad, who was our predecessor chairman on the Budget Committee, used to have a slide he would show that showed a picture of a rather bland-looking four- or five-story building, the building in the Cayman Islands that did not look like much, not very big. You could drive by it, you would not particularly notice it. But he would point out in that little building over 18,000 companies claim to be doing business.

He would point out that the kind of business they were doing was monkey business with the Tax Code because nobody could put 18,000 businesses in that little building. None of that stuff gets counted in the $14 trillion, the stuff that goes through the front and then out the backdoor.

So the spending—the earmarks—that gets done through the Tax Code is a very big treasure trove. While much of this tax spending helps low-income and middle-class families, too much of it goes to high-income taxpayers who do not need it but who are clever and connected enough to get special deals, to get their tax earmarks into the Tax Code.

But, of course, the Republicans do not want us to look into their treasure trove. Ali Baba's cave of tax tricks is where the juicy earmarks are for the special interests. If you remember back to the last Presidential campaign, it became public that Mitt Romney had to fiddle his taxes in order to get his tax rate up to a 14-percent tax rate.

Some people gimmick their taxes to try to get their rates down. The rates for people such as Mitt Romney are so low to begin with that he had to play tax games to get his rates up to 14 percent so he would not look too bad as a Presidential candidate. Fourteen percent is a lower tax rate than a solitary hospital orderly pays. The guy who is walking down the linoleum hallways of Rhode Island Hospital at 2 o'clock in the morning delivering supplies pays a higher tax rate than that.

We cannot do anything about that? That is a tax question we cannot discuss? How do Romney and the hedge fund billionaires get away with that? Look in Ali Baba's cave of tax treasures for the carried interest exception. If you want to know where ExxonMobil, which is one of the richest and most profitable corporations in the history of the world, gets its hands into the American taxpayer's pockets and pulls out oil and gas subsidies, look for those Big Oil subsidies in Ali Baba's treasure cave.

Do you want to know why Amazon, Boeing, Carnival Cruise Lines, Duke Energy, PG&E, all companies making billions of dollars in profits per year, pay effective tax rates well under 10 percent? Look at the $150 billion in corporate tax giveaways there in Ali Baba's treasure cave.

Do you want to know how it is that corporate jets get special favored tax treatment compared to the commercial jets that ordinary mortals fly around in? Look at the accelerated corporate jet depreciation schedules in Ali Baba's tax treasure cave.

When the Speaker says that talk about raising revenue is over, look at what he is protecting? The Republican treasure trove of corporate and special interest earmarks heaped up like gold and jewels in the old illustrations in Ali Baba's cave of tax treasures.

We Democrats are knocking at that door. We are saying: Americans pay in deficit reduction $1.5 trillion already. We are offering another $975 billion on top of that.

We are saying that $600 billion came out of tax increases. What about loopholes?

Now we want to go into the cave. The Republicans are getting very anxious. The alarms are ringing at the special interests, and our colleagues are rushing to the trenches to defend the special interests and to defend their cherished tax earmarks. That is why they want to keep revenue—loophole closing—out of the debt and deficit discussion. They know that once we start taking a real look into Ali Baba's cave, some of that stuff will be impossible to defend to the American people.

It wasn't fair when it first went in, it has never been fair through its sordid history in the Tax Code, and it is not fair sitting in the Tax Code now. These are things we should get rid of even if we didn't need it for the debt and deficit. This is special interest crony capitalism at its worst. We intend to have a look at it in these discussions.

If we listened in the Budget Committee, the Republicans said it plainly: Not a penny of tax loopholes can go for deficit reduction. They have said they are willing to move the treasure around a little bit in Ali Baba's cave as long as it all still gets used for corporations and the wealthy. That is not a guess; that is the way the Republican budget is structured. Those are their budget numbers, all of it to lower tax rates for corporations and the rich. They are willing to spread the wealth around as long as it stays in the same hands.

We are at the gates of Ali Baba's cave, this special treasure trove of Tax Code special deals and earmarks for the rich and well connected. We are at the place where the lobbyists wheel the sweet corporate tax deals. We are knocking on the door of the $14 trillion in tax spending that has been left completely untouched in the deficit reduction so far. Our Republican colleagues are getting a little twitchy.

Come on, fellas. Out of nearly $14 trillion in tax spending and earmarks, can't we put just 7 percent of it toward the debt and the deficit? Our proposal is to leave 93 percent of the treasure in the cave. That is not unreasonable. What is unreasonable, what is unbalanced is the Republican desire that not a nickel in loophole closing can go toward our debt and deficit.

I could go through innumerable comments by our Republican colleagues warning us about the dire danger of our debt and deficit, warning about the terrible injustice to future generations, warning about the threat to our national security and to our national welfare; dire, serious warnings about the epic nature of the danger of our debt and deficit and the importance of curing it. When we actually stack it up, it is less important to them than every loophole in the Tax Code.

My point is that people can't have it both ways. They can't be telling the American people that the debt and the deficit is the No. 1 threat to the well-being of our beloved country but is also less important than every deduction every lobbyist ever squirreled away for every special interest in the Tax Code. Both of those cannot be true.

We must persevere to get into Ali Baba's cave of tax treasures in the loophole side of this equation. I hope very much that we will. I think that is nothing more than reasonable, nothing more than balanced. Indeed, one could argue it is actually a lot less than balanced because we only want 7 percent and we would be letting them keep 93 percent. We would be doing far more on spending than we would on revenue and loopholes combined. It is not balanced in the even-steven sense of the word, but at least it is generally fair. The Republican proposal that it should be all spending and zero loopholes is what is unbalanced and what I object to.

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

The PRESIDING OFFICER (Mr. MARKEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. HIRONO. I ask unanimous consent that the order for the quorum call be rescinded.

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

EXTENSION OF MORNING BUSINESS

Ms. HIRONO. Mr. President, I ask unanimous consent that the period for morning business be extended until 6:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

MILITARY JUSTICE IMPROVEMENT ACT

Ms. HIRONO. Mr. President, since the infamous Tailhook scandal in 1991, every Secretary of Defense has proclaimed that our military has a ''zero-tolerance'' policy for sexual harassment and sexual assault. Zero tolerance is the policy our military should have, but in reality it doesn't. We

know it doesn't because we have heard too many stories from women and men in the military who have been attacked, assaulted, or raped by their peers in uniform or by their superiors. We have heard too many stories in which the assailants go unpunished. We have heard too many stories about commanding officers using their authority to set aside court-martial convictions or to decide simply not to have a trial at all. We have heard too many stories about survivors being drummed out of the service by misinformed diagnoses of mental illness or by a chain of command that ignores the assailant and instead turns around and charges the survivor with bad behavior. We have heard too many stories about survivors who are so disillusioned by this broken system that they don't even bother to report these crimes. Instead, these men and women, warriors all, are forced to live in silence and with an unjust feeling of shame.

We all agree that commanders are responsible for maintaining good order and discipline in their units. This includes creating an atmosphere of dignity and respect for everyone under their command. Commanders must create an environment where sexual crimes do not occur. Our proposed changes to the military justice system do not absolve the commander of these responsibilities. It is still their job to prevent these crimes. But when these crimes do occur, survivors should have the ability to seek justice, and the Gillibrand amendment will help the survivors do just that.

I am glad our civilian and military leaders have committed to helping the survivors of sexual assault, punishing the predators and ending these terrible injustices. When the service secretaries and chiefs tell me fixing the problem of sexual assault is a top priority for them, I believe them. I believe they care deeply about this problem. Unfortunately, incremental change has not been and is not good enough. Commanders bear the responsibility for creating a culture where these crimes do not happen in the first place.

Congress must also do its part to ensure there is a system in place that both holds people accountable and doles out punishment that actually serves as a deterrent against future sexual assaults. Over the years, Congress has passed a variety of measures intended to fix these problems, and we have many good provisions in both the House and Senate versions of the NDAA which we are considering. But I do not believe these steps are enough. We must make a major change. We owe it to the men and women who serve our country in uniform. We owe it to the families and loved ones of those who serve because the trauma of sexual assault often extends beyond the trauma experienced by the survivor. We must do all we can to provide an environment where those who put their lives on the line for our country each and every day are not sexually assaulted. And if they are, we must provide a fair system of justice where the survivor is heard and not ignored, is helped and not shunned. That requires, I believe, vesting the decision about whether or not to go to trial with an impartial experienced military lawyer and not with the commander in the chain of command who has an inherent vested interest in the case.

It is undeniable the current system does not work. According to the Department of Defense, there were an estimated 26,000 cases of unwanted sexual contact in 2012. We have heard about trainers at Lackland Air Force Base repeatedly raping new enlistees. We have heard about incidents at the Service Academies, Aviano Air Force Base, Fort Greely, Fort Hood, and too many other bases. It is undeniable that we have a problem. The incremental steps we have taken are not enough.

The story of Marine 2nd Lt. Elle Helmer is just one example of this broken system. She told her story in the documentary ''The Invisible War,'' and it has also been reported elsewhere, including a CNN interview and in the Houston Chronicle.

I ask unanimous consent to have printed in the RECORD the Houston Chronicle article.

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

[From the Houston Chronicle, May 20, 2013]

AFTER SEX ASSAULTS INSIDE MILITARY, WOMEN ARE VICTIMS AGAIN OF LEGAL SYSTEM

(By Karisa King)

Marine 2nd Lt. Elle Helmer woke up on a cold floor, lost and surrounded by darkness. Her body screamed with pain, her underwear had been removed and she tasted blood in her mouth. She could hear someone else in the room with her, breathing slowly.

Memories from the past few hours flashed through her mind as she crawled toward a doorway for light. On orders from her command on March 16, 2006, Helmer had joined her fellow officers for a St. Patrick's Day pub run, a night of bar-hopping that ended across the street from the prestigious Marine Barracks Washington, where she was in charge of public affairs.

A major followed Helmer out of the last bar and summoned the 25-year-old to his office. As soon as they entered the office, he shut the door and kissed her. She pushed him away and made it halfway out the door when he caught her arm and yanked her back into the room so hard she tripped and went flying forward.

The last thing she remembered was her head slamming into his desk.

PART 1: SEXUAL-ASSAULT VICTIMS IN MILITARY UNJUSTLY STIGMATIZED, BOOTED OUT

Emerging from the darkened office hours later, she noticed she was wearing the major's green running shorts. She padded barefoot down a hallway to her office, where she found herself locked out. Two Marine guards found her outside the door, crying and shaking. She was certain she'd been raped.

''Call an ambulance,'' she kept telling them, a plea she repeated to a captain and a colonel who arrived later.

Instead, the colonel warned that if she went to a hospital, she would be prohibited from making a sworn accusation of rape because she'd been drinking. She would be charged with public intoxication and conduct unbecoming an officer, he told her.

''Dust yourself off. You're tough. You're from Colorado,'' he said. ''Whatever happened, it's because boys and girls and alcohol don't mix.''

It was her introduction to a military criminal justice system that frequently grants impunity to offenders and punishes victims—the outcome of a fiercely guarded power of commanders who wield broad discretion over the handling of sex crimes in their ranks, according to a San Antonio Express-News investigation.

MANY DRUGGED FIRST

From the accounts of sexual assault survivors in every branch of the military, a stark panorama emerges: Many victims were drugged or forced to drink and were raped, attacked as they slept, beaten unconscious and coerced into sex by their superiors. They were strongly discouraged from disclosing the crimes, or forced to report assaults to commanders who are closely connected to the accused.

Few suspects face criminal punishment. Of 3,374 reports of sexual assault last year involving 2,900 accused offenders, only 302 went to courts-martial and 238 were convicted, the Defense Department says.

Meanwhile, 286 offenders received nonjudicial or administrative punishment or discharges, allowing them to dodge a criminal mark on their record. In 70 cases, suspects slated for possible courts-martial were allowed to quit their jobs to avoid charges.

Prison sentences are rare. Only 177 perpetrators were sentenced to confinement. But the most jarring statistic: about half of all convicted sex offenders were not automatically expelled from the armed services.

The military had only recommended discharge for convicted offenders, but lawmakers cracked down this year and made expulsions mandatory.

MISHANDLING OF CASE

For Helmer, the immediate response from her chain of command foretold the mishandling of her case.

On the night she reported that she'd been raped, the colonel at Marine Barracks Washington refused to grant her medical help until she argued that her head injury demanded immediate attention. He agreed to let her go, but only after arranging for her to see a doctor he knew at National Naval Medical Center in Bethesda, Md.

''Don't say anything else and come straight back,'' he told her.

She was put into a car with a captain who was supposed to drive her there. But she insisted he take her to a different hospital at Andrews Air Force Base, where no one connected to the colonel would be awaiting her arrival.

The attack in the major's office was a betrayal by a superior she had trusted. But she eventually would regard the response from her chain of command and the military justice system as the biggest betrayal of all.

For all the public outrage sparked by sexual abuses at the Navy Tailhook convention in 1991, the Army's Aberdeen Proving Ground in 1996 and the Air Force Academy in 2003, the military criminal justice system has failed to stem an epidemic of sexual assaults, reaching an estimated 26,000 last year.

BASIC TRAINING ASSAULTS

Against that backdrop last year came explosive details of young recruits who were sexually assaulted by their basic training instructors at Joint Base San Antonio-Lackland. So far, the Air Force has identified 33 instructors suspected of illicit conduct with 63 trainees.

An Air Force general's decision to throw out a jury conviction of aggravated sexual

assault ignited an uproar on Capitol Hill. Lt. Col. James Wilkerson, an F–16 pilot at Aviano Air Base in Italy, was sentenced in November by a jury of officers to dismissal and a year in jail for sexually assaulting a party guest as she slept in a spare bedroom of his house.

But in February, Lt. Gen. Craig Franklin, Wilkerson's former commander, concluded the evidence was insufficient. Against the recommendation of his staff attorney, Franklin overturned the conviction, vacated the jury's sentence and reinstated Wilkerson to full duty.

The case underscores the unchecked legal power of commanders. Although they typically have no background or training in the law and may not be impartial arbiters, senior officers like Franklin who are endowed with ''convening authority'' determine which cases go to trial, and they have the ability to overturn verdicts and vacate sentences before cases enter the appeals process.

NO REASON AT ALL

According to military law, commanders can dismiss verdicts for any reason, or no reason at all.

For Kimberly Hanks, who testified she woke up as Wilkerson was assaulting her, it was a lesson in the conflicts of interest posed by the military justice system. Hanks, a 49-year-old physician assistant from California, was a civilian contractor at Aviano when she told military authorities she'd been assaulted.

After the verdict, she discovered that Franklin and Wilkerson had once flown together in Iraq and shared friends.

Even so, Franklin's decision to throw out the conviction shocked her. ''I think the message is loud and clear. I think it tells victims: Don't bother (to report),'' Hanks said.

Air Force officials said only five verdicts have been overturned in sexual assault cases in the past five years.

In response to the case, Defense Secretary Chuck Hagel in April proposed that commanders be stripped of their ability to toss out trial convictions. But Hagel and military brass oppose efforts to remove authority over sex crimes from commanders. At the Senate hearing in March, top military attorneys argued that sexual assault cases must remain within the chain of command, and nothing less than the military's ability to wage battle is at stake.

Kelly Smith had seen enough in her first three years in the Army to know that soldiers who can't tough out physical pain and personal difficulties—no matter how agonizing—are viewed not only as troublemakers but as a danger to the safety and cohesion of the unit.

That's why she had no intention of telling anyone in February 2003 after she woke up in her bed at Fort Lewis, Wash., as a man attempted to rape her. But Smith, whose screams drove off her attacker, said she was forced to report it to military authorities because Army guards identified the man as he ran from her room.

Although her assailant admitted the attack, the case was dropped without explanation, she said. She was sent to a psychiatric unit for therapy. Days later, she was dismayed to discover Army counselors sent her assailant to join the same therapy group. She protested, but was told she was being unreasonable.

''I sat next to him in group therapy for a week,'' Smith said. ''At that point, I shut down.''

While the soldier who assaulted her was allowed to retire, Smith, who was a Korean code breaker, soon was diagnosed with bipolar disorder, a pre-existing mental illness that prompted the Army to kick her out.

''I knew it would be the end of my career, and it was,'' Smith said.

OTHER PRIORITIES

For Elle Helmer, even those assigned to help her seemed to have had other priorities.

She met the victim advocate assigned to her case at Malcolm Grow Hospital at Andrews Air Force Base. The advocate arrived with instructions to drive Helmer back to the Marine Barracks because the colonel and executive officer wanted a word with her.

Helmer was adamant that she wanted to make a statement at Naval Criminal Investigative Services, which had jurisdiction over crimes at the barracks. The advocate warned against it.

''These cases never go anywhere,'' she told Helmer.

''And she's the sexual response coordinator!'' Helmer now says. ''It felt like walking backward in time.''

Eventually the advocate reluctantly took Helmer to NCIS to make a statement.

UP ALL NIGHT

It was roughly 8 a.m. and Helmer had been up all night. She entered the NCIS offices, about two blocks from the barracks, and learned the colonel and executive officer were there waiting to speak with her. Again, Helmer refused. She tried not to make eye contact with them as she walked past the office where they waited.

She spent the morning in a conference room with five investigators who questioned her credibility. In what seemed like an endless cycle, she wrote out her statement, they questioned her, and then asked her to rewrite the statement. They decided to open an investigation but said they couldn't accept her statement because she had been drinking the previous night.

It wasn't until that afternoon that investigators arrived at the barracks to collect evidence from the major's office. By that time, the major had been left alone at the scene for hours. Eyewitness statements show he was spotted making trips back and forth from the office carrying cleaning supplies and towels.

Helmer was taken back to the barracks to be interviewed by the colonel. When she returned to work the following Monday, he informed her that the Marine command had opened an investigation against her for public intoxication and conduct unbecoming an officer.

The NCIS investigation lasted three days. Investigators closed Helmer's case on the grounds she could not recall any sexual assault.

''Her statements did not constitute an allegation of criminal activity,'' the NCIS report stated.

Investigators held out the possibility of reopening the case, depending on the results of the rape kit.

Military records show the major told a commander at the barracks that he had no sexual contact with Helmer. He said she came into the office, laid down on the floor and vomited. He left the room to retrieve cleaning supplies, and when he came back, she was gone.

Eyewitness statements contradict his account. Two Marines who saw the major wearing green shorts and cleaning up vomit had peeked through the partly open office door and reported seeing a woman's bare leg sprawled on the floor.

''This looks bad but I'll take care of the lieutenant,'' he told them.

It wasn't until about two hours later that guards encountered Helmer locked out of her office and wearing the major's green shorts. The captain who took Helmer to the hospital told investigators he went into the major's office to retrieve Helmer's ID card and found the major asleep on the couch, ''wearing a Saint Patrick's Day t-shirt and nothing else.''

NO RAPE KIT RESULTS

Helmer waited four months with no results from the rape kit.

Frustrated by inaction, she told her command that she was speaking to a reporter in Washington about her case. Although nothing was published, she was fired from her job and charged with conduct unbecoming an officer and fraternization.

She was dismissed from the Marines for unacceptable conduct in January 2007 with a ''general under honorable conditions'' discharge.

While she waited for her final dismissal papers, military authorities told her the rape kit had been lost.

Ultimately, the major faced no criminal or administrative punishment. He was allowed to remain in the Marines and later received a promotion.

''All they did was give him expertise in how the legal system works,'' she said. ''Now he knows he can get away with it.''

Ms. HIRONO. Mr. President, the Houston Chronicle article tells the following account:

Lieutenant Helmer was stationed at Marine Barracks Washington in 2006, just a few blocks from the Senate Chamber. One night, after she was ordered to go bar hopping with her colleagues, a superior officer called her into his office and attacked her. She remembers him slamming her head into his desk, and then she blacked out. When she woke up she was wearing her superior officer's shorts, and she knew she had been raped. Two guards found her outside crying and shaking. She asked a colonel to call an ambulance and, instead, the colonel warned her she would be charged with public intoxication and conduct unbecoming an officer if she reported the attack. When Lieutenant Helmer finally made it to a military hospital, the sexual assault victim advocate warned her, ''These cases never go anywhere.''

Lieutenant Helmer pressed her case anyway. But after many months, here is the only thing that happened. Lieutenant Helmer was charged with fraternization and conduct unbecoming an officer, and the superior officer who attacked her received no punishment. In fact, he was later promoted.

This story should outrage us all. This story shows that when sexual assault occurs, the current system does not work. It is time to make fundamental changes to how sexual assault cases are handled in the military.

The amendment of Senator GILLIBRAND would be a big step in the right direction. Her amendment would take the decision to go forward with a trial out of the chain of command and place it in the hands of an experienced military lawyer. This change would improve the judicial process by increasing transparency. It would also eliminate potential bias and conflict of interest because, unlike a commanding officer, the military lawyer would be unconnected to either the survivor or the accused. Just the perception of such bias or conflict of interest could

discourage a survivor from reporting a sexual assault and thereby allow the attacker to prey on others again and again.

Many survivors of sexual assault tell us the main reason they do not report these crimes is because they think nothing will happen. The current process often does not work. It is unacceptable to allow this situation to continue.

The problem of sexual assault is a scourge on our military for which there is no silver bullet. But at the very least what we need is a military justice system where a survivor feels confident that his or her case will be fairly examined and, if deemed to have sufficient evidence, be sent forward to trial.

Sexual assault in the military is something that most people don't want to talk about. We don't want to think the men and women whose service we honor on Veterans Day are being preyed upon by their colleagues or, even worse, that they themselves may be sexual predators. There is no doubt in my mind that the overwhelming majority of our military men and women serve our country valiantly and with honor, and we should take care not to tarnish them with suspicion. In fact, we owe it to them to act.

It is for these reasons that I am a proud cosponsor of Senator GILLIBRAND's Military Justice Improvement Act. I urge my colleagues to support it, and to my colleagues who are opposed or undecided, I want to say again that keeping disposition authority within the chain of command has not worked. One of the arguments I have heard against making this change is that doing so would interfere with the commander's ability to maintain good order and discipline. Good order and discipline should not rest upon a commander's ability to decide whether or not to prosecute a sexual crime.

The time has come to make a significant change, and I believe this is a change that needs to be made. I want to commend our colleague Senator KIRSTEN GILLIBRAND for her tireless efforts and courageous leadership in this effort to help survivors of sexual assault in the military.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. GILLIBRAND. Mr. President, I had the privilege of listening to my colleagues, Senator HIRONO and Senator BLUMENTHAL, who have been addressing this issue of sexual assault in the military. As both of them said so persuasively and articulately, our military justice system is broken. The sense of trust that a man or woman serving in the military today, who has been subjected to rape or sexual assault, has been broken—and not just between them and the assailants in their unit but between them and their commanders. In fact, the trust that their commander will have their back, that they will have these crimes investigated and the perpetrators brought to justice has been broken.

Even General Amos, Commandant of the Marines, said so. He said: I can see why a female marine might not report a case of sexual assault. They don't trust us. She doesn't trust the chain of command.

This is our challenge. We have to reform the system because these are some of the best men and women in the world that make our military as strong as it is. But we are subjecting them to not only these great acts of violence but then the second heartbreak, the second revictimization of having a military justice system that does not have their back or they are convinced not to report these crimes because justice will not be done or nothing will be done or they will be retaliated against for reporting.

The No. 1 reason 23,000 cases last year went unreported was because victims believed nothing would be done. They did not trust their chain of command to have these cases prosecuted. The second reason they didn't report these cases was because they feared or witnessed retaliation. That is not surprising, because of the 3,000 brave survivors who did report their sexual assault or rape, 62 percent were retaliated against. That is a huge number.

There is a failure within our military—our military that has promised for 25 years zero tolerance for sexual assault and rape in the military. As far as I am concerned, all we have had is zero accountability, because of those brave 3,000 survivors who did come forward and 62 percent were retaliated against means those commanders failed to maintain a command climate where retaliation is not taking place.

In our underlying bill we are going to fix that. We are going to make retaliation a crime, giving commanders more tools to go after perpetrators of retaliation. Retaliation has always been against good order and discipline. It has never been acceptable, but still it exists and too many victims do not come forward because they fear it.

So I wish to speak on behalf of these survivors, these advocates, these champions, these leaders in reform. They can't be on the Senate floor right this moment, but I can be here, and I can share their stories. I can tell what happened to them.

Sarah Plummer was raped as a young marine in 2003. She said:

> I knew the military was notorious for mishandling rape cases, so I didn't dare think anything good would come of reporting the rape.
>
> Having someone within your direct chain of command just doesn't make any sense, it's like being raped by your brother and having your dad decide the case.

Another survivor, Trina McDonald, at 17 enlisted in the Navy. She was stationed at a remote base in Alaska. Within 2 months, she was attacked, repeatedly drugged and raped by superior officers over the course of 9 months. Can you imagine that being your daughter? Can you imagine this young woman who literally wants to serve our country and even die for our country being repeatedly drugged and raped by her supervisor?

She said:

> At one point, my attackers threw me in the Bering Sea and left me for dead in the hopes that they would silence me forever. They made it very clear that they would kill me if I ever spoke up or reported what they had done.

Thank God Trina McDonald survived, because as I read her testimony from the Senate floor, she is being heard in this debate.

Army SGT Rebekah Havrilla, who served in Afghanistan and was raped in 2007, said reporting the crime to her commanding officer was unthinkable:

> There was no way I was going to go to my commander. He made it clear he didn't like women.

Listen to AIC Jessica Hinves, who was raped in 2009 by a coworker who broke into her room at 3 a.m. She said:

> Two days before the court hearing, his commander called me on a conference at the JAG office, and he said that he didn't believe that [the offender] acted like a gentleman, but there wasn't reason to prosecute.

Breaking into someone's room, not being a gentleman. Obviously, that commander does not understand that rape is a serious crime.

> I was speechless. Legal had been telling me this is going to go through court. We had the court date set for several months. And two days before, his commander stopped it. I later found out the commander had no legal education or background, and he'd only been in command for four days.

Her rapist was given the award for Airman of the Quarter. She was transferred to another base.

Many listening tonight may think this is just a crime against women, but one of the most disturbing facts is that more than half of these crimes are against men. It is not a gender issue. The crimes of rape and sexual assault are not of passion but are brutal crimes, crimes of aggression, crimes of dominance, crimes of control. These are not cases of dates that have gone badly.

Blake Stephens, now 29, joined the Army in January of 2001, just 7 months after graduating from high school. The verbal and physical attacks started quickly, he says, and came from virtually every level of the chain of command. In one of the worst incidents, a group of men tackled him, shoved a soda bottle up his rectum, and threw him backward off an elevated platform onto the hood of a car.

When he reported the incident, Stephens said, his drill sergeant told him, ''You're the problem. You're the reason this is happening,'' and refused to take action. Blake said:

> You just feel trapped. They basically tell you you're going to have to keep working

with these people day after day, night after night. You don't have a choice.

His assailants told him that once he deployed to Iraq, they would shoot him in the head. ''They told me they were going to have sex with me all of the time when we were there.''

If these stories aren't enough, please do listen to some retired generals, commanders, JAG officers, veterans who know from years of experience that the status quo is an injustice to those who serve, and our approach is the right way forward.

This September, three retired generals gave their public support for our proposal, including LTG Claudia Kennedy, the first woman to achieve the rank of three-star general in the U.S. Army; BG Lorree Sutton, formerly the highest ranking psychiatrist in the Army; BG David McGinnis, who most recently served in the Pentagon as the Principal Deputy to the Assistant Secretary of Defense for Reserve Affairs.

Lieutenant General (retired) Kennedy wrote me:

> Having served in leadership positions in the US Army, I have concluded that if military leadership hasn't fixed this problem in my lifetime, it's not going to be fixed without a change to the status quo.
>
> The imbalance of power and authority held by commanders in dealing with sexual assaults must be corrected. There has to be independent oversight over what is happening in these cases.
>
> Simply put, we must remove the conflicts of interest in the current system. . . . The system in which a commander can sweep his own crime or the crime of a decorated soldier or friend under the rug, protect the guilty and protects serial predators. And it harms our military readiness. . . .
>
> Until leadership is held accountable, this won't be corrected. To hold leadership accountable means there must be independence and transparency in the system.
>
> Permitting professionally trained prosecutors rather than commanding officers to decide whether to take a sexual assault case to trial is a measured first step toward such accountability. . . . I have no doubt that command climate, unit cohesion and readiness will be improved by [these] changes.

BG (retired) Lorree Sutton also wrote to me, saying:

> Failure to achieve these reforms would be a further tragedy to an already sorrowful history of inattention and ineptitude concerning military sexual assault.
>
> In my view, achieving these essential reform measures must be considered as a national security imperative, demanding immediate action to prevent further damage to individual health and well-being, vertical and horizontal trust within units, military institutional reputation, operational mission readiness and the civilian-military compact.
>
> Far from ''stripping'' commanders of accountability, as some detractors have suggested, these improvements will remove the inherent conflict of interest that clouds the perception and, all too often, the decision-making process under the current system. Implementing these reforms will actually support leaders to build and sustain unit cultures marked by respect, good order and discipline.

BG (retired) David McGinnis, who also served as a Pentagon appointee, wrote this to me:

> I fully support your efforts to stamp out sexual assault in the United States military and believe that there is nothing in [the Military Justice Improvement Act] that is inconsistent with the responsibility or authority of command. Protecting the victims of these abuses and restoring American values to our military culture is long overdue.

Retired Air Force Maj. Gen. Martha Rainville, the first woman in the history of the National Guard to serve as a State Adjunct General and served in the military for 27 years, including 14 years in command positions, wrote:

> As a former commander, endorsing a change that removes certain authority from military commanders has been a tough decision. It was driven by my conviction that our men and women in uniform deserve to know, without doubt, that they are valued and will be treated fairly with all due process should they report an offense and seek help, or face being accused of an offense.
>
> When allegations of serious criminal conduct have been made, the decision whether to prosecute should be made by a trained legal professional. Fairness and justice require sound judgment based on evidence and facts, independent of pre-existing command relationships.

That is the crux of the problem. You have commanders who have biases. Maybe they don't want women in the military. Maybe they don't believe gay members should serve openly. Maybe they need or appreciate or like the assailant more. Maybe the perpetrator has done great things in battle. Maybe he is more experienced, more important. Maybe he is more popular.

Those biases color decisionmaking. Because when the decisionmaker actually weighs evidence, one of the fundamental pieces of evidence in these cases is the testimony of the victim and the accused. If that commander doesn't value the victim because she is new, he may not believe her when he sees the perpetrator is a family man with two kids, a lovely wife: How could he possibly do that? He has been in Iraq five times. I don't believe her and I believe him. He has weighed the evidence through a colored lens.

That is not justice. That is not fairness. That is not what our democracy is based on. We believe in justice being blind. We believe in the scales of justice not being weighed for the victim or the accused. Justice is blind. It is fair. It is impartial. It is objective.

If that decisionmaker is not even a trained lawyer, how do we hope they are going to get it right, colored with biases, colored with self-interest. No commander wants to say rape is happening under their command. That is a failure. It is a failure of military readiness. It is a failure of good order and discipline. It is a failure of good command climate. Why would they want to report their own failure? Many times they don't. That is why the deck is stacked against the victims of these crimes in too many cases.

We have had a recent ruling that I think is incredibly important.

The DOD for 50 years has had a panel called the DACOWITS panel. It is a panel of advisers that have been asked by the Secretary of Defense, for the past 50 years, to please tell him what policies and proposals are most important to protect and support women in the military. The whole purpose of the committee is to look at this issue and say what is the status of women in the military, how are they faring.

This panel actually has been studying sexual assault in the military for decades. They have been focused on it, have had hearings on it, opining on it, giving recommendations for a very long time. They have looked at this proposed recommendation, studied it, and they actually recommended every piece of this legislation to be passed by this Congress. They have actually recommended the decisionmaking go outside the chain of command. The vote for that proposal: 10 in favor, 6 abstained, none against. Of the 10 in favor, 9 out of 10 are all former military, 5 of them senior officers. The one nonmilitary was a woman who was head of the Women's Law Center. They want every aspect of this reform put into law. They are the experts. Even Secretary Hagel said he looks at this group with great regard, with high authority. He regards them as the preeminent advisory panel for women in the military.

We also have a lot of support from other retired members of the military, Retired U.S. Army MG Dennis Laich, Retired Navy CAPT Lory Manning, Former JAG officer and Congressman PATRICK MURPHY, and military legal experts such as Diane Mazur and Rachel Natelson.

When the DACOWITS panel, the Defense Advisory Committee On Women In The Services, voted in support of the measure, they say they believe these are the reforms that will make the difference. They say they must implement these reforms to make sure the status of women in the military is protected. Secretary Hagel places a great premium on this panel.

We also have the support of leading veterans groups, veterans groups who actually have served. They are veterans; they understand what happens. ''We want to be clear, a vote for the Military Justice Improvement Act is a vote for our troops, and a vote for a stronger military.'' We should listen to our veterans.

I think it is time we restore trust. The military has had 25 years to deal with this problem. They have been saying zero tolerance for 25 years. They keep saying: We got this. They keep saying: We can handle this, just give us more time. If this happened to my son or daughter—how much more time do you need? How many more thousands of victims are going to be raped and assaulted in the military and have no hope for justice? How many more good men and women are we going to lose to sexual assault and rape, who are retaliated against and pushed out, being told they are the problem? How much are we going to lose in terms of military readiness, in terms of unit cohesion, in terms of troop morale, in terms of good order and discipline, to the scourge of sexual violence in the military?

I don't think we should wait another day. I don't think we should wait for another panel, another report, another study, another, another, another, another. We have boxes of studies over the last 25 years making recommendations. But until you create a transparent, accountable military justice system, you do not have a hope of solving this problem. Until you give the decisionmaking authority to an actual trained lawyer who is not biased, you don't have a hope.

All of our allies have done this, all of them. The ones we fight side by side with—Israel, UK, Canada, Australia, Netherlands, Germany—are allies. They said if it is a serious crime; let the decisionmaker be unbiased; let the decisionmaker be trained.

Did they have a fall-off of good order and discipline when they let these decisions be made by trained prosecutors? They told us no.

When we tried to repeal don't ask, don't tell, military commanders said you cannot possibly do this; this will undermine good order and discipline. When we wanted women to be able to serve in the military, they said you cannot possibly do that because of good order and discipline. When we integrated the armed services, commanders said you cannot possibly do this; it will undermine good order and discipline. We did it. We did every single one of those reforms.

Congress had an action, elected leaders had a responsibility. We provide oversight and accountability over the Department of Defense. It is an important relationship, and sometimes we may have an idea for reform that can make the difference, that can make our military stronger, that can utilize all of our best and brightest.

Don't ask, don't tell—we lost 10 percent of our foreign language speakers because of that corrosive policy. How many thousands are we going to lose to sexual assault and rape in the military? How many? How many good men and women? Losing one more is too many.

I ask my colleagues to support this bill. It is not a Democrat nor is it a Republican idea. It is a good idea. It is a commonsense reform. It makes perfect sense when people learn about the issue and want a solution. This is what this place is supposed to be about. It is supposed to be people of good will coming together to solve problems, to make a difference.

We need leadership. We do not need followers, we need leaders. We need people who will do that job and provide oversight over the Department of Defense, especially in an area where they failed so much. This reform will make a difference, and I urge my colleagues to support it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mrs. SHAHEEN. Mr. President, I am pleased to be here to join my colleague Senator GILLIBRAND in expressing my concerns about how we address sexual assault in the military.

For the past several years, we have all become increasingly aware of the prevalence of sexual assault in our military. Personally, I know I share the outrage of all Americans that one of our Nation's proudest institutions is afflicted by this level of criminal violence. In 1989, Secretary of the Navy H. Lawrence Garrett III established a policy of zero tolerance for sexual harassment and sexual assault. Two years later, the Tailhook scandal happened at a convention attended by the Secretary and the Chief of Naval Operations.

On June 2, 1992, Secretary Garrett wrote a memo to his military leaders that said:

> While each individual must be accountable for his or her own actions, commanding officers have a unique responsibility for leadership in ensuring appropriate behavior and attitudes of those under their command.

In the end, the Tailhook scandal resulted in 90 victims—83 women and 7 men—140 officers facing possible punishment and zero criminal prosecutions for incidents of assault. All of these events occurred under the same zero tolerance policy that military leaders espouse today.

The Tailhook scandal was only the beginning of our awareness of the silent crisis within the military. Since that time, there have been numerous scandals in every service. Yet 20 years later we are not only told that the system works but that the status quo, maintaining the chain of command on this issue, is vital to solving the problem. This, of course, ignores the reality of the sexual assault crisis.

In fact, according to the Department of Defense Sexual Assault Prevention and Response Office, 26,000 cases of unwanted sexual contact and sexual assault occurred in 2012, and that was an increase of 37 percent since 2010. Clearly, something must change and it must change now.

Thanks to the hard work of Senators GILLIBRAND, BOXER, BLUMENTHAL, and HIRONO, along with so many supporters on both sides of the aisle, this issue is back at the forefront of our national debate. We now have a historic opportunity not only to make additional meaningful commonsense reforms to our military criminal justice system, but I think the Defense authorization bill that we are going to take up before the end of this year, hopefully, has a number of very critical proposals to address sexual assault in our military, and I certainly support those. I was pleased those provisions got unanimous support within the committee. But I do not think we went far enough in that bill.

We also need to send a powerful message to the tens of thousands of victims, many of whom have been suffering quietly for decades, that what happened to them in our military is unacceptable. In too many of those cases it is criminal. And it will no longer be tolerated.

The Military Justice Improvement Act of 2013 addresses what victims tell us is the No. 1 problem in the current system. Victims decide not to report sexual assaults because they fear their commanding officers will not take the issue seriously and they will be retaliated against or nothing will be done.

According to the Department of Defense Sexual Assault Prevention and Response Office, 50 percent of female victims said they did not report the crime because they believed nothing would be done with their report. And 25 percent of women and 27 percent of men who received unwanted sexual contact indicated that the offender was actually someone in their own military chain of command.

Our legislation addresses the chain-of-command issue. It removes the decision of whether to go to trial from the chain of command and puts it into the hands of experienced prosecutors. This is a straightforward change. It is designed to promote transparency and accountability in the prosecution of these crimes.

It would also ensure that impartial individuals specifically trained to handle these cases determine whether they move forward, which permanently eliminates the conflicts of interest that exist in the current system. We need all victims to know that if they come forward, their cases will be handled fairly and impartially.

Several days ago in America, we celebrated Veterans Day. Many of us went home to our home States to honor the men and women who, throughout our history, have served in our military. Our military's traditions of honor and respect are too important to continue to be plagued by the issue of sexual assault. That is why I urge my colleagues to support the Military Justice Improvement Act, because we strengthen our military when victims of sexual assault have the confidence to come forward and report crimes, and when we remove fear and stigma from the process. We strengthen our military when we create a process to deliver fair and impartial justice on behalf of the victims of these crimes.

Every man and woman who wears the uniform deserves these rights, and after more than 20 years of waiting, it is way past time we come through for them.

I yield the floor.

FY 2014 BUDGET PROCESS

Mr. LEAHY. Mr. President, I once again express my strong support for the efforts of the chairwoman of the Appropriations Committee, Senator MIKULSKI, and the chairwoman of the

Budget Committee, Senator MURRAY, as they work to reach agreement with their counterparts in the House of Representatives to resolve the impasse over the fiscal year 2014 budget.

Washington today is filled with naysayers. But as broken as the budget process is, and as pessimistic as many people are, I remain hopeful about the possibility of reaching a compromise that can bring us back to some semblance of the regular order everyone claims to want.

If there ever were two Senators who could find a way through the morass, it is Senator MIKULSKI and Senator MURRAY. And they should know there are a great many of us, including some on the Republican side of the aisle, who are 100 percent behind them. I encourage all Senators to read David Rogers' piece in Tuesday's edition of POLITICO, entitled ''BARBARA MIKULSKI's fight: Protecting appropriations''. It tells the story, and in doing so, it pays tribute to Senator MIKULSKI.

I am not naïve about the obstacles ahead, not the least of which is the shortness of time. We need a top line number from the budget conferees by the end of next week if we are to complete appropriations bills by January 15 when the current continuing resolution expires.

There is no mystery about what needs to happen. There must be compromise by both sides on two key issues—increasing revenues and decreasing spending. There will not be agreement without both. But in the absence of agreement, the operations and programs of every Federal agency will be drastically reduced by the combined effects of sequestration and a full year continuing resolution.

People will lose their jobs and programs will be cut deeply or terminated altogether. Infrastructure projects will be cancelled. The American people will pay the price in far more ways than any one of us can imagine.

I want to mention a few examples of the effects that a full year continuing resolution, at the level the House proposes, will have in lost jobs and canceled infrastructure projects in this country.

Under a full year continuing resolution, the National Science Foundation would receive $542 million less than the amount in the Senate bill. The funding included by the Senate would provide funding for 1,500 more competitive grants and support 17,000 scientists, technicians and students. Under a CR, those jobs and that research would not be possible.

The $500 million included in the Senate bill to fix thousands of deteriorating and aging bridges around the country would disappear.

Under a CR, the Federal Aviation Administration would not receive the $559 million in the Senate bill to hire air traffic controllers needed to keep the skies safe. Instead, the FAA would be faced with having to impose a hiring freeze and furlough air traffic controllers and aviation safety inspectors.

Funding for agricultural research would receive nearly $242 million less than the levels included in the Senate bill and America's standing as the world leader in food production could be in jeopardy, because we simply won't be able to compete with the $4.5 billion China spends on agricultural research annually.

The EPA's funding for clean and safe drinking water would face significant cuts, putting Americans' access to clean water at risk. It would also mean 6,500 fewer American jobs.

These are just a few examples of how another long term continuing resolution will neglect the infrastructure needs of our Nation and prevent the creation of thousands of jobs.

I hope the spirit of bipartisan cooperation that put an end to the needless shutdown will enable the budget conferees to reach agreement on a top line funding level so Senate Appropriations Committee Chairwoman MIKULSKI and House Appropriations Committee Chairman ROGERS can help us get back to work and pass the bills needed to fund these essential services.

Mr. President, I ask unanimous consent that David Rogers' article be printed in the RECORD.

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

[From POLITICO, Nov. 11, 2013]

BARBARA MIKULSKI'S FIGHT: PROTECTING APPROPRIATIONS

(By David Rogers)

It's not quite Wendy and the Lost Boys but it's getting close.

Indeed, a year after taking power, Chairwoman Barbara Ann Mikulski—or BAM as she's known in staff memos—is the mother-older sister the Senate Appropriations Committee never knew.

The longest-serving woman ever in Congress, and the first to lead that old male haven, the Maryland Democrat brings a style like none before her: cajoling, prodding, empowering her members to get out on the Senate floor and fight. Appropriations is her neighborhood just as East Baltimore was when Mikulski began her rise as a community organizer in the 60's. Only now it's not a 16-lane highway through Fells Point but sequestration in January that threatens her world.

The stakes are enormous.

If no budget deal is reached in the next month, Congress will surrender to another round of automatic cuts in January and risk leaving the government under no better than a stopgap funding bill through the remainder of fiscal 2014. That would be the third such 12 month CR arrangement in four years—a true breaking point for Appropriations but also a tempting tool for those seeking to frustrate President Barack Obama's second term.

In the midst of this, Mikulski can be a terror: demanding, self-centered to a point of fault. But she enjoys an invaluable alliance with Senate Budget Committee Chairwoman Patty Murray (D–Wash.) who also sits on Appropriations. And at 77, it can seem that Mikulski's whole life has prepared her for this moment: the grocer's daughter and product of grassroots Catholic social activism matched against the new grassroots anti-government forces of the Tea Party.

Obama checked the box of community organizer on his way to the top. Mikulski lived it. She can paraphrase Jesuit scholars but also pepper her floor speeches with ''Wow'' or ''Oh, boy.'' And her politics remain greatly influenced by the likes of the late Monsignor Geno Baroni, a civil rights and community organizer who was a leader of the neighborhood revival movement of the 60's and 70's.

''He was always cooking up a pot of social glue and developing social capital,'' Mikulski said in a 1994 speech honoring Baroni's memory. Nearly 20 years later that might describe too her own approach to Appropriations.

''A little bit different,'' she laughs of the change she has brought. ''Absolutely'' community organizing is part of that.

''My worst nightmare is that we get to like January 12th and 13th and we don't have anything,'' she told POLITICO. ''And we go to a year-long CR with sequester kicking in on January 15th which is government at its worst. Government on auto pilot and cuts across-the-board in that meat axe way.''

''I know a lot about a lot, but I want to be able to marshal the resources of my own committee to be able to get out there and talk,'' she said. ''The chair of the Appropriations Committee is more like head of the Joint Chiefs. My twelve subcommittee chairman enjoy not only a great deal of autonomy but they really are the ones that drill down on their respective portfolios and know it in a very granular way . . . Who better to tell the story than those who know it the most?''

Beginning with the shutdown in October, the Mikulski style has been to go to the Senate floor herself but then gin up her colleagues to follow. This proved remarkably successful last month, and after a meeting with her Democratic members last week, she's doing the same now—this time focused on sequestration and the perils of surrendering to a full-year stopgap CR.

''She wants us to be engaged with the same energy she has,'' said Sen. Jack Reed (D–R.I.) ''It can be quite effective. Instead of just her giving a speech, we follow and say 'Let me tell you specifics.' ''

''It's a new day around here,'' said Sen. Mark Pryor (D–Ark.). ''All the organization skills she can muster, we need at this point.''

That organization begins with Murray. And the dynamic of these two women—both rooted in Appropriations—is the most intriguing of the battle ahead.

It is an alliance both new and old at once.

Mikulski took over the chairmanship of Appropriations in December last year after the sudden death of Sen. Daniel Inouye (D–Hawaii.) Weeks later, Murray took the gavel at Budget, replacing North Dakota Sen. Kent Conrad, the committee's long time top Democrat and chairman who retired at the end of the last Congress.

At one level, the 63-year-old Murray is junior to Mikulski. At another, she has moved well ahead by taking on tasks in the party leadership which the matriarchal Mikulski stepped back from even as her Senate contemporary and old House mate, Sen. Harry Reid (D–Nev.) advanced.

For Reid, a veteran of Appropriations and now Majority Leader, the emergence of this Mikulski-Murray alliance is a huge asset as seen in last month's shutdown crisis.

It was popular in the press then to credit a bipartisan coalition of women—led by Sen. Susan Collins (R–Maine)—with driving the final outcome. But in fact, it was two women, Mikulski and Murray, who took the opposite stand. And inside the Democratic caucus, they proved pivotal for Reid in holding firm against the Collins plan.

''We liked the Collins effort . . . It had dignity. It had intellectual rigor,'' Mikulski said looking back. But the plan itself, which envisioned a CR through January 30, risked disaster for Appropriations. It did nothing to

stop sequestration and despite Collins' best intentions, left the door open to what Mikulski feared would be simply another eight month CR after that.

But take away gender, this Mikulski-Murray alliance is really a return to past practice for the Senate.

For most of its history, under Republicans or Democrats, the Senate Budget Committee has been led by chairs bred in Appropriations. Think back to Sens. Pete Domenici (R–N.M.), Lawton Chiles (D–Fla.) Jim Sasser (D–Tenn.) or Judd Gregg (R–N.H.).

In this context, the long tenure of Conrad, a product of the Senate Finance Committee, was more the exception than the rule—now restored by the arrival of Murray.

''She actually understands what we do and what we need to do to do our job,'' Mikulski said.

The flip side of this coin is that Mikulski must also help Murray do her job on Budget. Time and again through Senate history, budget resolution votes have been decided by Appropriations members falling in line—or crossing the aisle—in the name of moving ahead. If Murray gets a deal with House Budget Committee Chairman Paul Ryan (R–Wis.), Mikulski's support will be needed to sell it to the Senate.

Two very different pressure points are available to her.

First are the Republicans with whom Mikulski has worked on Appropriations and have their own vested interests in a budget deal. Second are Democratic liberals where Mikulski can provide political cover on tough votes given her progressive credentials and history alongside the late Sen. Edward Kennedy (D–Mass.).

Alabama Sen. Richard Shelby, the ranking Republican on Appropriations, was still a Democrat in the House in the 80's when he and Mikulski served together on the Energy and Commerce Committee. They came over together to the Senate in 1986 and are their own Mutt-and-Jeff pair, taking alternative turns running the Commerce, Justice and Science subcommittee.

''We've got a history,'' Shelby said. ''We both would like a [topline] number being appropriators. When I was down at the White House with the president, I told him the reason we're here mainly is because we've had an appropriations breakdown.''

Given Republican politics, Mikulski knows that Shelby can't be as outspoken as she is for a budget deal. But she was worked to enlist him and House Appropriations Committee Chairman Hal Rogers (R–Ky.) to keep the pressure on for a swift conclusion to the budget talks.

''I asked him if he would encourage the timeline of sooner rather than later,'' Mikulski said of Shelby. In the same vein, she signed onto a recent letter with Rogers that urged negotiators to have an answer by Thanksgiving—leaving time for Appropriations to have an omnibus bill in place by early January.

''What [Rogers] and I share is sequester,'' Mikulski said. ''If we go to sequester, we're cooked.''

But Ryan will want Democratic pain to get to a deal. And the day may come when Mikulski has to choose between more chaos for her committee or a compromise that entails savings from sensitive areas like Medicare or federal workers.

''I've got to see what's exhausted before I go down that road,'' she says, quickly ducking any commitment. ''Do you mean to tell me there is not one loophole [Republicans] are willing to close?

''I'm convinced that Patty can still have room for a deal . . . I don't want to speculate on the array of things that she has to take to the table. It's premature.''

Kennedy's memory is important here. Mikulski has no pretensions of having the same status as her late friend. But their history is rich, and just as Kennedy could be a swing vote for the left, she may also have to play that role.

At the 1980 Democratic convention—having lost the nomination battle to President Jimmy Carter—Kennedy tapped Mikulski, then a young congresswoman, to introduce him before his ''Dream Shall Never Die'' speech.

''You know what: I kept the dress,'' Mikulski said. ''I told him I would keep it until he was president. It became a standard joke. I told him I looked at it longingly.''

''And he said 'Because you would like to see me as president?'" Mikulski said. ''And I said, 'No cause I want to be able to fit into the damn thing.' ''

Mr. JOHNSON of South Dakota. Mr. President, Congress is facing two fast-approaching budget deadlines: December 13 for a budget deal and January 15 for a funding bill to avert another government shutdown. Given the complexity of the issues, the brief window of opportunity, and the upcoming holiday season, meeting those deadlines will be a challenge. But it is a challenge Congress must meet. If we don't get a budget deal, we don't get a budget topline; we don't get any relief from sequestration; we can't write the 2014 appropriations bills, and we default to a year-long CR. That is a nightmare scenario.

A long-term CR is the worst way to fund the government. It merely recycles last year's funding levels to meet this year's funding priorities. That makes as much sense as using last year's canceled checks to pay this year's bills.

The military construction Program is the poster child for everything that is wrong with a CR. The 2014 Senate MILCON-VA bill includes $4.8 billion for the construction of hundreds of new-start MilCon projects throughout the United States. The 2013 bill—which sets the funding levels for the CR—funded a totally different set of MILCON projects, and the funding does not align with the 2014 program.

For example, the Army needs $½ billion less for MILCON in 2014, and the Air Force needs $800 million more. A CR written at 2013 levels would not reflect those requirements, meaning the Air Force would come up short while the Army would be awash in MILCON dollars it does not need. This would be a devastating blow for the Air Force because it took a pause in its MILCON Program last year. As a result, a CR at the 2013 level would fund less than 30 percent of the 2014 Air Force MILCON Program.

All of which could be moot because a CR also prohibits new starts. Without relief from that provision, 96 percent of the major MILCON Program would be on hold.

The MILCON bill funds mission-critical training and operational facilities, schools, hospitals, troop and family housing, and myriad other programs crucial to the work and well-being of our service members and their families. The 2014 Senate bill funds more than 200 new major MILCON projects in 39 States. And that does not include overseas MILCON or follow-on phases of ongoing projects.

Hundreds of thousands of Americans across the Nation go to work every day for contractors building MILCON projects. Government construction—whether it be MILCON, VA hospitals and clinics, or Federal roads, highways and bridges—is a major job generator. The Association of General Contractors estimates that every $1 billion in nonresidential construction generates 28,500 jobs.

For the 2014 slate of major MILCON projects alone, that amounts to nearly 137,000 new jobs. Multiply that by the annual Federal Government investment in nationwide construction projects, and it is clear that a robust government construction program is a wise economic investment on all fronts.

Even if the new-start prohibition were lifted, the 2014 sequester remains a threat to the military construction program. DOD estimates that a second round of sequestration could cost the MILCON Program as much as $1 billion, of which about half would come from new major construction projects. Under another round of sequestration, project deferrals or cancellations are almost guaranteed. The result would be a disruption of the MILCON Program and possibly thousands of lost job opportunities.

As chairman of the Senate Banking Committee, I am well aware of the Nation's precarious economic recovery. As an appropriator, I am equally aware of the need to adequately fund both Defense and domestic government programs.

The path to responsible government funding requires both revenue increases, through such means as closing tax loopholes and sensible spending cuts. Spending cuts alone cannot close the gap without crippling the economy.

Mr. President, Congress has a responsibility to govern. In the coming weeks, we must strive to achieve at minimum a 2-year budget deal, cancel sequestration for at least 2 years, and produce a governmentwide funding bill—what is commonly known as an omnibus by January 15. With the cooperation of all parties, that is an achievable goal. The American people deserve—and expect—no less.

AFRICAN WILDLIFE POACHING CRISIS

Mr. LEAHY. Mr. President, it was not very long ago that it seemed as if the ivory trade was on the decline and that the survival of African elephants in the wild was assured. In recent years, we have seen that confidence shattered, as thousands of these magnificent animals have been systematically killed for their tusks. Similarly, the rhinoceros, already endangered, is now in great jeopardy due to the voracious appetite in China and elsewhere

in Asia for concoctions manufactured from their horn which can fetch thousands of dollars per ounce.

Large-scale poaching of these and other wildlife species has become endemic in sub-Saharan Africa. It is estimated that up to 17,000 African elephants have been killed for their tusks since 2011, and just last month poachers used cyanide to poison 300 elephants in Zimbabwe. It was only a couple of years ago that we saw the extinction of the western black rhinoceros, another victim of rampant poaching. This devastating slaughter should serve as a deafening wake-up call to the world. It has implications that extend far beyond wildlife conservation.

The international ban on ivory sales enacted in 1989 had a positive, albeit temporary impact on the protection of elephant and rhinoceros populations, but it has since spawned a black market industry in wildlife and wildlife parts. As I mentioned, some of the market is in carved ivory products and potions prized in Asia for their supposed medicinal or other properties. But this illicit revenue is increasingly being used to fund violent extremist groups in the subcontinent. The profits from this trade fuels trafficking in weapons, drugs, and humans, as well as terrorism in the Horn of Africa, the Sahel, and beyond.

Vermonters take pride in being well informed about international affairs, as well as on the impact that we as individuals have on the world we live in. The people of my State know that many of the products we buy, services we support, and actions we take have global implications, positive and negative. That is why it was no surprise when more than 300 people gathered last month in the University of Vermont's Ira Allen Chapel to view the National Geographic documentary ''Battle for the Elephants'' and discuss the grave threat that poaching poses to the world's elephant population. The consensus was that while the outlook is ominous, the fact that people are increasingly focused on this crisis is reason for hope that these animals can be saved. Vermont's own Laurel Neme, a renowned environment and wildlife policy expert, noted that technological advancements, especially in regards to tracing the origins of illegal ivory, have made encouraging strides.

The United States has moral as well as strategic interests in combatting trafficking in wildlife and wildlife products. As I have mentioned, it is not only decimating elephant and rhinoceros populations it is also funding traffickers and terrorist groups. For these reasons, the Appropriations Subcommittee on State and Foreign Operations, of which I am chairman, included $45 million for fiscal year 2014 to combat wildlife poaching and trafficking, including by training and supporting African park rangers and other law enforcement officials. The Obama administration has also recognized the need to address this crisis more forcefully and is allocating additional resources.

Ultimately, it is the responsibility of the African countries to protect and conserve their wildlife populations. But they cannot do it alone. It is imperative that we work with them and other donor governments and organizations to martial the resources to combat the black market trade in wildlife.

SUPREME COURT POLICE AUTHORITY

Mr. LEAHY. Mr. President, since the early 1980s, Congress has provided legislative authority for Supreme Court Police to protect Supreme Court Justices, their employees, and guests when they leave the Supreme Court grounds. That authority is set to expire at the end of next month and merits extension. The House voted by an overwhelming majority of 399 to 3 to pass a bipartisan bill which would extend this authority through 2019. All Democrats have cleared this bill for passage. I urge the minority to do the same so the Senate may swiftly pass this extension to ensure the continued safety of our Supreme Court Justices and their employees.

TRIBUTE TO JOHN WOOD

Mr. MCCONNELL. Madam President, I rise today to pay tribute to an American hero who is also a proud and honored Kentuckian. Mr. John Wood of Glasgow, KY, will be honored this month for his service in uniform to our country. Mr. Wood served in the U.S. Marine Corps from 1941 to 1947, was present for the December 7, 1941 attack on Pearl Harbor, and was there at the Battle of Midway Island just months after America entered World War II.

After his military service, Mr. Wood settled in Glasgow, where he worked as a radio broadcast engineer from 1949 to 1990. He is a true legend from the Greatest Generation who still has much to teach us younger folks.

This November 18, Mr. Wood will be honored at Glasgow City Hall. Also, local officials in Glasgow, Cave City, and Barren County will join with local veterans' organizations in Kentucky to proclaim November 20 as ''John Wood Day'' in Barren County. Coincidentally, on November 20, Mr. Wood will also turn 93 years old. I cannot think of a better tribute to this fine man's service than to recognize him on his birthday.

My fellow Kentuckians can turn out to see Mr. Wood when he serves as the Grand Marshal for the Cave City Christmas Parade later this year, and also as a featured guest in the Glasgow Christmas Parade. These will be wonderful community events to bring Kentuckians together to honor John Wood's service and to say thank you to all veterans in the Christmas spirit.

I know I speak for my colleagues in the U.S. Senate when I express gratitude to Mr. John Wood for his service to our great Nation. Kentucky is proud to have him in our midst. I want to wish him a very happy birthday, a happy John Wood Day, and a Merry Christmas and a Happy New Year.

Recently an article appeared in a Kentucky publication, the Sanford Herald, highlighting Mr. Wood's life of service. I ask unanimous consent that the full article be printed in the RECORD.

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

[From the Sanford Herald, November 9, 2013]

MARINE VET RECOUNTS PEARL HARBOR, MIDWAY

JOHN E. WOOD REMEMBERS HIS SERVICE IN THE PACIFIC

(By Anna Johnson)

SANFORD.—When the first Imperial Japanese plane burst into a ball of fire, John E. Wood thought he saw something else fall toward the small Hawaiian island where he was stationed in 1942.

''I saw something drop from the plane,'' Wood said. ''I thought at first he had bailed out. A little closer you could tell it wasn't the pilot. It was a silver bomb.''

It was just a few seconds later when the bombs fell in unison toward the Marine Corps 6th Defense Battalion, destroying plane hangars, power stations, and a cluster of above-ground fuel tanks near Wood.

''I got half nauseated from the smoke and all of those guns being fired,'' Wood said. ''There were fuel tanks burning. The island was just, almost, engulfed with smoke. And then the planes dropped all their bombs.''

Wood, a former Lee County resident, manned a .50-caliber machine gun—''They were airplane guns, but they had mounts so they could rotate''—when the Imperial Japanese planes began to fly toward and over Midway Atoll on June 4, 1942.

''We could see them off in the distance,'' Wood said. ''Two or three planes would go down, a plume of smoke behind them. Off the shore away, you'd see a splash when one would go down We were ordered to fire when they got in range.''

One plane, tilting from damage to its left tail, came into close range near Wood, giving them a close encounter with the pilot.

''He was dressed up,'' Wood said. ''He had a white shirt and black coat and black tie. The gloves, he had white gloves on his hands. Every gun there on through the center of the island opened up on him. He was shot down.''

The Battle of Midway, a decisive victory for the United States and a turning point in the Pacific theater during World War II, came just six months after the attacks on Pearl Harbor—a battle Wood witnessed, rifle in hand.

IT WAS SOMETHING TO DO FOR A LIVELIHOOD

Wood, 92, was born in Montgomery County, near Troy. He grew up in Lee County with his parents, John Lee Wood and Nancy Phillips Wood, and two brothers, Malphus and Thomas.

''My first school was the old McIver Street School, and Edna St. Clair was my teacher,'' he said. ''When I was finished over at McIver Street, I started over at the high school and that was in 1934.''

Wood spent two years in the Civilian Conservation Corps—a public-relief program meant to relieve families who faced difficulties during the Great Depression—before enlisting in the Marine Corps in 1941.

''I really didn't have anything else to do at the time,'' he said. ''At the time I enlisted, it was something to do for a livelihood. And

I had a brother already in the Marine Corps.''

Wood joined the 4th Defense Battalion as a radio and radar operator, traveling to Cuba, Panama, and along the west coast of the United States. The day after his 21st birthday, aboard the U.S.S. *Henderson*, Wood left San Diego and arrived at Pearl Harbor on Dec. 1, 1941.

''We were there a week when the Japanese attacked Pearl Harbor and Hickam Field,'' he said.

PEARL HARBOR

Wood was stationed two miles from the entrance of Pearl Harbor at an unfinished Marine base. The battalion's rifles were still crated up when Imperial planes began to fire.

''We were still close enough to Pearl Harbor to see when the Japanese planes began to attack,'' he said. ''In Hickam Field we could see all the anti-aircraft fire being fired at the planes down in the harbor area. All the smoke and anti-aircraft fire burst around the planes.''

There were murmurs among the men about military maneuvers or exercises that quickly evaporated when the first plane burst into a fireball, streaking down, he said.

''We got the call from the harbor that we were under attack,'' Wood said. ''They tore the crates open, without any regard if you got your own rifle. They gave us a bandolier and told us to fire on anything that came into range. We got our rifles but we weren't sure where we were going.''

Only one Japanese plane, possibly taking pictures, Wood said, came near his group.

''There was one Japanese plane that circled our camp area, and he wasn't in range to be firing on,'' he said. ''But some of the boys were firing rifles at it, and we did get a machine gun, .50-caliber, and began firing at it, but the plane was still too far away. It circled and went back in the direction of Honolulu.''

There were no causalities or injures in the 4th battalion, but more than 2,000 Americans lost their lives and another 1,000 were injured. Shots were fired over their heads, Wood said, and they were forced into a nearby mess hall—a military cafeteria—to avoid the gunfire.

''It wasn't the Japanese,'' he said. ''It was our own shells from some of our guns. We didn't know where it was coming from . . . but I was lying there as close to the ground as I could get and there was another boy lying eight or 10 inches from my head. We both had our hands over our heads, and finally they did quit firing and we just laid there for a few seconds. We finally got the nerve to look up, and we raised our heads at the same time. I looked at him, and he looked at me. Neither of us spoke, but I noticed his face was white as a sheet. I just wondered to myself if my face was as white as his. That was my most uneasy moment of it all.''

The next day, Wood listened to the declaration of war from President Franklin Roosevelt and preparations began for his 15-month tour at Midway as part of the 6th Defense.

In 1943, he arrived home in Lee County sometime between 1 or 2 p.m., and said simply his parents were glad to see him.

''I was kinda glad to get back home, too,'' Wood said.

He left the military in April 1947, moved to Kentucky and worked at a radio station for more than 40 years. He married the late Glindoln and had three children.

Wood comes back to Central Carolina almost every summer for a family reunion, he said.

This Veterans Day, Wood said he'll be attending a ceremony and meeting with the Kentucky Bluegrass Chapter of the Pearl Harbor Survivors Association.

''I do think being at both of those two places, well, they are important events in the military history of our country,'' Wood said. ''I do feel a little bit of pride for being at both of those events.''

NOMINATIONS

Mrs. GILLIBRAND. Mr. President, I rise to offer my strong support for Ms. Nina Pillard to be a U.S. district court judge for the District of Columbia Circuit.

Nina Pillard is an exemplary nominee who is more than qualified to serve on the Federal bench.

She has been a tenured professor of constitutional law at Georgetown University Law Center for 15 years and is a highly accomplished litigator who has practiced law at every level of the court system, including the Supreme Court.

Nina Pillard's impressive professional background makes her superbly qualified to serve on the DC Circuit. Her sheer talent, legal prowess, and vast and varied professional career is a testament to her brilliance.

She has argued nine cases before the U.S. Supreme Court and briefed dozens of others on significant constitutional questions such as gender equality, the Family Medical Leave Act, the right to a jury trial, and free speech.

Over the course of her 25-year legal career, Ms. Pillard has argued and/or briefed landmark Supreme Court cases, including United States v. Virginia, where she successfully opened the doors of the Virginia Military Institute to female cadets.

Nina attended Harvard Law School, where she was editor of the Harvard Law Review. She began her career as a clerk for the U.S. District Court for the Eastern District of Pennsylvania for the Honorable Louis H. Pollak and served as assistant counsel for the NAACP Legal Defense and Education Fund. She then joined the office of the Solicitor General of the United States, where she briefed and argued cases on behalf of the Federal Government before the Supreme Court. In 1998, she was named Deputy Assistant Attorney General for the Department of Justice's Office of Legal Counsel.

Nina is a board member for the American Arbitration Association and is an active reader for the American Bar Association Reading Committee, which evaluated the writings of Supreme Court nominee Samuel Alito for the Standing Committee on Federal Judiciary. She also is a member of the Georgetown Law Supreme Court Institute and serves on the Board of Academic Advisors for the Georgetown Journal of Gender and the Law. Previously, she served as a member of the American Constitution Society and the Center for Transnational Legal Studies.

However, some of my colleagues are once again blocking another highly qualified and immensely talented woman. The filibuster of Caitlin Halligan, Patricia Millett, and the threatened filibuster of Nina Pillard is history repeating itself.

Some of my colleagues on the other side of the aisle have argued that the three remaining vacancies on the DC Circuit should be eliminated because the court's caseload is too low.

What they have failed to mention is that the DC Circuit Court currently has 8 active judges and 6 senior judges with an astonishing caseload total of 1,479. This outrageous argument was made just over 7 months ago, when another highly qualified female nominee to the DC Circuit, and New Yorker, Caitlin Halligan, was filibustered.

It should also be noted that in the last 19 years, the Senate has confirmed only one woman to this important court. Furthermore, the DC Circuit has only had five female judges during its entire 120-year history. In a country where women make up over half of the population, that is a disgraceful statistic and one this body can take steps to eliminate immediately.

It is absolutely necessary that the Senate confirm supremely qualified individuals such as Nina Pillard to serve on the Federal judiciary. Her experience is unmatched and her passion for the law is unquestioned. With a caseload as high as that of the DC Circuit, it is our responsibility in the Senate to act swiftly in confirming the President's nominees. We cannot continue nor can we afford to toss out highly experienced individuals, particularly such accomplished women to serve in our Federal Judiciary because of political gamesmanship. The time to act is now.

TRIBUTE TO JAMES ''BOB'' CURRIEO

Mr. MCCAIN. Mr. President, I rise today to recognize the service and contributions to the State of Arizona and the Nation of James ''Bob'' Currieo. Bob spent his life serving our country as a soldier; a leader in the veterans community; and, for the last 17 years in my office, a valued advocate for constituents and veterans. Bob, 79 years young, retires this month.

Serving the residents of Arizona is one of the great pleasures of my office. When my constituents request assistance in matters dealing with the government, I try, as all my colleagues do, to move quickly to provide a fair and effective path for them to seek redress. And, in this regard, I have been lucky to have had a constituent-advocate of Bob's experience and caliber.

The experience that Bob brought to his working with me was informed by 22 years of service in the U.S. Army, retiring with the rank of sergeant major. Following decorated service in the Korean war, a fortunate assignment to the U.S. Army Combat Surveillance School at Fort Huachuca brought Bob to Sierra Vista and introduced him to a State that he would

quickly come to love and consider home.

I first met him in 1982 while he was serving as the newly elected National Commander-in-Chief of the Veterans of Foreign Wars. He was then, and remains today, a quiet but powerful force—a man whose soft-spoken words resonate among those around him. Despite his humble, modest demeanor, his talent for leadership and dedication to our Nation's veterans is immediately evident.

In 1984, Bob was invited by the State Department to join a U.S. delegation as an observer of El Salvador's first election in 50 years. I was also on that trip, and remember a long discussion we had about veterans and politics, two of Bob's interests. In 1986, I asked him to join my Arizona staff. Ever in demand, he departed for a period to serve as an executive in the VFW in Washington, DC, where I kept tabs on him. In 1996, Bob was ready to return to Arizona and I leapt at the chance to have him back on my staff.

From that time until just recently, he devoted himself to helping me work on behalf of veterans. On my many trips back home, as I checked in with Fort Huachuca, Davis Monthan, and our veterans communities, I always heard the same message, ''You are lucky to have a man like Bob Currieo on your team.'' I wholeheartedly agree.

In the nearly 20 years that Bob served in my office, he opened more than 8,000 cases. That is 8,000 servicemembers, veterans, military spouses and families who called out for help—calls that I am proud were answered on my behalf by a man as capable and caring as Bob. I thank him for his contributions to my team, his wise counsel, and his unwavering friendship.

As the late Coach Abe Lemons once said, ''The trouble with retirement is that you never get a day off.'' I know that my friend Bob won't face that dilemma—that he will remain active with the VFW and in his community as he embarks on the next exciting chapter of his life. I wish Bob and his wife Cecilia a long and happy retirement—filled with many joyful days and beautiful Tucson sunsets together.

RESTORING THE 10TH AMENDMENT ACT

Mr. WICKER. Mr. President, today I wish to express my support for the Restoring the 10th Amendment Act—S. 1643. This legislation, which I have introduced with nine of my colleagues, represents an effort to ensure that States' rights are protected against further Federal encroachment.

Ratified and signed into law on December 15, 1791, the 10th Amendment is integral to the system of checks and balances that our Founding Fathers conceived. The Founders were right to be concerned that the Federal Government would seek to usurp powers belonging to the States. They understood that limitless Federal power was a threat to the future of our democracy.

In The Federalist No. 45, James Madison notes the difference between Federal and State power. He describes the powers that the Constitution grants to the Federal government as ''few and defined.'' He calls the powers left to the States as ''numerous and indefinite.''

Today, we can plainly see how wise our Founders were. As we enter into the second term of the Obama administration, Federal regulatory overreach has become an intrusive part of everyday life in the United States. From the President's sweeping health-care law to the extreme rulemaking of the Environmental Protection Agency, there is virtually no aspect of Americans' lives that escapes the creeping reach of Federal regulators.

The Restoring the 10th Amendment Act seeks to reverse this trend and to level the playing field by giving States a new tool to challenge Federal overreach. Specifically, it provides special standing in court for State government officials to dispute inordinately sweeping regulations issued by Federal agencies. Any rule proposed by a Federal agency would be subject to constitutional challenges if certain State officials determine that the rule infringes powers reserved to the States under the 10th Amendment. In this way, the bill would reinforce the safeguards in our existing system of constitutional checks and balances.

Americans have the right to expect the members they elect to Congress to uphold the Constitution's founding principles. It is our responsibility to ensure that the executive branch is held accountable for any overreach of its constitutionally defined powers.

This bill recognizes that the 10th Amendment is as important today as it was on the date of its ratification. It would keep the executive branch accountable and preserve the integrity of our constitutional system of checks and balances. Senators COCHRAN, GRASSLEY, ISAKSON, SESSIONS, ROBERTS, THUNE, INHOFE, CRAPO, RISCH, ENZI, and CORNYN have joined me as cosponsors.

I urge all of my colleagues to support the prompt passage of the Restoring the 10th Amendment Act.

ADDITIONAL STATEMENTS

TRIBUTE TO LEW W. CRAMER

• Mr. HATCH. Mr. President, today I wish to recognize a dedicated business man, public servant and friend for his exemplary service in my home State of Utah. Lew Cramer will retire after a distinguished career building international trade in Utah and supporting exports for the United States.

Mr. Cramer began his career earning a bachelor's and law degree from Brigham Young University in Provo, UT. It was many years later that he returned to co-found World Trade Center Utah, an organization which has been instrumental in Utah's economic success. Through the World Trade Center, Mr. Cramer connects Utah firms with new business opportunities around the world. It is thanks to the efforts of hardworking men like Mr. Cramer that, in this time of economic hardship, Utah is the only State in the Nation showing positive export growth year over year for the past decade. With the pioneering spirit of a true Utahn, Mr. Cramer has helped our companies take advantage of export opportunities creating quality, stable jobs in Utah.

Before his time in Utah, Mr. Cramer spent many years in public service. He served as Director General of the U.S. Commercial Service during President George H.W. Bush's administration, directing the activities of 1,400 commercial officers at more than 150 embassies worldwide, as well as in 65 offices throughout the United States. During the Reagan administration, he served as a White House fellow, a Deputy Assistant Commerce Secretary and as the Assistant Secretary of Commerce for International Trade.

Mr. Cramer has worked extensively in the global telecommunications and broadband sectors, including serving as vice president for MediaOne International and US WEST, where he was responsible for their international government and multilateral financial institution relations and public policy for numerous wireless and broadband investments in more than 30 countries. Mr. Cramer shares his vast experience through education. He has taught international business at Georgetown University and the University of Southern California.

I would like to wish my friend the very best in his retirement and to profoundly thank him for his exemplary record of service to Utah and to our Nation.•

RECOGNITION OF PROFESSORS OF THE YEAR

• Mr. UDALL of Colorado. Mr. President, today I wish to congratulate the four national winners of the U.S. Professors of the Year Award. Since 1981 this program has recognized outstanding undergraduate instructors throughout the country. In addition to the national winners, a State Professor of the Year was also recognized in 36 States. This year, I am very proud to say that Colorado has the exceptional distinction of being home to two of the four national winners: Ann Williams at the Metropolitan State University of Denver and Steven Pollock at the University of Colorado at Boulder.

While the prestigious Professor of the Year Awards recognizes professors from diverse institutions and fields of study, this year's honorees all share a strong commitment to the art of teaching and to their students. Recipients are proven innovators who drive their fields and their colleagues forward, through both their energy and their enthusiasm. These educators are shaping

the next generation of American leaders and should be recognized for the critical role they play in moving our country forward.

I am especially proud to celebrate the two national winners from my State of Colorado. Ann Williams is a Professor of French at Metropolitan State University and is being recognized as the Outstanding Baccalaureate College Professor of the Year. The judges noted her inspirational and innovative teaching of the French language and the cultures of French-speaking countries. She has served her campus community through leadership in her department and institution, her State through participation with a task force on academic standards, and her profession as an author and presenter on pedagogical issues, a textbook writer, a consultant to the Advanced Placement Program, and winner of an award for one of the 10 best practices courses in the country.

Steven Pollock, Professor of Physics at CU-Boulder, has been chosen as the Outstanding Doctoral and Research Universities Professor of the Year. He brings an enthusiasm to his research that stirs excitement for learning in both his undergraduate and graduate students. His innovative methods of teaching and student assessment have been widely adopted through materials he makes publically available, and he has further offered his time to help others integrate them in their courses, fields, and institutional settings. He is also the developer of the highly regarded Student Learning Assistant Program, a mentor to undergraduate physics majors, and author of two popular Learning Company video courses on physics.

Our success as a nation is in no small part due to the leadership and passion of professors like Ann Williams and Steven Pollock. These educators know that focusing on student achievement is critical to fostering the innovation and creativity necessary to make Colorado and our Nation a leader in 21st-century job creation. I wish all the winners the very best in their endeavors. Congratulations and best regards.

The four national award winners are:

Outstanding Baccalaureate Colleges Professor of the Year: Ann Williams, Professor of French, Metropolitan State University of Denver

Outstanding Community Colleges Professor of the Year: Robert Chaney, Professor of Mathematics, Sinclair Community College

Outstanding Doctoral and Research Universities Professor of the Year: Steven Pollock, Professor, University of Colorado at Boulder

Outstanding Master's Universities and Colleges Professor of the Year: Gintaras Duda, Associate Professor, Creighton University

THE 36 STATE WINNERS ARE

Alabama: Laura Stultz, Professor of Chemistry, Birmingham-Southern College.

Arizona: Amber Wutich, Associate Professor of Anthropology, Arizona State University.

California: Manoutchehr Eskandari-Qajar, Professor of Political Science and Middle East Studies; Chair, Political Science and Economics Department, Santa Barbara City College.

Connecticut: Michelle Loris, Professor of English and Psychology, Sacred Heart University.

Delaware: Harold Bancroft White, Professor of Biochemistry, University of Delaware.

Florida: Thomas Moore, Archibald Granville Bush Professor of Natural Science and Professor of Physics, Rollins College.

Georgia: Mulatu Lemma, Chair of Department of Mathematics, Savannah State University.

Illinois: Jeffrey Boshart, Professor of Art Foundations/Sculpture, Eastern Illinois University.

Indiana: Robert Palumbo, Alfred W. Sieving Chair of Engineering and Professor of Mechanical Engineering, Valparaiso University.

Iowa: Paul Kimball, Science Professor, Northeast Iowa Community College.

Kansas: Gregory Eiselein, Professor of English, Kansas State University.

Kentucky: Mark Lucas, Jobson Professor of English, Centre College.

Maryland: Gregory Wahl, Associate Professor, Department of English, Montgomery College.

Massachusetts: Susan Rodgers, Professor of Anthropology and W. Arthur Garrity Sr. Professor, College of the Holy Cross.

Michigan: Steve Wolfinbarger, Professor of Music (Trombone), Western Michigan University.

Minnesota: Brian Wisenden, Professor of Biology, Minnesota State University Moorhead.

Mississippi: William Kelleher Storey, Professor of History, Millsaps College.

Missouri: Terrence Freeman, Professor of Mechanical Engineering, St. Louis Community College at Florissant Valley.

Montana: Sara Mae Glasgow, Professor of Political Science, University of Montana Western.

Nebraska: Matthew Huss, Professor of Psychology, Creighton University.

New Hampshire: Vicki May, Instructional Associate Professor of Engineering, Dartmouth College.

New Jersey: Linda Wang, Professor, Math Department, Brookdale Community College.

New York: Curt Stager, Professor of Natural Sciences, Paul Smith's College.

North Carolina: Christopher Cooper, Associate Professor of Political Science and Public Affairs, Western Carolina University.

Ohio: John Ritter, Professor of Geology and Director of Environmental Science, Wittenberg University.

Oklahoma: Mary Phillips, Associate Professor of Biology, Tulsa Community College.

Oregon: Sammy Basu, Professor of Politics, Willamette University.

Pennsylvania: David Bartholomae, Professor of English and Charles Crow Chair, University of Pittsburgh.

Rhode Island: Cheryl Foster, Professor of Philosophy, University of Rhode Island.

South Carolina: Joe Dunn, Charles A. Dana Professor and Chair, Department of History and Politics, Converse College.

South Dakota: James D. Feiszli, Professor of Humanities and Director of Music Activities, South Dakota School of Mines and Technology.

Texas: Ceilidh Charleson-Jennings, Professor of Communication Studies, Collin College.

Utah: Joyce Kinkead, Professor of English, Utah State University.

Virginia: Scott Boltwood, Professor of English and Drama; Chair, English Department, Emory and Henry College.

Washington: Scott Linneman, Professor of Geology, Western Washington University.

Wisconsin: Victor Macias-Gonzalez, Professor of History and Women's Gender and Sexuality Studies, University of Wisconsin-La Crosse.●

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 1:30 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker had signed the following enrolled bills:

S. 330. An act to amend the Public Health Service Act to establish safeguards and standards of quality for research and transplantation of organs with human immunodeficiency virus (HIV).

S. 893. An act to provide for an increase, effective December 1, 2013, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. LEAHY).

At 2:17 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 982. An act to amend title 11 of the United States Postal Code to require the public disclosure by trusts established under section 524(g) of such title, of quarterly reports that contain detailed information regarding the receipt and disposition of claims for injuries based on exposure to asbestos; 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. 982. An act to amend title 11 of the United States Code to require the public disclosure by trusts established under section

524(g) of such title, of quarterly reports that contain detailed information regarding the receipt and disposition of claims for injuries based on exposure to asbestos; and for other purposes; to the Committee on the Judiciary.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, November 14, 2013, she had presented to the President of the United States the following enrolled bills:

S. 330. An act to amend the Public Health Service Act to establish safeguards and standards of quality for research and transplantation of organs infected with human immunodeficiency virus (HIV).

S. 893. An act to provide for an increase, effective December 1, 2013, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

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–3544. A communication from the Assistant Secretary of Energy (Energy Efficiency and Renewable Energy), transmitting, pursuant to law, the semi-annual Implementation Report on Energy Conservation Standards Activities of the Department of Energy; to the Committee on Energy and Natural Resources.

EC–3545. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Removal of the Regulation for the National Low Emission Vehicle Program'' (FRL No. 9902–53–Region 3) received in the Office of the President of the Senate on November 6, 2013; to the Committee on Environment and Public Works.

EC–3546. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Tennessee; Infrastructure Requirements for the 2008 Lead Ambient Air Quality Standards; Correction'' (FRL No. 9902–65–Region 4) received in the Office of the President of the Senate on November 6, 2013; to the Committee on Environment and Public Works.

EC–3547. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Texas; Procedures for Stringency Determinations and Minor Permit Revisions for Federal Operating Permits'' (FRL No. 9902–50–Region 6) received in the Office of the President of the Senate on November 6, 2013; to the Committee on Environment and Public Works.

EC–3548. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to groups designated by the Secretary of State as Foreign Terrorist Organizations (OSS 2013–1728); to the Committee on Foreign Relations.

EC–3549. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel (OSS–2013–1730); to the Committee on Foreign Relations.

EC–3550. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel (OSS–2013–1729); to the Committee on Foreign Relations.

EC–3551. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to sections 36(c) and 36(d) of the Arms Export Control Act (DDTC 13–0104); to the Committee on Foreign Relations.

EC–3552. A communication from the Director of the National Gallery of Art, transmitting, pursuant to law, the Gallery's Inspector General Report for fiscal year 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–3553. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Establishment of the Big Valley District-Lake County and Kelsey Bench-Lake County Viticultural Areas and Modification of the Red Hills Lake County Viticultural Area'' (RIN1513–AB99) received in the Office of the President of the Senate on October 30, 2013; to the Committee on the Judiciary.

EC–3554. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Establishment of the Ballard Canyon Viticultural Area'' (RIN1513–AB) received in the Office of the President of the Senate on October 30, 2013; to the Committee on the Judiciary.

EC–3555. A communication from the General Counsel of the National Tropical Botanical Garden, transmitting, pursuant to law, a report of a delay in the submission of the audit report for the year ending December 31, 2012; to the Committee on the Judiciary.

EC–3556. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, an annual report relative to the activities and operations of the Public Integrity Section, Criminal Division, and the nationwide federal law enforcement effort against public corruption; to the Committee on the Judiciary.

EC–3557. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Establishment of the Moon Mountain District Sonoma County Viticultural Area'' (RIN1513–AC00) received in the Office of the President of the Senate on October 30, 2013; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MENENDEZ, from the Committee on Foreign Relations, without amendment:

S. Res. 292. A resolution expressing support for the victims of the typhoon in the Philippines and the surrounding region.

S. 657. A bill to eliminate conditions in foreign prisons and other detention facilities that do not meet primary indicators of health, sanitation, and safety, and for other purposes.

S. 1683. A bill to provide for the transfer of naval vessels to certain foreign recipients, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. MENENDEZ for the Committee on Foreign Relations.

Michael G. Carroll, of New York, to be Inspector General, United States Agency for International Development.

*Daniel W. Yohannes, of Colorado, to be Representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador.

*Elizabeth Frawley Bagley, of the District of Columbia, to be an Alternate Representative of the United States of America to the Sixty-eighth Session of the General Assembly of the United Nations.

*Theodore Strickland, of Ohio, to be an Alternate Representative of the United States of America to the Sixty-eighth Session of the General Assembly of the United Nations.

*Stephen N. Zack, of Florida, to be an Alternate Representative of the United States of America to the Sixty-eighth Session of the General Assembly of the United Nations.

*Heather Anne Higginbottom, of the District of Columbia, to be Deputy Secretary of State for Management and Resources.

*Sarah Sewall, of Massachusetts, to be an Under Secretary of State (Civilian Security, Democracy, and Human Rights).

*Richard Stengel, of New York, to be Under Secretary of State for Public Diplomacy.

*Carolyn Hessler Radelet, of Virginia, to be Director of the Peace Corps.

*Anthony Luzzatto Gardner, of New York, to be Representative of the United States of America to the European Union, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Nominee: Anthony Luzzatto Gardner.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information conained in this report is complete and accurate.)

Contributions, amount, date, donee:

Self: $250, 01/02/2010, Gillibrand for Senate; $500, 08/10/2011, Obama Victory; $500, 08/10/2011, Obama for America.

Spouse: Alejandra Mac-Crohon: None.

Children and Spouses: Nicolas Gardner, Alejandra Gardner: None.

Parents: Richard Gardner: $1,000, 04/25/2012, Elizabeth Warren; Danielle Gardner: Deceased.

Grandparents: Bruno Luzzatto, deceased; Resy Luzzatto, deceased; Samuel Gardner, deceased; Ethel Gardner, deceased.

Sisters and Spouses: Nina Luzzatto Gardner: $1,000, 04/03/2012, Elizabeth Warren; $250, 09/29/2010, Tom Perriello; $250, 09/30/2012, Elizabeth Esty; $250, 09/15/2009, Barbara Boxer; $500, 06/15/2011, Elizabeth Esty; $250, 09/27/2012, Dan Maffei; $500, 09/30/2009, Dem Congrsl Campgn; Francesco Olivieri: None.

*Amy Jane Hyatt, of California, a Career Member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Palau.

Nominee: Amy Jane Hyatt.

Post: Palau.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: N/A.

3. Children and Spouses: Emma Hyatt, none; Zachary Rishling, none.

4. Parents: Renée L. Hyatt, deceased, none; Ernest B. Hyatt, deceased none.

5. Grandparents: Simon Hyatt, deceased, none; Rose Hyatt, deceased, none; Clara Lang, deceased, none; Milton Lang, deceased, none.

6. Brothers and Spouses: Glenn S. Hyatt, none; Suzanne Hyatt, none.

7. Sisters and Spouses: N/A.

By Mr. LEAHY for the Committee on the Judiciary.

Carolyn B. McHugh, of Utah, to be United States Circuit Judge for the Tenth Circuit.

Pamela L. Reeves, of Tennessee, to be United States District Judge for the Eastern District of Tennessee.

Vince Girdhari Chhabria, of California, to be United States District Judge for the Northern District of California.

James Maxwell Moody, Jr., of Arkansas, to be United States District Judge for the Eastern District of Arkansas.

Amos Rojas, Jr., of Florida, to be United States Marshal for the Southern District of Florida for the term of four years.

Peter C. Tobin, of Ohio, to be United States Marshal for the Southern District of Ohio for a term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. MARKEY (for himself, Mr. KIRK, and Mr. BLUMENTHAL):

S. 1700. A bill to amend the Children's Online Privacy Protection Act of 1998 to extend, enhance, and revise the provisions relating to collection, use, and disclosure of personal information of children, to establish certain other protections for personal information of children and minors, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. BALDWIN (for herself, Mr. WYDEN, and Mr. UDALL of Colorado):

S. 1701. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to strengthen Fourth and Fifth Amendment Protections and freedoms of citizens of the United States and ensure greater transparency and oversight of the ability of the Federal Government to collect information and conduct surveillance on the private lives of citizens of the United States; to the Committee on the Judiciary.

By Mr. LEE (for himself, Mr. RUBIO, and Mr. CRUZ):

S. 1702. A bill to empower States with authority for most taxing and spending for highway programs and mass transit programs, and for other purposes; to the Committee on Finance.

By Ms. MURKOWSKI:

S. 1703. A bill to require the provision of information to members of the Armed Forces on availability of mental health services and related privacy rights; to the Committee on Armed Services.

By Mr. DURBIN (for himself and Mr. FRANKEN):

S. 1704. A bill to expand the use of open textbooks in order to achieve savings for students; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Mrs. GILLIBRAND, and Mr. MARKEY):

S. 1705. A bill to provide a Federal charter for the National Fab Lab Network, a national network of local digital fabrication facilities providing community access to advanced manufacturing tools for learning skills, developing inventions, creating businesses, and producing personalized products; to the Committee on the Judiciary.

By Mr. BROWN (for himself, Mr. CASEY, Mr. DURBIN, Mrs. MURRAY, Mr. HARKIN, Mr. FRANKEN, Mr. BLUMENTHAL, and Mrs. BOXER):

S. 1706. A bill to amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury to issue prospective guidance clarifying the employment status of individuals for purposes of employment taxes and to prevent retroactive assessments with respect to such clarifications; to the Committee on Finance.

By Mr. HELLER (for himself and Ms. HEITKAMP):

S. 1707. A bill to exclude consideration as income under the United States Housing Act of 1937 payments of pensions made under section 1521 of title 38, United States Code, to veterans who are in need of regular aid and attendance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MERKLEY (for himself, Ms. AYOTTE, and Mr. SCHATZ):

S. 1708. A bill to amend title 23, United States Code, with respect to the establishment of performance measures for the highway safety improvement program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KIRK (for himself, Mr. COONS, Mr. BROWN, and Mr. BLUNT):

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; to the Committee on Commerce, Science, and Transportation.

By Mr. WHITEHOUSE:

S. 1710. A bill to require Amtrak to propose a pet policy that allows passengers to transport domesticated cats and dogs on certain Amtrak trains, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BARRASSO (for himself, Mr. GRAHAM, and Ms. AYOTTE):

S. 1711. A bill to enable States to opt out of certain provisions of the Patient Protection and Affordable Care Act; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. ALEXANDER, Mr. MCCONNELL, Mr. BARRASSO, Mr. BOOZMAN, Mr. BURR, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Mr. CORNYN, Mr. ENZI, Mr. GRAHAM, Mr. HELLER, Mr. INHOFE, Mr. ISAKSON, Mr. JOHNSON of Wisconsin, Mr. LEE, Mr. MCCAIN, Mr. PAUL, Mr. RISCH, Mr. RUBIO, Mr. SCOTT, Mr. THUNE, and Mr. WICKER):

S. 1712. A bill to provide protections for workers with respect to their right to select or refrain from selecting representation by a labor organization; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MURPHY:

S. 1713. A bill to amend the Internal Revenue Code of 1986 to increase the dollar limitation on the exclusion for employer-provided dependent care assistance; to the Committee on Finance.

By Mr. BLUMENTHAL (for himself, Ms. AYOTTE, Mr. CORNYN, and Mr. CASEY):

S. 1714. A bill to impose sanctions with respect to Syria, to expand existing sanctions with respect to Syria, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WARNER (for himself, Mr. BLUNT, Mr. HELLER, Mr. GRAHAM, Mr. WICKER, Mr. KIRK, and Mr. PORTMAN):

S. 1715. A bill to decrease the deficit by realigning, consolidating, disposing, and improving the efficiency of Federal buildings and other civilian property, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WARNER (for himself, Mr. BLUNT, Mr. GRAHAM, Mrs. GILLIBRAND, Mr. HELLER, Mr. COONS, Ms. KLOBUCHAR, Mr. WICKER, Mrs. MCCASKILL, and Mr. KIRK):

S. 1716. A bill to facilitate efficient investments and financing of infrastructure projects and new long-term job creation through the establishment of an Infrastructure Financing Authority, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KAINE (for himself and Mr. CHAMBLISS):

S. 1717. A bill to amend title 38, United States Code, to improve oversight of educational assistance provided under laws administered by the Secretary of Veterans Affairs and the Secretary of Defense, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. CASEY (for himself, Mr. ROBERTS, Mrs. MURRAY, Mr. BROWN, Mr. BENNET, and Ms. LANDRIEU):

S. Res. 295. A resolution expressing the support for the designation of October 20, 2013, as the ''National Day on Writing'' ; considered and agreed to.

By Mr. COONS (for himself, Mr. CARDIN, Mr. SESSIONS, and Mr. SCHATZ):

S. Res. 296. A resolution designating the week beginning on October 13, 2013, as ''National Wildlife Refuge Week''; considered and agreed to.

By Mr. FRANKEN (for himself and Ms. KLOBUCHAR):

S. Res. 297. A resolution congratulating the Minnesota Lynx women's basketball team on winning the 2013 Women's National Basketball Association Championship; considered and agreed to.

ADDITIONAL COSPONSORS

S. 381

At the request of Mr. BROWN, the names of the Senator from Maine (Mr. KING), the Senator from Minnesota (Mr. FRANKEN), the Senator from Alaska (Mr. BEGICH), the Senator from Nevada (Mr. REID) and the Senator from Pennsylvania (Mr. TOOMEY) 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. 583

At the request of Mr. PAUL, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 583, a bill to implement equal protection under the 14th article of amendment to the Constitution for the right to life of each born and preborn human person.

S. 641

At the request of Mr. WYDEN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 641, a bill to amend the Public Health Service Act to increase the number of permanent faculty in palliative care at accredited allopathic and osteopathic medical schools, nursing schools, and other programs, to promote education in palliative care and hospice, and to support the development of faculty careers in academic palliative medicine.

S. 644

At the request of Mr. CASEY, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 644, a bill to amend the Federal Food, Drug, and Cosmetic Act to prevent the abuse of dextromethorphan, and for other purposes.

S. 1032

At the request of Mrs. MCCASKILL, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1032, a bill to amend title 10, United States Code, to make certain improvements in the Uniform Code of Military Justice related to sex-related offenses committed by members of the Armed Forces, and for other purposes.

S. 1150

At the request of Mr. BLUMENTHAL, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 1150, a bill to posthumously award a congressional gold medal to Constance Baker Motley.

S. 1158

At the request of Mr. WARNER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1158, a bill to require the Secretary of the Treasury to mint coins commemorating the 100th anniversary of the establishment of the National Park Service, and for other purposes.

S. 1187

At the request of Ms. STABENOW, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1187, a bill to prevent homeowners from being forced to pay taxes on forgiven mortgage loan debt.

S. 1249

At the request of Mr. BLUMENTHAL, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1249, a bill to rename the Office to Monitor and Combat Trafficking of the Department of State the Bureau to Monitor and Combat Trafficking in Persons and to provide for an Assistant Secretary to head such Bureau, and for other purposes.

S. 1302

At the request of Mr. HARKIN, the name of the Senator from Ohio (Mr. BROWN) 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. 1318

At the request of Mr. SCHUMER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1318, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care, to amend title XVIII of such Act to modify the requirements for diabetic shoes to be included under Medicare, and for other purposes.

S. 1320

At the request of Mr. DONNELLY, the name of the Senator from Georgia (Mr. CHAMBLISS) 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. 1455

At the request of Mr. COBURN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1455, a bill to condition the provision of premium and cost-sharing subsidies under the Patient Protection and Affordable Care Act upon a certification that a program to verify household income is operational.

S. 1517

At the request of Mr. WHITEHOUSE, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1517, a bill to amend the Public Health Services Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes.

S. 1614

At the request of Ms. KLOBUCHAR, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 1614, a bill to require Certificates of Citizenship and other Federal documents to reflect name and date of birth determinations made by a State court and for other purposes.

S. 1618

At the request of Ms. COLLINS, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1618, a bill to enhance the Office of Personnel Management background check system for the granting, denial, or revocation of security clearances or access to classified information of employees and contractors of the Federal Government.

S. 1635

At the request of Mr. CASEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1635, a bill to amend the American Recovery and Reinvestment Act of 2009 to extend the period during which supplemental nutrition assistance program benefits are temporarily increased.

S. 1642

At the request of Ms. LANDRIEU, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 1642, a bill to permit the continuation of certain health plans.

S. 1644

At the request of Mrs. BOXER, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Delaware (Mr. COONS) 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. 1670

At the request of Mr. GRAHAM, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 1670, a bill to amend title 18, United States Code, to protect pain-capable unborn children, and for other purposes.

S. 1693

At the request of Mrs. SHAHEEN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1693, a bill to amend the Patient Protection and Affordable Care Act to extend the initial open enrollment period.

S. 1696

At the request of Mr. BLUMENTHAL, the name of the Senator from Alaska (Mr. BEGICH) 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. 1699

At the request of Mr. UDALL of Colorado, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1699, a bill to permit individuals to renew certain health insurance coverage offered in the individual or small group markets and to provide that such individuals would not be subject to the individual mandate penalty.

S.J. RES. 2

At the request of Mr. VITTER, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S.J. Res. 2, a joint resolution proposing an amendment to the

Constitution of the United States relative to limiting the number of terms that a Member of Congress may serve.

S. RES. 284

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. Res. 284, a resolution calling on the Government of Iran to immediately release Saeed Abedini and all other individuals detained on account of their religious beliefs.

At the request of Mr. RISCH, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. Res. 284, supra.

S. RES. 292

At the request of Mr. SCHATZ, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from New Jersey (Mr. BOOKER), the Senator from Washington (Mrs. MURRAY), the Senator from Wisconsin (Ms. BALDWIN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Res. 292, a resolution expressing support for the victims of the typhoon in the Philippines and the surrounding region.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Mr. FRANKEN):

S. 1704. A bill to expand the use of open textbooks in order to achieve savings for students; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1704

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 ''Affordable College Textbook Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The high cost of college textbooks continues to be a barrier for many students in achieving higher education.

(2) According to the College Board, during the 2012-2013 academic year, the average student budget for college books and supplies was $1,200.

(3) The Government Accountability Office found that new textbook prices increased 82 percent over the last decade and that although Federal efforts to increase price transparency have provided students and families with more and better information, more must be done to address rising costs.

(4) The growth of the Internet has enabled the creation and sharing of digital content, including open educational resources that can be freely used by students, teachers, and members of the public.

(5) Using open educational resources in place of traditional materials in large-enrollment college courses can reduce textbook costs by 80 to 100 percent.

(6) Federal investment in expanding the use of open educational resources could significantly lower college textbook costs and reduce financial barriers to higher education, while making efficient use of taxpayer funds.

SEC. 3. DEFINITIONS.

In this Act:

(1) EDUCATIONAL RESOURCE.—The term ''educational resource'' means an educational material that can be used in postsecondary instruction, including textbooks and other written or audiovisual works.

(2) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(3) OPEN EDUCATIONAL RESOURCE.—The term ''open educational resource'' means an educational resource that is licensed under an open license and made freely available online to the public.

(4) OPEN LICENSE.—The term ''open license'' means a worldwide, royalty-free, nonexclusive, perpetual, irrevocable copyright license granting the public permission to access, reproduce, publicly perform, publicly display, adapt, distribute, and otherwise use the work and adaptations of the work for any purpose, conditioned only on the requirement that attribution be given to authors as designated.

(5) OPEN TEXTBOOK.—The term ''open textbook'' means an open educational resource or set of open educational resources that either is a textbook or can be used in place of a textbook for a postsecondary course at an institution of higher education.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

SEC. 4. GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—From the amounts appropriated under subsection (i), the Secretary shall make grants, on a competitive basis, to eligible entities to support pilot programs that expand the use of open textbooks in order to achieve savings for students.

(b) ELIGIBLE ENTITY.—In this section, the term ''eligible entity'' means an institution of higher education or group of institutions of higher education.

(c) APPLICATIONS.—

(1) IN GENERAL.—Each eligible entity desiring a grant under this section, after consultation with relevant faculty (including those engaged in the creation of open educational resources), shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall include a description of the project to be completed with grant funds and—

(A) a plan for promoting and tracking the use of open textbooks in postsecondary courses offered by the eligible entity, including an estimate of the projected savings that will be achieved for students;

(B) a plan for evaluating, before creating new open educational resources, whether existing open educational resources could be used or adapted for the same purpose;

(C) a plan for quality review and review of accuracy of any open educational resources to be created or adapted through the grant;

(D) a plan for disseminating information about the results of the project to institutions of higher education outside of the eligible entity, including promoting the adoption of any open textbooks created or adapted through the grant; and

(E) a statement on consultation with relevant faculty, including those engaged in the creation of open educational resources, in the development of the application.

(d) SPECIAL CONSIDERATION.—In awarding grants under this section, the Secretary shall give special consideration to applications that demonstrate the greatest potential to—

(1) achieve the highest level of savings for students through sustainable expanded use of open textbooks in postsecondary courses offered by the eligible entity;

(2) expand the use of open textbooks at institutions of higher education outside of the eligible entity; and

(3) produce—

(A) the highest quality open textbooks;

(B) open textbooks that can be most easily utilized and adapted by faculty members at institutions of higher education;

(C) open textbooks that correspond to the highest enrollment courses at institutions of higher education; and

(D) open textbooks created or adapted in partnership with entities, including campus bookstores, that will assist in marketing and distribution of the open textbook.

(e) USE OF FUNDS.—An eligible entity that receives a grant under this section shall use the grant funds to carry out any of the following activities to expand the use of open textbooks:

(1) Professional development for faculty and staff members at institutions of higher education, including the search for and review of open textbooks.

(2) Creation or adaptation of open educational resources, especially open textbooks.

(3) Development or improvement of tools and informational resources that support the use of open textbooks.

(4) Research evaluating the efficacy of the use of open textbooks for achieving savings for students.

(5) Partnerships with other entities, including other institutions of higher education, for-profit organizations, or nonprofit organizations, to carry out any of the activities described in paragraphs (1) through (4).

(f) LICENSE.—Educational resources created or adapted under subsection (e) shall be licensed under an open license.

(g) ACCESS AND DISTRIBUTION.—The full and complete digital content of each educational resource created or adapted under subsection (e) shall be made available free of charge to the public—

(1) on an easily accessible and interoperable website, which shall be identified to the Secretary by the eligible entity; and

(2) in a machine readable, digital format that anyone can directly download, edit, and redistribute.

(h) REPORT.—Upon an eligible entity's completion of a project supported under this section, the eligible entity shall prepare and submit a report to the Secretary regarding—

(1) the effectiveness of the pilot program in expanding the use of open textbooks and in achieving savings for students;

(2) the impact of the pilot program on expanding the use of open textbooks at institutions of higher education outside of the eligible entity;

(3) educational resources created or adapted under the grant, including instructions on where the public can access each educational resource under the terms of subsection (g); and

(4) all project costs, including the value of any volunteer labor and institutional capital used for the project.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of the 5 succeeding fiscal years after the enactment of this Act.

SEC. 5. PRICE INFORMATION.

Section 133(b) of the Higher Education Act of 1965 (20 U.S.C. 1015b(b)) is amended—

(1) by striking paragraph (6); and

(2) in paragraph (9);

(A) by striking subparagraphs (A) and (B); and

(B) by striking ''a college textbook that—'' and inserting ''a college textbook that may include printed materials, computer disks, website access, and electronically distributed materials.''.

SEC. 6. SENSE OF CONGRESS.

It is the sense of Congress that institutions of higher education should encourage the consideration of open textbooks by faculty within the generally accepted principles of academic freedom that establishes the right and responsibility of faculty members, individually and collectively, to select course materials that are pedagogically most appropriate for their classes.

SEC. 7. REPORT TO CONGRESS.

Not later than July 1, 2016, the Secretary shall prepare and submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives detailing—

(1) the open textbooks created or adapted under this Act;

(2) the adoption of such open textbooks; and

(3) the savings generated for students, States, and the Federal Government through the use of open textbooks.

SEC. 8. GAO REPORT.

Not later than July 1, 2017, the Comptroller General of the United States shall prepare and submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives on the cost of textbooks to students at institutions of higher education. The report shall particularly examine—

(1) the change of the cost of textbooks;

(2) the factors that have contributed to the change of the cost of textbooks;

(3) the extent to which open textbooks are used at institutions of higher education; and

(4) the impact of open textbooks on the cost of textbooks.

By Mr. DURBIN (for himself, Mrs. GILLIBRAND, and Mr. MARKEY):

S. 1705. A bill to provide a Federal charter for the National Fab Lab Network, a national network of local digital fabrication facilities providing community access to advanced manufacturing tools for learning skills, developing inventions, creating businesses, and producing personalized products; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1705

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Fab Lab Network Act of 2013''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Scientific discoveries and technical innovations are critical to the economic and national security of the United States.

(2) Maintaining the leadership of the United States in science, technology, engineering, and mathematics will require a diverse population with the skills, interest, and access to tools required to advance these fields.

(3) Just as earlier digital revolutions in communications and computation provided individuals with the Internet and personal computers, a digital revolution in fabrication will allow anyone to make almost anything, anywhere.

(4) Fab labs like the Center for Bits and Atoms at the Massachusetts Institute of Technology provide a model for a new kind of national laboratory that links local facilities for advanced manufacturing to expand access and empower communities.

(5) A coordinated national public-private partnership will be the most effective way to accelerate the provision of this infrastructure for learning skills, developing inventions, creating businesses, and producing personalized products.

SEC. 3. ESTABLISHMENT OF NATIONAL FAB LAB NETWORK.

(a) DEFINITIONS.—In this section—

(1) the term ''fab lab'' means a facility—

(A) equipped with an integrated suite of fabrication tools to convert digital designs into functional physical things and scanning tools to convert physical things into digital designs; and

(B) available for a range of individual and collaborative educational, commercial, creative, and social purposes, based on guidelines established by the NFLN relating to sustainable operation; and

(2) the term ''NFLN'' means the National Fab Lab Network.

(b) FEDERAL CHARTER.—The National Fab Lab Network is a federally charted nonprofit corporation, which shall facilitate the creation of a national network of local fab labs and serve as a resource to assist stakeholders with the effective operation of fab labs.

(c) MEMBERSHIP AND ORGANIZATION.—

(1) IN GENERAL.—Eligibility for membership in the NFLN and the rights and privileges of members shall be as provided in the constitution and bylaws of the NFLN. The Board of Directors, officers, and other employees of the NFLN, and their powers and duties, shall be provided in the bylaws of the NFLN.

(2) BOARD OF DIRECTORS.—The Board of Directors of the NFLN shall include—

(A) the Director of the Fab Foundation;

(B) members of the manufacturing sector and entrepreneurial community; and

(C) leaders in science, technology, engineering, and mathematics education.

(3) COORDINATION.—When appropriate, the NFLN should work with Manufacturing Extension Partnership Centers of the National Institute of Standards and Technology, the Small Business Administration, and other agencies of the Federal Government to provide additional resources to fab lab users.

(d) FUNCTIONS.—The NFLN shall—

(1) serve as the coordinating body for the creation of a national network of local fab labs in the United States;

(2) provide a first point of contact for organizations and communities seeking to create fab labs, providing information, assessing suitability, advising on the lab lifecycle, and maintaining descriptions of prospective and operating sites;

(3) link funders and sites with operational entities that can source and install fab labs, provide training, assist with operations, account for spending, and assess impact;

(4) perform outreach for individuals and communities on the benefits available through the NFLN;

(5) facilitate use of the NFLN in synergistic programs, such as workforce training, job creation, research broader impacts, and the production of civic infrastructure; and

(6) offer transparency in the management, governance, and operation of the NFLN.

(e) PURPOSES.—In carrying out its functions, the NFLN's purposes and goals shall be to—

(1) create a national network of connected local fab labs to empower individuals and communities in the United States; and

(2) foster the use of distributed digital fabrication tools to promote science, technology, engineering and math skills, increase invention and innovation, create businesses and jobs, and fulfill needs.

(f) FUNDING.—The NFLN may accept gifts from private individuals, corporations, government agencies, or other organizations.

By Mr. KIRK (for himself, Mr. COONS, Mr. BROWN, and Mr. BLUNT):

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; to the Committee on Commerce, Science, and Transportation.

Mr. COONS. Mr. President, I come to the floor again today to talk about jobs, about manufacturing jobs, about the high-quality, high-skill wage jobs America needs for today and for the future.

Today I have introduced a bill which shows that dealing with our ongoing challenges of supporting our manufacturing sector and growing jobs in our manufacturing sector can have bipartisan solutions. Senator MARK KIRK of Illinois joined me in introducing the American Manufacturing Competitiveness Act, which has a simple but important objective: to require the creation of a national manufacturing strategy.

Today more than 12 million Americans are directly employed in manufacturing. As I have said on the floor before as part of our Manufacturing Jobs for America Initiative, manufacturing jobs are good jobs. They are high-skilled jobs, they are high-wage jobs, they are high-benefit jobs, and they have a terrific secondary benefit in terms of the other support and service sector jobs that come along with manufacturing jobs in a community.

We need to know the direction we are heading as a country as we try to support the growth of manufacturing. We have grown more than half a million manufacturing jobs in the last 3 years. That is an encouraging sign. We are one of the most productive in the output of our manufacturing sector of all the countries in the world.

What we have lacked is a very coordinated strategy between the Federal Government, State governments, and the private sector to align all of our investments—our investments in research and development, our investments in new skills, our investments in infrastructure—to make sure they are all heading in the right direction.

Do our competitors have national manufacturing strategies? Absolutely. Germany, China, India, South Africa,

and Russia all have thoroughly developed, deeply researched, and prominently successful strategies for how to accelerate and sustain manufacturing as a key part of their economies.

This bill would amend the America COMPETES Act. It would require every 4 years that the Secretary of Commerce, advised by a board of 15 different folks, pull together and think through, research, and then deliver a national manufacturing strategy. This doesn't require new programs. It doesn't even necessarily require new funding or new Federal expenditures. It only requires that we coordinate all the different areas where the Federal Government is investing in supporting manufacturing and where State and local governments are working in partnership with the private sector. This may be a small but vital step toward giving the lift we need for our manufacturing sector to continue its sustained growth of the last few years.

Why is a manufacturing strategy essential? Because we have a couple of areas where, frankly, we are falling short—in infrastructure, in access to capital, and in skills. Having a highly skilled manufacturing workforce is one of the things we need to do if we are going to win the fight to regain our international prominence as the leading global manufacturing country.

The Manufacturing Institute and Deloitte, a global consulting firm, have both independently concluded that there are as many as 600,000 manufacturing jobs in America today that are unfilled because of a lack of a workforce with the relevant skills. The Society of Manufacturing Engineers estimates that number could increased to 3 million by 2015.

So a focus through a national strategy and through some facilitating investments and legislation by this body and the House and by enactment by the President and investments across-the-board could deal with these important skill gaps.

Why are there skill gaps in manufacturing? Many Americans have a misconception about what manufacturing is like today. They have a picture in their heads of manufacturing from 10, 20, or 30 years ago when it required simple labor, when it required repeated routine tasks such as simply putting on a bolt or affixing a particular piece onto a vehicle, where there wasn't any teamwork, there wasn't any continuous improvement required, and there weren't analytical skills required. That was the manufacturing line of the past, not of today and certainly not of the future. In fact, the skills required to be successful in modern advanced manufacturing are quite different from what they were 10, 20, or 30 years ago. Today one has to work as part of a team and be able to troubleshoot and problem-solve.

There are fewer people working on manufacturing lines, but they are higher in productivity because the analytical skills they are bringing to the job are greater than they have ever been before. That is also why manufacturing can be a more satisfying career, a more rewarding place to work than it was in the past, because it engages the whole human being. It engages the whole worker. It allows them to have ownership of the quality of the finished product.

One of the lessons American automobile manufacturing learned in the 1970s, 1980s, and 1990s as it faced the threat of higher quality auto manufacturing elsewhere in the world was to not only retool the manufacturing line but to empower the individual worker to be engaged in quality control.

Those of us here in the Senate who worked in the manufacturing industry know what it meant to have gone through a process where we had to certify. You had to go through a searching auditing process to be able to demonstrate, if you were a component supplier or if you were part of a supply chain, that you were meeting world-class standards. In fact, the ISO 9000 system—the International Organization for Standardization—and its 9000 series audits that swept through the country over 20 years and ended up resulting in a higher quality of manufacturing was just the first of a number of steps toward requiring those who were working in manufacturing facilities to have a higher level of skills.

One of the ways in which we have an ongoing challenge is that manufacturers—medium and small manufacturers with whom I visited up and down the State of Delaware—don't know the level of skills and the quality of skills of young people they wish to hire who may have just finished high school or might have taken a certificate course with a community college. We don't have a transportable, translatable certificate for basic manufacturing skills.

One of the innovations of the IT industry was a whole series of skills certifications that allow someone to know, when they are hiring a young person to do office support for IT or when they are hiring someone to be a network administrator, whether they have the practical skills they need to do that job and do it well. They can't guess that by where they went to high school or what courses they took at a college. We don't have a similar sort of reliable, transportable, translatable, manufacturing skill certification process. That may be a part of this national manufacturing strategy.

We certainly have heard from manufacturers large and small—not only in Delaware but around the country—about what they need, what would put a floor beneath their growth and would allow them to be globally competitive. No. 1 would be a stronger, skilled workforce; No. 2 would be more access to capital; and No. 3 would be more and better access on a fair basis to a global market and a global economy.

We have had a great first couple of weeks with the Manufacturing Jobs for America Initiative. More than 25 Senators have contributed more than 40 bills. Many of these are broad or bold or bipartisan bills that contain the ideas that I think can sustain and grow manufacturing in the United States going forward. It is a growing menu of bills—bills that are bipartisan and that I believe not only need but deserve a vote on the floor later in this Congress.

I am grateful to Senator KIRK for partnering with me in introducing this bill today, the American Manufacturing Competitiveness Act, and I am hopeful it will pick up more bipartisan sponsors in the days and weeks ahead. I also hope, working in partnership with the Manufacturing Caucus, ably led by Senator STABENOW and Senator GRAHAM, we will begin to hammer out the bipartisan bills that will deserve a vote on this floor and that will ultimately reach enactment through the Congress and by signature of our President. With that, we might well be able to deliver on what we hear most often from our constituents: Help us grow high-quality jobs in this country.

By Mr. BLUMENTHAL (for himself, Ms. AYOTTE, Mr. CORNYN, and Mr. CASEY):

S. 1714. A bill to impose sanctions with respect to Syria, to expand existing sanctions with respect to Syria, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. BLUMENTHAL. Mr. President, I am here to talk about the Syria Sanctions Enhancement Act of 2013, which I am very proud to introduce today, with bipartisan support, joined by my colleagues Senators AYOTTE, CORNYN, and CASEY. This bill is a comprehensive effort to update our existing system of sanctions and to reflect the reality that President Bashar al-Assad and his murderous regime continue to engage in a horrible civil war against the Syrian people.

This bill builds upon the longstanding U.S. sanctions regime against Syria begun in 2004 to deal with that government's policies supporting terrorism, continuing its occupation of Lebanon, pursuing weapons of mass destruction and missile programs, and undermining U.S. and international efforts to stabilize Iraq. Following events in Syria beginning in March of 2011, a series of executive orders have been issued to address the ongoing violence and human rights abuses that have been supported and perpetrated relentlessly by the Assad regime. Fortunately, Congress has come together on a bipartisan basis to sanction many people who are committing terrible atrocities. Now is the time to add to those sanctions, to enhance and enforce them, and ensure they encompass everyone who is enabling Assad to continue his massacres against his own people.

I have seen some of the effects of this cruel war in person. Earlier this year, I traveled to the Zaatari refugee camp in Jordan, with Senator MCCAIN and Senator GRAHAM, where I saw firsthand

how the Assad regime has torn families and lives apart. I returned home from that trip convinced, along with my colleagues, that the United States cannot stand idle while this war rages on and over 1 million Syrians are displaced from their country—a substantial part—the estimates are 30 percent of its entire population displaced from their homes. I remain convinced the United States should take action not only with sanctions but with more effective humanitarian relief. Sanctions are an effective way to cut off Assad's financing and therefore his source of power. Humanitarian relief is necessary to aid the Syrian people who have become refugees in such enormous numbers, even as we pursue those sanctions.

Thankfully, most of the world has come together to denounce and isolate Assad for his horrible abuses. Appallingly, though, a few—most notably Russian banks—finance Assad and enable his continued atrocities.

In September, Senators AYOTTE, CORNYN, SHAHEEN, and I urged the Treasury Department to sanction those Russian banks that are perpetrating war in Syria. They are enabling that war as well as the atrocities it has spawned, and there is significant evidence that some Russian banks, including VTB, VEB, and Gazprombank, have given financial cover to Assad and may still be hiding his assets. This bill, the Syria Sanctions Enhancement Act, would ensure that those actors do not go unpunished. It would sanction financial institutions doing business with Assad and his senior officials, and it would also provide for a full accounting of all Assad's assets. If Assad is hiding money in Russian banks or elsewhere, we need to know where that money is, because it rightly belongs to the people of Syria, not to its murderous dictator.

But our actions against Assad must be wider in scope than simply the financial sector. Therefore, the Syria Sanctions Enhancement Act looks at all the perpetrators of horrific violence who empower Assad and it creates sanctions against them. This bill codifies existing executive orders that sanction senior Syrian officials and people who sell or invest in the Syrian Government. It sanctions anyone who helps the Assad government develop weapons of mass destruction or provides them with conventional weapons. They are responsible for the majority of killings in Syria. They are complicit, and knowingly, purposefully—they are not merely the enablers, they are the providers of those assets used by Assad against his own people.

We have seen how some unscrupulous arms dealers continue to provide arms to the Assad regime that enable his killing. Just yesterday, I was pleased to announce that the Defense Department will stop doing business with Rosoboronexport, the arms dealer that is selling weapons to Assad. Think of it: The U.S. Government was financing, with U.S. taxpayer money, purchases of helicopters for the Afghan Government, to go to the Afghans with the knowledge that that same Russian export agency was selling weapons to Assad. It was stopped, but it is just one example of a company that allows Assad to continue killing his own people.

This bill also requires the President to submit a list of people responsible for human rights abuses committed against the people of Syria. The President must submit a list of those culpable individuals who should be held accountable for human rights abuses committed by Assad against his own people, and the bill will sanction anyone who has provided goods, services or support to enable human rights abuses.

As my colleagues can see, this bill would do quite a few things, but there are a number of important things it will not do. It will not prevent the United States from supporting the moderates who are fighting against the Assad regime, and it would not jeopardize our ongoing efforts to destroy Syria's chemical weapons stockpile; rather, it creates a strategic framework to ensure that the prolonged dismantling of chemical weapons does not serve as a cover for the international community to ignore the brutal reality of these slaughters throughout Syria. The bill is carefully crafted to ensure that the sanctions do not target the people of Syria themselves who are just trying to survive during a difficult time. That is why humanitarian relief from this country is of such paramount importance.

Over the past few months, there has been a lot of debate over what the United States should or should not do in Syria.

Over these past months, the debate has focused on military force and many have been hesitant to use such military force in Syria. But that does not mean the United States can or should stand idle on the sidelines as hundreds of thousands of people are dying and the war threatens to create a wider conflict in the Middle East. I think we can all agree, on both sides of the aisle, that we should be strengthening sanctions against the human rights abusers and supporters of Assad and his military that is tirelessly, relentlessly, and purposefully murdering his own people.

This bill is a bipartisan attempt to move forward around the common concerns of helping the Syrian people. In the coming days, I look forward to a debate on this bill and the way forward in Syria as we consider Iran's nuclear program and other important factors. There will be a meeting in Geneva upcoming. I view this bill as a means of strengthening our government's hand as we seek peace in Syria and seek to strengthen those forces in Syria that seek to protect their own people.

I look forward to working with my colleagues on this important effort to ensure that the United States continues to stand up and speak out strongly on the side of the people of Syria against a regime that is striving solely and single-mindedly to keep itself in power at all costs, in fact, whatever the cost in the slaughter and displacement of its own people.

By Mr. KAINE (for himself and Mr. CHAMBLISS):

S. 1717. A bill to amend title 38, United States Code, to improve oversight of educational assistance provided under laws administered by the Secretary of Veterans Affairs and the Secretary of Defense, and for other purposes; to the Committee on Veterans' Affairs.

Mr. KAINE. Mr. President, today I am introducing the Servicemember Education Reform and Vocational Act of 2013, SERVE. I am pleased Senator CHAMBLISS joins me in introducing this bill. This bipartisan legislation will improve the quality of education for our veterans and military members.

To date, over one million veterans have taken advantage of the Post–9/11 GI Bill and $30 billion has been invested. Yet graduation rates remain a concern and the unemployment rate among veterans, especially young veterans who have served in Iraq and Afghanistan, remains higher than the national average.

As the United States begins to draw down its forces after more than a decade at war, it is more important than ever to demonstrate our commitment to the brave men and women who have served and sacrificed to protect our Nation. An important part of this commitment is ensuring our Nation's veterans are prepared for their transition from military service to civilian life.

In Virginia, one in every nine individuals is a veteran, and we have 27 installations across the State, making Virginia as connected to the military as any State in the country.

As I have travelled throughout Virginia and have had the opportunity to meet with servicemembers, veterans, and their families, I have listened to their concerns and ideas. These conversations have reinforced my commitment to fight persistent barriers to veterans' employment, and ensure that veterans have access to quality education programs that yield results.

For these reasons, it is our responsibility to ensure that the Nation's investment in veteran education and training yields successful results and gives these men and women the tools they need to succeed in the workforce.

I am a strong believer that education is the best investment that any country can make to ensure the success of its citizens. This is why my first bill, the TROOP Talent Act, focused on assisting our servicemembers and veterans in their efforts to gain civilian credentials and transition into the workforce.

The bill I am introducing today, the SERVE Act, is companion legislation that will raise the bar on minimum standards that educational institutions

must meet to ensure servicemembers are getting a quality education.

The bill will require institutions to disclose information such as graduation rates, withdrawal policies, and program costs to students and ensure programs fully deliver what they advertise.

The bill will require institutions to provide access to academic and/or career counseling for military and veteran students in hopes of not only improving their chances of graduating, but also helping prepare them for future careers.

The bill will facilitate the use of VA and DoD educational benefits for employment training programs by creating a 5-State pilot program. States will be charged with developing best practices needed to ensure that quality employment training, apprenticeship, and on-the-job training programs are available and accessible for beneficiaries of the post-9/11 GI Bill program.

The bill will require an annual report to relevant Senate and House Committees with disaggregated information on which schools and programs veteran and military students are putting their educational benefits toward.

Today's veterans have been referred to as ''the next Greatest Generation.'' They answered the call to serve our Nation.

They have put it all on the line and invested heavily and personally in the future of our country. Let us do everything we can to capitalize on their experience and character and prepare them for the challenges they and our Nation will face in the future.

The SERVE Act will ensure that the educational benefits our veterans and military members earned are being spent on quality education.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 295—EXPRESSING THE SUPPORT FOR THE DESIGNATION OF OCTOBER 20, 2013 AS THE ''NATIONAL DAY ON WRITING''

Mr. CASEY (for himself, Mr. ROBERTS, Mrs. MURRAY, Mr. BROWN, Mr. BENNET, and Ms. LANDRIEU) submitted the following resolution; which was considered and agreed to:

S. RES. 295

Whereas people in the 21st century are writing more than ever before for personal, professional, and civic purposes;

Whereas the social nature of writing invites people of every age, profession, and walk of life to create meaning through composing;

Whereas more and more people in every occupation consider writing to be essential and influential in their work;

Whereas writers continue to learn how to write for different purposes, audiences, and occasions throughout their lifetimes;

Whereas developing digital technologies expand the possibilities for composing in multiple media at a faster pace than ever before;

Whereas young people are leading the way in developing new forms of composing by using different forms of digital media;

Whereas effective communication contributes to building a global economy and a global community;

Whereas the National Council of Teachers of English, in conjunction with its many national and local partners, honors and celebrates the importance of writing through the National Day on Writing;

Whereas the National Day on Writing celebrates the foundational place of writing in the personal, professional, and civic lives of the people of the United States;

Whereas the National Day on Writing highlights the importance of writing instruction and practice at every educational level and in every subject area;

Whereas the National Day on Writing emphasizes the lifelong process of learning to write and compose for different audiences, purposes, and occasions;

Whereas the National Day on Writing honors the use of the full range of media for composing, from traditional tools like print, audio, and video, to Internet website tools like blogs, wikis, and podcasts; and

Whereas the National Day on Writing encourages all people of the United States to write, as well as to enjoy and learn from the writing of others: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of October 20, 2013, as the ''National Day on Writing'';

(2) strongly affirms the purposes of the National Day on Writing; and

(3) encourages educational institutions, businesses, community and civic associations, and other organizations to celebrate and promote the National Day on Writing.

SENATE RESOLUTION 296—DESIGNATING THE WEEK BEGINNING ON OCTOBER 13, 2013, AS ''NATIONAL WILDLIFE REFUGE WEEK''

Mr. COONS (for himself, Mr. CARDIN, Mr. SESSIONS, and Mr. SCHATZ) submitted the following resolution; which was considered and agreed to:

S. RES. 296

Whereas, in 1903, President Theodore Roosevelt established the first national wildlife refuge on Pelican Island in Florida;

Whereas, in 2013, the National Wildlife Refuge System, administered by the Fish and Wildlife Service, is the premier system of lands and waters to conserve wildlife in the world, and has grown to approximately 150,000,000 acres, 561 national wildlife refuges, and 38 wetland management districts in every State and territory of the United States;

Whereas national wildlife refuges are important recreational and tourism destinations in communities across the United States, and these protected lands offer a variety of recreational opportunities, including 6 wildlife-dependent uses that the National Wildlife Refuge System manages: hunting, fishing, wildlife observation, photography, environmental education, and interpretation;

Whereas, in 2013, 364 units of the National Wildlife Refuge System have hunting programs and 303 units of the National Wildlife Refuge System have fishing programs, averaging approximately 2,500,000 hunting visits and nearly 7,000,000 fishing visits each year;

Whereas the National Wildlife Refuge System experienced nearly 31,000,000 wildlife observation visits during fiscal year 2013;

Whereas national wildlife refuges are important to local businesses and gateway communities;

Whereas, for every $1 appropriated, national wildlife refuges generate nearly $5 in economic activity;

Whereas the National Wildlife Refuge System experiences nearly 47,000,000 visits each year, which generated more than $2,400,000,000 and more than 35,000 jobs in local economies during fiscal year 2011;

Whereas the National Wildlife Refuge System encompasses every kind of ecosystem in the United States, including temperate, tropical, and boreal forests, wetlands, deserts, grasslands, arctic tundras, and remote islands, and spans 12 time zones from the Virgin Islands to Guam;

Whereas national wildlife refuges are home to more than 700 species of birds, 220 species of mammals, 250 species of reptiles and amphibians, and more than 1,000 species of fish;

Whereas national wildlife refuges are the primary Federal lands that foster production, migration, and wintering habitat for waterfowl;

Whereas, since 1934, the sale of the Federal Duck Stamp to outdoor enthusiasts has generated more than $850,000,000 in funds, which has enabled the purchase or lease of more than 5,500,000 acres of wetland habitat for waterfowl and numerous other species in the National Wildlife Refuge System;

Whereas the recovery of 386 threatened and endangered species is supported on refuge lands;

Whereas national wildlife refuges are cores of conservation for larger landscapes and resources for other agencies of the Federal Government and State governments, private landowners, and organizations in their efforts to secure the wildlife heritage of the United States;

Whereas more than 38,000 volunteers and approximately 220 national wildlife refuge ''Friends'' organizations contribute more than 1,400,000 hours annually, the equivalent of more than 700 full-time employees, and provide an important link to local communities;

Whereas national wildlife refuges provide an important opportunity for children to discover and gain a greater appreciation for the natural world;

Whereas, because there are national wildlife refuges located in several urban and suburban areas and one refuge located within an hour drive of every metropolitan area in the United States, national wildlife refuges employ, educate, and engage young people from all backgrounds in exploring, connecting with, and preserving the natural heritage of the United States;

Whereas, since 1995, refuges across the United States have held festivals, educational programs, guided tours, and other events to celebrate National Wildlife Refuge Week during the second full week of October;

Whereas the Fish and Wildlife Service will continue to seek stakeholder input on the implementation of ''Conserving the Future: Wildlife Refuges and the Next Generation'', an update to the strategic plan of the Fish and Wildlife Service for the future of the National Wildlife Refuge System;

Whereas the week beginning on October 13, 2013, has been designated as ''National Wildlife Refuge Week'' by the Fish and Wildlife Service; and

Whereas the designation of National Wildlife Refuge Week by the Senate would recognize more than a century of conservation in the United States, raise awareness about the importance of wildlife and the National Wildlife Refuge System, and celebrate the myriad recreational opportunities available to enjoy this network of protected lands: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning on October 13, 2013, as ''National Wildlife Refuge Week'';

(2) encourages the observance of National Wildlife Refuge Week with appropriate events and activities;

(3) acknowledges the importance of national wildlife refuges for their recreational opportunities and contribution to local economies across the United States;

(4) pronounces that national wildlife refuges play a vital role in securing the hunting and fishing heritage of the United States for future generations;

(5) identifies the significance of national wildlife refuges in advancing the traditions of wildlife observation, photography, environmental education, and interpretation;

(6) recognizes the importance of national wildlife refuges to wildlife conservation and the protection of imperiled species and ecosystems, as well as compatible uses;

(7) acknowledges the role of national wildlife refuges in conserving waterfowl and waterfowl habitat pursuant to the Migratory Bird Treaty Act (40 Stat. 755, chapter 128);

(8) reaffirms the support of the Senate for wildlife conservation and the National Wildlife Refuge System; and

(9) expresses the intent of the Senate—

(A) to continue working to conserve wildlife; and

(B) to manage the National Wildlife Refuge System for current and future generations.

SENATE RESOLUTION 297—CONGRATULATING THE MINNESOTA LYNX WOMEN'S BASKETBALL TEAM ON WINNING THE 2013 WOMEN'S NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mr. FRANKEN (for himself and Ms. KLOBUCHAR) submitted the following resolution; which was considered and agreed to:

S. RES. 297

Whereas on October 10, 2013, the Minnesota Lynx won the 2013 Women's National Basketball Association (WNBA) Championship;

Whereas this is the second WNBA Championship for the Minnesota Lynx in 3 years;

Whereas the Minnesota Lynx won every game in the 2013 WNBA playoffs, beating the Seattle Storm in the Western Conference semifinals, the Phoenix Mercury in the Conference finals, and decisively beating the Atlanta Dream in the Championship round;

Whereas, on average, more than 13,000 fans attended each home game during the Championship round at the Target Center in Minneapolis to cheer on the Minnesota Lynx;

Whereas the Minnesota Lynx feature 3 gold medal-winning Olympians, Maya Moore, Seimone Augustus, and Lindsay Whalen, and a highly talented team of professionals, including Rebekkah Brunson, Janel McCarville, and Monica Wright; and

Whereas the Minnesota Lynx are one of only four WNBA teams to win multiple titles, with both championships coming under the coaching guidance of Cheryl Reeve: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the achievements of the players, coaches, fans, and staff whose hard work and dedication helped the Minnesota Lynx win the 2013 Women's National Basketball Association Championship; and

(2) recognizes the Twin Cities region and the State of Minnesota, both of which enthusiastically support the team and women's professional basketball.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2032. Mr. INHOFE (for himself and Mr. BURR) 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 2033. Mr. REID proposed an amendment to the bill H.R. 3204, to amend the Federal Food, Drug, and Cosmetic Act with respect to human drug compounding and drug supply chain security, and for other purposes .

SA 2034. Mr. REID proposed an amendment to amendment SA 2033 proposed by Mr. REID to the bill H.R. 3204, supra.

SA 2035. Mr. REID proposed an amendment to the bill H.R. 3204, supra.

SA 2036. Mr. REID proposed an amendment to amendment SA 2035 proposed by Mr. REID to the bill H.R. 3204, supra.

SA 2037. Mr. REID proposed an amendment to amendment SA 2036 proposed by Mr. REID to the amendment SA 2035 proposed by Mr. REID to the bill H.R. 3204, supra.

SA 2038. Mr. CHAMBLISS (for himself and Mr. TESTER) 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 2039. 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 2040. Mr. BAUCUS (for himself, Mr. ENZI, Mr. BARRASSO, Mr. TESTER, Mr. HOEVEN, Ms. HEITKAMP, Mrs. FISCHER, Mr. JOHANNS, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2041. Mr. TESTER (for himself, Mr. HELLER, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2042. Ms. AYOTTE (for herself, Mr. CHAMBLISS, Mr. INHOFE, and Mrs. FISCHER) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2043. Ms. AYOTTE (for herself, Mr. CHAMBLISS, Mr. INHOFE, and Mrs. FISCHER) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2044. Ms. AYOTTE (for herself, Mr. CHAMBLISS, Mr. INHOFE, and Mrs. FISCHER) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2045. Ms. AYOTTE (for herself, Mr. CHAMBLISS, Mr. INHOFE, and Mrs. FISCHER) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2046. Ms. AYOTTE (for herself, Mr. CHAMBLISS, Mr. INHOFE, and Mrs. FISCHER) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2047. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2048. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2049. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2050. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2051. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2052. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2053. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2054. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2055. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2056. 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 2057. Ms. COLLINS (for herself, Mr. KING, Mr. MARKEY, and Ms. STABENOW) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2058. Ms. COLLINS (for herself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2059. Mr. WICKER (for himself, Mr. KAINE, and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2060. Mr. WICKER (for himself, Mr. KAINE, and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2061. 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 2062. Mr. GRAHAM (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2063. Ms. AYOTTE (for herself and Mr. BLUNT) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2064. Ms. COLLINS (for herself and Mr. KING) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2065. 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 2066. Mr. DONNELLY (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 2067. Mr. DONNELLY (for himself, Mr. LEAHY, Mr. CRUZ, Mr. BLUNT, Mr. BEGICH, Mr. PRYOR, Mr. SCHATZ, Mr. BENNET, Mr. JOHANNS, Mr. MENENDEZ, Mr. CORNYN, Mr. BOOZMAN, Ms. HEITKAMP, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2068. Mr. PORTMAN submitted an amendment intended to be proposed by him

to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2069. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2070. Mr. PORTMAN (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2071. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2072. 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 2073. Mr. PORTMAN (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2074. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2032. Mr. INHOFE (for himself and Mr. BURR) 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. SENSE OF SENATE ON VETERAN'S PREFERENCE IN PRIVATE EMPLOYMENT.

It is the sense of the Senate that private employers should, to the extent practical, do their utmost to educate and inform their managers and supervisors, and their human resource and personnel departments, on the advantages of hiring—

(1) qualified veterans; and

(2) qualified spouses of veterans, if the veterans have a permanent total disability that is service-connected.

SA 2033. Mr. REID proposed an amendment to the bill H.R. 3204, to amend the Federal Food, Drug, and Cosmetic Act with respect to human drug compounding and drug supply chain security, and for other purposes; as follows:

At the end, add the following:

This Act shall become effective 1 day after enactment.

SA 2034. Mr. REID proposed an amendment to amendment SA 2033 proposed by Mr. REID to the bill H.R. 3204, to amend the Federal Food, Drug, and Cosmetic Act with respect to human drug compounding and drug supply chain security, and for other purposes; as follows:

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

SA 2035. Mr. REID proposed an amendment to the bill H.R. 3204, to amend the Federal Food, Drug, and Cosmetic Act with respect to human drug compounding and drug supply chain security, and for other purposes; as follows:

At the end, add the following:

This Act shall become effective 3 days after enactment.

SA 2036. Mr. REID proposed an amendment to amendment SA 2035 proposed by Mr. REID to the bill H.R. 3204, to amend the Federal Food, Drug, and Cosmetic Act with respect to human drug compounding and drug supply chain security, and for other purposes; as follows:

In the amendment, strike ''3 days'' and insert ''4 days''.

SA 2037. Mr. REID proposed an amendment to amendment SA 2036 proposed by Mr. REID to the amendment SA 2035 proposed by Mr. REID to the bill H.R. 3204, to amend the Federal Food, Drug, and Cosmetic Act with respect to human drug compounding and drug supply chain security, and for other purposes; as follows:

In the amendment, strike ''4 days'' and insert ''5 days''.

SA 2038. Mr. CHAMBLISS (for himself and Mr. TESTER) 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. MODIFICATION OF PER-FISCAL YEAR CALCULATION OF DAYS OF CERTAIN ACTIVE DUTY OR ACTIVE SERVICE TO REDUCE ELIGIBILITY AGE FOR RETIREMENT FOR NON-REGULAR SERVICE.

Section 12731(f)(2)(A) of title 10, United States Code, is amended by inserting ''or in any two consecutive fiscal years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2014,'' after ''in any fiscal year after such date,''.

SA 2039. 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. LIMITATION ON TERMINATION OR TRANSFER OF ELEMENTARY AND SECONDARY SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) LIMITATION.—The Secretary of Defense may not terminate or transfer to the jurisdiction of another agency of the Federal Government any elementary or secondary science, technology, engineering, and mathematics program of the Department of Defense in existence as of September 30, 2012, until 60 days after the date on which the Secretary submits to the congressional defense committees a transition plan with respect to such program.

(b) ELEMENTS.—The transition plan with respect to a program under subsection (a) shall include the following:

(1) For a program to be terminated, a description of the manner in which science, technology, engineering, and mathematics education requirements for the dependents covered by the program will be met by another program.

(2) For a program 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.

(3) Metrics to assess whether a program under paragraph (1) or (2) is meeting the requirements applicable to such program under such paragraph.

(c) CONSULTATION IN DEVELOPMENT.—Each transition plan under subsection (a) shall be developed by the Secretary of Defense in consultation with the Secretary of Education and the heads of other appropriate Federal agencies.

SA 2040. Mr. BAUCUS (for himself, Mr. ENZI, Mr. BARRASSO, Mr. TESTER, Mr. HOEVEN, Ms. HEITKAMP, Mrs. FISCHER, Mr. JOHANNS, and Mr. HATCH) 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 1045 and insert the following:

SEC. 1045. READINESS OF INTERCONTINENTAL BALLISTIC MISSILE FORCE.

The Secretary of Defense shall preserve each intercontinental ballistic missile silo that contains a deployed missile as of the date of the enactment of this Act in, at minimum, a warm status that enables that silo—

(1) to remain a fully functioning element of the interconnected and redundant command and control system of the missile field; and

(2) to be made fully operational with a deployed missile.

SA 2041. Mr. TESTER (for himself, Mr. HELLER, and Mr. BAUCUS) 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 VI, add the following:

SEC. 632. TRANSPORTATION ON MILITARY AIRCRAFT ON A SPACE-AVAILABLE BASIS FOR DISABLED VETERANS WITH A SERVICE-CONNECTED, PERMANENT DISABILITY RATED AS TOTAL.

(a) AVAILABILITY OF TRANSPORTATION.—Section 2641b of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) SPECIAL PRIORITY FOR CERTAIN DISABLED VETERANS.—(1) The Secretary of Defense shall provide, at no additional cost to the Department of Defense and without any aircraft modification, transportation on scheduled and unscheduled military flights within the continental United States and on scheduled overseas flights operated by the Air Mobility Command on a space-available basis for any veteran with a service-connected, permanent disability rated as total.

''(2) Notwithstanding subsection (d)(1), in establishing space-available transportation priorities under the travel program, the Secretary shall provide transportation under paragraph (1) on the same basis as such transportation is provided to members of the armed forces entitled to retired or retainer pay.

''(3) The requirement to provide transportation on Department of Defense aircraft on a space-available basis on the priority basis described in paragraph (2) to veterans covered by this subsection applies whether or not the travel program is established under this section.

''(4) In this subsection, the terms 'veteran' and 'service-connected' have the meanings given those terms in section 101 of title 38.''.

(b) EFFECTIVE DATE.—Subsection (f) of section 2641b of title 10, United States Code, as added by subsection (a), shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act.

SA 2042. Ms. AYOTTE (for herself, Mr. CHAMBLISS, Mr. INHOFE, and Mrs. FISCHER) 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 1033 and insert the following:

SEC. 1033. PROHIBITION ON THE USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act for fiscal year 2014 may be used to transfer, release, or assist in the transfer or release to or within the United States, or the territories or possessions of the United States, of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to an individual who is transferred to United States Naval Station, Guantanamo Bay, Cuba, after the date of the enactment of this Act for the purpose of interrogation by the United States.

SA 2043. Ms. AYOTTE (for herself, Mr. CHAMBLISS, Mr. INHOFE, and Mrs. FISCHER) 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 1031 and insert the following:

SEC. 1031. REQUIREMENTS FOR CERTIFICATIONS RELATING TO THE TRANSFER OF DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO FOREIGN COUNTRIES AND OTHER FOREIGN ENTITIES.

(a) CERTIFICATION REQUIRED PRIOR TO TRANSFER.—

(1) IN GENERAL.—Except as provided in paragraph (2) and subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise available to the Department of Defense to transfer any individual detained at Guantanamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity unless the Secretary submits to Congress the certification described in subsection (b) not later than 30 days before the transfer of the individual.

(2) EXCEPTION.—Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance).

(b) CERTIFICATION.—A certification described in this subsection is a written certification made by the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, that—

(1) the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantanamo is to be transferred—

(A) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

(B) maintains control over each detention facility in which the individual is to be detained if the individual is to be housed in a detention facility;

(C) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to exercise control over the individual;

(D) has taken or agreed to take effective actions to ensure that the individual cannot take action to threaten the United States, its citizens, or its allies in the future;

(E) has taken or agreed to take such actions as the Secretary of Defense determines are necessary to ensure that the individual cannot engage or reengage in any terrorist activity; and

(F) has agreed to share with the United States any information that—

(i) is related to the individual or any associates of the individual; and

(ii) could affect the security of the United States, its citizens, or its allies; and

(2) includes an assessment, in classified or unclassified form, of the capacity, willingness, and past practices (if applicable) of the foreign country or entity in relation to the Secretary's certifications.

(c) PROHIBITION IN CASES OF PRIOR CONFIRMED RECIDIVISM.—

(1) PROHIBITION.—Except as provided in paragraph (2) and subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise made available to the Department of Defense to transfer any individual detained at Guantanamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time after September 11, 2001, who was transferred to such foreign country or entity and subsequently engaged in any terrorist activity.

(2) EXCEPTION.—Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance).

(d) NATIONAL SECURITY WAIVER.—

(1) IN GENERAL.—The Secretary of Defense may waive the applicability to a detainee transfer of a certification requirement specified in subparagraph (D) or (E) of subsection (b)(1) or the prohibition in subsection (c), if the Secretary certifies the rest of the criteria required by subsection (b) for transfers prohibited by (c) and, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, determines that—

(A) alternative actions will be taken to address the underlying purpose of the requirement or requirements to be waived;

(B) in the case of a waiver of subparagraph (D) or (E) of subsection (b)(1), it is not possible to certify that the risks addressed in the paragraph to be waived have been completely eliminated, but the actions to be taken under subparagraph (A) will substantially mitigate such risks with regard to the individual to be transferred;

(C) in the case of a waiver of subsection (c), the Secretary has considered any confirmed case in which an individual who was transferred to the country subsequently engaged in terrorist activity, and the actions to be taken under subparagraph (A) will substantially mitigate the risk of recidivism with regard to the individual to be transferred; and

(D) the transfer is in the national security interests of the United States.

(2) REPORTS.—Whenever the Secretary makes a determination under paragraph (1), the Secretary shall submit to the appropriate committees of Congress, not later than 30 days before the transfer of the individual concerned, the following:

(A) A copy of the determination and the waiver concerned.

(B) A statement of the basis for the determination, including—

(i) an explanation why the transfer is in the national security interests of the United States;

(ii) in the case of a waiver of paragraph (D) or (E) of subsection (b)(1), an explanation why it is not possible to certify that the risks addressed in the paragraph to be waived have been completely eliminated; and

(iii) a classified summary of—

(I) the individual's record of cooperation while in the custody of or under the effective control of the Department of Defense; and

(II) the agreements and mechanisms in place to provide for continuing cooperation.

(C) A summary of the alternative actions to be taken to address the underlying purpose of, and to mitigate the risks addressed in, the paragraph or subsection to be waived.

(D) The assessment required by subsection (b)(2).

(e) RECORD OF COOPERATION.—In assessing the risk that an individual detained at Guantanamo will engage in terrorist activity or other actions that could affect the security of the United States if released for the purpose of making a certification under subsection (b) or a waiver under subsection (d), the Secretary of Defense may give favorable consideration to any such individual—

(1) who has substantially cooperated with United States intelligence and law enforcement authorities, pursuant to a pre-trial agreement, while in the custody of or under the effective control of the Department of Defense; and

(2) for whom agreements and effective mechanisms are in place, to the extent relevant and necessary, to provide for continued cooperation with United States intelligence and law enforcement authorities.

(f) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term ''individual detained at Guantanamo'' means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(3) The term ''foreign terrorist organization'' means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

Strike section 1033 and insert the following:

SEC. 1033. PROHIBITION ON THE USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act for fiscal year 2014 may be used to transfer, release, or assist in the transfer or release to or within the United States, or the territories or possessions of the United States, of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to an individual who is transferred to United States Naval Station, Guantanamo Bay, Cuba, after the date of the enactment of this Act for the purpose of interrogation by the United States.

At the end of subtitle D of title X, add the following:

SEC. 1035. PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—No amounts authorized to be appropriated or otherwise made available for fiscal year 2014 by this Act or any other Act may be used to construct or modify any facility in the United States, its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment unless authorized by Congress.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.—

(1) IN GENERAL.—In this section, the term ''individual detained at Guantanamo'' means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(2) EXCLUSION.—The term does not mean any individual transferred to United States Naval Station, Guantanamo Bay, Cuba, after October 1, 2009, who was not located at United States Naval Station, Guantanamo Bay, Cuba, on that date.

SEC. 1036. PROHIBITION ON TRANSFER OR RELEASE TO YEMEN OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

None of the amounts authorized to be appropriated or otherwise available to the Department of Defense may be used to transfer, release, or assist in the transfer or release, during the period beginning on the date of the enactment of this Act and ending on December 31, 2014, of any individual detained in the custody or under the control of the Department of Defense at United States Naval Station, Guantanamo Bay, Cuba, to the custody or control of the Republic of Yemen or any entity within Yemen.

SA 2044. Ms. AYOTTE (for herself, Mr. CHAMBLISS, Mr. INHOFE, and Mrs. FISCHER) 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 1031 and insert the following:

SEC. 1031. REQUIREMENTS FOR CERTIFICATIONS RELATING TO THE TRANSFER OF DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO FOREIGN COUNTRIES AND OTHER FOREIGN ENTITIES.

(a) CERTIFICATION REQUIRED PRIOR TO TRANSFER.—

(1) IN GENERAL.—Except as provided in paragraph (2) and subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise available to the Department of Defense to transfer any individual detained at Guantanamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity unless the Secretary submits to Congress the certification described in subsection (b) not later than 30 days before the transfer of the individual.

(2) EXCEPTION.—Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance).

(b) CERTIFICATION.—A certification described in this subsection is a written certification made by the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, that—

(1) the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantanamo is to be transferred—

(A) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

(B) maintains control over each detention facility in which the individual is to be detained if the individual is to be housed in a detention facility;

(C) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to exercise control over the individual;

(D) has taken or agreed to take effective actions to ensure that the individual cannot take action to threaten the United States, its citizens, or its allies in the future;

(E) has taken or agreed to take such actions as the Secretary of Defense determines are necessary to ensure that the individual cannot engage or reengage in any terrorist activity; and

(F) has agreed to share with the United States any information that—

(i) is related to the individual or any associates of the individual; and

(ii) could affect the security of the United States, its citizens, or its allies; and

(2) includes an assessment, in classified or unclassified form, of the capacity, willingness, and past practices (if applicable) of the foreign country or entity in relation to the Secretary's certifications.

(c) PROHIBITION IN CASES OF PRIOR CONFIRMED RECIDIVISM.—

(1) PROHIBITION.—Except as provided in paragraph (2) and subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise made available to the Department of Defense to transfer any individual detained at Guantanamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time after September 11, 2001, who was transferred to such foreign country or entity and subsequently engaged in any terrorist activity.

(2) EXCEPTION.—Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance).

(d) NATIONAL SECURITY WAIVER.—

(1) IN GENERAL.—The Secretary of Defense may waive the applicability to a detainee

transfer of a certification requirement specified in subparagraph (D) or (E) of subsection (b)(1) or the prohibition in subsection (c), if the Secretary certifies the rest of the criteria required by subsection (b) for transfers prohibited by (c) and, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, determines that—

(A) alternative actions will be taken to address the underlying purpose of the requirement or requirements to be waived;

(B) in the case of a waiver of subparagraph (D) or (E) of subsection (b)(1), it is not possible to certify that the risks addressed in the paragraph to be waived have been completely eliminated, but the actions to be taken under subparagraph (A) will substantially mitigate such risks with regard to the individual to be transferred;

(C) in the case of a waiver of subsection (c), the Secretary has considered any confirmed case in which an individual who was transferred to the country subsequently engaged in terrorist activity, and the actions to be taken under subparagraph (A) will substantially mitigate the risk of recidivism with regard to the individual to be transferred; and

(D) the transfer is in the national security interests of the United States.

(2) REPORTS.—Whenever the Secretary makes a determination under paragraph (1), the Secretary shall submit to the appropriate committees of Congress, not later than 30 days before the transfer of the individual concerned, the following:

(A) A copy of the determination and the waiver concerned.

(B) A statement of the basis for the determination, including—

(i) an explanation why the transfer is in the national security interests of the United States;

(ii) in the case of a waiver of paragraph (D) or (E) of subsection (b)(1), an explanation why it is not possible to certify that the risks addressed in the paragraph to be waived have been completely eliminated; and

(iii) a classified summary of—

(I) the individual's record of cooperation while in the custody of or under the effective control of the Department of Defense; and

(II) the agreements and mechanisms in place to provide for continuing cooperation.

(C) A summary of the alternative actions to be taken to address the underlying purpose of, and to mitigate the risks addressed in, the paragraph or subsection to be waived.

(D) The assessment required by subsection (b)(2).

(e) RECORD OF COOPERATION.—In assessing the risk that an individual detained at Guantanamo will engage in terrorist activity or other actions that could affect the security of the United States if released for the purpose of making a certification under subsection (b) or a waiver under subsection (d), the Secretary of Defense may give favorable consideration to any such individual—

(1) who has substantially cooperated with United States intelligence and law enforcement authorities, pursuant to a pre-trial agreement, while in the custody of or under the effective control of the Department of Defense; and

(2) for whom agreements and effective mechanisms are in place, to the extent relevant and necessary, to provide for continued cooperation with United States intelligence and law enforcement authorities.

(f) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term ''individual detained at Guantanamo'' means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(3) The term ''foreign terrorist organization'' means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

SA 2045. Ms. AYOTTE (for herself, Mr. CHAMBLISS, Mr. INHOFE, and Mrs. FISCHER) 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 X, add the following:

SEC. 1035. PROHIBITION ON TRANSFER OR RELEASE TO YEMEN OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

None of the amounts authorized to be appropriated or otherwise available to the Department of Defense may be used to transfer, release, or assist in the transfer or release, during the period beginning on the date of the enactment of this Act and ending on December 31, 2014, of any individual detained in the custody or under the control of the Department of Defense at United States Naval Station, Guantanamo Bay, Cuba, to the custody or control of the Republic of Yemen or any entity within Yemen.

SA 2046. Ms. AYOTTE (for herself, Mr. CHAMBLISS, Mr. INHOFE, and Mrs. FISCHER) 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 X, add the following:

SEC. 1035. PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—No amounts authorized to be appropriated or otherwise made available for fiscal year 2014 by this Act or any other Act may be used to construct or modify any facility in the United States, its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment unless authorized by Congress.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.—

(1) IN GENERAL.—In this section, the term ''individual detained at Guantanamo'' means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(2) EXCLUSION.—The term does not mean any individual transferred to United States Naval Station, Guantanamo Bay, Cuba, after October 1, 2009, who was not located at United States Naval Station, Guantanamo Bay, Cuba, on that date.

SA 2047. Mr. COATS 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 X, add the following:

SEC. 1025. EXPANSION OF AUTHORITY FOR DISPOSITION OF LARGER NAVAL VESSELS.

Section 7307(a) of title 10, United States Code, is amended by striking ''3,000 tons'' and inserting ''6,000 tons''.

SA 2048. Mr. COATS 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. EXECUTIVE AGENT FOR BATTERY TECHNOLOGY.

(a) EXECUTIVE AGENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall designate a senior official of the Department of Defense to act as the executive agent for battery technology.

(b) ROLES, RESPONSIBILITIES, AND AUTHORITIES.—

(1) ESTABLISHMENT.—Not later than one year after the date of the enactment of this Act and in accordance with Directive 5101.1, the Secretary shall prescribe the roles, responsibilities, and authorities of the executive agent designated under subsection (a).

(2) SPECIFICATION.—The roles and responsibilities of the executive agent designated under subsection (a) shall include each of the following:

(A) Development and maintenance of a battery technology roadmap that ensures that the Department has access to the manufacturing capabilities and technical expertise necessary to meet future military requirements regarding such technology.

(B) Development of recommended funding strategies necessary to meet the requirements of the roadmap developed under subparagraph (A).

(C) Assessment of the vulnerabilities, trustworthiness, and diversity of the battery technology supply chain, including the development of trustworthiness requirements for battery technology used in defense systems, and development of strategies to address matters that are identified as a result of such assessment.

(D) Such other roles and responsibilities as the Secretary considers appropriate.

(c) SUPPORT WITHIN DEPARTMENT OF DEFENSE.—In accordance with Directive 5101.1, the Secretary shall ensure that the military departments, Defense Agencies, and other components of the Department provide the executive agent designated under subsection (a) with the appropriate support and resources needed to perform the roles, responsibilities, and authorities of the executive agent.

(d) DEFINITIONS.—In this section:

(1) The term ''Directive 5101.1'' means Department of Defense Directive 5101.1, or any successor directive relating to the responsibilities of an executive agent of the Department of Defense.

(2) The term ''executive agent'' has the meaning given the term ''DoD Executive Agent'' in Directive 5101.1.

SA 2049. Mr. COATS 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. EXECUTIVE AGENT FOR MICROWAVE, HIGH POWER VACUUM TUBE TECHNOLOGY, AND TRANSMIT AND RECEIVE DEVICES.

(a) EXECUTIVE AGENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall designate a senior official of the Department of Defense to act as the executive agent for microwave, high power vacuum tube technology, and transmit and receive (TR) devices.

(b) ROLES, RESPONSIBILITIES, AND AUTHORITIES.—

(1) ESTABLISHMENT.—Not later than one year after the date of the enactment of this Act and in accordance with Directive 5101.1, the Secretary shall prescribe the roles, responsibilities, and authorities of the executive agent designated under subsection (a).

(2) SPECIFICATION.—The roles and responsibilities of the executive agent designated under subsection (a) shall include each of the following:

(A) Development and maintenance of a roadmap for microwave, high power vacuum tube technology, and transmit and receive devices that ensures that the Department has access to the manufacturing capabilities and technical expertise necessary to meet future military requirements regarding such devices.

(B) Development of recommended funding strategies necessary to meet the requirements of the roadmap developed under subparagraph (A).

(C) Assessment of the vulnerabilities, trustworthiness, and diversity of the microwave, high power vacuum tube technology, and transmit and receive devices supply chain, including the development of trustworthiness requirements for microwave, high power vacuum tube technology, and transmit and receive devices used in defense systems, and development of strategies to address matters that are identified as a result of such assessment.

(D) Such other roles and responsibilities as the Secretary considers appropriate.

(c) SUPPORT WITHIN DEPARTMENT OF DEFENSE.—In accordance with Directive 5101.1, the Secretary shall ensure that the military departments, Defense Agencies, and other components of the Department provide the executive agent designated under subsection (a) with the appropriate support and resources needed to perform the roles, responsibilities, and authorities of the executive agent.

(d) DEFINITIONS.—In this section:

(1) The term ''Directive 5101.1'' means Department of Defense Directive 5101.1, or any successor directive relating to the responsibilities of an executive agent of the Department of Defense.

(2) The term ''executive agent'' has the meaning given the term ''DoD Executive Agent'' in Directive 5101.1.

SA 2050. Mr. COATS 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. EXECUTIVE AGENT FOR RADIATION HARDENED DEVICES.

(a) EXECUTIVE AGENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall designate a senior official of the Department of Defense to act as the executive agent for radiation hardened devices.

(b) ROLES, RESPONSIBILITIES, AND AUTHORITIES.—

(1) ESTABLISHMENT.—Not later than one year after the date of the enactment of this Act and in accordance with Directive 5101.1, the Secretary shall prescribe the roles, responsibilities, and authorities of the executive agent designated under subsection (a).

(2) SPECIFICATION.—The roles and responsibilities of the executive agent designated under subsection (a) shall include each of the following:

(A) Development and maintenance of a radiation hardened devices roadmap that ensures that the Department has access to the manufacturing capabilities and technical expertise necessary to meet future military requirements regarding such devices.

(B) Development of recommended funding strategies necessary to meet the requirements of the roadmap developed under subparagraph (A).

(C) Assessment of the vulnerabilities, trustworthiness, and diversity of the radiation hardened devices supply chain, including the development of trustworthiness requirements for radiation hardened devices used in defense systems, and development of strategies to address matters that are identified as a result of such assessment.

(D) Such other roles and responsibilities as the Secretary considers appropriate.

(c) SUPPORT WITHIN DEPARTMENT OF DEFENSE.—In accordance with Directive 5101.1, the Secretary shall ensure that the military departments, Defense Agencies, and other components of the Department provide the executive agent designated under subsection (a) with the appropriate support and resources needed to perform the roles, responsibilities, and authorities of the executive agent.

(d) DEFINITIONS.—In this section:

(1) The term ''Directive 5101.1'' means Department of Defense Directive 5101.1, or any successor directive relating to the responsibilities of an executive agent of the Department of Defense.

(2) The term ''executive agent'' has the meaning given the term ''DoD Executive Agent'' in Directive 5101.1.

SA 2051. Mr. COATS 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. INCREASED MICRO-PURCHASE THRESHOLD FOR PURCHASES BY THE UNITED STATES SPECIAL OPERATIONS COMMAND IN SUPPORT OF OPERATIONS OVERSEAS.

(a) INCREASED MICRO-PURCHASE THRESHOLD.—In the case of any purchase by the United States Special Operations Command in support of an operation overseas, the micro-purchase threshold for purposes of section 1902 of title 41, United States Code, shall be deemed to be $10,000 rather than the amount otherwise provided for in subsection (a) of such section.

(b) OTHER REQUIREMENTS.—In applying subsections (d) and (e) of section 1902 of title 41, United States Code, to purchases described in subsection (a), the purchases covered by such subsection (d) or (e) shall be deemed to be purchases not greater than $10,000 rather than the amount otherwise provided for in such subsection (d) or (e).

SA 2052. Mr. COATS 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. ENHANCED AUTHORITY FOR PROVISION OF SUPPORT TO PARTNER NATION LIAISON OFFICERS WHILE ASSIGNED TO THE UNITED STATES SPECIAL OPERATIONS COMMAND.

(a) ELIGIBILITY.—Subsection (a) of section 1051a of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting ''(1)'' before ''The Secretary of Defense''; and

(3) by adding at the end the following new paragraph:

''(2)(A) In the case of a liaison officer of another nation who is assigned to the headquarters of the United States Special Operations Command, the Secretary of Defense may provide administrative services and support, to the extent that the Secretary determines appropriate, for the performance of

duties by that liaison officer while so assigned without regard to whether that officer's nation is involved in a military operation with the United States.

''(B) The authority of the Secretary to provide administrative services and support under this subsection for the performance of duties by a liaison officer of another nation who is assigned as described in subparagraph (A) may be exercised only with respect to a liaison officer of another nation whose assignment as described in that subparagraph is accepted by the Secretary of Defense with the concurrence of the Secretary of State.''.

(b) TERMS OF REIMBURSEMENT.—Subsection (c) of such section is amended by adding at the end the following new sentence: ''In the case of an assignment described in subsection (a)(2), the terms of reimbursement shall be specified in the appropriate international agreement used to assign the liaison officer as described in that subsection.''.

(c) CONFORMING AMENDMENT.—Subsection (b)(1) of such section is amended by striking ''subsection (a)'' and inserting ''subsection (a)(1)''.

SA 2053. Mr. COATS 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. SENSE OF CONGRESS REGARDING RIMPAC 2014.

It is the sense of Congress that—

(1) Taiwan should be extended an invitation to participate in the Rim of the Pacific (RIMPAC) 2014 to help increase the proficiency of the Taiwan Navy in humanitarian assistance and disaster relief (HA/DR) operations;

(2) Taiwan's participation in HA/DR exercises will contribute to its capacity to respond to natural disasters such as earthquakes and typhoons that frequently strike its own homeland;

(3) building this capacity will only increase Taiwan's ability to effectively respond in the future while contributing to the security and stability of the maritime domain in the Asia-Pacific region for the benefit of all; and

(4) the United States welcomes the opportunity to work with Taiwan in creating a more interactive naval relationship between our two countries as it is in best security interests of both countries.

SA 2054. Mr. COATS 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. SENSE OF CONGRESS ON PARTICIPATION IN JOINT NATO EXERCISES.

It is the sense of Congress that the Department of Defense should participate meaningfully in every joint North Atlantic Treaty Organization (NATO) exercise in order to demonstrate continuing commitment to NATO, ensure its operational effectiveness with the United States in a leading role, and confirm the President's announced policy to balance withdrawal of Europe-based Brigade Combat Teams (BCTs) with effective and meaningful rotation of forces to Europe of a United States-based BCT.

SA 2055. Mr. COATS 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:

On page __, between lines __ and __, insert the following:

SEC. ___. ASSESSMENTS OF ARMS CONTROL, NONPROLIFERATION, AND DISARMAMENT AGREEMENT VERIFICATION.

Section 306 of the Arms Control and Disarmament Act (22 U.S.C. 2577) is amended—

(1) in subsection (a)(3), by inserting ''the intelligence community, and the Department of Defense'' after ''Department of State''; and

(2) in subsection (b)—

(A) by striking ''REQUEST.—Upon'' and inserting the following: ''REQUEST.—

''(1) IN GENERAL.—Upon'';

(B) by striking ''Committee on Foreign Relations of the Senate or the Committee on International Relations of the House of Representatives'' and inserting ''Committee on Foreign Relations, the Select Committee on Intelligence, the Committee on Armed Services, or the Committee on Banking, Housing, and Urban Affairs of the Senate or the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, the Committee on Armed Services, or the Committee on Financial Services of the House of Representatives''; and

(C) by adding at the end the following new paragraphs:

''(2) CONTENT.—The report required under paragraph (1) shall specify—

''(A) the types of violations that the foreign country might engage in or attempt if the proposal becomes an agreement; and

''(B) the economic sanctions, military responses, and other options that might be considered by the United States Government in response to any such violation.

''(3) PROPOSAL DEFINED.—In this subsection, the term 'proposal' means any proposal, whether formal or informal or in 'white paper' form, that is, either directly or through intermediaries, provided in writing to a foreign country by the United States or provided in writing to the United States by a foreign country.''.

SA 2056. 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 XII, add the following:

SEC. 1220. SPECIAL ENVOY TO PROMOTE RELIGIOUS FREEDOM OF RELIGIOUS MINORITIES IN THE NEAR EAST AND SOUTH CENTRAL ASIA.

(a) APPOINTMENT.—The President may appoint a Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia (in this section referred to as the ''Special Envoy'') within the Department of State. The Special Envoy shall have the rank of ambassador and shall hold the office at the pleasure of the President.

(b) QUALIFICATIONS.—The Special Envoy should be a person of recognized distinction in the field of human rights and religious freedom and with expertise in the Near East and South Central Asia.

(c) DUTIES.—

(1) IN GENERAL.—The Special Envoy shall carry out the following duties:

(A) Promote the right of religious freedom of religious minorities in the countries of the Near East and the countries of South Central Asia, denounce the violation of such right, and recommend appropriate responses by the United States Government when such right is violated.

(B) Monitor and combat acts of religious intolerance and incitement targeted against religious minorities in the countries of the Near East and the countries of South Central Asia.

(C) Work to ensure that the unique needs of religious minority communities in the countries of the Near East and the countries of South Central Asia are addressed, including the economic and security needs of such communities.

(D) Serve as a liaison between the Secretary of Defense and the Secretary of State and foreign governments of the countries of the Near East and the countries of South Central Asia to address laws that are discriminatory toward religious minority communities in such countries.

(E) Coordinate and assist in the preparation of that portion of the report required by sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)) relating to the nature and extent of religious freedom of religious minorities in the countries of the Near East and the countries of South Central Asia.

(F) Coordinate and assist in the preparation of that portion of the report required by section 102(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)) relating to the nature and extent of religious freedom of religious minorities in the countries of the Near East and the countries of South Central Asia.

(2) COORDINATION.—In carrying out the duties under paragraph (1), the Special Envoy shall, to the maximum extent practicable, coordinate with the Under Secretary of Defense for Policy, the Assistant Secretary of State for Population, Refugees and Migration, the Ambassador at Large for International Religious Freedom, the United States Commission on International Religious Freedom, and other relevant Federal agencies and officials.

(d) DIPLOMATIC REPRESENTATION.—Subject to the direction of the President and the Secretary of State, the Special Envoy is authorized to represent the United States in matters and cases relevant to religious freedom in the countries of the Near East and the countries of South Central Asia in—

(1) contacts with foreign governments, intergovernmental organizations, and specialized agencies of the United Nations, the Organization of Security and Cooperation in Europe, and other international organizations of which the United States is a member; and

(2) multilateral conferences and meetings relevant to religious freedom in the countries of the Near East and the countries of South Central Asia.

(e) CONSULTATIONS.—The Special Envoy shall consult with domestic and international nongovernmental organizations and multilateral organizations and institutions, as the Special Envoy considers appropriate to fulfill the purposes of this section.

(f) FUNDING.—

(1) AUTHORITY.—Of the amounts appropriated or otherwise made available to the Secretary of State for ''Diplomatic and Consular Programs'' for fiscal years 2014 through 2018, the Secretary of State is authorized to provide to the Special Envoy $1,000,000 for each such fiscal year for the hiring of staff, the conduct of investigations, and necessary travel to carry out the provisions of this section.

(2) FUNDING OFFSET.—To offset the costs to be incurred by the Department of State to carry out the provisions of this section for fiscal years 2014 through 2018, the Secretary of State shall eliminate such positions within the Department of State, unless otherwise authorized or required by law, as the Secretary determines to be necessary to fully offset such costs.

(3) LIMITATION.—No additional funds are authorized to be appropriated for ''Diplomatic and Consular Programs'' to carry out the provisions of this section.

SA 2057. Ms. COLLINS (for herself, Mr. KING, Mr. MARKEY, and Ms. STABENOW) 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 VIII, add the following:

SEC. 864. COMPLIANCE WITH DOMESTIC SOURCE REQUIREMENTS OF FOOTWEAR FURNISHED OR OBTAINED BY ALLOWANCE FOR ENLISTED MEMBERS OF THE ARMED FORCES UPON THEIR INITIAL ENTRY INTO THE ARMED FORCES.

Section 418 of title 37, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) The footwear prescribed under this section to be furnished to, or to be paid for by allowance under this section by, members of the Army, Navy, Air Force, or Marine Corps upon their initial entry into the armed forces shall comply with the requirements of section 2533a of title 10, without regard to the applicability of any simplified acquisition threshold under chapter 137 of title 10 (or any other provision of law) to the use of such allowance for such footwear.

''(2) Paragraph (1) does not apply to athletic footwear furnished to, or paid for by allowance by, a member described in that paragraph if such footwear—

''(A) is medically required to meet unique physiological needs of the member; and

''(B) cannot be met with athletic footwear that complies with the requirements referred to in that paragraph.''.

SA 2058. Ms. COLLINS (for herself and Mr. BLUMENTHAL) 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 C of title VII, add the following:

SEC. 722. PRESCRIPTION DRUG TAKE-BACK PROGRAM FOR MEMBERS OF THE ARMED FORCES, THEIR DEPENDENTS, AND VETERANS.

(a) PROGRAM FOR MEMBERS OF THE ARMED FORCES AND DEPENDENTS.—The Secretary of Defense and the Attorney General shall jointly carry out a program (commonly referred to as a ''prescription drug take-back program'') under which members of the Armed Forces and dependents of members of the Armed Forces may deliver controlled substances to military medical treatment facilities to be disposed of in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)).

(b) PROGRAM FOR VETERANS.—The Secretary of Veterans Affairs and the Attorney General shall jointly carry out a program under which veterans may deliver controlled substances to be disposed of in accordance with section 302(g) of the Controlled Substances Act.

(c) PROGRAM ELEMENTS.—The programs required by this section shall provide for the following:

(1) In the case of the program required by subsection (a), the delivery of controlled substances under the program to such members of the Armed Forces, medical professionals, and other employees of the Department of Defense, and to such other acceptance mechanisms, as the Secretary of Defense and the Attorney General jointly specify for purposes of the program.

(2) In the case of the program required by subsection (b), the delivery of controlled substances under the program to such employees of the Veterans Health Administration of the Department of Veterans Affairs, and to such other acceptance mechanisms, as the Secretary of Veterans Affairs and the Attorney General jointly specify for purposes of the program.

(3) Appropriate guidelines and procedures to prevent the diversion, misuse, theft, or loss of controlled substances delivered under such programs.

SA 2059. Mr. WICKER (for himself, Mr. KAINE, and Mr. COCHRAN) 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 FUTURE AMPHIBIOUS ASSAULT FORCE.

(a) IN GENERAL.—Not later than February 15, 2014, the Commandant of the Marine Corps shall provide a written report and briefing to the congressional defense committees on the operational risk to the ability of the Marine Corps to meet its obligations under the Department of Defense's Defense Strategic Guidance issued on January 5, 2012.

(b) CONTENT.—The report and briefing required under subsection (a) shall provide an evaluation of any operational risk imposed by the current and planned number of amphibious warfare ships in the amphibious assault force as well as a review of the capabilities of these ships to meet the needs of the Marine Corps.

SA 2060. Mr. WICKER (for himself, Mr. KAINE, and Mr. COCHRAN) 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 X, add the following:

SEC. 1025. SENSE OF CONGRESS ON A BALANCED FUTURE NAVAL FORCE.

(a) FINDINGS.—Congress makes the following findings:

(1) The battle force of the Navy must be sufficiently sized and balanced in capability to meet current and anticipated future national security objectives.

(2) A robust and balanced naval force is required for the Department of Defense to fully execute the National Security Strategy of the President.

(3) To develop and sustain required capabilities the Navy must balance investment and maintenance costs across various vessel types, including—

(A) aircraft carriers;

(B) surface combatants;

(C) submarines;

(D) amphibious assault ships; and

(E) other auxiliary vessels, including support vessels operated by the Military Sealift Command.

(4) The Navy possesses only 28 amphibious assault ships, with an average of only 22 amphibious assault ships available for surge deployment despite a Marine Corps requirement for 38 amphibious assault ships.

(5) The inadequate level of investment in Navy shipbuilding over the last 20 years has resulted in the following:

(A) A fragile shipbuilding industrial base in the United States, both in the construction yards and secondary suppliers of materiel and equipment.

(B) Increased costs per vessel stemming from low production volume.

(6) The Department of Defense Appropriations Act, 2013 (division C of Public Law 113–6) provides $263,000,000 towards advance procurement of materiel and equipment required to continue the San Antonio LPD–17 amphibious transport dock class of vessels to a total of 12 vessels, a key first step in rebalancing the amphibious assault ship force structure of the Navy.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Department of Defense and the Department of the Navy must prioritize funding towards increased shipbuilding rates to enable the Navy to meet the full-range of requests from the combatant commands;

(2) the budget requests for the Navy for future fiscal years, and future Long Range Plans for the Construction of Naval Vessels, under section 231 of title 10, United States Code, must realistically anticipate and reflect the true investment necessary to meet stated Navy force structure goals;

(3) without modification to the shipbuilding plan in the Long Range Plan for the Construction of Naval Vessels, the industrial

base that enables construction of large, combat-survivable amphibious assault ships is at significant risk; and

(4) the Department of Defense and Congress should act expeditiously to restore the force structure and capability balance of the fleet of Navy vessels as quickly as possible.

SA 2061. 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 VI, add the following:

SEC. 673. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON DEPARTMENT OF DEFENSE COMMISSARY PROGRAM BENEFIT.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an analysis and assessment of the Department of Defense commissary program benefit.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the level of Department of Defense funding for the Department of Defense commissary program for each of 10 fiscal years ending with fiscal year 2013.

(2) A list of the commissaries not located within 10 miles of either—

(A) a chain grocery store of comparable size; or

(B) a large commercial store that offers grocery products (including fresh produce) that are comparable to products offered at the nearest commissary.

(3) An analysis of the numbers of each type of eligible beneficiary that used the commissaries in the United States during the 10-fiscal year period ending with fiscal year 2013.

(4) An assessment of the value of the commissary benefit to beneficiaries of the commissary program, including members of the regular and reserve components of the Armed Forces, military retirees, and their dependents.

(5) An assessment of the priority eligible beneficiaries place on the commissary benefit as a recruiting and retention tool for the Armed Forces.

(6) An assessment of the priority the Department of Defense places on the commissary benefit as a recruiting and retention tool for the Armed Forces.

(7) A comparative assessment of commissary store operations in the United States with commissary store operations at overseas and remote locations, and an assessment of the potential impacts on operations of commissary stores overseas of curtailing commissary stores operations in the United States.

(8) An identification and assessment of operating cost reductions and efficiency that could be achieved by the Defense Commissary Agency without impacting the current benefit levels provided to beneficiaries of the commissary program.

(9) An assessment of the potential savings to the Department if commissary operations in the United States were curtailed or otherwise changed.

SA 2062. Mr. GRAHAM (for himself and Mr. HATCH) 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 V, add the following:

SEC. 514. POLICY ON MILITARY RECRUITMENT AND ENLISTMENT OF GRADUATES OF SECONDARY SCHOOLS.

(a) CONDITIONS ON USE OF TEST, ASSESSMENT, OR SCREENING TOOLS.—In the case of any test, assessment, or screening tool utilized under the policy on recruitment and enlistment required by subsection (b) of section 532 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1403; 10 U.S.C. 503 note) for the purpose of identifying persons for recruitment and enlistment in the Armed Forces, the Secretary of Defense shall—

(1) implement a means for ensuring that graduates of a secondary school (as defined in section 9101(38) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(38)), including all persons described in subsection (a)(2) of section 532 of the National Defense Authorization Act for Fiscal Year 2012, are required to meet the same standard on the test, assessment, or screening tool; and

(2) use uniform testing requirements and grading standards.

(b) RULE OF CONSTRUCTION.—Nothing in section 532(b) of the National Defense Authorization Act for Fiscal Year 2012 or this section shall be construed to permit the Secretary of Defense or the Secretary of a military department to create or use a different grading standard on any test, assessment, or screening tool utilized for the purpose of identifying graduates of a secondary school (as defined in section 9101(38) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(38)), including all persons described in subsection (a)(2) of section 532 of the National Defense Authorization Act for Fiscal Year 2012, for recruitment and enlistment in the Armed Forces.

SA 2063. Ms. AYOTTE (for herself and Mr. BLUNT) 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 I, add the following:

SEC. 135. LIMITATION ON RETIREMENT OF A–10 AIRCRAFT.

(a) LIMITATION.—None of the funds authorized to be appropriated or otherwise made available for the Department of Defense may be obligated or expended to retire, prepare to retire, or place in storage any A–10 aircraft until each of the following:

(1) The Secretary of the Air Force certifies to the congressional defense committees each of the following:

(A) That the F–35A aircraft has achieved full operational capability.

(B) That the F–35A aircraft has achieved Block 4A capabilities, including—

(i) an enhanced electronic warfare capability that will allow the F–35A aircraft to counter emerging threats in a close air support (CAS) environment; and

(ii) a GBU–53 Small Diameter Bomb version II or equivalent weapon operational capability.

(C) That a number of F–35A aircraft exists in the Air Force inventory in sufficient quantity to replace the A–10 aircraft being retired in order to meet close air support capability requirements of the combatant commands.

(2) The Comptroller General of the United States submits to the congressional defense committees a report setting forth the following:

(A) An assessment whether each certification under paragraph (1) is comprehensive, fully supported, and sufficiently detailed.

(B) An identification of any shortcomings, limitations, or other reportable matters that affect the quality or findings of any certification under paragraph (1).

(b) DEADLINE FOR SUBMITTAL OF COMPTROLLER GENERAL REPORT.—The report of the Comptroller General under paragraph (2) of subsection (a) shall be submitted not later than 90 days after the date of the submittal of the certification referred to in paragraph (1) of that subsection.

SA 2064. Ms. COLLINS (for herself and Mr. KING) 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 X, add the following:

SEC. 1003. AUTHORITY FOR ACCEPTANCE OF PAYMENT IN KIND IN SETTLEMENT OF A–12 AIRCRAFT LITIGATION.

Notwithstanding any other provision of law, during the current fiscal year and hereafter, the Secretary of the Navy is authorized to accept and retain the following consideration in lieu of a monetary payment for purposes of the settlement of the A–12 aircraft litigation arising from the default termination of Contract No. N00019-88-C-0050:

(1) From General Dynamics Corporation: credit in an amount not to exceed $198,000,000 toward the design, construction, and delivery of the steel deckhouse, hangar, and aft missile launching system for the DDG 1002.

(2) From the Boeing Company: Three EA-18G Growler aircraft, with installed Airborne Electronic Attack kits, valued at an amount not to exceed $198,000,000, at no cost to the Department of the Navy.

SA 2065. 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 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) 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 2066. Mr. DONNELLY (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 F of title X, add the following:

SEC. 1054. COLLABORATION AMONG THE STRATEGIC FORCES OF THE ARMED FORCES.

(a) SENSE OF CONGRESS ON COLLABORATION.—It is the sense of Congress that—

(1) ongoing collaboration on strategic forces for affordability between the Navy and the Air Force may be further augmented, for example, by the technologies and expertise being developed under the Conventional Prompt Global Strike (CPGS) efforts of the Office of the Secretary of Defense; and

(2) identifying and leveraging areas of overlap may increase efficiencies of strategic systems and Conventional Prompt Global Strike efforts in a manner that reduces long-term costs, including supporting common subsystems that may promote a more resilient industrial base.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a detailed strategy for collaboration among the Army, the Navy, and the Air Force to improve overall strategic program efficiencies, technology sharing, and overall potential benefits of such activities.

(2) ELEMENTS.—The report required by paragraph (2) shall include the following:

(A) An assessment of the potential benefits of collaboration among the Army, the Navy, and the Air Force on strategic programs (including, but not limited to, program management for programs to develop and modernize strategic weapon systems), including potential costs and benefits for research and development and production, and potential benefits for the defense industrial base that supports strategic forces.

(B) An assessment of any risks associated with collaboration described in subparagraph (A), including resource availability, cyber security, and impact on the schedule for current strategic systems modernization programs, and a description of actions to be taken by the Department to mitigate such risks.

SA 2067. Mr. DONNELLY (for himself, Mr. LEAHY, Mr. CRUZ, Mr. BLUNT, Mr. BEGICH, Mr. PRYOR, Mr. SCHATZ, Mr. BENNET, Mr. JOHANNS, Mr. MENENDEZ, Mr. CORNYN, Mr. BOOZMAN, Ms. HEITKAMP, and Mr. CHAMBLISS) 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. TIERED PREFERENCE ELIGIBILITY FOR MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES.

(a) SHORT TITLE.—This section may be cited as the ''Military Reserve Jobs Act of 2013''.

(b) PREFERENCE ELIGIBILITY FOR MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES.—Section 2108 of title 5, United States Code, is amended—

(1) in paragraph (3)—

(A) in subparagraph (G)(iii), by striking ''and'' at the end;

(B) in subparagraph (H), by adding ''and'' at the end; and

(C) by inserting after subparagraph (H) the following:

''(I) a qualified reservist;'';

(2) in paragraph (4)—

(A) in subparagraph (A), by striking ''or'' at the end;

(B) in subparagraph (B), by striking ''and'' at the end and inserting ''or''; and

(C) by adding at the end the following:

''(C) the individual is a retiree described in paragraph (7)(B);'';

(3) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(6) 'entry level and skill training' has the meaning given that term in section 3301(2) of title 38;

''(7) 'qualified reservist' means—

''(A) an individual who is a member of a reserve component of the Armed Forces—

''(i) who has—

''(I) successfully completed officer candidate training or entry level and skill training; and

''(II) incurred, or is performing, an initial period of obligated service in a reserve component of the Armed Forces of not less than 6 consecutive years; or

''(ii) who—

''(I) has completed at least 10 years of service in a reserve component of the Armed Forces; and

''(II) in each year of service in a reserve component of the Armed Forces, was credited with at least 50 points under section 12732 of title 10; and

''(B) an individual who is—

''(i) retired from service in a reserve component of the Armed Forces; and

''(ii) eligible for, but has not yet commenced receipt of, retired pay for non-regular service under chapter 1223 of title 10; and

''(8) 'reserve component of the Armed Forces' means a reserve component specified in section 101(27) of title 38.''.

(c) TIERED HIRING PREFERENCE FOR MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES.—Section 3309 of title 5, United States Code, is amended—

(1) in paragraph (1), by striking ''and'' at the end; and

(2) by striking paragraph (2) and inserting the following:

''(2) a preference eligible under subparagraph (A) or (B) of section 2108(3), or described in section 2108(7)(B)—5 points;

''(3) a preference eligible described in section 2108(7)(A)(ii)—4 points; and

''(4) a preference eligible described in section 2108(7)(A)(i)—3 points.''.

SA 2068. Mr. PORTMAN 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:

On page 415, strike lines 15 and 16 and insert following:

United States Government;

(5) addresses issues relating to the ability of the United States to support non-proliferation goals through domestic, nuclear fuel cycle capabilities using technology of United States origin; and

(6) mobilizes and leverages additional resources

SA 2069. Mr. PORTMAN 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 1107 and insert the following:

SEC. 1107. DEFENSE SCIENCE INITIATIVE FOR PERSONNEL.

(a) STATEMENT OF POLICY.—It is the policy of the United States to assure the scientific and technological preeminence of its defense laboratories, which are essential to the national security, by requiring the Department of Defense to provide to its science and technology laboratories—

(1) the personnel and support services needed to carry out their mission; and

(2) decentralized management authority.

(b) ESTABLISHMENT OF INITIATIVE.—There is hereby established within the Department of Defense an initiative to be known as the Defense Science Initiative for Personnel (in this section referred to as the ''Initiative''). The Initiative shall provide authorities for the Department for the employment and management of personnel of Department of Defense Science and Technology Reinvention Laboratories.

(c) LABORATORIES COVERED BY INITIATIVE.—The laboratories covered by the Initiative—

(1) shall be those designated as Science and Technology Reinvention Laboratories (in this section referred to as ''STRLs'') by the Secretary or by paragraph (2); and

(2) shall include the laboratories enumerated in section 1105 of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2358 note), which laboratories are hereby designated as STRLs.

(d) SCIENCE AND ENGINEERING DEGREED AND TECHNICAL POSITIONS AT STRLS.—

(1) IN GENERAL.—The director of any STRL may appoint qualified candidates, without regard to subchapter I of chapter 33 of title 5, United States Code (other than sections 3303 and 3328 of such title), directly to scientific, technical, engineering, mathematical, or medical positions within such STRL, on either a temporary, term, or permanent basis.

(2) QUALIFIED CANDIDATES DEFINED.—Notwithstanding any provision of chapter 51 of title 5, United States Code, in this subsection, the term ''qualified candidate'' means an individual who is—

(A) a candidate who has earned a bachelor's degree;

(B) a student enrolled in a program of undergraduate or graduate instruction leading to a bachelor's or master's degree in a scientific, technical, engineering, mathematical, or medical course of study at an institution of higher education (as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)); or

(C) a veteran or disabled veteran, as defined in paragraph (1) or (2) of section 2108 of title 5, United States Code, respectively, who served as a technician in the Armed Forces in a scientific, technical, engineering, mathematical, or medical occupational specialty.

(3) LIMITATION.—The authority in paragraph (2)(A) may not, in any calendar year and with respect to any STRL, be exercised with respect to a number of candidates hired into permanent, term, and temporary positions greater than the number equal to 5 percent of the scientific, technical, engineering, mathematical, and medical positions within such STRL that are filled as of the close of the fiscal year before the start of such calendar year.

(4) RULE OF CONSTRUCTION.—Any exercise of authority under paragraph (1) shall be considered to satisfy section 2301(b)(1) of title 5, United States Code.

(e) EXCLUSIONS FROM PERSONNEL LIMITATIONS.—The director of any STRL shall manage the workforce strength, structure, composition, and compensation of such STRL—

(1) without regard to any limitation on appointments or funding with respect to such STRL, subject to paragraph (2); and

(2) in a manner consistent with the budget available with respect to such STRL.

(f) SENIOR EXECUTIVE SERVICE ROTATION AUTHORITY.—The Secretary of Defense shall, exercising the authority granted to the Secretary by section 3131 of title 5, United States Code, delegate decision making authority under section 3131(5) of such title to the director of each STRL described in subsection (c)(2) to determine the duration of assignment of senior executives assigned to such laboratory, consistent with carrying out the mission of such laboratory.

(g) SENIOR SCIENTIFIC TECHNICAL MANAGERS.—

(1) ESTABLISHMENT.—There is hereby established in each STRL a category of senior professional scientific positions, the incumbents of which shall be designated as ''senior scientific technical managers'' and which shall, notwithstanding section 5108 of title 5, United States Code, be positions classified above GS-15 of the General Schedule. The primary functions of such positions shall be—

(A) to engage in research and development in the physical, biological, medical, or engineering sciences, or another field closely related to the mission of such STRL; and

(B) to carry out technical supervisory or program management responsibilities.

(2) APPOINTMENTS.—The positions described in paragraph (1) may be filled, and shall be managed, by the director of the STRL involved, under criteria established pursuant to section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), relating to personnel demonstration projects at laboratories of the Department of Defense, except that the director of the laboratory involved shall determine the number of such positions at such laboratory, not to exceed 3 percent of the number of scientists and engineers employed at such laboratory at the end of the fiscal year prior to the calendar year in which any appointments subject to that numerical limitation are made.

(h) SELECTION AND COMPENSATION OF SPECIALLY-QUALIFIED SCIENTIFIC AND PROFESSIONAL PERSONNEL.—Section 3104 of title 5, United States Code, is amended by adding at the end the following new subsection:

''(d) In addition to the number of positions authorized by subsection (a), the director of each Science and Technology Reinvention Laboratory described in section 1107(c)(2) of the National Defense Authorization Act for Fiscal Year 2014 may establish, without regard to the second sentence of subsection (a), such number of specially-qualified scientific and professional (ST) positions as may be necessary to carry out the research and development functions of the laboratory and which require the services of specially-qualified personnel. The selection process governing appointments made under this subsection shall be determined by the director of the laboratory involved, and the rate of basic pay for the employee holding any such position shall be set by the laboratory director at a rate not to exceed the rate for level II of the Executive Schedule.''.

SA 2070. Mr. PORTMAN (for himself and Mr. BROWN) 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 V, add the following:

SEC. 585. AUTHORITY FOR AWARD OF THE DISTINGUISHED SERVICE CROSS TO SPECIALIST FOUR ROBERT L. TOWLES FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) WAIVER OF TIME LIMITATIONS.—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 Secretary of the Army may award the Distinguished Service Cross under section 3742 of that title to Robert L. Towles for the acts of valor referred to in subsection (b).

(b) ACTION DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Specialist Four Robert L. Towles, on November 17, 1965, as a member of the United States Army serving in the grade of Specialist Four during the Vietnam War while serving in Company D, 2d Battalion, 7th Cavalry, 1st Cavalry Division, for which he was originally awarded the Bronze Star with ''V'' Device.

SA 2071. Mr. PORTMAN 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 II, add the following:

SEC. 237. DEADLINE FOR DEVELOPMENT OF CONTINGENCY PLAN FOR DEPLOYMENT OF A HOMELAND DEFENSE MISSILE DEFENSE INTERCEPTOR SITE.

Section 227(d) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1679) is amended by striking ''shall—'' and inserting ''shall, by not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2014—''

SA 2072. 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 180 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, private sector partnerships, and research and development.

(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 2073. Mr. PORTMAN (for himself and Mr. TESTER) 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 931 and insert the following:

SEC. 931. PERSONNEL SECURITY.

(a) COMPARATIVE ANALYSIS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, acting through the Director of Cost Assessment and Program Evaluation and in coordination with the Director of the Office of Management and Budget and the Director of the Office of Personnel Management, submit to Congress a report setting forth a comprehensive analysis comparing the cost, schedule, and performance of personnel security clearance investigations and reinvestigations for employees and contractor personnel of the Department of Defense that are conducted by the Office of Personnel Management with the cost, schedule, and performance of personnel security clearance investigations and reinvestigations for such personnel that are conducted by the components of the Department of Defense.

(2) ELEMENTS OF ANALYSIS.—The analysis under paragraph (1) shall do the following:

(A) Determine, for each of the Office of Personnel Management and the components of the Department that conduct personnel security investigations, the cost, schedule, and performance associated with personnel security investigations and reinvestigations of each type and level of clearance, and identify the elements that contribute to such cost, schedule, and performance.

(B) Identify mechanisms for permanently improving the transparency of the cost structure of personnel security investigations and reinvestigations.

(b) PERSONNEL SECURITY FOR DEPARTMENT OF DEFENSE EMPLOYEES AND CONTRACTORS.—

(1) IN GENERAL.—If the Secretary of Defense determines that the current approach for obtaining personnel security investigations and reinvestigations for employees and contractor personnel of the Department of Defense is not the most advantageous approach for the Department, the Secretary shall develop a plan, by not later than October 1, 2014, for the transition of personnel security investigations and reinvestigations to the approach preferred by the Secretary.

(2) CONSIDERATIONS.—In selecting the most advantageous approach preferred for the Department under paragraph (1), the Secretary shall consider whether cost, schedule, and performance could be improved through increased reliance on private-sector entities to conduct, or provide supporting information for, personnel security investigations and reinvestigations for employees and contractor personnel of the Department.

(c) STRATEGY FOR CONTINUOUS MODERNIZATION OF PERSONNEL SECURITY.—

(1) STRATEGY REQUIRED.—The Secretary of Defense, the Director of National Intelligence, the Director of the Office of Management and Budget, and the Director of the Office of Personnel Management shall jointly develop and implement a strategy to continuously modernize all aspects of personnel security for the Department of Defense with the objectives of lowering costs, increasing efficiencies, enabling and encouraging reciprocity, and improving security.

(2) METRICS.—

(A) METRICS REQUIRED.—In developing the strategy required by paragraph (1), the Secretary and the Directors shall jointly establish metrics to measure the effectiveness of the strategy in meeting the objectives specified in that paragraph.

(B) REPORT.—At the same time the budget of the President for each of fiscal years 2015 through 2018 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary and the Directors shall jointly submit to the appropriate committees of Congress a report on the metrics established under paragraph (1), including an assessment using the metrics of the effectiveness of the strategy in meeting the objectives specified in paragraph (1).

(3) ELEMENTS.—In developing the strategy required by paragraph (1), the Secretary and the Directors shall consider, and may adopt, mechanisms for the following:

(A) Elimination of manual or inefficient processes in investigations and reinvestigations for personnel security, wherever practicable, and automating and integrating the elements of the investigation process, including in the following:

(i) The clearance application process.

(ii) Case management.

(iii) Adjudication management.

(iv) Investigation methods for the collection, analysis, storage, retrieval, and transfer of data and records.

(v) Records management for access and eligibility determinations.

(B) Elimination or reduction, where possible, of the use of databases and information sources that cannot be accessed and processed automatically electronically, or modification of such databases and information sources, if appropriate and cost-effective, to enable electronic access and processing within and between agencies.

(C) Access and analysis of government, publically available, and commercial data sources, including social media, that provide independent information pertinent to adjudication guidelines to improve quality and timeliness, and reduce costs, of investigations and reinvestigations.

(D) Use of government-developed and commercial technology for continuous monitoring and evaluation of government and commercial data sources that can identify and flag information pertinent to adjudication guidelines and eligibility determinations.

(E) Standardization of forms used for routine reporting required of cleared personnel (such as travel, foreign contacts, and financial disclosures) and use of continuous monitoring technology to access databases containing such reportable information to independently obtain and analyze reportable data and events.

(F) Establishment of an authoritative central repository of personnel security information that is accessible electronically at multiple levels of classification and eliminates technical barriers to rapid access to information necessary for eligibility determinations and reciprocal recognition thereof.

(G) Elimination or reduction of the scope of, or alteration of the schedule for, periodic reinvestigations of cleared personnel, when such action is appropriate in light of the information provided by continuous monitoring or evaluation technology.

(H) Electronic integration of personnel security processes and information systems with insider threat detection and monitoring systems, and pertinent law enforcement, counterintelligence and intelligence information, for threat detection and correlation.

(I) Determination of the net value of implementing phased investigative approaches designed to reach an adjudicative decision sooner than is currently achievable by truncating investigations based on thresholds where no derogatory information or clearly unacceptably derogatory information is obtained through initial background checks.

(d) RECIPROCITY OF CLEARANCES.—The Secretary of Defense and the Director of National Intelligence shall jointly ensure that the transition of personnel security clearances between and among Department of Defense components, Department contractors, and Department contracts proceeds as rapidly and inexpensively as possible, including through the following:

(1) By providing for reciprocity of personnel security clearances among positions requiring personnel holding secret, top secret, or sensitive compartmented information clearances (the latter with a counterintelligence polygraph examination), to the maximum extent feasible consistent with national security requirements.

(2) By permitting personnel, when feasible and consistent with national security requirements, to begin work in positions requiring additional security requirements, such as a full-scope polygraph examination, pending satisfaction of such additional requirements.

(e) BENCHMARKS.—For purposes of carrying out the requirements of this section, the Secretary of Defense and the Director of National Intelligence shall jointly determine, by not later than 180 days after the date of the enactment of this Act, the following:

(1) The current level of mobility and personnel security clearance reciprocity of cleared personnel as personnel make a transition between Department of Defense components, between Department contracts, and between government and the private sector.

(2) The costs due to lost productivity in inefficiencies in such transitions arising from personnel security clearance matters.

(f) COMPTROLLER GENERAL REVIEW.—

(1) REVIEW REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall carry out a review of the personnel security process.

(2) OBJECTIVE OF REVIEW.—The objective of the review required by paragraph (1) shall be to identify the following:

(A) Differences between the metrics used by the Department of Defense, the Suitability and Security Clearance Performance and Accountability Council, and the Office of

Personnel Management in granting reciprocity for security clearances, and the manner in which such differences can be harmonized.

(B) The extent to which existing Federal Investigative Standards are relevant, complete, and sufficient for guiding agencies and individual investigators as they conduct their security clearance background investigations.

(C) The processes agencies have implemented to ensure quality in the security clearance background investigation process.

(D) The extent to which agencies have developed and implemented outcome-focused performance measures to track the quality of security clearance investigations and any insights from these measures.

(E) The processes agencies have implemented for resolving incomplete or subpar investigations, and the actions taken against government employees and contractor personnel who have demonstrated a consistent failure to abide by quality assurance measures.

(3) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the results of the review required by paragraph (1).

(g) TASK FORCE ON RECORDS ACCESS FOR SECURITY CLEARANCE BACKGROUND INVESTIGATIONS.—

(1) ESTABLISHMENT.—The Suitability and Security Clearance Performance Accountability Council, as established by Executive Order No. 13467, shall convene a task force to examine the different policies and procedures that determine the level of access to public records provided by State and local authorities in response to investigative requests by Federal Government employees or contracted employees carrying out background investigations to determine an individual's suitability for access to classified information or secure government facilities.

(2) MEMBERSHIP.—The members of the task force shall include, but need not be limited to, the following:

(A) The Chair of the Suitability and Security Clearance Performance and Accountability Council, who shall serve as chair of the task force.

(B) Representative from the Office of Personnel Management.

(C) Representative from the Office of the Director of National Intelligence.

(D) Representative from the Department of Defense responsible for administering security clearance background investigations.

(E) Representatives from Federal law enforcement agencies within the Department of Justice and the Department of Homeland Security involved in security clearance background investigations.

(F) Representatives from State and local law enforcement agencies, including—

(i) agencies in rural areas that have limited resources and less than 500 officers; and

(ii) agencies that have more than 1,000 officers and significant technological resources.

(G) Representative from Federal, State, and local law enforcement associations involved with security clearance background administrative actions and appeals.

(H) Representatives from Federal, State, and local judicial systems involved in the sharing of records to support security clearance background investigations.

(3) INITIAL MEETING.—The task force shall convene its initial meeting not later than 45 days after the date of the enactment of this Act.

(4) DUTIES.—The task force shall do the following:

(A) Analyze the degree to which State and local authorities comply with investigative requests made by Federal Government employees or contractor employees carrying out background investigations to determine an individual's suitability for access to classified information or secure government facilities, including the degree to which investigative requests are required but never formally requested.

(B) Analyze limitations on the access to public records provided by State and local authorities in response to investigative requests by Federal Government employees and contractor employees described in subparagraph (A), including, but not be limited to, limitations relating to budget and staffing constraints on State and local authorities, any procedural and legal obstacles impairing Federal access to State and local law enforcement records, or inadequate investigative procedural standards for background investigators.

(C) Provide recommendations for improving the degree of cooperation and records-sharing between State and local authorities and Federal Government employees and contractor employees described in subparagraph (A).

(5) REPORT.—Not later than 120 days after the date of the enactment of this Act, the task force shall submit to the appropriate committees of Congress a report setting forth a detailed statement of the findings and conclusions of the task force pursuant to this subsection, together with the recommendations of the task force for such legislative or administrative action as the task force considers appropriate.

(h) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Oversight and Government Reform, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 2074. Mr. SHELBY 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 X, add the following:

SEC. 1025. GENERAL COASTWISE WAIVER.

(a) GENERAL COASTWISE WAIVER.—A vessel owned and operated by a contractor or subcontractor providing supplies or services under a shipbuilding or ship repair contract entered into with the Department of Navy is authorized to transport merchandise between points in the United States for purposes of performing that shipbuilding or ship repair contract.

(b) REQUIREMENT TO ISSUE.—Notwithstanding chapters 121 and 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating shall issue a certificate of documentation with a coastwise endorsement to any vessel which will be engaged in the performance of a shipbuilding or ship repair contract entered into with the Department of Navy.

(c) LIMITATION ON OPERATION.—Coastwise trade authorized under subsections (a) and (b) shall be limited to the performance of shipbuilding or ship repair contracts entered into with the Department of Navy.

(d) TERMINATION OF ENDORSEMENT.—A coastwise endorsement issued under subsection (b) for a vessel shall expire on the date of the sale of the vessel.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 14, 2013, at 10 a.m.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on November 14, 2013, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 14, 2013, at 11:15 a.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on November 14, 2013, at 10 a.m., in room SD–430 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Ensuring Access to Higher Education: Simplifying Federal Student Aid for Today's College Student.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REID. 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 14, 2013, at 10 a.m. to conduct a hearing entitled ''Threats to the Homeland.''

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

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on November 14, 2013, in room SD–628 of the Dirksen Senate Office Building, at 2:30 p.m., to conduct a hearing entitled ''Contract Support Costs and Sequestration: Fiscal Crisis in Indian Country.''

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on November 14, 2013, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 14, 2013, at 2 p.m.

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

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY AND CONSUMER RIGHTS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy and Consumer Rights, be authorized to meet during the session of the Senate, on November 14, 2013, at 2:45 p.m., in SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Cartel Prosecution: Stopping Price Fixers and Protecting Consumers.''

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

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 14, 2013, at 2:30 p.m., to hold an European Affairs subcommittee hearing entitled, ''A Pivotal Moment for the Eastern Partnership: Outlook for Ukraine, Moldova, Georgia, Belarus, Armenia, and Azerbaijan''.

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

SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND THE COAST GUARD

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere, Fisheries, and the Coast Guard of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on November 14, 2013, at 10:30 a.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, ''Southeast Regional Perspectives on Magnuson-Stevens Act Reauthorization.''

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

PRIVILEGES OF THE FLOOR

Mr. COONS. Mr. President, I ask unanimous consent that Bryan Stephan, an intern in my office, be granted floor privileges for the duration of today's session.

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

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that Peter Nothstein, a detailee on the Senate Judiciary Committee, be granted Senate floor privileges for the duration of the 113th Congress.

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

Ms. HIRONO. Mr. President, I ask unanimous consent that Jen Burks, a fellow in my office, be granted floor privileges until the end of next week.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 389, 392, 405, 411, 421 and all nominations at the Secretary's desk in the Coast Guard; that the nominations be confirmed en bloc; that the motions to reconsider be considered made and laid on the table, with no intervening action or debate; that no further motions be in order to any nominations; that any related statements be printed in the Record; that President Obama be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Kenneth L. Mossman, of Arizona, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2016.

DEPARTMENT OF DEFENSE

Michael D. Lumpkin, of California, to be an Assistant Secretary of Defense.

DEPARTMENT OF STATE

Gregory B. Starr, of Virginia, to be an Assistant Secretary of State (Diplomatic Security).

James Walter Brewster, Jr., of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Dominican Republic.

Philip S. Goldberg, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career-Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Philippines.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE COAST GUARD

PN966 COAST GUARD nominations (26) beginning Kenneth J. Anderson, and ending Forest A. Willis, Jr., which nominations were received by the Senate and appeared in the Congressional Record of November 7, 2013.

PN967 COAST GUARD nominations (76) beginning Wayne R. Arguin, and ending Michael B. Zamperini, which nominations were received by the Senate and appeared in the Congressional Record of November 7, 2013.

PN968 COAST GUARD nominations (150) beginning Steven C. Acosta, and ending Marc A. Zlomek, which nominations were received by the Senate and appeared in the Congressional Record of November 7, 2013.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

PREEMIE REAUTHORIZATION ACT

Mr. REID. I ask that the Senate proceed to the immediate consideration of the House message on S. 252.

The PRESIDING OFFICER laid before the Senate a message from the House, as follows:

Resolved, That the bill from the Senate (S. 252) entitled ''An Act to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.'', do pass with amendments.

Mr. REID. I further ask that the Senate concur in the House amendments, 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.

RESOLUTIONS SUBMITTED TODAY

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 295, 296, 297, en bloc.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. REID. Madam President, I ask unanimous consent the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate.

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

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under ''Submitted Resolutions.'')

Mr. REID. 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. REID. I ask unanimous consent that the order for the quorum call be rescinded.

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

EXPRESSING SUPPORT FOR THE VICTIMS OF THE TYPHOON IN THE PHILIPPINES

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to calendar No. 245.

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

The legislative clerk read as follows:

A resolution (S. Res. 292) expressing support for the victims of the typhoon in the Philippines and the surrounding region.

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

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, 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 resolution (S. Res. 292) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of November 13, 2013, under ''Submitted Resolutions.'')

CALLING ON THE GOVERNMENT OF IRAN TO RELEASE SAEED ABEDINI AND OTHER INDIVIDUALS

Mr. REID. Madam President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration and the Senate proceed to S. Res. 284.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 284) calling on the Government of Iran to immediately release Saeed Abedini and all other individuals detained on account of their religious beliefs.

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

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be considered made and laid upon the table.

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

The resolution (S. Res. 284) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of October 31, 2013, under ''Submitted Resolutions.'')

ORDERS FOR MONDAY, NOVEMBER 18, 2013

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, November 18, 2013, and that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that following any leader remarks the Senate be in a period of morning business until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each; that the first-degree filing deadline for amendments to H.R. 3204 be 3 p.m. on Monday and the second-degree filing deadline be 4 p.m. on Monday; further, that at 5 p.m., the Senate proceed to executive session to consider Calendar No. 381, the nomination of Robert Wilkins to be the U.S. Circuit Judge for the DC Circuit, with the time until 5:30 p.m. equally divided and controlled in the usual form prior to the cloture vote on the nomination; that if cloture is not invoked, the Senate resume legislative session and immediately vote on the motion to invoke cloture on H.R. 3204, the pharmaceutical drug compounding bill, all postcloture time be yielded back, the pending amendments be withdrawn and the Senate vote on passage of H.R. 3204; that upon disposition of H.R. 3204, the Senate vote on the motion to invoke cloture on the motion to proceed to S. 1197, the National Defense Authorization Act.

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

PROGRAM

Mr. REID. There will be up to four rollcall votes on Monday at 5:30 p.m.

ADJOURNMENT UNTIL MONDAY, NOVEMBER 18, 2013, AT 2 P.M.

Mr. REID. Madam 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 6:35 p.m. adjourned until Monday, November 18, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 14, 2013:

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

KENNETH L. MOSSMAN, OF ARIZONA, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2016.

DEPARTMENT OF DEFENSE

MICHAEL D. LUMPKIN, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

DEPARTMENT OF STATE

GREGORY B. STARR, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (DIPLOMATIC SECURITY).

JAMES WALTER BREWSTER, JR., OF ILLINOIS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DOMINICAN REPUBLIC.

PHILIP S. GOLDBERG, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER–MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE PHILIPPINES.

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING WITH KENNETH J. ANDERSON AND ENDING WITH FOREST A. WILLIS, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 7, 2013.

COAST GUARD NOMINATIONS BEGINNING WITH WAYNE R. ARGUIN AND ENDING WITH MICHAEL B. ZAMPERINI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 7, 2013.

COAST GUARD NOMINATIONS BEGINNING WITH STEVEN C. ACOSTA AND ENDING WITH MARC A. ZLOMEK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 7, 2013.